

**CITY OF OREGON CITY
PLANNING COMMISSION HEARING**

January 25, 2010, 07:00 P.M.
City Commission Chambers - City Hall
Agenda

- 1. CALL TO ORDER**
- 2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA**
- 3. ADOPTION OF MINUTES**

a. Adoption of Draft Planning Commission minutes for 1/26/09, 5/11/09, 6/8/09, 6/22/09, 8/10/09, 10/12/09, 11/23/09, 12/14/09, and 1/11/10.

4. PLANNING COMMISSION HEARINGS

AN 09-02. The applicant is requesting to annex approximately 53 . 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.

AN 09-02 PC Staff Report

Exhibit 1

Exhibit 2

Exhibit 3

Exhibit 4

Exhibit 5

Exhibit 6

Exhibit 7

Exhibit 8

Exhibit 9

Exhibit 10

Exhibit 11

Exhibit 11 Revised

Exhibit 12

Exhibit 13

Exhibit 13 TIA

Exhibit 14 Rezoning Request

Exhibit 15 Metro letter

Exhibit 16 CRW Comments

Legislative (L 08-01). Oregon City Code Amendments: 6-month update. — _____

January 19, 2010 PC Memo

OCMC 17.49 Natural Resource Overlay District Exhibit A

OCMC 17.62 Site Plan and Design Review Exhibit B

OCMC 17.50- Administration and Procedures Exhibit C

OCMC 17.52 Off-Street Parking Exhibit D

OCMC 17.20 Res Des Stds Exhibit E

Chapter 17.54 Supplemental Zoning Regulations and Exceptions & 17.04 Definitions Exhibit F

Rezoning Request- Highway 213 & Meyers Exhibit G

Zoning Matrix Exhibit H

5. COMMUNICATIONS

6. ADJOURN



**CITY OF OREGON CITY
PLANNING COMMISSION HEARING**

JANUARY 26, 2009

7:00 P.M.

City Commission Chambers - City Hall, 320 Warner-Milne Road

Commissioners Present:

Chairperson, Tim Powell
Commissioner Daniel Lajoie
Commissioner Paul Carter Stein
Commissioner Allan Dunn
Commissioner Chris Groener

Staff Present:

Tony Konkol, Sr. Planner
Nancy Kraushaar, City Engineer
John Replinger, City Transportation Engineer

1. CALL TO ORDER

Chair Powell called the meeting to order.

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

None.

3. ADOPTION OF PLANNING COMMISSION MINUTES

None.

4. PLANNING COMMISSION HEARING

CP 08-05 – Concept Master Plan, DP 08-03 – Detailed Master Plan, TP 08-11 – Subdivision, US 08-03 – Unstable Slope Geologic Hazards, and WR 08-21 – Water Quality Resource Overlay District (*Quasi-Judicial Hearing*). Applicant: Pacific Property Search. The applicant is requesting approval of a Concept Development Plan for the phased development of an office, commercial, residential and open space development. In addition, the applicant is requesting approval of a Detailed Development Plan for phases 1 and 2 of the concept plan, which include mass grading, infrastructure improvements and open space landscaping, a Water Quality Resource Overlay District Review, Unstable Slope Review and Subdivision Review. The properties are located at 16400 and 16421 Main Street and identified as Clackamas County Map 2S-2E-29, tax lots 1500, 1503, 1505, 1508, 1600, 1601, 1900, 100 and 2S-2E-20, tax lot 502. **Recommendation: Approval with conditions.**

Chair Powell reviewed the quasi-judicial legal proceedings. No one present requested that he read the criteria. He asked if there were any ex parte contacts, conflict of interest, or bias were declared by the Commission members. A Commissioner responded he had attended the Urban Renewal Commission meeting on January 21, 2009. The ex parte conflict did not bias his decision in any way, and the Commissioner asked if there were any questions. There were none. Commissioner Lajoie said the architect of record was JRS architects, and the lead designer was Greg Mitchell who was a friend of his. The Commissioner had indicated at the last meeting that he could render an impartial judgment. There were not questions of the Commissioner from the audience. Commissioner Dunn also attended the Urban Renewal Commission meeting and appreciated the information. Chair Powell began the proceeding by asking staff if there were any additional correspondence.

Mr. Konkol reviewed the exhibits. Exhibit A was the agenda, staff report, and PowerPoint presentation that were presented at the Urban Renewal Commission meeting last Wednesday. Exhibit B was a letter from Mr. Edgar to the Urban Renewal Commission dated January 21, 2009, concerning The Cove financing, water quality, and costs associated with developing The Cove. Exhibit C was a prospective purchasers agreement. Ms. Kraushaar would talk about this later and may reference it. It included a map of well sites on the site where testing had been done in agreement with the Department of Environmental Quality (DEQ) before the City purchased it. She would be talking about this later in the presentation tonight. Exhibit D was the PowerPoint presentation from Mr. Tyler to the Urban Renewal Commission. Exhibit E was a letter dated January 26, 2009 from the Main Street Program in Oregon City indicating it did support the project. Exhibit F was a memorandum from City Manager Patterson to the Urban Renewal Commission and the Planning Commission concerning the ability to maintain additional park land and open space within Oregon City. That was one of the comments brought up at the last Planning Commission hearing. The Cove park lands were anticipated in the Parks and Recreation Master Plan. We all understand the related funding issues and the understaffing of the Parks Department. However, it did include the goal of providing additional FTEs to maintain the current level of service standard on parks maintenance. It had been accounted for in plans the City had been working on. Exhibit G was a memorandum dated March 6, 2006, to Steve Janik concerning the status of the Waterfront Master Plan that was adopted as an ancillary document to the Comprehensive Plan. It was important to remember the City had a designation on these sites, and there was zoning on the site which was mixed use downtown. The applicant proposed outright permitted uses on the site with the residential, office, medical office, open space, parks, retail, and restaurant uses. Exhibit H was parking requirements for medical office buildings provided by the applicant. Through the findings, they requested several adjustments. One of those adjustments was to the parking standards for the medical office building. The current code allowed 3.33 parking spaces per 1,000 square feet. The applicant requested an adjustment to 5. The narrative did not address why the adjustment was necessary. Since he wrote the staff report, the applicant provided a memo that would be addressed when they spoke at this hearing as well as this exhibit. The finding of the study was that the 85th percentile for parking at medical office building. They looked at about 50 medical office uses. The 85th percentile on parking was 4.5 spaces per 1,000 square feet. Based on that they requested an adjustment for 5 per 1,000. Mr. Konkol left that up to the discretion of the Planning Commission. He thought they did justify an increase in the amount of parking associated with that medical office building just based on the intensive use of it. There could be an argument that the City's number was a little bit low in the code. Mr. Konkol would leave that up to the Commission whether it thought the applicant had provided enough information through this study and their presentation whether that should be raised to the 4.5 which was the 85th percentile the study found to 5 which was requested by the applicant or if it should remain at 3.33. Staff did support raising it, but he would leave it up to the Commission whether it believed it was 4.5 or 5.

At the last hearing there were issues raised concerning the public parking for the park. The applicant proposed 10 spaces. Mr. Konkol did add a condition of approval that would raise it to 28 spaces. He worked with the Parks Director. At Wesley-Linn Park there were 5 parking spaces per acre. That standard was applied in this situation. However, it was not applied to all of the open spaces being proposed on this site because a lot of it was natural vegetation that would not be used for active park area. He focused on the north park area and the acreage of that park to come up with the recommendation of 28 spaces to accommodate that north park use area proposed as part of the project.

A question was raised concerning how they were calculating the minimum floor area ration (FAR) for the project. The applicant was proposing to subdivide the property into 6 lots and 5

tracts. The tracts would be certain open space areas and park spaces. That leaves the 6 lots for development. On page 31 of the application, the applicant provided the proposed square footages per building on each lot. Then they also proposed when each lot came in for the detailed development plan that they achieve a minimum that would meet the FAR of the mixed use downtown. They provided a proposed square footage of what they envisioned for the site as well as a minimum building size that would need to be achieved on each one of those tax lots to make sure that the last one in was not stuck which having to build a 6-story building to make up the FAR for the total project. Mr. Konkol thought that might address that concern.

There was also a request for the breakdown of parking stalls on the site. That was found on page 14 of the staff report where they broke down the minimum and maximum parking requirements per the code based on the square footage provided by the applicant. If the applicant came in with a smaller square footage obviously the parking would come down representative to the square footage that was being proposed. They had demonstrated that they can meet the minimum and maximum parking on the site through a combination of at-grade and below-grade parking.

Commissioner: infrastructure as it was related to this was dealing with the larger number.

Mr. Konkol replied that was correct. Transportation was all taken at full buildout of the site. There was a question raised about no medical building being allowed in this area. As he stated earlier, the mixed use downtown specifically permitted a medical office building to be constructed in this zone. How long was the planting responsibility for? Within the water quality resource area there was a 3-year obligation for the maintenance of those planted areas. More public parking needed. He addressed that concerning raising the parking standards for the park area. Get easements for pedestrian/bike access to the box culverts under I-205. They went out and found those box culverts. They were actually if one came down Main Street and took a right on Agnes. Those box culverts were about 75-yards from that intersection. They were not located on the site. This site did not have any frontage on those box culverts. It was certainly something the City should investigate, but he did not think it was something that would be attached as a condition of approval to this project as it did not have any property under control to get easement to those box culverts. It was owned by a different entity and not part of this project site.

What happened to the metal structures in The Cove? The metal structures were proposed to be removed. If there were additional in-water work that was regulated by the State. For example, when the docks went in or if additional snags for nesting sites or whatnot, there would be consultation with the State to receive the proper permits to do that. We did not regulate at the City level the in-water work. It regulated from the water line and up. It maintained the vegetative corridor. As part of this application in phases 1 and 2 the applicant was proposing to stay about that high water mark. As part of phase 1 and 2 they did not need to get permits from the State to do any of the grading work. The City regulated all of that. It was the City's riparian corridor. It fell under the City's water quality resource area code. The applicant submitted a water quality resource report. It also did an alternatives analysis and prepared a mitigation plan to replant that vegetated corridor up to the standards defined in the City code. There would also be erosion control measures to make sure the water quality was protected as the construction on the site occurred.

There was a comment raised concerning the independent review of the floodplain. The code talked about a requirement for a balanced cut and fill on the property. The applicant met that. They proposed through their grading and reworking of the site to provide 900 cubic yards excess storage capacity than currently existed on the site today through their grading and earth work movement. The code also required habitable space 1-foot above the base flood elevation.

There had been some changes to the flood code. We used datum points from 1929. FEMA used those to identify the flood elevation in Oregon City. In 1988 they updated those datum points based on better technology, and they were able to get more accurate elevations throughout all the areas they reviewed for flood management. According to FEMA even though the flood level stayed right here, the datum points changed. The flood level went up 3-1/2 feet even though it stayed at the same location on the property. The elevations by being updated went up by 3-1/2 feet. FEMA released a new flood management map that identified the flood elevation in Oregon City at 48-feet. The code said we would look at FEMA's map and also the inundation of the 1996 flood. That was why while FEMA required a 48-foot the code was actually at 50.7 feet. The applicant was going 1-foot above that to 52-feet for its residential development where it was proposed. Essentially it was 4-feet above the FEMA recognized map and 1-foot above the City's 1996 inundation map. In terms of additional experts, the code was pretty clear on what the requirements were for development in that flood plain in terms of balanced cut and fill and elevations at which construction could occur. When those detailed development plans came in they would also be reviewed by the Building Inspector. There were several requirements regarding building construction, electrical, etc. that needed to be complied with when that development did occur. We believe the applicant did address the criteria for the flood management overlay district, and staff recommended approval based on that section.

Commissioner asked for a definition of base flood elevation.

Mr. Konkol replied FEMA maps were generated on the 100-year flood. As part of the approval criteria the applicant had the ability to request adjustments to the existing code that was in place. They did request 9 adjustments to the code. They walked through those on page 21 of the staff report. He had made the finding concerning the parking which he had already discussed. He would not go back into that one. They also requested adjustments to the building site. Some of these were tailored toward small site developments or subdivisions. This master plan provided for an overarching vision for the area. They felt the adjustments were reasonable in the context of the project. The design of the quality of the buildings proposed, the location of them, the landscaping, the open space. When you took all those factors into consideration the proposal met or exceeded those requirements that they were requesting adjustments from. For example, the building site, setbacks, and building locations. That all buildings be located 5-feet from the front property line and that they face that street. In this case Agnes was located behind the building in order to enhance the amenity in front of it. Staff felt an adjustment like that was warranted. Variation in massing was not to exceed a 1:1 ration height to width. Based on utilizing that ground floor for parking where there was no other choice but to build those buildings higher to get out of the flood plain. That height was counted in the ratio. Based on pedestrian connectivity and access of the public to the property, staff felt that in the building design proposed it avoided the long, blank block development with no pedestrian amenities at all which was really the intent of trying to avoid that large, blank wall on the public street. Through the design they submitted staff believed they have achieved to goal of providing a pedestrian-friendly environment with attractive buildings.

The carpool and vanpool parking. They requested a reduction from the 5% just based on the uses of the site. The restaurant use. The office use. They would have a lot of parking dedicated to vanpool and carpool parking. They were proposing to provide it. They were just asking for a reduction.

A Commissioner asked about the reduction from 5% to 2%. Did 5% represent 25 parking spots? What was the total?

Mr. Konkol responded it was 50 at 1,000 of full build out. They would have to take out the residential. He would have to et that number.

Commissioner asked if that included the medical office building.

Mr. Konkol replied that it did.

Commissioner thought there should be a lot more van parking in that area. He lived near Willamette Falls, and that was very heavily used. He was not sure, but it might be something to take a look at.

Mr. Konkol replied he would work on that. The water quality resource area provided that paths not be more than 12-feet wide. The applicant proposed a 20-foot wide esplanade to enhance the public access to that area. The ability for the public to use it and to really make it a community gathering space. They also offset that with additional mitigation. Staff believed they met the intent of the water quality resource area.

They also requested adjustments to the parking lot landscaping both the interior and exterior perimeter. Staff did find that the applicant should for the medical office building site, the mixed use building, and the park. Most of the other above ground parking spaces were relatively small. They were in small groupings which was what the City was trying to achieve. They were trying to avoid 50 parking spaces in a row without a tree or a break or an island or a pedestrian connection. The parking along the rear of the residential units was broken up into approximately 9. The code required that every 8 had a planting strip. They provided landscaping and islands, etc. around those parking areas. Staff thought that was justifiable. For the medical office building they were talking potentially 400 parking spots. Some of that would be underground, but that was still a big parking lot with over 250 spots on grade. As well as the mixed use building and the park area. Staff felt it was appropriate to require that interior landscaping in those situations. There was a condition for that one. They did allow the adjustment for the residential uses.

Concerning the façade treatment for the recreation building. The code required that the street-facing façade required 60% transparency. The applicant proposed a building design that was broken up. It had quite a bit of articulation in the design of the front of the building. The pedestrian access, there was a defined entryway into that building. Then they really focused some of the transparency on the back side to where The Cove views were. Based on the design of the building, the quality of the work, the pedestrian connection from the right-of-way to that building. Once again it avoided that long, blank look which the City tried to avoid along its public rights-of-way.

They requested the 9 adjustments, and staff believed the overall impacts of those adjustments were more than mitigated through the site layout and design of the pedestrian walkways, open space, parks, and building design as proposed. Mr. Konkol turned it over to Ms. Kraushaar. There were questions raised concerning what work had been done on the site in terms of looking at what might have been buried on the site, what work had been done, what mitigation had been done, what monitoring had been done, and the impacts of potential groundwater transfer from the Rossman Landfill on the other side of the railroad and I-205 through this site into The Cove. Ms. Kraushaar had some information she would be entering. She provided a memo that was dated January 26 and would be entered as Exhibit I. The subjects were Agnes Road information and Clackamette Cove information.

Ms. Kraushaar provided a memo so there was plenty of documentation here. She wanted to summarize a lot of work that had been done in the past that concerned the soil and groundwater conditions at the Clackamette Cove site. As one could imagine, many parties had studied the soil and groundwater in this area predominantly because of the presence of the 2 landfills in that particular drainage basin. One being the old Rossman Landfill which was not on the City's Clackamette Cove property but was across the old traction line railroad tracks between there

and I-205. Presently Clackamas County owned a fair amount of that. There were also some private property owners. That was one of the landfills people were concerned about the impact on the soil and groundwater in that area for decades. Then the permitted Rossman Landfill on Washington Street across I-205 from the Clackamette Cove area was also something that had been studied and monitored in terms of its impact on soil and groundwater conditions down gradient from it. As part of its allowance to be a landfill in the first place and then also of course its closure permits required extensive monitoring. In addition to that the City contracted with a consultant before the Urban Renewal Agency purchased the property. There was a strong need at that time by that City Commission and Urban Renewal Agency that the City not purchase property that had significant environmental problems. They did not want the responsibility. In fact that was one reason the City never took deed to the old Rossman Landfill across the traction tracks. When they performed the Phase 1 and Phase 2 environmental assessments they found there were based on the past activity of the site. The Cove was a gravel pit. It was mined. For a long time they just took the material out of The Cove and used it for concrete. Then they also opened up the mouth of The Cove so they could transport it out down the Willamette River. Then when they ran out of gravel they transported material to The Cove to continue to produce asphalt and concrete. Some of those practices can be a little messy. With asphalt you were combining the gravel with essentially liquid asphalt. What they found in doing extensive investigation at the site was isolated pockets of hydrocarbon contaminated soils. Predominantly they were from the heavier range hydrocarbons that were associated with asphalt. The problem constituents of those heavier oils were the polyaromatic hydrocarbons (PAH) which had carcinogenic impacts. At this particular site those pockets were really isolated, so it was not like to entire site had this contamination below it. They did not find those kinds of constituents in the groundwater itself. Asphalt and its constituents tended to be fairly immobile like benzenes and the lighter hydrocarbons that can either go off into the air or can be more easily transported through a medium such as groundwater. These particular hydrocarbons tended to stay put. In sampling the groundwater at the site, they did find ... She wanted to go back to the soils. We found this odd little area where there were elevated levels of arsenic. They were not ever able to positively conclude if it was just background concentrations found in the soils or maybe some soils brought to the site and left behind or it was something that was perhaps remnant from treating wood to make it weather resistant. That sort of thing. At the end of the investigation they found they could negotiate a prospective purchasers agreement with DEQ, and they addressed the arsenic in that agreement. She would get back to that in a few minutes. Then when they were sampling the groundwater...the memo she prepared had the prospective purchasers agreement attached to it. In the back there was a map that showed all of the various test pits and monitoring wells that had been sampled in that area. It gave a sense that this was not an area that had unknown environmental conditions. It was kind of similar to... She was amazed so many soil samples had been taken from this area which assured her that all of the conclusions drawn had been fairly consistent. There can always be some risk of some unknown pocket of something, but surely with all the information we had that was fairly consistent she felt there was a sound understanding of the site. The monitoring wells that we sampled we found constituents that were typical of landfill leaching. The parameters not found in every sample but were sort of interspersed amongst the groundwater samples they found some elevated conductivity, alkalinity, chemical action, ions including calcium, magnesium, sodium, etc. These were generally not considered toxic constituents if found in groundwater they tended to impart nuisance characteristics such as bad taste, color, staining, but these were not materials that would be considered harmful for human an environmental health for future development of the site. The other thing that was interesting as the records reviewed and sediment sampling did not appear these materials were in The Cove water itself. The applicant did some more recent surface water sampling from The Cove. As far as she understood they found the same thing. The levels of things you wish were not in

the water were not elevated to the point where they were harmful for human contact. She would not say the water in the Willamette River or The Cove or many other bodies of water with which people had human contact would not necessarily be used for the public drinking water supply without significant treatment such as the City of Wilsonville. In terms of human contact these were not levels that would not allow for development of The Cove.

Back to the prospective purchasers agreement. In her memo she talked a little about the sediment sampling that was performed in 1998 and required by DEQ in an area with a lot of in-water activity with the barging. They did find some metals, but they did seem to represent the background concentration in the native regional soils. There was a low amount of petroleum constituents. These were not found to be high enough to be unacceptable for future development in the area, for risk to human health and the environment. In terms of water quality in The Cove due to the fact that it tended to flush itself out every 7 days or so, it was closely married to the Willamette River in terms of tidal action. The Clackamas River had some impact. The Clackamas River, choosing between the Clackamas and Willamette, had less chemicals and other kinds of what we might consider to be potential contaminants. It had fewer sources of human activity, industrial activity, etc. being discharged into the Clackamas River.

Before the property was purchased the City felt it was important to have limits to its future liability of the property it was purchasing. Yet at the same token, the City felt it was important to purchase it with the hopes that development there one day would be able to take it out of its blighted condition. That was the whole idea of urban renewal. Take a blighted property and turn it into productive use for the public and the local economy. In this case it could be the regional economy. We learned about the prospective purchase agreement that the State offered other public agencies. She was not sure but maybe some private entities. This allowed the City to place exact limitations on what the future liabilities would be and provided direction for what should be required in the future of this cove if it was developed. Essentially there was the remediation of the arsenic which was very elusive when they went back to take care of it. She recalled in the DEQ files that had been taken care of. The other thing that was important for this site was as there was underground activity by construction workers or utility workers that they be trained in recognizing hydrocarbon type contaminants and that there be a health and safety plan for all construction of that nature. If something was found people would know how to react and what kind of process to go through to make sure it did not spread and basically to deal with it. Then DEQ would get involved and work with the City or future property owners on what kinds of remediation might be required. At the end of the prospective purchasers agreement it was concluded that kinds of materials that might be run into could be easily managed. DEQ felt that future development of the site was great. Just keep us informed. That was the bottom line.

That was really all about the environmental conditions at the site and the area around it, and she would answer questions.

Commissioner had one question. It seemed to him when the City bought that property in 1998 that DEQ did have some requirement that the City monitor and maintain those wells. It seemed the City was supposed to be testing those along the way. Has there been any movement indicated through the well testing?

Ms. Kraushaar replied the City was not required to continue the monitoring. She knew that the Rossman Landfill which had a closure permit monitored some of the wells it owned. She was not sure if they still monitored any in the Clackamette Cove area. On the other side of I-205 they did monitor regularly.

Commissioner if he did understand correctly there was some toxic materials, PAH, which were not mobile and did not move around a lot. They stayed in one place. How deep were they.

Ms. Kraushaar replied those were isolated areas. Depending on what was happening during the era that was an asphalt and concrete batch plant it could be... They did not find anything deeper than about 5-feet from her recollection. Unless something odd was going on in one part of that land at some point probably it was within 5-feet of the surface. She added there was also a lot of concrete rubble because they would just empty the extra concrete.

The Commissioner read in the geotechnical report there was a lot of fill out there already. Maybe 14- to 15-feet of fill.

Ms. Kraushaar replied it depended on where on the site.

The Commissioner understood the material was in the top layer. Did any of the reports find other toxic material that would be more fluid and that would move?

Ms. Kraushaar replied the only location where they found the carcinogenic toxic material was benzene at the north end of the site. It was coming from an offsite spill. There had been an underground storage tank that had had some releases. Tri-City had an agreement with DEQ that it clean up properties they purchased over there. They were also responsible for mitigating impacts from that release. They were also in the process of capping the old Rossman Landfill that will help reduce the potential for any kind of migration. Granted it had been going on for years. It would really help reduce future migration of any kind of materials from the old Rossman Landfill. Of course the new landfill had been capped for years. All in all some of those sources were considered to be somewhat mitigated at this point. When we were building the multipurpose trail at Clackamette Cove they ran into one of those isolated pockets of asphalt. They ended up excavating a fair amount of it and hauling it to another landfill where it was permitted to take that kind of material. DEQ wanted the City to create an area and packed in some soil to cap it on the lateral side which was considered sufficient for mitigating that kind of a find so to speak.

A Commissioner understood at the last meeting there was some concern about some toxic leaching from the Rossman Landfill on the other side of I-205. What Ms. Kraushaar was telling the Commission was the likelihood of toxics leaching from that location down to The Cove location was zero to minimal. How would that be described?

Ms. Kraushaar responded they found constituents in the groundwater that were typical of landfill leaching, but these were not constituents at the levels they were that were considered dangerous to human health and the environment.

Mr. Konkol continued. As we worked through the kinds of development plan approval criteria they talked about the transportation system. The transportation system had sufficient capacity based on the City's level of service (LOS) standards and was capable of safely supporting the development proposed in addition to the existing and planned uses in the area or be made adequate by the time each phase of development was completed. As part of this application through the 10-years of the phasing in the applicant would be providing a relocated Main Street. Both Main Street and Agnes were collectors in the Transportation System Plan (TSP). Agnes was shown on the TSP connecting from Main Street to Agnes in front of Tri-City which then connected into Washington Street. Washington Street as you went south turned into Hwy 213 at the I-205 interchange.

In phase 1 the applicant would be proposing full street improvements and the relocation of Main Street. That section included parking in some areas and no parking in others. They were proposing a 20-foot wide Agnes section between where the residential units would be in later phases and I-205 to the north park area. From the north park area to Agnes in front of Tri-City they were proposing a 20-foot gravel connection for emergency access. The staff found that Agnes had historically been used for vehicular, pedestrian, and bike connectivity. Agnes had

deteriorate over time. The decision was made to close it to vehicular traffic until it could be remedied. It was open to bikes and pedestrians until there was a detour for the work being done at Tri-City which relocated people down the Clackamette Cove trail. There was a condition of approval for the application in phase 1 to provide a half street improvement on Agnes in front of Tri-City to the north park area. That half-street would include 2 bike lanes, an 11-foot travel lane, a planter strip, and sidewalk. The remainder of that would be constructed at a later date. They also proposed that Main Street be designed as one-way southbound. John Replinger the traffic consultant would go into that in more depth. The concern was that if you were going southbound on Washington Street toward the I-205 interchange there was a stop sign. Then you had Hwy 213 northbound traffic coming up and making a left onto the I-205 southbound ramp. Washington Street had a stop sign. Then they proceeded to another stop sign to accommodate the traffic coming from I-205 southbound off the cloverleaf onto Hwy 213 southbound. There were 2 stop signs right there. They were not operating at an LOS standard was appropriate. That was why they were proposing Agnes to be one-way southbound until an I-205 interchange management plan could be put together to figure out how we deal with that interchange and how it was designed and without cutting off all access for the existing residents there right now to Washington Street and I-205 which they had historically always had. The argument that was by restricting it to southbound only we were not adding any new trips going north to Washington that would then go through that interchange which was that movement of Washington Street through those 2 stop signs which was the movement of concern.

The applicant has incorporated roundabouts in its design of the Main Street – Agnes intersection. For Agnes Street at full buildout there would only be a bike lane on one side for northbound movement. They believed commuters would either use the travel lane on the proposed 11-feet, or they would actually go over and use the esplanade as another bike route. To try and reduce some of the impervious we were creating out there staff thought it was reasonable to either put the bikes into the travel lane on Agnes for that short section between the north park and Main Street or they will utilize the esplanade as the north/south connection through that area. Main Street will have 2 bike lanes in both directions and sidewalks.

John Replinger, David Evans Associates, reviewed the transportation analysis. The materials received by the Commission as part of its packet contained a 14-page letter of comments following the usual format for the review of traffic impact studies and covered 14 particular points. There were a couple of those worth addressing in somewhat more detail. Mr. Konkol had given part of the introduction to that. Among other things he did read the information about the approval criteria for the master plan, operating at an appropriate level of service, and being able to safely accommodate the proposed development.

In his comment letter dated January 16, 2009 the part he would go to immediately was analysis of traffic operations. The traffic analysis covered 23 intersections in the current conditions and 25 in the future.

Mr. Konkol noted this was Exhibit 4.

Mr. Replinger continued. There were 23 intersections analyzed in the existing conditions and 25 in future conditions. The direction given the applicant was to analyze all of the intersections analyzed as part of The Rivers development anticipating that could still move forward. We wanted to be consistent with that. That accounted for the difference in the number of intersections studied between the existing and the future. The future was analyzed using the jughandle to solve the traffic issues at Hwy 213 and Washington Street. The applicant provided a detailed traffic impact study analyzing these intersections. They provided the ability to judge whether the intersection met the LOS standards specified in the municipal code. Basically that said in most cases signalized intersections needed to operate at level D with no approach worse

than E. In going through the traffic impact study there were some intersections that deserved a little bit of additional discussion and attention. Part of this was because of the issues raised by the staff of the Oregon Department of Transportation (ODOT). Part of it had to do with the difference of how they interpreted the City code and how we had typically interpreted it. He identified some of those intersections in 4. He walked through those in a little more detail. The I-205 and Hwy 99E southbound ramp was predicted to operate meeting the City's LOS standards. At the I-205 and Hwy 99E northbound ramp terminal that was predicted to meet the City's LOS D. At the I-205 and Hwy 213 ramp terminals we had a unique situation. There were high volumes of traffic interchanging between Hwy 213 and I-205 both northbound and southbound. Both of those ramp terminals were unsignalized intersections. There were a couple maneuvers that were difficult to make, and long delays were experienced. Mr. Konkol mentioned as one was leaving the park or Tri-City headed southbound on Hwy 213 one did encounter 2 stop signs that had a lot of conflicting traffic one had to yield to. According to the way staff intended Agnes Street to operate there would be no traffic existing The Cove that would make that southbound movement onto Washington Street transition onto Hwy 213. Our interpretation was even those were poor levels of service at those stop signs today we recommend the Commission consider that that ramp terminal operated acceptably meeting the criteria in the code. Likewise traffic exiting if you were northbound on I-205 and intend to go the water treatment plant of the park for example you did have a difficult left-turn to make at that location because of the conflicting traffic. Again we did not anticipate... To orient people he indicated Agnes Street and what was referred to as Washington Street. He indicated the southbound ramp terminal where the stop signs were with high volumes of left turns and right hand movements. The recommendation was that as long as no traffic could come from The Cove onto Agnes Street they would not encounter either of those problematic turns. The other one was the left turn coming from I-205 northbound which was a difficult left turn to make because of the conflicting traffic. He did not see any particular reason why someone would be found on that they most likely would have taken the 99E exit to get to The Cove or Oregon City Shopping Center.

Our interpretation from the staff level was that the failure of these particular low volume, and they were very low volume movements, 5 or 10 or at the highest 20 vehicles that were attempting that during the peak hour. It was not a high volume movement. He did not anticipate any of the traffic from this development would try to use it. He did not think they were compounding it, and from a staff level it would meet the standards. He urged the Commission to make that determination as well.

Commissioner said reading ODOT's report it sounded like they wanted Agnes basically to be not connected. We were looking at a possible one-way.

Mr. Replinger replied it was staff's intent that it be operated one way so traffic could go into The Cove which was a relatively easy movement to make.

Commissioner said in the notes ODOT claimed there were some legal issues.

Mr. Replinger replied there had been a lot of discussions on that. He thought ODOT staff representatives were present who would address that directly. It was staff level interpretation that they had a collector street shown in the City's TSP that extended. It was Agnes Street and crossed the River and connected with Gladstone. Staff interpretation was that we must seek to cause this developer to build the streets according to the TSP as written as it did with other development projects. The Washington Street – Hwy 213 intersection was a high volume intersection right now with about 4,000 vehicles per hour during the AM peak hour and about 5,000 during the PM peak hour. Staff felt it had identified a good solution for that. It did mean there was a hope The Rivers development would move forward and contribute a lot to it moving

forward. The calculation from the applicant was that the amount of traffic going through the Washington Street -- Hwy 213 intersection would be 20 vehicles during either the AM or PM peak hours. We would recommend that the Commission find that to be of no significance with regard to determining if the intersection was meeting the operational standards of the code.

Mr. Konkol added the "20" was not just an arbitrary number. When one did traffic impact studies in the City if one generated...

Mr. Replinger said an applicant was required to analyze the impact on the intersections down to the level of 20. Had we not independently specified to the applicant that they study all of the intersections studied for The Rivers [tape change -- some comments lost] ...guidance our adopted standards to even analyze the intersection.

Mr. Konkol said that was where the "20" number came in. We were talking 5 to 10 trips and was why the finding recommendation was being made. Also going back to the connection of Agnes and the implementation of the TSP. Providing that connection to Main Street had potential for being a benefit to that movement on Washington. If one could pick up some of those homes that were currently going through that stop sign. They had not alternative because it was a cul-de-sac with one way in and one way out right now. Providing the southbound connection offered an alternative to not go through that interchange and get to Main Street and 99E or into downtown Oregon City.

Mr. Replinger explained there were some homes, and right now the only option was to come out. The one-way connection would offer an alternate route. The other intersection worth mentioning was 14th and Main Street that was predicted by the applicant to slightly degrade in terms of LOS. There was an expectation that it could reach LOS E. The McLoughlin Boulevard project was going on right now that would add a new traffic signal at 12th. He anticipated we would see a shift in traffic patterns between 14th and 12th and 10th so there would be a little adjustment of the amount of traffic. He did not foresee a degradation to LOS E as predicted if we stuck with just the numbers. His conclusion with this was that in terms of the traffic operations that by interpreting these particular difficult intersections and saying since The Cove was not adding traffic to those and at the Washington and Hwy 213 you were not adding a significant amount of traffic and the adjustment of traffic patterns at 14th and Main he thought the operational standards LOS D with not approach worse than E, he thought the Commission was safe in making the conclusion the operational standards were met with the full development of this property as described in the proposed master plan.

The other part was the crash information. That was another part the applicant was asked to address in terms of the traffic impact studies. The applicant had done a comprehensive analysis of the crash information. The applicant proposed to develop outright permitted uses. They were not adding any kind of extraordinary or traffic generator. We were not talking about schools with high volumes of pedestrians. We were not talking about a truck terminal with lots of oversized vehicles. We were talking about typical amounts of traffic. There would be some increase in traffic from this site. Nothing he would foresee that would materially affect the crash rate at most of these locations. They did have conversations with ODOT staff, who may wish to address this in more detail. The criteria in terms of the master plan were to safely accommodate the existing and planned uses. There was no definition of safety. That part of it was up to the Commission to decide what that definition was and what was safe enough. In terms of the safety issues raised by ODOT, they would point to the section of OR 99E and say it was a safety priority index system (SPIS) location. There were a number of crashes that occurred but not in his view an extraordinary number. Not enough in his view to require them to implement significant mitigation measures. Again it was up to the Commission to decide that. The ODOT staff presentation may be persuasive. One of the concerns that we all had was

Firestone Drive Way. Right now it was designated for right turn out and right turn in. There was a median that had a double yellow on it. Technically that meant that left turns were not permitted from this onto Dunes Drive. Traffic counts and observations from those who drove the corridor regularly tell you that lots and lots of people do it. The traffic volume cited in the traffic study indicated 50 vehicles during one peak hour and 70 vehicles during another. It was a pretty attractive location at which to make an admittedly illegal left turn. When the signal for Dunes Drive or the shopping center came green it automatically disrupted traffic and created a gap in the oncoming traffic making it easy for people to make that turn. According to supplemental analysis by the applicant there were 3 crashes identified at this location in the last 5 years. That was not a high crash rate.

Probably a greater concern was the short distance. There were some concerns that as people were seeking to make a left turn to go to The Cove and people were seeking to come out of the parking lot that there could be conflicts here and result in enough of a traffic tie up that people would end up stacking out onto the state highway. That was something that should be avoided. There had been preliminary discussions between City staff and ODOT staff as well as representatives of the applicant. A condition of approval was to have the developer responsible for either a monetary contribution to let ODOT solve by pavement markings, stop signs, or perhaps barriers. ODOT believes that section of road was under its jurisdiction and had the authority to implement those improvements. He thought that would be a reasonable condition and something that could be used to enhance the safety of the facility.

There were also concerns raised by ODOT staff about the operations of the ramp terminals at 99E and I-205. Those were some very busy intersections with long queues even during times of not very heavy traffic. ODOT would prefer to see the queue lengthened and may have some suggestions that should be a condition of approval. From the staff level the view was that the amount of traffic generated by The Cove was probably not sufficient for the mitigation for what may be an existing conditions.

Those were the highlights of Mr. Replinger analysis of the applicant's traffic impact study. He thought the Commission could make the finding that the master plan approval criteria were met by this. The Commission may be persuaded by alternative testimony, and he would be available to respond to further questions.

Commissioner at the end of the letter there was a recommendation for the City to provide \$20,000 to be used by the City and ODOT to make access modifications to Firestone Drive. Where would that amount come from.

Mr. Replinger replied there were preliminary discussions among staff. That was not a detailed estimate. He thought the applicant would probably prefer a specific dollar amount. He thought there might still be some uncertainty about what could legally be done. Rather than having the applicant actually perform improvements on the state system.

Commissioner asked in general what the process was for the City and/or state engage in when a state traffic facility like Hwy 99E became unsafe. Was it generally the state that initiated a safety improvement or did it wait for a big accident to happen before taking action? Did the City make a proposal to the state? Who has the responsibility for saying this was so unsafe that action had to be taken?

Mr. Replinger replied his job was to apply the City approval criteria. So in terms of the definition of "safely accommodate" the existing and proposed development. If we concluded it was becoming unsafe because of the applicant's traffic staff would probably recommend a condition to mitigate for that. When it was an existing condition that was probably a matter of negotiation. The fact that we had an identified SPIS location that the Commission would probably hear more

about from ODOT staff the state highway system was the state's responsibility. There have probably been many cases where local agencies have sought to advance a state project by supplying match money, for example. Every situation was unique and negotiated among those who see the problem and those most able to solve it and those who were able to fund it.

Commissioner the notion of safety did seem to be a subjective thing. He thought everyone on the room might have a different idea of what safe meant. He asked for clarification regarding the southbound traffic on Hwy 99E that wanted to turn left onto the Firestone alley. Was that still intended to be a legal left turn for the applicant's project.

Mr. Replinger replied the applicant assumed that traffic would continue to make that left turn. They did, however, also analyze it as if that left turn were not available. The traffic could be accommodated at Dunes Drive at the signalized intersection.

Commissioner was confused by what they were looking at in terms of the detailed development or master plan at this point. Were they looking at a left turn for a southbound motorist on 99E or not? If this project was moved to be approved what were we looking at?

Mr. Replinger thought the answer was that ODOT had within its authority to modify any access to the state highway system as it chose. ODOT could go out there and approve the signing today for example making it clear there was no left turn. It could be enforced. Or ODOT could go out put in a barrier median to cause it to be an actual no left turn as opposed to an illegal left turn.

Commissioner asked Mr. Replinger to clarify the LOS on 99E and I-205 north and southbound.

Mr. Replinger replied in both locations the operation level of performance at the intersection met the City's level of service standard.

Commissioner understood the traffic would go from 99E to I-205, and it would still stay within the parameters for established level of service standards in the code.

Mr. Replinger replied it would still stay within the parameters for established level of service operational performance in the City code.

Mr. Konkol discussed pedestrian – bike access. One issue raised at the last Planning Commission meeting was the connection between Main Street and the back of the Oregon City Shopping Center. Staff recommended a condition of approval that called for the applicant to modify the concept plan to identify a local street connection through the medical office building site to the back of the Oregon City Shopping Center. The applicant would not be required to build it at this time or put up money for the local street improvement at this time. The objective was to get the connection. The timing of the redevelopment of the Shopping Center cannot be determined at this point, but it was important to get that connection. The applicant will come forward and talk about that a bit. Staff would be happy to hear what they had to say and the Commission's concerns after it heard additional testimony concerning that connection and if that condition of approval needed to be tweaked.

At the last meeting they did discuss the water quality resource area.

Commissioner asked if there was a presentation from ODOT.

Mr. Konkol replied there was. He was going to wrap up the staff report and open it up for the public. The applicant did submit a water quality resource area report looking at the impacts. They did find the site was degraded. It had anywhere from a 20- to 30-foot vegetated corridor currently. On average when this project was implemented there would be 175-foot vegetated corridor around the resource. With the relocation of Main Street the applicant did request a variance to encroach into the 50-foot buffer for the mixed use building. Even with that slight

encroachment there was still a net of 6,800 square feet of increase in the vegetated corridor around that site. The variance was requested for the mixed use building to encroach because of the location on the peninsula and the limited ability to get a building in there with sufficient parking as well as getting it above the flood plain. They have mitigated beyond code requirements in restoring that habitat, the vegetative corridor to the good condition as defined by the code.

Several conditions of approval were applied to the application. It was complicated when there were 2 phases of the development with the concept plan. He realized it was a lot of information. Because it went through the subdivision process, Chapter 16, the normal residential subdivision requirements were applicable. Through the larger infrastructure review of the concept plan those details of the subdivision criteria had been met. The subdivision was really tailored toward single-family residential development. The City did not have a commercial subdivision process. Things like minimum lot frontage and whatnot were really not applicable in a large concept master plan in this case where they were really just trying to relocate lots for development in future phases. We did go through and identified condition 1 that talked about the right-of-way connection through the medical office building site to the Oregon City Shopping Center. He would not go through all of those. Some of them were standard conditions that the Commission saw every time concerning compliance with engineering policies, erosion control being required. Those were standard conditions of approval attached to land use decisions. They also laid out the street sections that needed to be provided with phase 1 and phase 2 including the construction of Agnes which was different from what the applicant proposed for the connection from the north park area to Agnes right next to Tri-City. Mr. Replinger talked about addressing the Firestone access and the \$20,000 for potential improvements to improve the circulation from the Oregon City Shopping Center into the ODOT right-of-way along Firestone Alley.

Condition 13. Staff did ask the applicant to submit a revised tree plan. When an application came in staff overlaid water quality resource areas and public right-of-way and public easements and building footprints. If a tree fell within one of those areas it did not need to be mitigated. Trees outside those areas had to be mitigated by code. The applicant was asked to overlay those areas with the tree removal plan so staff could get an accurate number on any additional mitigation trees that might be required as part of phase 1 and phase 2.

Condition 20 outlined the half street and full-street improvements that were discussed. This was in there because for Agnes Street along the residential units between Main and the north park. Originally the sidewalk was to be located on the I-205 side of Agnes, and it was being conditioned to be put on the residential side. Staff agreed with the other cross sections the applicant proposed for Main Street with the alternate locations for parking and whatnot that would coincide with where the buildings were being proposed.

Condition 25 concerned the parking for the medical office building. The applicant entered information into the record which would probably be discussed that showed that these medical office buildings required a little more parking per 1,000 than the code required. Staff would be happy to amend that condition if the Commission saw fit. Mr. Konkol referred to Commissioner Dunn's question about carpool and vanpool parking. At the maximum buildout the office would have 142 spots, and 5% of that would be 7 carpool and vanpool. The medical office building at maximum buildout would have 266 that would equate to 13 vanpool and carpool. The restaurant would have 80 at maximum buildout which would be 4. That was a total of 24 versus 6.

Commissioner understood the proposal was not given to TriMet for review and asked why. Mr. Konkol replied the TSP did not identify Main Street or Agnes as transit streets at this time.

The Commissioner understood if there were adjacent lines that TriMet review the proposal.

Mr. Konkol would look into that and get back to the Commissioner.

Commissioner discussed the use of the phrase "shovel ready" projects recently and concerns about safety on 99E. Did the City and or the State have a shovel ready project to mitigate the State's safety concerns in that transportation corridor? Did the City have a list of shovel ready projects.

Mr. Konkol replied said as part of the McLoughlin Boulevard project incorporated into that as one went southbound on 99E and wanted to make a left turn onto I-205 northbound there was a restriping project that would be incorporated in that project to extend that queue lane. There was some spillover of that queue into the through lane. That would be a project the City was incorporating to address that safety concern at that movement. The TSP called for double lefts off of 99E southbound onto the I-205 southbound ramp. The I-205 southbound ramp currently had 2 lanes and 2 meters. There was concern by ODOT they did not want to see that project because the I-205 southbound on ramp was not wide enough to accommodating 2 lanes queuing up even though it was designed with 2 ramps and 2 cars currently queue up. There was concern about the acceleration lane under the Abernethy Bridge. There was another proposal to provide double lefts or side-by-side lefts on 99E at Dune to buy a little bit more queue space. The problem was it was not in any plan. It had not been reviewed for trickledown impacts if done. The City was currently achieving a special transportation designation for that section of 99E as well. A lot in that section between the Clackamas River and Dune Drive had the potential to change based on additional work that will come forward. He deferred to Ms. Kraushaar about a specific project in design.

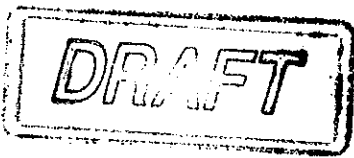
Ms. Kraushaar said the City obtained a special transportation areas status for McLoughlin Boulevard between the Clackamas River and Dunes Drive or at least it was at the Oregon Transportation Commission as she understood it now. The City also had officially special transportation area status between 15th Street and the tunnel. We were underway in the McLoughlin Boulevard Enhancement Project Phase 1. The City's vision for McLoughlin Boulevard was to create a much more pedestrian-friendly multimodal highway through there. Currently in the past, it had primarily served truck and vehicle traffic as it should as a state highway. Through the Oregon City area we would like to see things slow down which alone would create much safer conditions and to have a more vibrant pedestrian, multimodal atmosphere to change the entire character. Phase 2 McLoughlin Boulevard Project was definitely shovel ready. The City was in competition for federal funding through Metro at this time. Oregon City was turned down on that project in the last round of Metro funding that came from the federal government. She was hopeful this time the City would receive those funds. It was a boulevard project intended to make better sidewalks and to have a gateway into Oregon City which was sorely needed. It was changing the character and environment of the highway in that area which she thought would make it safer. As Mr. Konkol said, those dual left turns were called out in terms of accommodating the queue that built up to go onto I-205 southbound. To change the TSP and agree to do a project that had not been thoroughly thought out and how it might impact the corridor was troublesome. Staff felt like it was doing what it could to make improvements where possible. The other shovel ready project which the City was trying to promote as part of the economic stimulus package was the jughandle. That project would completely improve the traffic operations and level of service, etc. at Washington Street and Hwy 213. That project also when constructed would probably eliminate some of those stop controlled movements that we knew were troublesome. She saw those as unsafe movements. If that project were funded it would also in that part of the project area provide for much more safe conditions for the travelling public.

Commissioner understood the project located between the Clackamas River and Dunes Drive was part of the McLoughlin Boulevard Enhancement Program that was not yet funded. Was there a timeline when that might be considered for funding?

Ms. Kraushaar replied Metro was in the decision-making process, and Oregon City was being considered for funding in this round. That money was for 2012 – 2013.

Commissioner asked if parking would be designated for the north park or would it be part of the total parking.

Mr. Konkol replied that was not proposed. The applicant proposed providing 2 parking spaces for each residential unit which was the maximum requirement.



**CITY OF OREGON CITY
PLANNING COMMISSION MEETING
City Commission Chambers – City Hall
320 Warner Milne, Oregon City, Oregon 97045
May 11, 2009, 7:00pm**

Commissioners Present:

Chairperson, Tim Powell
Commissioner, Daniel Lajoie
Commissioner, Paul Carter Stein
Commissioner, Allan Dunn
Commissioner, Chris Groener

Staff Present:

Tony Konkol

- 1. CALL TO ORDER**
- 2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA** – There was none.
- 3. ADOPTION OF PLANNING COMMISSION MINUTES:** 9/22/08 and 11/24/08.

Commissioner Daniel Lajoie addressed a complaint about a possible left-hand turn out of the parking lot and wanted to have the traffic court monitor this problem over the next couple of years. Commissioner Chris Groener moved to approve the change. Commissioner Daniel Lajoie seconded the motion, which passed unanimously. Commissioner Daniel Lajoie motioned to approve the adoption. Chairperson Tim Powell seconded, which passed unanimously

4. PLANNING COMMISSION HEARINGS:

- A. CP 09-01** The applicant has requested the approval of a Concept Master Plan for the Oregon City Public Works Center Plan. The subject site is located at 116 and 122 Center Street, 121, 204, 206 and 220 S. John Adams Street and 520 1st Street, Oregon City, Oregon 97045. The properties are identified as Clackamas County Map 2-2E-31, tax lots 400 and 500 and 2-2E-31CA, tax lots 2100, 2200 (no site address), 6201 (no site address), and 1700.

Staff recommends that the hearing be continued to the June 8th, 2009 hearing.

Tony Konkol presented the staff report and added exhibits into the record. **Mr. Konkol** also recommended a continuation to the 6/08/09 meeting, after any public comments.

Paula Blackwell (Oregon City): Still had concerns about the amount of traffic on Center St.

Commissioner Chris Groener motioned to continue the hearing to June 8, 2009 Planning Commission meeting. Commissioner Allan Dunn seconded, which passed unanimously.

5. WORK SESSION

A. Discussion of 2009 Planning Commission Goals and Objectives

6. ADJOURN



**CITY OF OREGON CITY
PLANNING COMMISSION MEETING
City Commission Chambers – City Hall
320 Warner Milne, Oregon City, Oregon 97045
June 8, 2009, 7:00pm**

Commissioners Present:

Chairperson, Tim Powell
Commissioner, Allan Dunn
Commissioner, Daniel Lajoie
Commissioner, Carter Stein

Staff Present:

Tony Konkol
Carrie Richter

1. CALL TO ORDER

2. PUBLIC COMMENTS ON ITEMS NOT LISTED ON AGENDA – There was none.

3. ADOPTION OF PLANNING COMMISSION MINUTES – There was none.

4. PLANNING COMMISSION HEARINGS:

- a. **CP 09-01** The applicant has requested the approval of a Concept Master Plan for the Oregon City Public Works Center Plan. The subject site is located at 116 and 122 Center Street, 121, 204, 206 and 220 S. John Adams Street and 520 1st Street, Oregon City, Oregon 97045. The properties are identified as Clackamas County Map 2-2E-31, tax lots 400 and 500 and 2-2E-31CA, tax lots 2100, 2200 (no site address), 6201 (no site address), and 1700.

Staff recommends that the hearing be continued to the June 22nd, 2009 hearing.

Tony Konkol presented the staff report and added exhibits into the record. **Mr. Konkol** also recommended a continuation to the 6/22/09 meeting, after any public comments.

David Harmon reviewed the changes that were made since the original Master Plan application.

Peter Coffee presented the traffic impact study to address public concerns.

Michael Minor presented his company's analysis of the noise and air quality impacts that are anticipated.

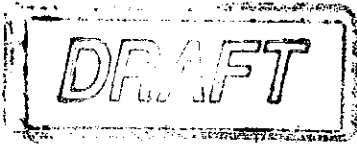
William Gifford (Oregon City): questioned the noise impacts of this project and also had concerns about vehicle engine idling.

Denise McGriff (Oregon City): had concerns about zoning of the City and also questioned the noise impacts of this project.

Mr. Harmon and Mr. Minor rebutted both of the public comments that were made.

Commissioner Daniel Lajoie motioned to continue the hearing to June 22, 2009 Planning Commission Meeting. **Commissioner Allan Dunn** seconded, which passed unanimously.

5. ADJOURN



**CITY OF OREGON CITY
PLANNING COMMISSION MEETING
City Commission Chambers – City Hall
320 Warner Milne, Oregon City, Oregon 97045
June 22, 2009, 7:00pm**

Commissioners Present:

Chairperson, Tim Powell
Commissioner, Allan Dunn
Commissioner, Chris Groener
Commissioner, Daniel Lajoie
Commissioner, Carter Stein

Staff Present:

Tony Konkol
Carrie Richter

1. CALL TO ORDER

2. PUBLIC COMMENTS ON ITEMS NOT LISTED ON AGENDA – There was none.

3. ADOPTION OF PLANNING COMMISSION MINUTES – There was none.

4. PLANNING COMMISSION HEARINGS:

- a. **CP 09-01** The applicant has requested the approval of a Concept Master Plan for the Oregon City Public Works Center Plan. The subject site is located at 116 and 122 Center Street, 121, 204, 206 and 220 S. John Adams Street and 520 1st Street, Oregon City, Oregon 97045. The properties are identified as Clackamas County Map 2-2E-31, tax lots 400 and 500 and 2-2E-31CA, tax lots 2100, 2200 (no site address), 6201 (no site address), and 1700.

Staff recommends approving the application as proposed by the applicant with conditions of approval.

Tony Konkol presented the staff report and added exhibits into the record. **Mr. Konkol** also recommended conditions of approval.

William Gifford (Oregon City) - addressed three broad issues: site selection, neighborhood impact, and bending the rules.

Joyce Gifford (Oregon City) – location, and the access roads, are inadequate.

Phil Roatrock (Oregon City) – concerns about the fueling station.

Gary Shroll (Oregon City) – project is too expensive and by developing this site, history would be disrupted.

Gordon Wilson (Oregon City) – site is not big enough for present, and future, needs. **Mr. Wilson** is also concerned about landslides that could be caused during development.

Frank Whelan (Oregon City) – city codes and planning commission rules were violated.

Bill Daniels (Oregon City) – would like to see Public Works find a different location for this project.

Terry Stewart (Oregon City) – danger to the children in the neighborhood and decline in property value if the development were completed.

Paula Blackwell (Oregon City) – truck turning, road width, and rock falls.

Valerie Whelaw (Oregon City) – not appropriate site for project.

Kurtis (Oregon City) – doesn't want neighborhood disrupted.

Kathy Roth (Oregon City) – pollution to the area.

Kathleen Cook (Oregon City) – would like to see project moved to another site.

Denyse McGriff (Oregon City) – concerned with the impact on the surrounding community. **Ms. McGriff** summarized the public testimonies.

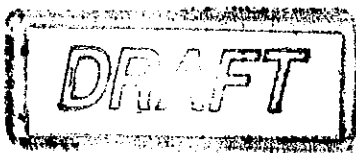
William Gifford (Oregon City) – feels other sites would be more suitable.

Steve Ediger (West Linn) – commends Oregon City for their work in improving the Oregon City area.

Nancy Krushaar recommends that the hearing be continued in order to appropriately rebut the public testimonies.

Commissioner Carter Stein moved to continue the meeting to July 6, 2009, **Commissioner Allan Dunn** seconded. Motion was withdrawn. **Commissioner Carter Stein** moved to withdraw motion. **Chairperson Tim Powell** seconded that motion.

Commissioner Chris Groener moved to continue the meeting to August 10, 2009, **Commissioner Allen Dunn** seconded. Which passed unanimously.



**CITY OF OREGON CITY
PLANNING COMMISSION MEETING
City Commission Chambers – City Hall
320 Warner Milne, Oregon City, Oregon 97045
August 10, 2009, 7:00pm**

Commissioners Present:

Chairperson, Tim Powell
Commissioner, Allan Dunn
Commissioner, Chris Groener
Commissioner, Daniel Lajoie
Commissioner, Carter Stein

Staff Present:

Tony Konkol
Carrie Richter

1. CALL TO ORDER

2. PUBLIC COMMENTS ON ITEMS NOT LISTED ON AGENDA – There was none.

3. ADOPTION OF PLANNING COMMISSION MINUTES - There was none.

4. PLANNING COMMISSION HEARINGS:

- A. CP 09-01** The applicant has requested the approval of a Concept Master Plan for the Oregon City Public Works Center Plan. The subject site is located at 116 and 122 Center Street, 121, 204, 206 and 220 S. John Adams Street and 520 1st Street, Oregon City, Oregon 97045. The properties are identified as Clackamas County Map 2-2E-31, tax lots 400 and 500 and 2-2E-31CA, tax lots 2100, 2200 (no site address), 6201 (no site address), and 1700.

Staff recommends approving the application as proposed by the applicant with conditions of approval.

Tony Konkol rebutted various public testimonies.

Commissioner Carter Stein supports the staff's recommendation of the plan with the conditions of approval. **Commissioner Stein** feels that this project is important the future of Oregon City, and sees the need for Public Works to have a new, larger, building.

Commissioner Daniel Lajoie is also in favor of the application with the conditions of approval. **Commissioner Lajoie** doesn't feel that this facility is disruptive to the neighborhood.

Commissioner Allan Dunn is in favor of the project with some conditions of approval. **Commissioner Dunn** feels that this site is very workable.

Commissioner Chris Groener would support the project with some serious conditions of approval.

Chairperson Tim Powell is in support of this project and feels that this project will no significantly impair the character of the neighborhood. **Chairperson Powell** also believes that this site is adequate for the project.

Commissioner Lajoie recommended approval of the application with additional conditions of approval proposed by the Planning Commission. The motion was seconded by Commissioner Groener. The motion passed 5-0.

B. PZ 09-01, ZC 09-01 and TP 09-01 The applicant has requested the approval of a Comprehensive Plan Map amendment from Low Density Residential to High Density Residential and a Zone Change from R-10 single family to R-2 multi family for 2,629 square of an 8,257 square foot property that is split zoned R-10 single family and R-2 multi family. In addition, the applicant is requesting approval of a four lot subdivision. The subject site is located on the north side of the bulb curve radius connecting Traveler Road and Settlement Place and is identified as Tract D within the Caufield Place Subdivision. Clackamas County Map 3S-2E-9CC, tax lots 9800 and 9890.

Staff recommends forwarding the application to the City Commission with a recommendation to approve the application as proposed by the applicant with conditions for their consideration at the August 19th, 2009 hearing.

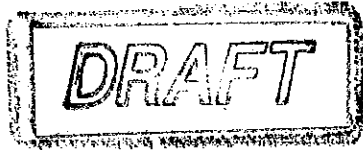
Tony Konkol presented the staff report for the proposed comprehensive plan map amendment, zone change and 4-lot subdivision. The application would have minimal impact on the city's transportation system or infrastructure.

Monty Hurley the applicant's representative gave a brief recap of the application and asked if there were any questions.

There was no additional comments or questions.

Commissioner Allan Dunn moved to recommend approval to the city commission for their hearing on August 19, 2009. **Commissioner Daniel Lajoie** seconded this motion, which passed unanimously.

5. ADJOURN



**CITY OF OREGON CITY
PLANNING COMMISSION HEARING**

October 12, 2009, 7:00 P.M.
City Commission Chambers - City Hall

1. Call to Order

Roll Call:

Tim Powell
Paul Carter Stein
Chris Groener

Staff Present:

Tony Konkol, Senior Planner

2. Public Comment on Items Not Listed On Agenda

There was no public comment.

3. Public Hearing

CP 09-01

Planning Commission Chair Tim Powell 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. There were none.

Commissioner Powell opened the public hearing.

Tony Konkol, Senior Planner, presented the Staff Report. Mr. Konkol said the original application for a Concept Master Plan for the Cove and the Detailed Development Plan for Phases 1 and 2 were approved on February 9, 2009. The applicant had 14 amendments to those plans. Throughout the staff report and application they referenced 216 additional apartments, and it should be 220. The Transportation Engineer said the four additional units were insignificant and would not change the findings he submitted in the staff report. Mr. Konkol discussed how they reviewed amendments to a Concept Master Plan and a Detailed Development Plan. One of the requests of the applicant was if there were future amendments to the phasing schedule that they be processed as a Type 1 application rather than a

Type 2 application as indicated in the Code. He explained the conflicts between the old Code and new Code in this application and what amendments were applicable to the old Code under the original application and which would fall under the new Code.

Mr. Konkol discussed the proposed amendments to the Concept Plan. The mixed use building was proposed to comply with the 50 foot buffer that was applicable to the entire site. A condition of approval was the applicant update the landscaping plan and vegetative buffer to reflect the change. The applicant proposed to remove two of the driveway entrances from Agnes. This would improve the circulation system. The third and fourth amendments dealt with the relocation of the medical and general office building to the center of the condo complex and on the glacier site build up to 220 apartment units. In order to make it fit, they reduced the number of condos by 44, so they would have 180 condo units. Condition of Approval 1 from the original Concept Master Plan identified the need for a pedestrian/vehicular connection from the Oregon City Shopping Center to Main Street. The applicant proposed a 20 foot easement and staff recommended the Commission either amend the location or defer it as the condition stated. They also added a condition of approval addressing the pedestrian circulation path through the site. The applicant proposed to add additional property to the master plan boundary by approximately two and a half acres to provide additional parking for the office building and provide access to the park and esplanade. This was the site of the old dump and putting a parking lot there would improve the water quality in the area. They also added a condition of approval that the applicant work with tri-cities regarding the requirements for the design of the parking lot. The applicant proposed to relocate the recreational facility to serve the apartment complex and they increased the landscaping in the corner of the Cove to create an esplanade connection to the sidewalk on Main Street. This would take away the on street parking.

Mr. Konkol discussed the changes to the Detailed Development Plan. The applicant was proposing to reconstruct Main Street in its existing location. They would be designing the street with bike lanes, travel lanes, swale on one side, and planter strip and sidewalk on the Cove side. The applicant also proposed to relocate the restrooms in the north park area to the southeast corner adjacent to the 20 permanent parking spaces they would create to serve the north park. The applicant indicated Agnes Street would need to be expanded from 60 feet to 65 feet to accommodate additional storm swales. The applicant also proposed to develop Agnes Avenue between Main Street and the north park as a full half street improvement and also proposed to

construct a 20 foot section from the north park to Washington Street. They proposed to delay the construction of the monument sign on the south side of Main Street just east of Firestone Alley until Phase 4 and provided details on the 28 parking stalls that were required per the Condition of Approval 2 from the original application. The applicant would install 20 permanent stalls and 8 temporary ones that would be relocated to the parking lot on the tri-cities side at a later date. The Detailed Development Plan for Phase 2 included amendments that changed the phasing schedule for two activities, the grading of the condo 3 and 4 building pads and the restoration planting on the northwest peninsula. Both would be done in Phase 4.

Mr. Konkol said all of these amendments were reflected in the transportation study, and they found that due to the increase in the number of trips in the morning and evening peak hours, they identified the need for an additional \$20,000 to be added to the original \$100,000 that was agreed to in the original condition of approval to address the improvements along Highway 99E and Firestone Alley. Regarding infrastructure, the applicant would be utilizing the same storm water design standards and best management practices on the site. Water and sanitary sewer would be brought up to grade. Regarding Goal 5, they were relying on what was reported in the original application regarding preservation and mitigation measures throughout the site. Regarding the Comprehensive Plan Goals and Policies, the applicant addressed them and it met the plan. Regarding the Flood Management Overlay District, they increased the storage capacity on the site by 1,000 cubic yards for a total of 1,900 cubic yards of excess storage being created via this application. Concerning off street parking, they reviewed the 20 permanent stalls and attached a condition of approval to provide an interior landscaped island and to add a marked pedestrian crossing across the private drive going into the parking lot.

Mr. Konkol reviewed the eight areas staff thought the Planning Commission would have concerns about and what staff recommended for each situation.

Commissioner Powell thought there should be signage on the parking lot to make sure it remained public parking and not used for overflow condo parking.

Applicant: Randy Tyler and Ed Darrow gave testimony. They listed the approvals they had already received from the Urban Renewal Commission. Some changes had been made at the request of the City to create more increment sooner. They gave a recap of the proposed

modifications and showed pictures of their proposal. They thought they had answered the environmental, economic development, and recreational concerns people had about the project.

Commissioner Stein discussed the quality and durability of the apartments, the phasing of the relocation of the sheriff's dock, construction sequencing in regard to access to pedestrian trails during construction, and grading plans for the existing vegetation along the existing Main Street.

Commissioner Groener discussed the intended use for the future parking lot and when it was open to the public.

Commissioner Powell clarified that the stage was included in the plan. He was concerned about the park parking and thought there should be a Park Use Only sign and it could be enforced through the condo association.

The applicant's civil engineer with the firm Cardino WRG explained the grading along the Cove side and said the bank would be restored.

Public Testimony: Gail Curtis from ODOT asked if there would there be sidewalks on both sides of Main Street. Mr. Konkol explained it would be on one side, but they would need to address the pedestrian connectivity from the glacier site to appropriate spots to cross Main Street to get to the sidewalk and esplanade. They also had a vehicular and pedestrian requirement connecting Oregon City Shopping Center to Main Street. Ms. Curtis encouraged them to scrutinize the public nature of the access throughout the site development. There would be emergency access on the north end to Washington Street and the traffic mitigation would be increased from \$100,000 to \$120,000. Mr. Konkol explained the sidewalk issue further and the benefits that outweighed sidewalks on both sides at this location. Ms. Curtis said part of the solution could be signage so people knew what was public access. Mr. Konkol explained the public areas of the development.

Paul Edgar represented the Canemah Neighborhood Association. They were concerned about the environment and endangered species fish habitat around the Cove and the grading that would eliminate the trees that cooled the water in critical times. He wanted them to look at the alternatives. He was also concerned about the accuracy of the trip generation figures. He suggested having a recourse that after a period of time if the numbers were not reality, they could do an assessment and hold the developers responsible.

Ms. Curtis from ODOT said this was a regional center and for that reason sidewalks on both sides of the street should be considered.

Rebuttal: ??Applicant?? said the City Commission invited some experts from Oregon Fish and Wildlife to testify at a meeting and there was only one area rated as good quality habitat. There would not be a net loss of fish due to the shade and the fish would not come to the Cove because it was too warm. All of these things were previously approved and not appealed or subject to additional discussion.

Phillip Worth, Principle Planner from Kittelson and Associates, explained the trip generation calculations and the standard they used for the calculations.

Mr. Konkol referenced both memos from Mr. Rupplinger?? which assessed the scope, methodology used, trip generation numbers, distribution, and background growth and found that they were reasonable, justified, and could be defended. He read the Condition of Approval regarding public space and it had previously been addressed.

Commissioner Powell closed the public hearing.

Commissioner Stein asked about putting two sidewalks on Main Street and if they had considered accomodating pedestrian traffic around the perimeter of the parking lot parallel to Main Street. Mr. Konkol said they had focused on providing safe and direct pedestrian access for the users of the apartments to get to the public right of way. It had not been for the through movement of someone walking along Main Street. Commissioner Stein thought it was an appropriate give and take. Mr. Konkol said the condition specifically called out the need for that pedestrian connectivity and identified the specific provisions to make sure the pedestrian system did function correctly.

Commissioner Powell went through each item they were to consider regarding the application. For item 1, they agreed phasing amendments would be a Type 1 review. For item 2, the applicant would resubmit the design and location of the easement in Phase 3. For item 3, the number of apartment units would go up from 216 to 220. For item 4, the Code requirements in effect from July 31 would apply to the proposed public restrooms. For item 5, all other amendments except the apartments and restrooms would be reviewed under the old Code. For item 6, the original application included wall seating and a band shell and those improvements should

still be constructed. For item 7, they agreed that they not move Main Street and agreed with staff's view that it was an existing condition. Item 8, they agreed to amend existing Condition of Approval 4 for a 20 foot pavement section to be constructed for Agnes between north park and Washington Street. The full Agnes Street section would be constructed as part of Phase 6. They would need to work out what would be on either side of the pavement. It would be blocked with bollards and used only for emergency vehicles.

Mr. Konkol said they would add a condition concerning signage indicating the 20 spots by north park were for public use. Commissioner Groener wanted a condition for pedestrian and bike signage throughout the development such as interpretive signs providing direction. Commissioner Stein wanted to add a condition for a detour route to be identified during construction of Phase 1 and 2. Mr. Konkol would also add a condition for a temporary bike and pedestrian connection for the Clackamas Trail during construction.

Motion by Commissioner Chris Groener, second by Commissioner Paul Carter Stein, to approve CP 09-02 and DP 09-01 as amended.

A roll call was taken and the motion passed with Chair Tim Powell, Commissioner Chris Groener, and Commissioner Paul Carter Stein voting aye. [3:0]

4. Adoption of Planning Commission Minutes

May 11, 2009; June 8, 2009; June 22, 2009; and August 10, 2009 Planning Commission Minutes

Mr. Konkol said these were too abbreviated for his comfort, but the minutes would be more condensed in the future because the recordings were online and could be accessed by citizens at any time.

There was discussion regarding time stamping not only agenda items, but certain discussions as well.

Commissioner Powell said he did not second a motion in the June 22 minutes.

They would hold over the June 8 minutes as they did not have a quorum to approve that meeting.

Motion by Commissioner Paul Carter Stein, second by Commissioner

Chris Groener, to approve the minutes of the May 11, 2009, June 22, 2009, and August 10, 2009 Planning Commission meetings.

A roll call was taken and the motion passed with Chair Tim Powell, Commissioner Chris Groener, and Commissioner Paul Carter Stein voting aye. [3:0]

5. Adjourn

The meeting was adjourned at 9:23 p.m.



**CITY OF OREGON CITY
PLANNING COMMISSION HEARING**

November 23, 2009, 7:00 P.M.
City Commission Chambers - City Hall

1. Call to Order

Roll Call:

Dan Lajoie
Chris Groener
Carter Stein
Allan Dunn
Tim Powell

Staff Present:

Christina Robertson-Gardiner, Associate
Planner
Pete Walter, Associate Planner

2. Public Comment on Items not on the Agenda

Colleen Mihalik and Fred Haller of Oregon City said they owned property on Leland Road and were surrounded by property that had been going to be developed by Centex (in 2007) and was rezoned R6. Their property was R10 and now that Centex backed out of the project, R6 was too high of a density for the rural area. They proposed going back to R10 for all of the property.

Chair Powell said this issue would be put on a future agenda. Staff said they would review the record for the rezoning of the property and report back to the Planning Commission at the next meeting.

3. Adoption of Planning Commission Minutes

Draft 2007 Planning Commission Minutes

The August 13, 2007 minutes were illegible and would be brought back. The January 8, 2007 minutes were approved at the March 12, 2007 meeting and the March 12, 2007 minutes had the wrong year on the top of the document.

Chair Powell said there were several instances where the Commissioners were not identified in the discussion but he thought it was acceptable as all of the minutes had audio tapes.

Motion by Commissioner Paul Carter Stein, second by Commissioner Allan Dunn, to approve the backlog minutes from 2007 with the exception of the August 13, 2007 minutes. (Minutes included in motion: January 8, 2007; January 22, 2007; March 12, 2007 Joint Hearing with HRB; May 14, 2007; June 11, 2007; July 9, 2007; July 16, 2007; July 16, 2007 excerpt; July 23, 2007; August 27, 2007; September 10, 2007; September 10, 2007 excerpt; September 24, 2007; October 8, 2007; October 8, 2007 excerpt; October 22, 2007; November 12, 2007)

A roll call was taken and the motion passed with Chair Tim Powell, Commissioner Paul Carter Stein, Commissioner Chris Groener, Commissioner Allan Dunn, and Commissioner Dan Lajoie voting aye. [5:0]

4. Public Hearing

L 08-01 (Review of Code Updates)

CP 09-01 Packet

Christina Robertson-Gardiner, Associate Planner, said when the City Commission approved the Code updates they placed two dates, November 9 for the Planning Commission and January 20 for the City Commission, to reopen the file for a six month update to see if any issues needed to be addressed.

She discussed the ramifications and implementation of regulating temporary membrane structures under 200 square feet. When they were under 200 square feet, it was a code enforcement education and the Commission needed to decide what was the best way to enact the Code in concert with the education program.

Chair Powell thought they should give it a year before they enacted the changes and it should be a nuisance instead of grandfathering anything in. The public education could be through the water bill, website, library postings, etc. The structure should not be seen from the public right of way.

Commissioner LaJoie said from the City's perspective one of the problems was solid waste and he thought a definition should be included for what could be allowed under these structures. Chair Powell wanted to make sure it was a licensed vehicle and operable. Ms. Robertson-Gardiner would consult the City Attorney about the

suggestion.

Commissioner Groener wanted to make sure they differentiated between the membrane structures and metal structures. He thought RV's covered with blue tarps should be included also.

Commissioner LaJoie wanted to know how many complaints had been received from citizens regarding these structures and how many structures there were in Oregon City.

Ms. Robertson-Gardiner said currently if developers found archeologic resources on property they were developing, they were legally obligated to contact SHPO. SHPO had agreed to create a map that would show sensitivity areas to archeological resources and part of the submittal requirement for land use applications would be the contractor would get a recommendation from SHPO for what monitoring should be done and turn the recommendation in with the application.

Another change would be upzoning commercial land in the South End area. She recommended taking this issue out of the code update process and make it a separate process and poll that area of the City to know what the citizens wanted.

The Commission agreed to make it a separate process.

Ms. Robertson-Gardiner said Tony Konkol, Senior Planner, would give them a Sign Code update at the next meeting and there were no time restrictions for working on that update.

Pete Walter, Associate Planner, said there had been discussion regarding a program to regulate trees outside the development review process on private property. Staff would work with the Citizens Advisory Committee regarding the program details. A draft annexation policy for tree protection had been written and could be brought back separately as a resolution.

There was discussion regarding participation in the Tree City USA process and if it included funding for long term maintenance of heritage trees on private property.

Mr. Walter said the Natural Resource Overlay District seemed to be working well. Some needed changes were: simplifying language for vegetation planting, specifying certain types of soil testing equipment and motorized could be used as long as it was a limited footprint, and

differentiating between when an applicant must apply to the Corps of Engineers for jurisdictional wetland determination or when they could go through the Department of State Lands.

There were sections from the water service system which were updates from Bob Cullison's sewer regulations. Regarding street design, a clearer standard for approving constrained streets for minor partitions and small subdivisions was suggested. The Public Works department was working on the final draft of the Public Works Stormwater and Low Impact Development Manual. A section of the Code would recognize low impact development standards to receive some credit in the landscaping. This would also give partial credit for use of pervious pavement.

Regarding screening of mechanical equipment, an onerous piece of Code had been adopted that staff recommended taking out with respect to ground mounted above grade mechanical equipment. It was sufficient to say it would be screened by ornamental fences, screening enclosures, trees or shrubs that blocked at least 80% of the view and take out the requirement that the equipment not be installed within 100 feet of a street intersection.

Chair Powell said because of the City's topography, was there a way to screen the equipment from above. Ms. Robertson-Gardiner said the cost for screening from above was prohibitive and they were trying to encourage redevelopment. Roof gardens might be an alternative.

Mr. Walter said on wall mounted mechanical equipment they wanted to give the option to paint units to match the building as a fourth option for screening. An exemption from screening for solar energy, photovoltaic equipment, or wind power generating equipment was also suggested.

These changes would be brought back to the next Planning Commission meeting on December 14, 2009. The December 28, 2009 meeting was canceled.

5. Adjourn

Draft

DRAFT

**CITY OF OREGON CITY
PLANNING COMMISSION HEARING**

December 14, 2009, 7:00 P.M.
City Commission Chambers - City Hall

CALL TO ORDER

Roll Call:

Chair Tim Powell

Commissioner Dan Lajoie

Commissioner Allan Dunn

Commissioner Paul Carter

Stein

Staff Present:

Tony Konkol, Senior Planner

Laura Butler, Assistant Planner

Christina Robertson Gardiner, Associate

Planner

Pete Walter, Associate Planner

PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

There was no public comment.

ADOPTION OF PLANNING COMMISSION MINUTES

August 13, 2007 Draft Planning Commission Minutes

August 13, 2007 Draft Planning Commission Minutes

Motion by Commissioner Paul Carter Stein, second by Commissioner Dan Lajoie to Approve the August 13, 2007 Planning Commission Minutes.

A roll call was taken and the motion passed with Chair Tim Powell, Commissioner Dan Lajoie, Commissioner Allan Dunn, Commissioner Paul Carter Stein voting aye. [4:0:0]

PLANNING COMMISSION HEARING

Conditional Use and Site Plan and Design Review permit (CU 09-01 & SP 09-07). The applicant is requesting approval for the installation of a wireless communication facility on the roof of the Jackson Street High School.

CU 09-01 Staff Report

CU 09-01 Exhibit 1

CU 09-01 Exhibit 2: 1 of 3

CU 09-01 Exhibit 2: 2 of 3

CU 09-01 Exhibit 2: 3 of 3

CU 09-01 Exhibit 3

Staff Report

Chair Tim Powell 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. There were none.

Chair Powell opened the public hearing.

Tony Konkol, Senior Planner, said the applicant was Clearwire LLC and owner was the Oregon City School District. This was a request for approval of a conditional use and site plan design review permit for the installation of a wireless communication facility on the roof of the Jackson Street High School. He explained what the project included. The new faux chimney would be constructed out of fiberglass and would match the existing chimneys and equipment cabinet would be screened and painted to match as well. The subject site was zoned R6, single family residential, and was surrounded on all sides by R6. Directly to the west/northwest of the existing tax lot was the boundary for the McLoughlin Historic District. The school was not a designated historic building, and the requirements of the historic overlay district were not required to be applied to this application. It was a conditional use in this zone and he discussed how the application fit the criteria for approval. The antennas would be located in excess of 100 feet from any property lines and the installation would camouflage, screen, or match the existing structures. The topography was flat and there were no natural features or overlays. This application would have no impact on the existing facility, transportation, water, sewer, or sanitary systems. It would provide a needed service of additional access to wireless facilities in the neighborhood. The proposal satisfied the goals and policies of the Comp Plan and met all applicable standards.

The applicant would need to submit documentation demonstrating compliance with emissions standards and decibel levels. They also had to acquire a permit for electrical and structural work to the facility and comply with the Code in terms of notifying the City if the facility stopped being utilized for more than six months. Staff recommended approval.

Chair Powell was concerned how the electromagnetic radiation and noise might affect students in the building. Mr. Konkol said they relied on the documentation submitted by the consultant to show they met the criteria.

Commissioner Stein asked about comments from the neighborhood association meeting about this application. Mr. Konkol said the McLoughlin Neighborhood Association did not submit any comments or concerns.

Commissioner Stein discussed the fact that this was a public building and there would be a single corporation putting in their antenna and in fairness and public interest, they should provide future opportunity for competition for this kind of service. He wanted staff to look into the requirement for co-locating space for additional antennas.

Applicant's Presentation

Kevin Martin representing Clearwater LLC of Portland, Oregon, said there would be three sectors and one antenna for each. They used microwave dishes and power levels were low and complied with exposure standards. Regarding co-locating, the site was not being built for other antennas because it was a one of a kind. The lease with the School District did not preclude co-location so another company could request the same situation. Clearwater would not try to prevent another carrier from using the same facility. The lease was lengthy because of the investment going into it and the property owner did not have rights for cancellation.

Public Comment

There was no public comment.

Deliberations

Mr. Martin said regarding the neighborhood association meeting,

they were more interested about the service that would be provided rather than the impacts.

Mr. Konkol explained what structures were required for co-location. He interpreted the Code that this was not a new tower, it was a facility on top of a roof.

Chair Powell thought the ambiguity in the Code about support towers should be discussed in the future. He was not concerned about this application.

Commissioner LaJoie asked if the conditions of approval could be reviewed in five years. Mr. Konkol explained what determination a conditional use permit could be revoked and under what conditions the Planning Commission could periodically review conditional use permits.

Commissioner LaJoie's concern was if the community wished to use that facility as a school in the future. Carrie Richter, Assistant City Attorney, said the City's Code did not prohibit cell towers on schools. If standards changed, the tower would be non-conforming and the amortization clause would require it to be removed within a certain time period.

Chair Powell closed the public hearing.

Commissioner Dunn said it was a good use of the facility.

Motion by Commissioner Dan Lajoie, second by Commissioner Allan Dunn to Approve the Conditional Use and Site Plan and Design Review permit (CU 09-01 & SP 09-07) with conditions.

A roll call was taken and the motion passed with Commissioner Carter Stein, Commissioner Allan Dunn, Commissioner Dan Lajoie, Chair Tim Powell voting aye. [4:0:0]

Annexation (AN 09-01). The applicant is requesting approval of an annexation of one property (approximately 0.55 acres) that is surrounded on all four sides by properties within the City limits.

AN 09-01 Staff Report

AN 09-01 Exhibits 1 - 6

Staff Report

Chair Powell asked if there were any declarations of ex parte contact, conflict of interest, bias, or statements. There were none.

Chair Powell opened the public hearing.

Mr. Konkol said this was an application from Mr. and Mrs. Bauer at 19921 Connie Court to annex one property directly north of the Bauer property that was approximately .55 acres. The property was an existing County island surrounded on all four sides with property inside the City limits. The property had a Comprehensive Plan designation of medium density residential. If it was voted in, it would come in as R5, 5,000 square foot minimum lot size, which would be 3 to 4 homes. The parcel was landlocked and any new lot constructed in the future would need to have access to a public street. The parcel was vacant and not currently served by water or sewer. If approved, the applicants would need to go before Tri-City to annex into the service district. Other services were available in close proximity. The law enforcement would be taken over by Oregon City and police services were adequate. The site was near the high school, community college, a future park, and a Tri-Met bus stop at the college. It was consistent with current plans and there were no impacts on existing facilities. There were no natural hazards, overlay districts, historic buildings, or open space designations. Staff recommended the Planning Commission forward a recommendation of approval to the City Commission and set the election date for May 18, 2010.

Commissioner LaJoie clarified the densities surrounding the property were partly low density residential and partly medium density residential.

Mr. Konkol said this parcel was identified in 2001 for annexation, but the legal description did not get included in the ordinance.

Applicant's Presentation

There was no applicant's presentation.

Public Comment

There was no public comment.

Deliberations

Chair Powell closed the public hearing.

Motion by Commissioner Paul Carter Stein, second by Commissioner Dan Lajoie to Approve AN 09-01 with conditions and to forward the recommendation of approval to the City Commission to place the annexation on the May 18, 2010 ballot.

A roll call was taken and the motion passed with Chair Tim Powell, Commissioner Dan Lajoie, Commissioner Allan Dunn, Commissioner Carter Stein voting aye. [4:0:0]

Legislative (L 08-01). Oregon City Code Amendments: 6-month update. Staff recommends that the Planning Commission open the hearing, hear staff presentation and any public comments and continue the hearing to the January 11, 2010 Planning Commission meeting.

December 14, 2009 PC Memo

Exhibit A-OCMC 17.62.059- Cottage Housing

Exhibit B- OCMC 17.20 Res Des Stds

Exhibit C- OCMC 17.41 Tree Protection

Exhibit D-OCMC 17.49 Natural Resource Overlay District

Exhibit E- OCMC 17.32 General Commercial

Exhibit F-OCMC 17.50 Administration and Procedures

Exhibit G- OCMC 16.16 Partitions

Exhibit H- Mihalik Email

Exhibit I- July 16, 2007 PC Minutes

Exhibit J -ZC 07-03 Commission Report Centex

Exhibit K- Dan Berge Public Comments

Exhibit L- Nancy Busch Comments

Staff Report

Christina Robertson-Gardiner, Associate Planner, said this was the second hearing on the six month update. She explained the proposed timeline. She and Pete Walter, Associate Planner, went through the memo and highlighted the exhibits and issues. There was discussion regarding the proposed changes to cottage housing. There was also discussion regarding the proposed changes to the residential design standards, clarification of procedures in the tree protection code, discussion about the new natural resource overlay district, typos that would be fixed in the general commercial and administration and procedures, and differentiating between the partitions for single family duplex and partitions in commercial.

Ms. Robertson-Gardiner explained at the last meeting Colleen Mihalik made a request to down zone the Centex properties on Leland Road to R10. The Planning Commission previously approved zoning these properties R6. Down zoning was generally not something the City did without good findings and the Planning Commission had recently changed it. The Commission did not see a need to revisit the issue because they made their decision and an economic change with the developer should not change their long term plan.

Ms. Robertson-Gardiner said Dan Berge sent the City comments after the record closed in the summer and she wanted to included them in the record now. She also added exhibit L in the record, an email from Nancy Busch.

Regarding membrane structures, staff thought it should go in the land use code if there were qualifications to it. There was discussion about the details and definitions for membrane structures. Chair Powell thought anything visible from the street should be a garage or carport and defined as such and made of material that matched the house. This would be brought back to the January meeting.

Public Comment

There was no public comment.

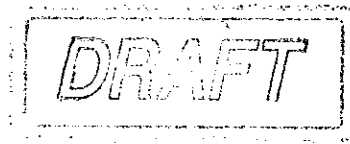
Deliberations

Motion by Commissioner Allan Dunn, second by Commissioner

Paul Carter Stein to Continue the hearing for Planning File L 08-01 to the January 11, 2010 Planning Commission meeting.

A roll call was taken and the motion passed with Commissioner Carter Stein, Commissioner Allan Dunn, Commissioner Dan Lajoie, Chair Tim Powell voting aye. [4:0:0]

ADJOURN



**CITY OF OREGON CITY
PLANNING COMMISSION HEARING**

January 11, 2010, 7:00 P.M.
City Commission Chambers - City Hall

CALL TO ORDER

Roll Call:

Chair Tim Powell
Commissioner Dan Lajoie
Commissioner Carter Stein
Commissioner
Groener

Staff Present:

Laura Butler, Assistant Planner
Christina Robertson Gardiner, Associate
Planner
Chris Pete Walter, Associate Planner
Tony Konkol, Community Development
Director
Carrie Richter, Asst. City Attorney

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

PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

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

PLANNING COMMISSION HEARING

**Legislative (L 08-01). Oregon City Code Amendments: 6-month
update.**

**Staff recommended that the Planning Commission open the
hearing, hear staff presentation and any public comments and
continue the hearing to the January 25, 2010 Planning
Commission meeting.**

January 11, 2010 PC Memo

Exhibit A

Exhibit B

Exhibit C

Exhibit D

Chair Powell opened the public hearing. The Commission decided to let Mr. Farrell speak before the Staff Report was presented.

Mark Farrell of Oregon City was in support of a letter sent to the Planning Department in December by Lavonne Kent and Dennis Klink asking for consideration to change their property zoning from R2 to Commercial. The reason for the request was the area had changed and had intense traffic which was a negative for residential. The other side of the street was commercial and high traffic would be desirable for commercial. Three property owners were involved, and were agreeable to the change. This testimony would be added as Exhibit E.

Christina Robertson-Gardiner, Associate Planner, presented the Staff Report. She said this was the third meeting on the L 08-01 update. She discussed the requirement for a neighborhood association preapplication conference.

Commissioner LaJoie suggested that the minutes of the neighborhood association meeting be part of the record. There was discussion regarding what information should be included. Commissioner Powell said if there was not a neighborhood association response, the conference should be held with the Citizen Involvement Council.

Pete Walter, Associate Planner, discussed the changes to the Natural Resources Overlay and the difference between Type 1 and Type 2 reviews. Other items of discussion were new utility lines would be placed in the right of way and possible alternatives for what was feasible and proportionate. The Commission agreed that the applicant would come back with what was the preferred alternative and one or two other options.

Carrie Richter, Assistant City Attorney, said proportionality would always apply so they did not need to write it in.

Mr. Walter also discussed additions to the standards for subdivisions and partitions within the Natural Resource Overlay District.

Ms. Robertson-Gardiner explained the changes to off street parking and loading, which included separating alternative landscape plans and alternative parking plans, change in use status for downtown and the triggers for additional parking review, and streamlining bicycle parking. All definitions would be moved to 17.04.

Staff was still working on membrane structures. Archeological resources would be discussed at the next City Commission Work Session regarding a requirement that as part of the development application the developer would make contact with the State Historic Preservation Office if the development was in the archeological sensitivity map. The map would not be available online or in Commission packets, but at the Planning office, for protection of the resources.

Commissioner LaJoie asked about the credit for pervious and low impact development. Ms. Robertson-Gardiner said they wanted some incentive to use these, but they were more for smaller parking lots. Larger parking lots might not accomplish the intent. The burden of proof would be on the applicant and if they met the purpose statement. Staff would add the purpose statement to this section.

Denise McGriff representing the McLoughlin Neighborhood Association discussed the details regarding the neighborhood association preapplication conference. For her neighborhood association, these meetings were held at a special meeting and the association was reluctant to take a vote so they could weigh in on the final decision. She said many things fell through the cracks since they did not review minor site plan and design reviews. She also suggested more than 300 feet for notification and had concern about the meeting being scheduled within 30 days of the notice.

Ms. Robertson-Gardiner said they could change some wording to accept alternative communication. Commissioner LaJoie suggested they say the meeting would be held within 30 days or by mutual agreement by the applicant and neighborhood association. Chair Powell said his concern was that there was communication with the neighborhood, and they did not need a vote. Regarding the 300 feet, it could be made larger.

Mr. Konkol distinguished the differences for a notice for a quasi-judicial hearing and the City required public notice for land use application or hearing. He did not want to expand the public hearing as the City had its hands full and it would increase cost.

Ms. Richter said if the applicant missed someone for the neighborhood meeting notice, it would not be a basis for a denial because it was not an approval criteria or statutorily required notice.

Ms. Robertson-Gardiner said they could change the Code to say a minimum of 300 feet.

Ms. McGriff also said the information on the blue notification signs were hard to see. Chair Powell asked if there could be a website and file number on the sign. Mr. Konkol said there was a lot of information that needed to be on the notice. Staff would get back to the Commission regarding this issue.

Ms. McGriff said they would try to put together brief notes but there were times when the notes did not reflect what happened in the meeting. She wanted to make sure they had flexibility with the notes.

Ms. Robertson-Gardiner said she disagreed with requiring preapplication conferences for minor site plan adjustments because they were so small and they gave out decisions within 30 days.

Motion by Commissioner Carter Stein, second by Commissioner Dan Lajoie to to continue the hearing to the January 25, 2010 Planning Commission meeting.

A roll call was taken and the motion passed with Chair Tim Powell, Commissioner Dan Lajoie, Commissioner Carter Stein, Commissioner Chris Groener voting aye. [4:0:0]

Communications

Director Konkol explained how development continued to be slow due to the economy. He also gave an update on the Rivers, Cove, OR 213 / I-205 "jughandle", and public works upgrade projects. Laura Butler, Assistant Planner, gave an update on the Warner Milne / Molalla Ave intersection improvement project.

ADJOURN

Chair Powell adjourned the meeting at 8:40 p.m.



FILE NO.: AN 09-02

APPLICATION TYPE: Annexation

HEARING DATE: January 25, 2010 - 7:00 p.m., Oregon City City Hall
625 Center Street
Oregon City, OR 97045

APPLICANT: Park Place Partners, LLC – Kent Ziegler
25020 SW Valley View Road
West Linn, Oregon 97068

REPRESENTATIVE: Emerio Design, LLC – Kirsten Van Loo
6107 SW Murray Boulevard, Suite 147
Beaverton, Oregon 97008

REQUEST: The applicant is requesting approval of an annexation of eight properties totaling approximately 53 acres.

LOCATION: (Park Place Concept Plan Area) The subject properties are located generally on the northeast side of the City south of Holcomb Boulevard and north of Redland Road, located at 15030, 15050, 15076 and 15110 Holcomb Boulevard, 16472 Livesay Road, and 3 parcels with No Address; identified as Clackamas County Map 2S-2E-27B, Tax Lots 600, 800, 900, 1080 and 1000, and 2S-2E-28D, Tax Lots 100, 180, and 190.

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

**COMPREHENSIVE
PLAN DESIGNATIONS:** Residential – Medium Density

ACRES: 53 acres (approximately)

RECOMMENDATION: Recommend approval of the proposed annexation and to set the election for May 18, 2010 to the City Commission for their consideration at the February 3, 2010 public hearing.

PROPOSAL NO. AN 09-02 - CITY OF OREGON CITY - Annexation

Property Owners:

Property Owners	Address	Tax Lot	Acres (approx.)
Kent Ziegler	15110 Holcomb Boulevard	1080	1.49
Miller	15030 Holcomb Boulevard	0600	1.35
Townsend	15050 Holcomb Boulevard	0800	1.34
Clift	15076 Holcomb Boulevard	0900	1.0
Meritage Properties, LLC	No Address	0190	11
Ron Ziegler	No Address	0100	14.07
Ron Zeigler	16472 Livesay Road	0180	13.37
Park Place Enterprises LLC	No Address	1000	9.65
		Total	53.27

Applicant: Kent Ziegler, Park Place Enterprises, LLC (member)

Proposal No AN 09-02 was initiated by consent petitions of owners of 93% of the acreage (49.6 of 53.3 acres), 71% of the property owners (5 of 7) and owners of 61% of the total assessed value of the properties (\$1,677,425 of \$2,755,677). The petitions meet 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).

Please note that if a corporation owns land in territory proposed to be annexed, the corporation is considered the individual owner of that land (See Email from City Attorney, Exhibit 9).

The properties located at 15030, 15050 and 15076 Holcomb did not sign the petition to identify if they support or oppose the annexation request (Exhibit 2). The properties have been included in the annexation request in order to avoid the creation of a county island in compliance with Comprehensive Plan policy 14.4.3.

Under the City's Code the Planning Commission reviews annexation proposals and makes a recommendation to the City Commission. If the City Commission decides the proposed annexations should be approved, the City Commission is required by the Charter to submit the annexation to the electors of the City. If a necessary party raises concerns prior to or at the City Commission's public hearing, the necessary party may appeal the annexation to the Metro Appeals Commission within 10 days of the date of the City Commission's decision.

The territory is located generally in the north east side of the City on the south side of Holcomb Boulevard and north of Redland Road, as depicted in Exhibit 1. The territory in Proposal No. 09-02 contains approximately 53 acres, has five single-family residences and is valued at \$2,755,677.

REASON FOR ANNEXATION

The Park Place study area is adjacent to Oregon City's Park Place neighborhood on the eastern edge of the City. The total land area 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 is comprised of 138 individual property owners, which consist 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 53 acres proposed to be annexed into the city are located in the area identified as the “north village” in the Park Place Concept Plan.

The 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 will identify 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 City Commission adopted the Park Place Concept Plan in April 2007 and was developed through an extensive interactive public process and was guided by a Project Advisory Committee comprised of neighbors, stakeholders, business owners and City residents and an extensive public hearing process before the Oregon City Planning Commission and City Commission occurred prior to adoption of the concept plan.

LAND USE PLANNING

SITE CHARACTERISTICS

The eight properties have five single-family homes and several small agriculture / out buildings. The properties include drainage ways and streams and slopes ranging from 3% to more than of 35%. The home lots have typical rural residential landscaping and some properties are used for farm / timberlands. The Oregon City Comprehensive Plan designation is medium density residential.

REGIONAL PLANNING

General Information

This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

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 provision 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 2 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. 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 plant was designed to serve a population of 66,500 in the year 2001; however, the facility is currently being expanded to increase the available average dry weather capacity to 11.9 mgd.

Water. This territory is currently partially served by the Clackamas River Water District (CRW). The City and CRW have an urban service agreement (Holcomb-Outlook-Park Place or HOPP agreement) for portions of the annexation area. The HOPP agreement generally states that CRW will service homes above the 450 foot elevation within the specified HOPP boundary, but not specifically for the subject annexation area, so the properties should be individually evaluated for continued service, with annexation to or withdrawal from the CRW district upon the annexation voter approval and City Commission approval of the enacting annexation ordinance.

Address	Tax Lot	Water Provider	Recommended Action
15110 Holcomb Boulevard	1080	CRW	Stay in CRW until transfer
15030 Holcomb Boulevard	0600	CRW	Stay in CRW until transfer
15050 Holcomb Boulevard	0800	CRW	Stay in CRW until transfer
15076 Holcomb Boulevard	0900	CRW	Stay in CRW until transfer
No Address	0190	CRW	Connect to City water and withdraw from CRW
No Address	0100	na	Connect to City water
16472 Livesay Road	0180	CRW	Connect to City water
No Address	1000	CRW	Stay in CRW until transfer (above 450')

The remainder of the area will receive water service from Oregon City. The City has an adequate water supply in the general area of this annexation in Holcomb Boulevard, and Livesay Road. The five existing homes are on the public Clackamas River Water system and wells and will remain on this system until formal transfer proceedings are finalized with CRW.

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 has 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. Tax Lot 0190 should be withdrawn from the CRW district upon voter and ordinance approval of the annexation.

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 ownership of the Board is presently divided with Oregon City having 50 percent and West Linn 50 percent ownership of the facilities.

The water supply for the South Fork Water Board is obtained from the Clackamas River through an intake directly north of the community 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).

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 has extensive language on the viability and recommended methodology to capture and treat stormwater. Additionally, the City is the final stages of developing new Stormwater and Low Impact Development (LID) standards. When development is proposed for the subject site, the owner will be required to design and construct a 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. Oregon Revised Statute 222.120 (5) allows the City to specify that the territory be automatically withdrawn from the District upon approval of the annexation; however, based on the November 2007 fire district annexation approval, staff recommends that the properties remain within the fire district.

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).

Parks, Open Space and Recreation. The site's nearest 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. The Parks Department commented on the annexation application with regard to the appropriate minimum acreage for city maintained parks (Exhibit 10). No specific park size, location or ownership is required to be identified at the time of annexation, however this will be required at the time a Master Plan application for the development of the property is submitted.

Transportation. Access is provided from Holcomb Boulevard and Redland Road, minor arterials and Livesay Road, a local street. Any future development of these properties must take the county-owned arterials into consideration. The City-County UGMA requires the annexation to include the adjacent portions of all county streets. Most major intersections in the vicinity will be impacted by future full development of this site: 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, to name a few.

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. The Staff Report findings for approval of the Park Place Concept Plan (L 07-01), deferred formal compliance with the Oregon Department of Transportation's Transportation Planning Rule (TPR) (OAR 660-012-0060) until the time of annexation and zoning of the property. The staff report finding (Exhibit 7) states:

“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 annexations receive a default zoning designation to newly annexed property 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 a traffic impact analysis (TIA) study for any future project that indicates compliance with the 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 properties.

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 May 18th, 2010 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 additional development would occur until compliance with the TPR is demonstrated by the applicant.

The Park Place Concept Plan addresses preliminarily 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.

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 these properties 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 Plans. The territory to be annexed falls within the Urban Growth Management Boundary (UGMB) identified for Oregon City and is subject to the agreement. The County agreed to adopt the City’s Comprehensive Plan designations for this area that is Medium Density Residential. Consequently, when property is annexed to Oregon City, it already has a City zoning designation (unless rezoning is deferred to a separate application as with this application). The default zoning is R-5 single-family dwelling district.

The UGMA presumes that all the urban lands within the UGMB 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.*

The required notice was provided to the County at least 20 days before the Planning Commission hearing. The agreement requires that adjacent road rights-of-way be included within annexations. Since Redland Road and Holcomb Boulevard are arterial roads, their jurisdictional transfer would be evaluated on the case-by-case basis and is subject to negotiation. Holcomb Boulevard and Redland Road have not been annexed into the City and have not been transferred to the City for maintenance responsibility. Both roads will be included in the legal description for annexation. Upon development of the subject site, public sewer and water will be provided. **This criterion is met.**

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 with the timely, orderly or economic provision of public facilities and services in the area. The 53 acres of property are directly abutting Holcomb Boulevard and the Trailview Estates, Wasko Acres and Tracey Heights subdivisions to the north side that are located in the city, and have been developed with housing units, with street stubs to the properties. 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 extended to Redland Road. **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 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. Those 10 factors are not applicable at this time 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 half-street/full street improvements to Holcomb Boulevard and Redland Road and to new 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.

This annexation application has been accepted and reviewed pursuant to city regulations and procedures. **Finding:** 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 as about 1,800 feet of the boundary of the properties touches the city limits. This annexation could help the city meet Metro targets for housing.

The zoning of the properties upon annexation is already set for R-5 by the municipal code as stated below in the Land Use section. Staff is recommending that the City Commission find that the property will annexed with the existing County zoning. The property owners will be responsible for submitting a zone change application addressing infrastructure needs and the State's Transportation Analysis 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 these annexed properties 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 properties. **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 properties are contiguous to the city limits along 3,500 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 properties are contiguous to the city. If the annexation is approved the area would provide a large, 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. **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 these annexed properties will have on public services, including the transportation system, 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 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. 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 3.

***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, provided that the properties located at 15030, 15050 and 15076 Holcomb are included within this annexation request.

***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 public health hazard does not exist 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*

Holcomb Boulevard and Redland Road will remain county-maintained roads until such time as the county and city agree to transfer the operations and maintenance responsibilities. This annexation will immediately add five (5) homes to the city's police and fire protection coverage. Upon annexation, the homes will start paying the current stormwater utility fee of \$4/month. The homes are on the public Clackamas River Water system and will remain on this system until such time as the City annexes over 75% of the properties in that section. 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 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.

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 properties.

The applicant has recognized the service shortcomings of police (Exhibit 4, Page 7) and has indicated the owners of the consenting properties are proposing 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 6).

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 Holcomb Boulevard and 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 these five homes and the Park Place Concept Plan will provide the guidance to address the impacts of the full build-out of the area.

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 these properties by extending to the line in Redland Road that is located west of Holly Lane.

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. No response is interpreted as no opposition. 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 may 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 Holcomb Boulevard, Livesay Road and Redland Road at the intersection with Holly Lane. The five homes are on the public Clackamas River Water system and wells and will remain on this system until formal transfer proceedings are finalized with CRW. The City has a formal agreement with CRW, but not specifically for the subject annexation area.

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 properties are 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.*

Because the City is required by this policy to provide the same level of fire protection to newly annexed areas that it provides to other areas within the City, it may consider whether it will be possible to do so when it decides an annexation proposal. The City will provide fire services through the current contract with Clackamas County Fire District #1. The subject annexation area should not be withdrawn from the district upon annexation voter and ordinance approval.

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

<u>Residential Type</u>	<u>City Zone</u>
Medium-density residential	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 properties.

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 May 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 additional development would occur until 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 properties. Additionally, the adequacy and availability of facilities and services will be reviewed when the properties are 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 properties are contiguous to the city limits along 3,500 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 properties are contiguous to the city. If the annexation is approved the area would provide a large, 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.

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. The Park Place Concept Plan also recommended several updates to the geologic hazards standards of OCMC 17.44 that have been adopted and will be applicable to development.

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 existing five homes will have virtually no effect on the economic, social, or physical environment of the community. The Commission interprets the “community” as including the City of Oregon City 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 fire, 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 (Exhibit 4, Page 7) and has indicated the owners of the consenting properties are proposing 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 6).

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 implement the development as outlined in the Park Place Concept Plan. Any impacts on the community that result from approval of development permits are a direct consequence of the 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 09-02 for election on the May 18, 2010 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 not withdrawing Tax Lots 1080, 0600, 0800, 0900 and 1000 from the Clackamas River Water District until formal transfer proceedings are finalized with CRW.

- Recommend withdrawing Tax Lot 0190 from the Clackamas River Water District and connection to Oregon City water service.
- 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 09-02.
- Recommend that the annexed properties maintain the existing county zoning designations of FU-10 and RRF-5 until the applicant requests rezoning to R-5;
- 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

- Exhibit 1: Site Map and Comprehensive Plan Designations;
- Exhibit 2: Site Map identifying properties that signed the petition;
- Exhibit 3: Park Place Concept Plan Map and cost estimates (Full concept plan on file);
- Exhibit 4: Applicant's submittal;
- Exhibit 5: Proposed Findings, Reasons for Decision and Recommendation;
- Exhibit 6: Draft Annexation Agreement: Police Funding Fees;
- Exhibit 7: Staff Report findings (Excerpt) for Park Place Concept Plan (L 07-01) regarding OAR 660-012-0060.
(full staff report on file)
- Exhibit 8: Comments of Gail Curtis, ODOT Planner.
- Exhibit 9: City Attorney email regarding property ownership by LLCs.
- Exhibit 10: Parks Department comments.
- Exhibit 11. Modified Annexation Petition & Double Majority Worksheet.
- Exhibit 12. Ownership conveyance to LLCs paperwork.

AN 09-02

PROPOSED FINDINGS, REASONS FOR DECISION, AND RECOMMENDATIONS

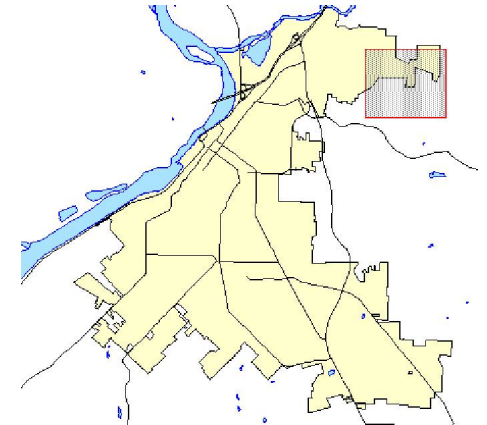
Based on the Findings, the Commission determined:

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 properties abutting Holcomb Boulevard currently served by Clackamas River Water under the HOPP agreement (above 450') within the annexation area should be maintained in the CRW district until formal until formal transfer proceedings are finalized with CRW.
12. The City Commission recognizes that Tax Lot 190 should be withdrawn from the CRW district upon the annexation voter approval and City Commission approval of the enacting annexation ordinance.
13. The City Commission recognizes that the applicant is requesting an annexation at this time. The 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.

AN 09-02 Comp. Plan Designation



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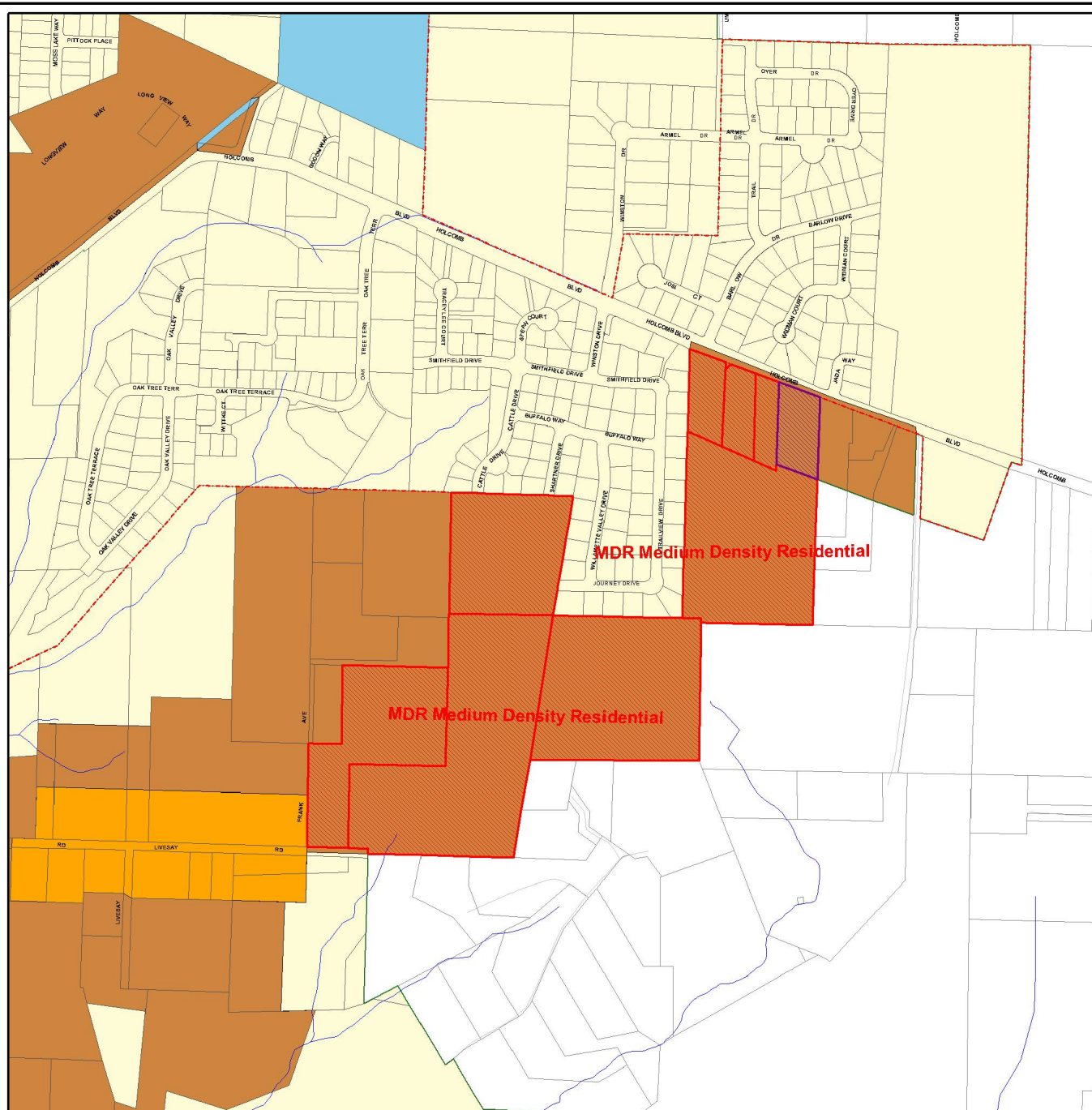


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Map created with OCMAP 2010

01/20/2010



Oregon City Planning

X = Signed Petition

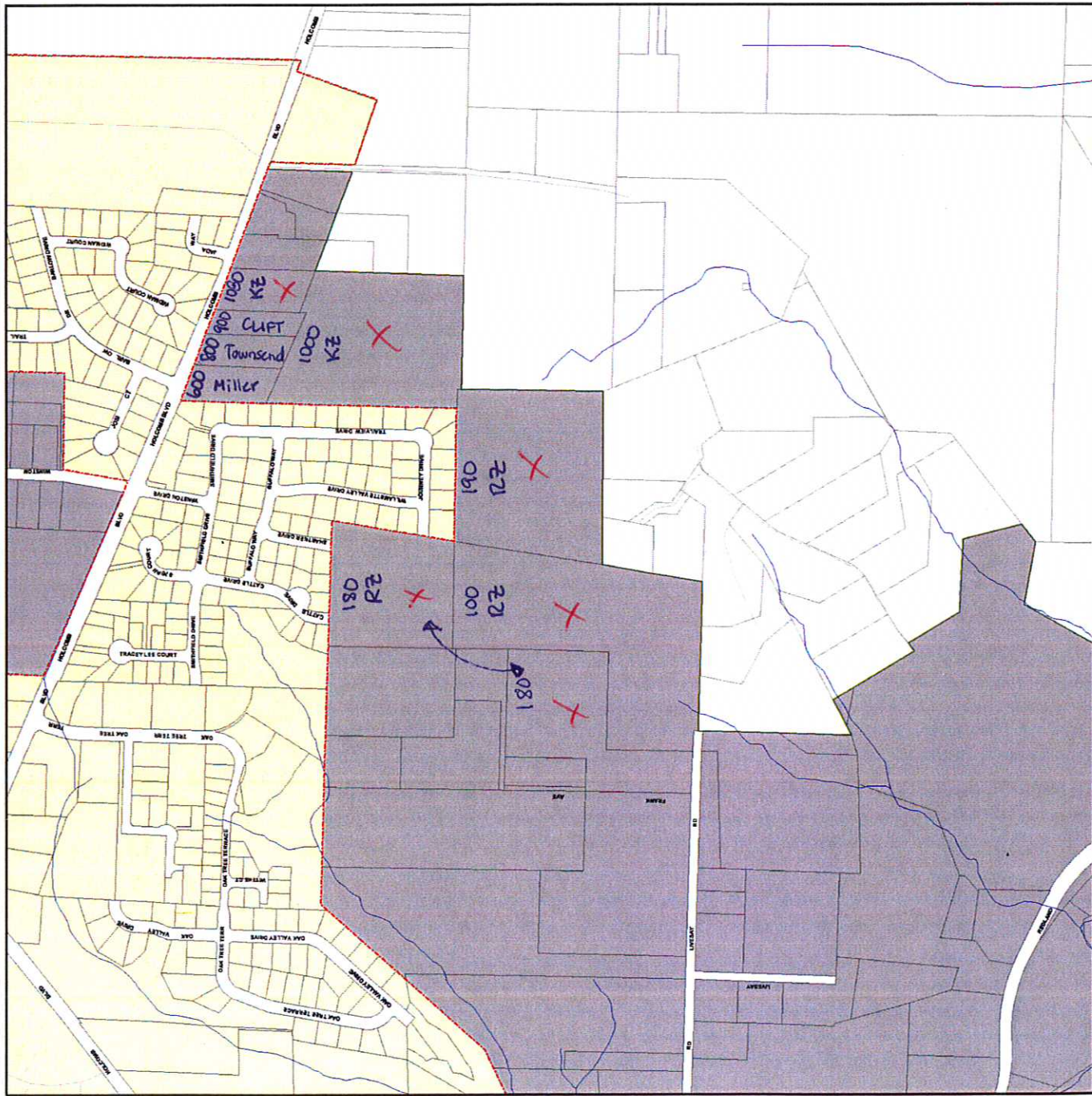


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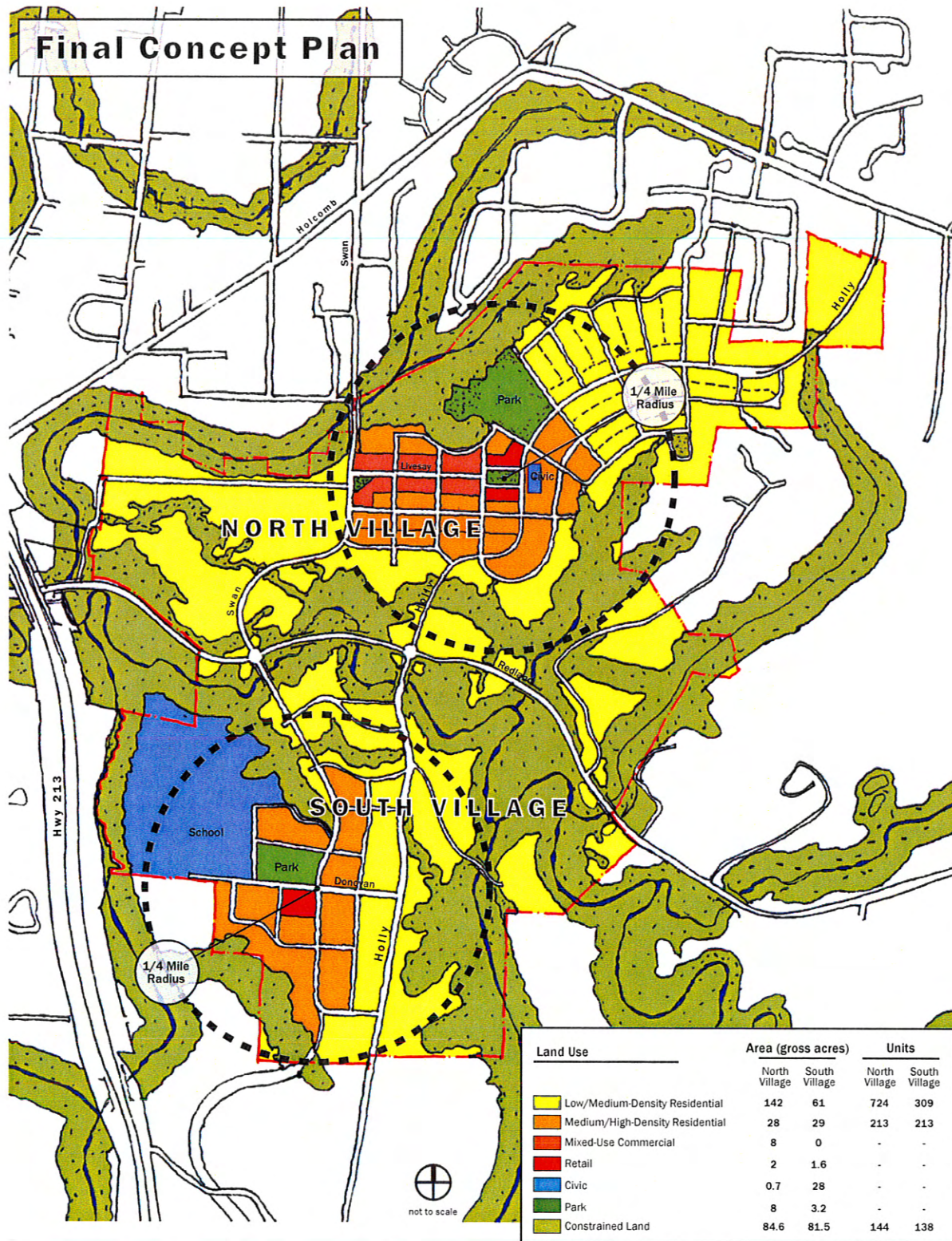


Figure 1-1. Park Place Concept Plan Urban Growth Diagram



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 Mapelane	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/Mapelane 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 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					
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.

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.

Application Summary

Request: Proposal to initiate annexation of approximately 53 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 properties are generally located south of Holcomb Road and north of Livesay Road, all within the boundaries of the UGB and the Park Place Concept Plan. The parcels are described by Clackamas County as tax maps/lots 22E27B - 01080, 01000, 00600, 00800, 00900; 22E28D 00190, 00100, 00180.

Applicant: Park Place Enterprises, L.L.C.
Kent Ziegler
25020 SW Valley View Road
West Linn, OR 97068
503-701-9716

Applicant's Representative Emerio Design, LLC
Kirsten Van Loo
6107 SW Murray Blvd., #147
Beaverton, OR 97008
Cell: 503-956-4180

Property Owners	22E27B-01080, 01000 Kent Ziegler 15110 S. Holcomb Road	2E27B-00600 Miller 15030 S. Holcomb Road
	22E27B-00800 Townsend 15050 S. Holcomb Road	22E27B-00900 Clift 15076 S. Holcomb Road
	22E28D – 00100, 00180, 00190 Ronald Ziegler 16472 S Livesay Road	

Proposal

This application requests approval to annex approximately 53 acres of land into the incorporated boundary of Oregon City. The subject site is located within the Metropolitan Urban Growth Boundary (UGB), and the Park Place Concept Plan. The land will be zoned R-5 upon conclusion of the voter-approved annexation process.

Site Description

The subject properties are located south of Holcomb Boulevard and north of Livesay Road. Many of the surrounding properties are developed with single-family homes on large lots in a suburban/rural environment. A low-density, single-family detached subdivision inside the City is adjacent to the subject site along the northeastern boundary. The site is located within the Park Place Concept Plan Area and is adjacent to the north eastern-most boundary of the Oregon City Limits.

The subject properties are currently zoned Future Urbanizable 10 Acre District (FU-10) and Rural Residential Farm/Forest 5-acre District (RR-FF-5). 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 RR-5 zone is assigned to rural properties that can be developed at densities of no more than one unit for every five acres when they are located outside the UGB. Within the UGB, and when identified as future urban land, subdivision of land into lots less than 20 acres is prohibited.

The proposed annexation area is located within the UGB and is within the Park Place Concept Plan, which was adopted by the City of Oregon City to plan for growth in this sector.

Compliance With Applicable City of Oregon City Municipal Code Provisions

Each of the applicable Chapters of the City of Oregon City Municipal Code will be addressed in the order in which 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 the majority of the property owners as defined by acreage of the land involved in the annexation.

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 is included for the parcels proposed for annexation.

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 is included.

4. *Two full quarter-section county tax assessor's maps, with the subject property(ies) outlined;*

Response: Copies of the ¼ section maps are included with the identified parcels proposed for annexation outlined.

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 drawing set are 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 double majority worksheet with certification of owners and voters is included with the application package.

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 addressing conditions, service availability, demand for additional land within the city, additional infrastructure demands, financing methodologies, development concept, social benefits to the city, and action required to mitigate impacts is included with the application package.

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 providing access to public utilities for the proposed annexation. Transportation availability is addressed in the attached Traffic Impact Analysis. Park and School facilities are addressed in the body of this document.

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 future need for any public street improvements.

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.

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.

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: The annexation of this property will facilitate the 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: The annexation of this property will facilitate the 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. The site will be zoned R-5 as indicated in the 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 are included with the application package.

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. Currently, all of the properties have access via Holcomb Road or Livesay Road. All of these streets were developed under Clackamas County road design and construction standards at the time they were constructed. No alterations to these roads would be required until the properties are ultimately developed for urban uses.

TRAFFIC ANALYSIS: When the properties develop, it is expected that full- and half-street improvements will be required to the streets impacted by any proposed development. Annexation of the site will facilitate the eventual connection of one of the two north-south collector streets (Holly Lane) that is proposed in the Park Place Concept Plan. Additionally, Cattle Drive, Journey Drive and Shartner Drive all stub to the subject site, and will be extended and connected in conjunction with development. Vehicular access is discussed in greater detail in the attached traffic impact analysis.

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 subject area. The Plan has 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 properties would be altered under this proposal. The majority of properties under consideration for this proposal currently have no public sewer or water service because they are vacant, or in the case of the properties with homes, are served by septic systems and have water service provided by the Clackamas River Water District or Oregon City. 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.

SEWER: Temporary sewer management strategies may be required until development allows a gravity connection to lines in Redland Road. Options include pumping sewage to existing mains, a "pre-packaged" on-site sewer treatment facility, or extension of gravity sewer mainlines. Those options will be explored further at such time that development is proposed.

STORM WATER MANAGEMENT: Storm water will be treated and detained as necessary to meet current state and local requirements. The implementation of storm water management strategies will be accomplished as a part of the development design for specific projects on the property subsequent to annexation.

SCHOOLS: During the process of developing the Park Place Concept Plan, it was determined that existing schools had capacity available 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 in SDC funds and property taxes. All of these factors have a positive influence 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 area would require additional officers and funding.

PARKS: The annexation of this property provides the initial step for implementation of the Park Place Master Concept Plan. That plan contains significant evaluation of the property for potential park and open space locations. Subsequent to annexation of the property, the development review process will require site-specific evaluation of the parcels 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 that the site to be annexed is contiguous to the current city limits. In this case, the properties are contiguous to the existing city limits south of Holcomb Road and Journey Street (refer to drawings for map of contiguous boundary). 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 properties proposed for this annexation would occur at this time. The entire area is included within the Park Place Concept Plan, and all known natural resources were preliminarily mapped through the process of developing that 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 Low/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 parcels will in fact provide additional protection as afforded by the City of Oregon City's Community Development Code when site-specific development is proposed. The OC-CDC requires very thorough evaluation of any proposed development prior to approval and physical alteration through construction.

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 or can be made sufficient to serve the existing needs of the annexation area, and no physical development of the properties is proposed at this time. 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. However, in its current state, 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 who make that report 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.

The annexation of 53 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 of the elements of the master plan, the Oregon City development code and all requirements for provision of necessary and desired infrastructure. The three core values, environment, community design and transportation/traffic will be addressed through the comprehensive development review of each phase. Without annexation of the property into the City, no such review or evaluation for compliance can be effected.

This application is a request to be given the opportunity to implement the core values through well considered residential community design. Annexation MUST be accomplished before any development can be proposed and approved using the core values identified by the community. The Park Place Concept Plan is a valuable document. It is only valuable as a tool used to guide and nurture land development if that land is annexed into the city. Thus, annexation of the subject properties is the critical first step necessary to address and honor the core values identified in the planning document.

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 the 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 includes zoning designations for the area proposed for annexation – mostly Low/ Medium-Density Residential, with some Constrained Land areas.

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 are 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 request will facilitate eventual implementation of the transportation improvements identified in the Park Place Concept Plan, including the north-south Holly Lane connection. The Holly Lane connection is one of two primary collectors proposed for the Park Place planning area. Shartner, Cattle and Journey Drives all stub to the site from the adjacent subdivision, and will be extended and connected in conjunction with development.

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. Several options are available for sewer and storm systems that could be completed in conjunction with development of the site.

- *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 designated park, but does include some designated trails, and designated open space that is located in conjunction with Constrained Lands.

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 package demonstrates that all applicable Chapters and subsequent 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.

10-20-09
PRE-APP.

ANNEXATION PROCESS.

✓ NEIL
✓ KENT

OREGON CITY
ZIEGLER

PUSHING SAFETY ACCESS / INCREMENTAL
PROCESS

✓ TONY

ADEQUACY of PUBLIC FACILITIES

TSP UPDATE BOULDER / 213

TRAFFIC
ANALYSIS

→ HOLCOMB / DEBENETHY
INFILL &
CONNECTIVITY

SEWER
MONG.

THE RIVERS PROJECT
THE LOVE PROJECT

WATER

CITY TRAFFIC -
JOHN REPUNGER

TRI-CITIES

PARKS

SERVICES DISTRICT FOR SEWER
ON-SITE TREATMENT

SCHOOLS

STORM

~~APP~~

ORIS
222
METRO
3.09

NOV 24, 2009
INITIAL SUBMITTAL

DEC 8, 2009
NOTICE DATE

PL. JAN -
CL. FEB -

HOUSE BILL
222 9/17
SULLANDS

CITY OF OREGON CITY
Pre-Application Form

File Number _____

Meeting Date ____/____/____ 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:

Ziegler Enterprises, Inc.

Name _____

Contact Person Kent Ziegler

Address 25020 SW Valley View Road
West Linn OR. 97068

Phone 503.701.9716

Ziegler Enterprises, Inc.

Owner(s):

Name Kent Ziegler

Address 25020 SW Valley View Road
West Linn OR. 97068

Phone 503.701.9716

Property Description:

Tax Assessor Map Number(s):

22E27B 01080 15110 S HOLCOMB BLVD OREGON CITY 1.49ac.

22E27B 01000 NO ADDRESS 9.65ac.

22E28D 00190 16472 S LIVESAY RD OREGON CITY 11ac.

22E28D 00100 16472 S LIVESAY RD OREGON CITY 14.07ac.

22E28D 00180 16472 S LIVESAY RD OREGON CITY 13.37ac.

Address:

22E27B 00600 15030 S HOLCOMB BLVD OREGON CITY 1.35ac.

22E27B 00800 15050 S HOLCOMB BLVD OREGON CITY 1.34ac.

22E27B 00900 15076 S HOLCOMB BLVD OREGON CITY 1.0ac.

Proposed Development Action:

The proposed development action is to request annexation of the identified parcels into the City of Oregon City. The Park Place Master Plan has been developed with this next step necessary to proceed with the long-range development plans.

Applicant Signature Kent H. Ziegler Date 10/1/09

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)

☐ 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 (B) ☐;
Clack Co (P) ☐; ODOT ☐; Schools ☐; Tri-Met ☐; Metro ☐; Police ☐; Other _____

CITY OF OREGON CITY

PRE-APPLICATION CONFERENCE SUMMARY

Pre-application conferences are required by Section 17.50.030 of the City Code, as follows:

- (A) PURPOSE: The pre-application conference is to provide the applicant the necessary information to make an informed decision regarding their land use proposal.
- (B) A pre-application conference is required for all land use permits.
- (C) Time Limit: A pre-application conference is valid for a period of six (6) months.
- (D) An omission or failure by the Planning Division to provide an applicant with relevant information during a pre-application discussion shall not constitute a waiver of any standard, criterion, or requirement of the City of Oregon City. Information given in the conference is subject available information and may be subject to change without notice. *NOTE: The subsequent application may be submitted to any member of the Planning Staff.*

PRE-APP # 09-08 / DATE: 10/20/09
APPLICANT: Ziegler
SITE ADDRESS: _____
PROPERTY DESCRIPTION: _____
STAFF: Krakol ZONING: _____
PROPOSED USE/ACTIVITY: Annexation ~ 40 54 aces
INFORMATION NECESSARY TO BEGIN DEVELOPMENT: This listing of information does not preclude the Community Development Department or hearings body from requesting additional data necessary to make a recommendation and/or decision regarding the proposed activity.

1. PLANNING

- ☐ Zoning/ Setbacks
- ☒ Is the Site in a Water Resource Overlay District? (Yes or No)
- ☐ Is the Site in a Historic Overlay District? (Yes or No)
- ☐ List of Minimum Required Planning Processes:

- ☒ 1. Annexation
- ☒ OCMC 14-Annexations
 - 20 copies of application + 1 electronic copy of entire application.
 - as required in 14.04.050.E.1-8. Narrative shall address each criteria - applications that do not identify the criteria and then address will be rejected.
 - Address each approval criteria in 14.04.060. Must address potential development on the site and potential infrastructure impacts / failures / remedies.
 - Address Metro Code 3.09.050.A-D.
- Other: - ORS 222 - Contiguous to City.
- O.C. Comp Plan: 14.1.2; 14.3; 14.4
- Incorporate Park Place concept plan. Address: Core Values, Concept Plan Elements.
- submit by Nov. 24, 2009 for May election.

*****Note: Existing addresses are subject to change with the creation of new parcels*****

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

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 Mary Neigel Mary Neigel
TITLE Cartographer 2
DEPARTMENT Assessment & Tax
COUNTY OF Clackamas
DATE 12.01.2009

- * "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.

ASSESSOR'S OFFICE

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 _____

TITLE _____

DEPARTMENT _____

COUNTY OF _____

DATE _____

- * "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 22E 28D 100, 100, 190
22E 27B 600, 700, 800, 900, 1000,
has been checked by me and it is a true and exact description of the property 1080
under consideration, and the description corresponds to the attached map
indicating the property under consideration.



NAME Mary Neigel Mary Neigel
TITLE Cartographer II
DEPARTMENT Assessment & tax
COUNTY OF Clackamas
DATE 12.01.2009

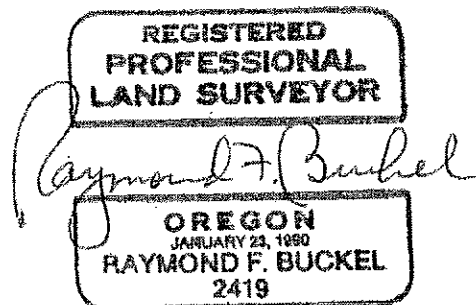
SURVEY OFFICE

DESCRIPTION OF TAX LOTS 600, 800, 900, 1000 AND 1080 TAX MAP 2 2E 27B
TOGETHER WITH TAX LOTS 100, 180 AND 190 TAX MAP 2 2E 28D

Being a tract of land situated in the northwest quarter of Section 27, Township 2 South, Range 2 East and the southeast quarter of Section 28, Township 2 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon. Said Tract being described as follows:

Beginning at the most northerly northeast 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, also being the northeast corner of that tract conveyed to Elder E. O'Leary, et ux, by deed recorded March 6, 1952, in Book 454 Page 192, Clackamas County Deed Records; thence Westerly along the north line of said O'Leary tract a distance of 557 feet to the northeast corner of that tract of land conveyed to George Murphy, et ux, by deed recorded March 23, 1946 in Book 363 Page 365, Clackamas County Deed Records; thence South along the easterly line of said Murphy tract and it's southerly extension a distance of 800 feet to the southeast corner of that tract sold to William D. Blair, et ux, by contract recorded October 22, 1971, as Fee No. 71-30172, Clackamas County Deed Records; thence West along the south line of said Blair tract a distance of 455.1 feet to the northeast corner of that tract conveyed to Frank Gerkman, et ux, by deed recorded April 19, 1976, as Fee No. 76-12206, Clackamas County Deed Records; thence South along the east line of said Gerkman tract a distance of 359.20 feet to the southeast corner of said Gerkman tract; thence West along the south line of said Gerkman tract a distance of 146.5 feet to the northeast corner of that tract conveyed to Richard Thompson, et ux, by deed recorded April 3, 1948, in Book 364 Page 238, Clackamas County Deed Records; thence South along the easterly line of said Thompson tract a distance of 493.68 feet to the southerly line of said Thompson tract; thence East along said southerly line a distance of 950.7 feet to the easterly line of the George Abernethy Donation Land Claim No. 58, also being the northeast corner of that tract conveyed to Jon R. Aspgran, et ux, by deed recorded February 6, 1974 as Fee No. 75-3146, Clackamas County Deed Records; thence Northerly along the east line of said Donation Land Claim a distance of 462 feet to the northwest corner of that tract conveyed to Robert W. Armfield, et ux, recorded December 23, 1977, as Fee No. 77-52944, Clackamas County Deed Records; thence Easterly along the north line of said Armfield tract a distance of 770 feet to the east line of said southeast quarter of Section 28; thence North along said east line a distance of 659.66 feet to the east quarter corner of said Section 28, also being the west quarter corner of said Section 27; thence East along the East and West center line of said Section 27 a distance of 508.2 feet; thence North 00° 02' East a distance of 1030.3 feet to the center line of South Holcomb Boulevard; thence North 68° 15' West a distance of 623.45 feet; thence South 00° 02' West a distance of 1267 feet to the East and West center line of said Section 28, also being 71 feet west of said east quarter corner of Section 28; thence West along said East and West center line a distance of 588.76 feet to the east line of said Donation Land Claim; thence North along said Donation Land Claim a distance of 557.0 feet to the Point of Beginning.

Containing an area of 53.2 acres of land, more or less.



S HOLCOMB BLVD

"WASKO ACRES"

NE COR GEORGE MURPHY
BOOK 363 PAGE 365

POB DESCRIPTION
P.O.B. DEED NO. 100, 180, 190
NE COR ELDER E OLEARY
BOOK 454 PAGE 192

"TRAIL VIEW"

E LINE GEO ABERNETHY DLC

EAST & WEST CENTER LINE
SECTION 28

EAST & WEST CENTER LINE
SECTION 27

E 1/4 COR SECTION 27
W 1/4 COR SECTION 28

NE COR FRANK GERKMAN
FEE NO. 76-12206

SE COR WILLIAM D BLAIR
FEE NO. 77-30172

NE COR RICHARD THOMPSON
BOOK 364 PAGE 238

SE COR FRANK GERKMAN
FEE NO. 76-12206

NW COR ROBERT W. ARMFIELD
FEE NO. 77-52944

EAST LINE SECTION 28

FRANK ROAD

LIVESAY RD

SE COR RICHARD THOMPSON
BOOK 364 PAGE 238

NE COR JON R ASPGRAN
FEE NO. 75-3146

E LINE GEO ABERNETHY DLC

"MEADOW RIDGE"



14631 S. Linear Road
Oregon City, Oregon 97045
(503) 655-4506
FAX (503) 655-4510



BUCKEL ASSOCIATES, INC.

LAND SURVEY & CIVIL ENGINEER CONSULTANTS

ANNEXATION AREA

PARK PLACE

PREPARED FOR:

KENT ZIEGLER
OREGON CITY, OR

Project: 03003

Designed: RFB

Drawn: RFB

Scale: NO SCALE

Date: NOV. 27, 2009

Sheet: 1 of 1

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 _____

TITLE _____

DEPARTMENT _____

COUNTY OF _____

DATE _____

ELECTIONS OFFICE

NOTICE LIST

2.31.11 2:00 PM
(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.

SEE ATTACHED LIST

NAME OF OWNER/VOTER	ADDRESS	PROPERTY DESIGNATION (Indicate tax lot, section number, Township and Range)
(1)		
(2)		
(3)		
(4)		
(5)		
(6)		

- (7) _____

- (8) _____

- (9) _____

- (10) _____

- (11) _____

- (12) _____

- (13) _____

- (14) _____

- (15) _____

- (16) _____

- (17) _____

- (18) _____

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? _____
What City Planning Designation is being sought? MED DENS. RES.

- B. What is the zoning on the territory to be served?

FU 10 & RZFF-5

What zoning designation is being sought? R-5

- C. Is the subject territory to be developed at this time? IN THE NEXT 5 YRS

- D. Generally describe the anticipated development (building types, facilities, number of units).

200 +/- RES. UNITS

- 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. _____

- 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)

☐ City Planning Commission ☒ City Planning Staff
☐ City Council ☐ City Manager

Please describe the reaction to the proposed development from the persons or agencies indicated above.

POSITIVE

- 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			
City or County Plan Amendment			
Pre-Application Hearing (City or County)			
Preliminary Subdivision Approval			X
Final Plat Approval			X
Land Partition			
Conditional Use			
Variance			
Sub-Surface Sewage Disposal			
Building Permit			X

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 PARK PLACE CONCEPT PLAN

- 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.

IV. SERVICES AND UTILITIES

- A. Please indicate the following:

1. Location and size of nearest water line which can serve the subject area.

HOLCOMB & LIVESAY

2. Location and size of nearest sewer line which can serve the subject area.

HOLCOMB & ON SITE

3. Proximity of other facilities (storm drains, fire engine companies, etc.) which can serve the subject area.

4. The time at which services can be reasonably provided by the city or district.

IMMEDIATELY

5. The estimated cost of extending such facilities and/or services and what is to be the method of financing. (Attach any supporting documents.)

DEVELOPER FINANCED + SDC'S

6. Availability of the desired service from any other unit of local government. (Please indicate the government.)

- 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 _____

Rural Fire Dist. _____

County Service Dist. _____

Sanitary District _____

Hwy. Lighting Dist. _____

Water District _____

Grade School Dist. _____

Drainage District _____

High School Dist. _____

Diking District _____

Library Dist. _____

Park & Rec. Dist. _____

Special Road Dist. _____

Other Dist. Supplying Water Service _____

- 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.

APPLICANT'S NAME

KENT ZIEGLER, MEMBER

MAILING ADDRESS

TELEPHONE NUMBER

_____(Work)

_____(Res.)

REPRESENTING

POKE PLACES BNT. LLC

DATE:

11-24-09

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)
22E27B1080	ZIEGLER	1.49		Y
22E27B1000	"	9.65		Y
22E28D0196	ZIEGLER	1.1		Y
22E28D0180	ZIEGLER	13.37		Y
22E28D0100	ZIEGLER	14.07		Y
22E27B0600		1.35		
22E27B0800		1.34		
22E27B0900		1.0		
TOTALS		53.27		

Worksheet (continued)

REGISTERED VOTERS

Name of Registered Voter	Address of Registered Voter	Signed Petition (Y/N)

SUMMARY

TOTAL NUMBER REGISTERED VOTERS IN THE PROPOSAL 4

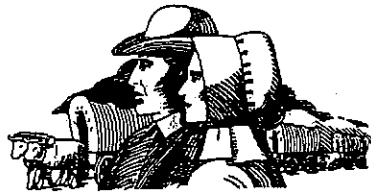
NUMBER OF REGISTERED VOTERS WHO SIGNED 1

PERCENTAGE OF REGISTERED VOTERS WHO SIGNED 25%

TOTAL ACREAGE IN PROPOSAL 53.27 (53.27)

ACREAGE SIGNED FOR 49.58

PERCENTAGE OF ACREAGE SIGNED FOR 93%



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.

PARK PLACE ENTERPRISES, LLC

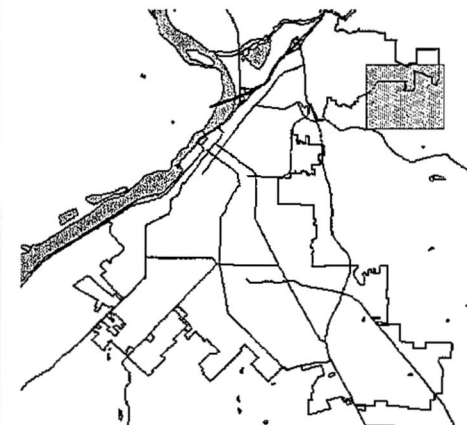
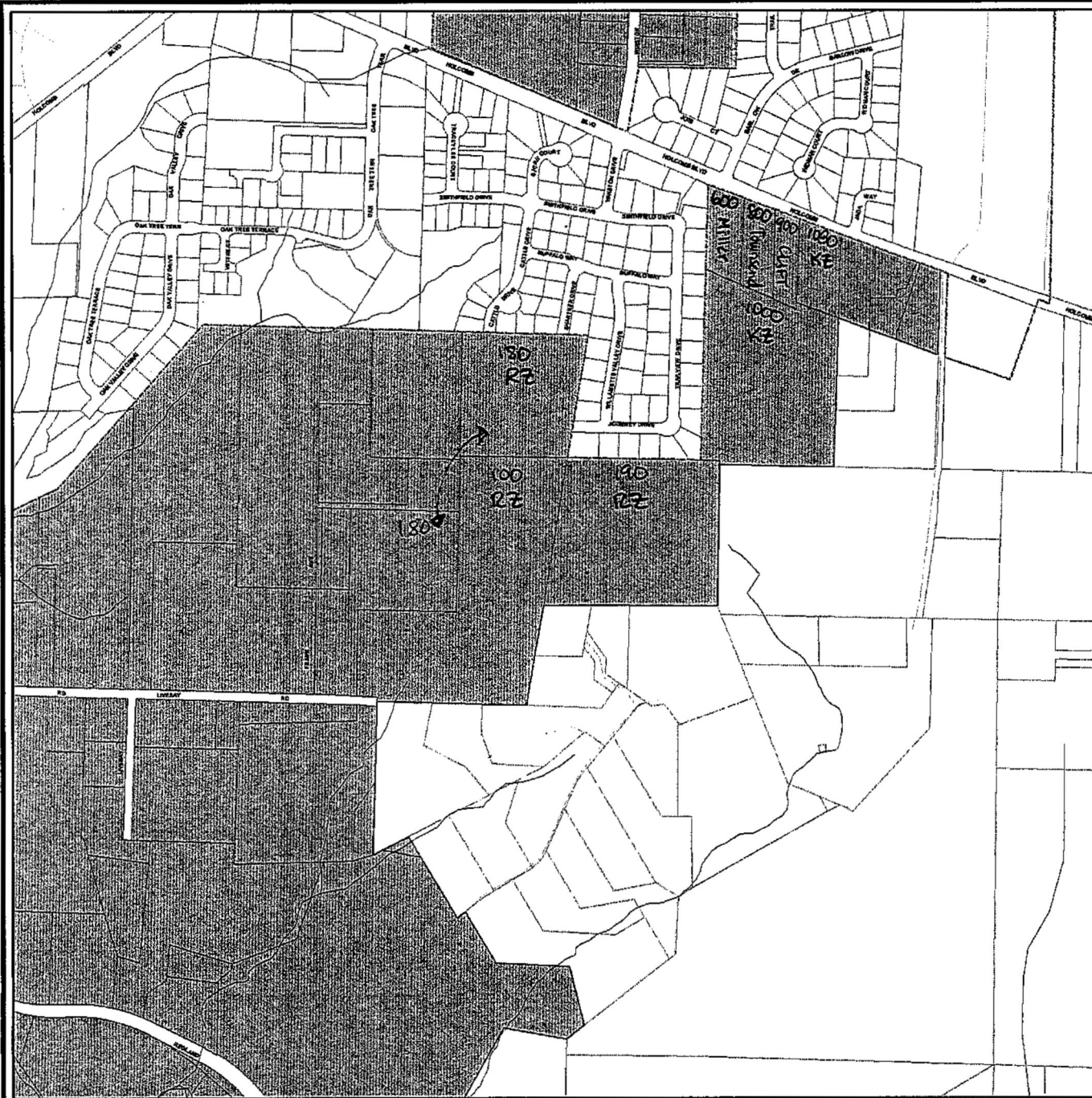
Keth Zygmunt

Applicant Signature

11/24/09

Date

Oregon City Planning



City of Oregon City
P.O. Box 3040
320 Warner Milne Rd
Oregon City, OR 97045
(503) 657-0891
www.orcity.org

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

Map created with OCMap 2009

12/16/2009



AN 09-02

PROPOSED FINDINGS, REASONS FOR DECISION, AND RECOMMENDATIONS

Based on the Findings, the Commission determined:

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 properties abutting Holcomb Boulevard currently served by Clackamas River Water under the HOPP agreement (above 450') within the annexation area should be maintained in the CRW district until formal until formal transfer proceedings are finalized with CRW.
12. The City Commission recognizes that Tax Lot 190 should be withdrawn from the CRW district upon the annexation voter approval and City Commission approval of the enacting annexation ordinance.
13. The City Commission recognizes that the applicant is requesting an annexation at this time. The 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.

Schedule A
Police Funding Fees
AN 09-02 (Ziegler)

<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 it's intersection with Maplelane 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



Oregon

Theodore R. Kulongoski, Governor

Oregon Department of Transportation

ODOT Region 1
123 NW Flanders St
Portland, OR 97209
Telephone (503)731-8200
FAX (503)731-8259

January 11, 2010

File code: PLA9-2B-OR213
ODOT Case No:3656

Tony Konkol, Community Development Director
Planning Department
221 Molalla Avenue, Suite #200
Oregon City, OR 97045-0304

RE: **AN 09-02: Ziegler Annexation Proposal**

Dear Mr. Konkol,

We have reviewed the applicant's proposal to annex 53 acres of the area designated under the Park Place Concept Plan. The site is in the vicinity of OR 213 (Cascades Highway) and I-205. ODOT is the transportation service provider with permitting authority for OR 213 and I-205 and has an interest in ensuring that the area transportation services are adequate to support the annexation and proposed residential land use.

The approval criteria before the Planning Commission and City Council requires a finding of "Adequacy of access to the site"; "Adequacy and availability of public facilities and services to service potential development"; and "Lack of significant adverse effects on the economic, social and physical environment of the community by the overall impact of the annexation" amongst other factors per Oregon City Code 14.04.060.

The traffic impact statement submitted by the applicant does not include enough improvements in order to make the transportation system adequate under the 2014, year of build out conditions analyzed. It is possible that the Federal Regional Transportation Project titled "I-205/Hwy. 213 Interchange Phase 1" (Project ID #10141) could possibly, enable a finding of adequacy. In order for that finding to be made if the referenced project includes an additional north and south lane on 213 between Redland and I-205. Please provide clarification in the staff report to the Planning Commission as to whether this is the case since the project is an Oregon City initiative. Once we receive clarification we will provide additional comments.

Thank you for the coordination. If you have any questions please feel free to contact me at 503.731.8206 or Marty Jensvold who assisted in the analysis. His number is 503-731-8219.

Sincerely,

Gail Curtis, AICP, Senior Planner

Lainie Smith, Planning Manger, ODOT Region 1
Marty Jensvold, ODOT Region 1 Traffic

Pete Walter

From: Jennifer Bragar [JBragar@gsblaw.com]
Sent: Thursday, January 14, 2010 9:56 AM
To: Pete Walter; Carrie Richter; Tony Konkol
Cc: Bill Kabeiseman
Subject: RE: County Election Process

Dear Pete,

Although there aren't cases on point, we would expect that, if the properties are owned by separate entities, they should be considered separate owners for purposes of the annexation.

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JENNIFER M. BRAGAR

jbragar@gsblaw.com

GARVEY SCHUBERT BARER

GSBLAW.COM

eleventh floor

121 sw morrison street

portland, oregon 97204-3141

TEL 503 228 3939 x3208 FAX 503 226 0259

From: Pete Walter [mailto:pwalter@ci.oregon-city.or.us]
Sent: Thursday, January 14, 2010 9:26 AM
To: Jennifer Bragar; Carrie Richter; Tony Konkol
Cc: William Kabeiseman
Subject: RE: County Election Process

So,

If Kent were to put 4 parcels in 4 different LLCs, would each LLC count as a separate owner even though Kent is part of each LLC?

Pete

From: Jennifer Bragar [mailto:JBragar@gsblaw.com]
Sent: Thursday, January 14, 2010 8:34 AM
To: Pete Walter; Carrie Richter; Tony Konkol
Cc: Bill Kabeiseman
Subject: RE: County Election Process

Dear Pete,

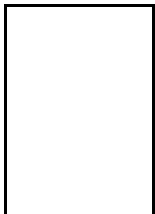
The triple majority under ORS 222.170 requires,

more than half of the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file a statement of their consent with the legislative body"

If the property is owned by an LLC, the entity would count as an owner for its parcel.

If the total number of owners who consent in writing constitute a majority of the landowners representing more than half of the assessed value of property in the contiguous annexation territory, then the written consent requirement of ORS 222.170 would be met.

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JENNIFER M. BRAGAR

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eleventh floor

121 sw morrison street

portland, oregon 97204-3141

TEL 503 228 3939 x3208 FAX 503 226 0259

From: Pete Walter [mailto:pwalter@ci.oregon-city.or.us]

Sent: Wednesday, January 13, 2010 11:20 AM

To: Carrie Richter; Jennifer Bragar; Tony Konkol

Subject: RE: County Election Process

We just met with Kent. Regarding this issue, a related question came up – if Kent were to convey title to a new LLC for one or more lots, would that change the majority?

Pete

From: Carrie Richter [mailto:crichter@gsblaw.com]

Sent: Tuesday, January 12, 2010 3:38 PM

To: Jennifer Bragar; Tony Konkol; Pete Walter

Subject: RE: County Election Process

Jenni:

Please run this by Bill too and let Tony and Pete know what comes of it.

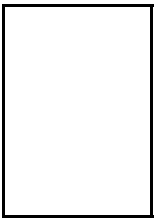
Carrie

From: Jennifer Bragar
Sent: Tuesday, January 12, 2010 3:37 PM
To: Tony Konkol; 'pwalter@ci.oregon-city.or.us'
Cc: Carrie Richter
Subject: County Election Process

Dear Tony and Peter,

According to Clackamas County's Election Department, the county runs the election as directed by the City where the election is to occur. Floyd, the person who has the most experience with annexations, said the only election he remembers where the county was directed to separate the votes by territory v. City voters (as suggested by ORS 222.160) was in Canby several years ago.

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JENNIFER M. BRAGAR

jbragar@gsblaw.com

GARVEY SCHUBERT BARER

GSBLAW.COM

eleventh floor

121 sw morrison street

portland, oregon 97204-3141

TEL 503 228 3939 x3208 FAX 503 226 0259

Pete Walter

From: Jennifer Bragar [JBragar@gsblaw.com]
Sent: Thursday, January 14, 2010 8:34 AM
To: Pete Walter; Carrie Richter; Tony Konkol
Cc: Bill Kabeiseman
Subject: RE: County Election Process

Dear Pete,

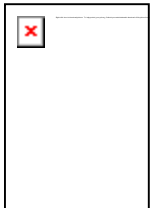
The triple majority under ORS 222.170 requires,

"***more than half of the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file a statement of their consent with the legislative body***"

If the property is owned by an LLC, the entity would count as an owner for its parcel.

If the total number of owners who consent in writing constitute a majority of the landowners representing more than half of the assessed value of property in the contiguous annexation territory, then the written consent requirement of ORS 222.170 would be met.

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JENNIFER M. BRAGAR
jbragar@gsblaw.com

GARVEY SCHUBERT BARER
GSBLAW.COM
eleventh floor
121 sw morrison street
portland, oregon 97204-3141
TEL 503 228 3939 x3208 FAX 503 226 0259

From: Pete Walter [mailto:pwalter@ci.oregon-city.or.us]
Sent: Wednesday, January 13, 2010 11:20 AM
To: Carrie Richter; Jennifer Bragar; Tony Konkol
Subject: RE: County Election Process

We just met with Kent. Regarding this issue, a related question came up – if Kent were to convey title to a new LLC for one or more lots, would that change the majority?

Pete

From: Carrie Richter [mailto:crichter@gsblaw.com]
Sent: Tuesday, January 12, 2010 3:38 PM
To: Jennifer Bragar; Tony Konkol; Pete Walter
Subject: RE: County Election Process

Jenni:

Please run this by Bill too and let Tony and Pete know what comes of it.

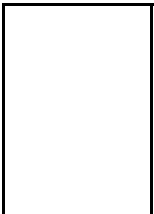
Carrie

From: Jennifer Bragar
Sent: Tuesday, January 12, 2010 3:37 PM
To: Tony Konkol; 'pwalter@ci.oregon-city.or.us'
Cc: Carrie Richter
Subject: County Election Process

Dear Tony and Peter,

According to Clackamas County's Election Department, the county runs the election as directed by the City where the election is to occur. Floyd, the person who has the most experience with annexations, said the only election he remembers where the county was directed to separate the votes by territory v. City voters (as suggested by ORS 222.160) was in Canby several years ago.

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JENNIFER M. BRAGAR

jbragar@gsblaw.com

GARVEY SCHUBERT BARER

GSBLAW.COM

eleventh floor

121 sw morrison street

portland, oregon 97204-3141

TEL 503 228 3939 x3208 FAX 503 226 0259



OREGON CITY

Community Development – Planning

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

LAND USE APPLICATION TRANSMITTAL

December 16, 2009

IN-HOUSE DISTRIBUTION

- ☒ BUILDING OFFICIAL
- ☒ DEVELOPMENT SERVICES MANAGER
- ☒ PUBLIC WORKS- OPERATIONS
- ☐ CITY ENGINEER/PUBLIC WORKS DIRECTOR
- ☐ TECHNICAL SERVICES (GIS)
- ☒ PARKS MANAGER
- ☐ ADDRESSING
- ☒ POLICE
- TRAFFIC ENGINEER**
- ☒ JOHN REPLINGER

MAIL-OUT DISTRIBUTION

- ☒ CIC
- ☒ NEIGHBORHOOD ASSOCIATION (N.A.)
- ☐ N.A. LAND USE CHAIR
- ☐ CLACKAMAS COUNTY - JOE MAREK
- ☐ CLACKAMAS COUNTY – KEN KENT
- ☒ FIRE CHIEF
- ☒ ODOT – Division Review
- ☒ SCHOOL DIST 62
- ☒ TRI-MET
- ☒ METRO
- ☐ OREGON CITY POSTMASTER
- ☐ DLCD
- ☐ CITY ATTORNEY
- ☐ OTHER: _____

COMMENTS DUE BY: **Monday, January 11, 2010**

HEARING DATE: PC : 1/25/10. CC : 2/3/10

HEARING BODY: Staff Review; _____ Planning Commission; XX City Commission

IN REFERENCE TO

FILE # & TYPE: AN 09-02: Annexation

PLANNER: Tony Konkol, Senior Planner (503) 496.1562

APPLICANT: Kent Ziegler

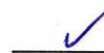
REPRESENTATIVE: Emerio Design

REQUEST: The applicant is requesting approval of an annexation of approximately 53 acres into the City of Oregon City.

LOCATION: The property is located in the Park Place neighborhood, south of Holcomb Blvd and north of Livesay Road.

This application material is referred to you for your information, study and official comments. If extra copies are required, please contact the Planning Department. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return the attached copy of this form to facilitate the processing of this application and ensure prompt consideration of your recommendations. **Please check the appropriate spaces below.**

_____ The proposal does not conflict with our interests.



_____ The proposal conflicts with our interests for the reasons stated below.

_____ The proposal would not conflict our interests if the changes noted below are included.

_____ The following items are missing and are needed for review:

Pg. 7 "Proper location of pocket parks". I believe we are no longer accepting pocket parks. Parks should BE at least a minimum 3 acres in size. See Annex

Signed Larry Patter

Title Park Operations Manager

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

THANKS,
Kent

001110 3X41815-

Page 15 FAX COPY OF THE

323,

MESSAGE:

FAX NO. (503) 722-2840

FROM: KENT ZIEGLER

FAX NO. (503) 722-3880

TO: PETE WALTER

DATE: 1/15/10

FAX TRANSMISSION

ANNEXATION PETITION

By signing below I indicate my consent or non-consent to and support of being annexed into the City of Oregon City or not, and my consent or non-consent for having my signature (below) used or not used for any application form required for the annexation, including but not limited to the City of Oregon City's Land Use Application Form.

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

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)
22E27B1080	KENT ZIEGLER	1.49		Y
22E27B1000	PROX PROLIFERATION LLC	9.65		Y
	HERITAGE PROPERTIES LLC			
22E2800190	RON ZIEGLER, MEMBER	11		Y
22E2800180	RON ZIEGLER	13.37		Y
22E2800100	RON ZIEGLER	14.07		Y
22E27B0600		1.35		
22E27B0800		0.34		
22E27B0900		1.0		
TOTALS		53.27		

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)
	COASTAL COUNTRY PROPERTIES LLC			
22E27B1080	KENT ZIEGLER, MEMBER	1.49		Y
22E27B1000	Pace Properties LLC	9.65		Y
	HERITAGE PROPERTIES LLC			
22E2800190	RON ZIEGLER, MEMBER	11		Y
22E2800180	RON ZIEGLER	13.37		Y
22E2800100	RON ZIEGLER	14.07		Y
22E27B0600		1.35		
22E27B0800		0.34		
22E27B0900		1.0		
TOTALS		53.27		

FAX TRANSMITTAL

DATE: 1/15/10

TO: PETE WALTER

FAX NO. (503) 722-3880

FROM: KENT ZIEGLER

FAX NO. (503) 722-2840

MESSAGE:

PETE,

HERE IS A FAX COPY OF THE
MODIFIED EXHIBITS.

THANKS,

KENT



After recording return to:
Meritage Properties, LLC
25020 SW Valley View Rd.
West Linn, OR 97068

Until a change is requested all tax statements
shall be sent to the following address:
Meritage Properties, LLC
25020 SW Valley View Rd.
West Linn, OR 97068

File No.: Courtesy Only (se)
Date: January 19, 2010

THIS SPACE RESERVED FOR RECORDER'S USE

STATUTORY BARGAIN AND SALE DEED

Ronald H. Ziegler, Grantor, conveys to **Meritage Properties, LLC**, an Oregon limited liability company, Grantee, the following described real property:

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

See attached exhibit "A" (Sec. 28D T2S R2E tax lot 190)

The true consideration for this conveyance is **\$0.00**. (Here comply with requirements of ORS 93.030)

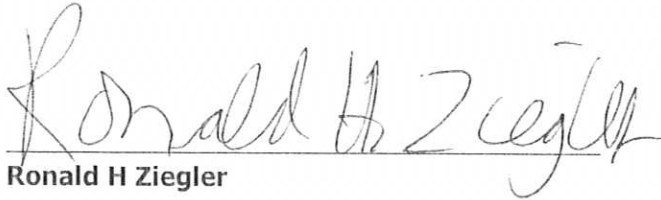
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195-336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195-336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007.

Dated this 20 day of January, 2010.

APN:

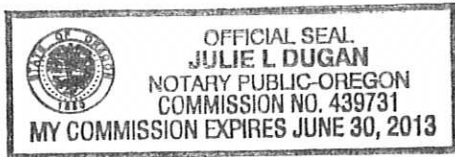
Bargain and Sale Deed
- continued

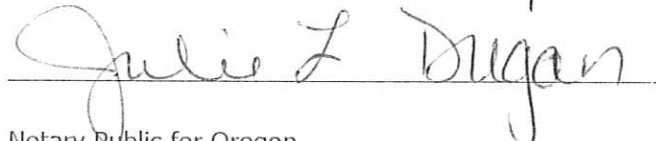
File No.: **Sample-jd (se)**
Date: **01/19/2010**


Ronald H Ziegler

STATE OF Oregon)
County of Clackamas)ss.
)

This instrument was acknowledged before me on this 20 day of January, 20 10
by **Ronald H Ziegler**.




Notary Public for Oregon
My commission expires: 6/30/2013



After recording return to:
Coast and Country Properties LLC
25020 SW Valley View Rd.
West Linn, OR 97068

Until a change is requested all tax statements
shall be sent to the following address:
Coast and Country Properties LLC
25020 SW Valley View Rd.
West Linn, OR 97068

File No.: Courtesy Only (se)
Date: January 19, 2010

THIS SPACE RESERVED FOR RECORDER'S USE

STATUTORY BARGAIN AND SALE DEED

Park Place Enterprises, LLC, Grantor, conveys to **Coast and Country Properties, LLC**, Grantee,
the following described real property:

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as
follows:

See attached exhibit "A" (Sec. 27B T2S R2E tax lot 1080)

The true consideration for this conveyance is **\$0.00**. (Here comply with requirements of ORS 93.030)

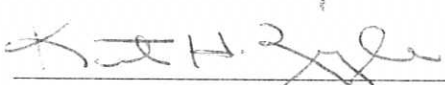
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195-336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195-336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007.

Dated this 20 day of January, 2010.

APN:

Bargain and Sale Deed
- continued

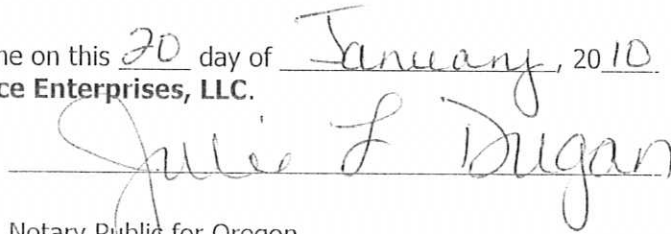
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Date: 01/19/2010



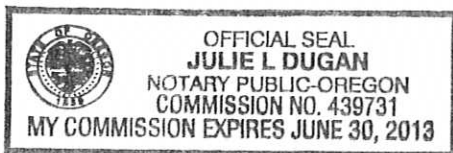
Kent H. Ziegler, Member of Park Place Enterprises,
LLC

STATE OF Oregon)
County of Clackamas)ss.
)

This instrument was acknowledged before me on this 20 day of January, 2010
by **Kent H. Ziegler, Member of Park Place Enterprises, LLC.**



Julie L. Dugan



Notary Public for Oregon
My commission expires: 6/30/2013

TRANSPORTATION IMPACT ANALYSIS REPORT

PARK PLACE ANNEXATION

OREGON CITY, OREGON

Prepared For:
Kent Ziegler
25020 SW Valley Road
West Linn, Oregon 97068

Prepared By:
Dunn Traffic Engineering, LLC

Project #0121

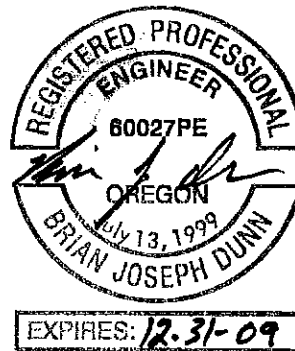
November 2009

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EXECUTIVE SUMMARY

This study evaluates the transportation impacts of the proposed Park Place Annexation in Oregon City. Once annexed into the city limits, the underlying zoning of the eight subject parcels will change from a mixture of FU10 and RR5 to a new city designation of R5 (Medium Density Residential) per City Code Section 17.68.025. Given that the long-term effects of changing the underlying zoning of these parcels and the remaining properties located within the all-encompassing Park Place Concept Plan (Reference 1) area have already been analyzed and approved by the City of Oregon City, the purpose of this study is to analyze the transportation impacts associated with annexation and actual development on the subject site, within a more limited timeframe.

Once annexed, the subject properties within the Park Place Annexation site boundary are expected to develop into a residential subdivision, with the potential for up to 200 units of single family detached homes. This limit reflects the maximum development potential of the subject site under the planned R5 zoning and considering factors such as the amount of developable property that is available. For the purposes of this study, the subject site is expected to be fully developed and occupied within the next five years by 2014.

Upon development, vehicular access to the site is expected to occur at four external locations. One would be a primary public street connection to Holcomb Boulevard just west of Jada Way. This roadway would traverse through the site boundary in a manner that is consistent with the vision of the Park Place Concept Plan. The three other external site access points will be established via connections to the street stubs of Cattle Drive, Shartner Drive, and Journey Drive, all of which are located in the adjacent subdivision to the north and which lead to a single street access to Holcomb Boulevard via Winston Drive. For the purposes of this study, no vehicular access is expected to take place along Livesay Road within the forecast build-out period as this roadway is currently substandard and would be unsafe for travel by residents of the development. Future access to Livesay Road and by extension to Redland Road will eventually be made once infill development occurs along this roadway and the street is brought up to urban standards.

The following sections summarize the scope of this study and detailed findings of the transportation impact analysis associated with the proposed annexation of the subject property, followed by the conclusions and recommendations.

STUDY INTERSECTIONS

Based on a scoping arrangement with the City's traffic engineering sub-consultant, operational and safety analyses were performed at the following study intersections during the weekday a.m. and p.m. peak hours:

- Abernethy Road at Washington Street;
- Abernethy Road-Holcomb Boulevard at Redland Road;
- Redland Road at OR Highway 213 (Cascade Highway);
- Anchor Way at Redland Road;
- Holcomb Boulevard at Apperson Boulevard;
- Holcomb Boulevard at Front Avenue;
- Holcomb Boulevard at Swan Avenue;
- Holcomb Boulevard at Winston Drive; and,
- Holcomb Boulevard at Jada Way.

EXISTING TRAFFIC CONDITIONS

- The subject site is currently located within METRO's urban growth boundary but outside the city limits. The current zoning for the subject parcels is a mix of FU10 and RR5, but with annexation approval and recent approval of the Park Place Concept Plan, a new zoning designation of R5 (Medium Density Residential) is expected to apply.
- There are five single family residences present on five of the eight subject parcels.
- The site is bordered by an urban residential subdivision and Holcomb Boulevard to the north, and rural residential properties to the east, south, and west. METRO's urban growth boundary is present along the eastern site boundary.
- Based on the operational analysis conducted at the study intersections, all the study intersections are currently operating within the operating standards enforced by the City of Oregon City and ODOT. However, the Redland Road/Highway 213 intersection is known to suffer heavy congestion during peak travel periods, with v/c ratios close to or approaching 1.00, which exceeds ODOT's minimum v/c ratio standard of 0.99 or less.
- A review of five-year historical crash data at the study intersections did not indicate any high crash frequencies, reoccurring crash patterns, or potential safety hazards.

YEAR 2014 BACKGROUND TRAFFIC CONDITIONS

- Year 2014 background traffic conditions (without development on the subject site) were evaluated based on a ten percent increase in existing traffic levels to account for a conservative regional growth pattern over the next five years.
- Two in-process developments were identified in the site vicinity. These include the second phase of the Red Soils Master Plan and the Clackamette Cove Mixed-Use development. The peak hour trips associated with these two developments were accounted for in the future traffic forecast.
- All the study intersections are anticipated to operate acceptably and meet jurisdictional standards during both the weekday a.m. and p.m. peak hour periods, except for the Redland Road/Highway 213 intersection during the weekday p.m. peak hour, where a v/c ratio greater than 1.0 is forecast.

FUTURE SITE DEVELOPMENT PLAN

- The subject site, once annexed, will be developed in conformance with the vision of the approved Park Place Concept Plan. Upon development, the subject site will consist of up to 200 single family detached homes.
- Using ITE trip generation equations, 200 single family homes will generate a total of 1,967 average weekday trips with 149 trips (37 in, 112 out) occurring during the weekday a.m. peak hour and 200 trips (126 in, 74 out) occurring during the weekday p.m. peak hour.
- Future vehicular access will take place at Holcomb Boulevard in the northeast corner of the subject site via a new primary street connection. Other connections will be made to the three street stubs at the adjacent subdivision to the north, all of which lead to Holcomb Avenue via Winston Drive.
- The subject site, once annexed, is expected to be fully developed and occupied within five year and by the year 2014.

YEAR 2014 TOTAL TRAFFIC CONDITIONS

- The analysis of year 2014 total traffic conditions reflects the addition of site trips to the year 2014 background traffic volumes.
- All the study intersections are anticipated to operate acceptably and meet jurisdictional standards during both the weekday a.m. and p.m. peak hour periods, except for the Redland Road/Highway 213 intersection during the weekday p.m. peak hour, where a v/c ratio greater than 1.0 is

forecast. Further analysis of mitigation measures indicates that adding a third southbound through travel lane on the highway would improve intersection operations considerably during the weekday p.m. peak hour, with a resulting v/c ratio of 0.89.

- Planned improvements for the Redland Road/Highway 213 intersection are not yet funded, and it is likely that developments in the study area will not be able to take on the responsibility for making substantial physical improvements to this intersection as a means of traffic impact mitigation. Instead, the City should establish a proportionate share cost collection program for developments that send vehicle trips through this intersection. Such programs have been implemented by the City in the past.
- The results of a 95th percentile vehicle queuing analysis indicate vehicle queues will exceed available striped storage at several locations, but in each case, vehicle queues can be accommodated within the residual turn lane taper transition areas or within the adjacent through travel lane without adversely affecting safety or operating conditions. These locations are as follows:
 - Left-turn lane queue on southbound approach of Redland Road at Abernathy-Holcomb Boulevard is forecast to reach 375 feet during weekday p.m. peak hour, with only 215 feet of striped storage available.
 - Left turn lane queue on northbound approach of Redland Road at Abernathy-Holcomb is forecast to reach 275 feet during the weekday a.m. peak hour, with only 125 feet of striped storage available.
 - Left turn lane and outside through-right-turn lane queues on westbound approach of Holcomb Boulevard at Redland Road are forecast to reach 175 feet and 225 feet, respectively, during the weekday a.m. peak hour, with only 100 feet of striped lane storage available today in both lanes.
 - Left turn lane queue on northbound approach of Highway 213 at Redland Road is forecast to reach 225 feet of storage during weekday p.m. peak hour, with 200 feet of striped storage available.
- Left turn lane warrants were evaluated for the westbound left turn movement at the Holcomb Avenue/Winston Drive intersection and the westbound left turn at the future Holcomb Avenue/Site Access intersection. The analysis results indicated left-turn lane warrants would not be satisfied during either the weekday a.m. or p.m. peak hours.
- Right turn lane warrants are forecast to be met at three study intersections:
 - Southbound Approach of Redland Road at Anchor Way - The warrant would be satisfied for the southbound right turn movement during weekday a.m. and p.m. peak hours primarily due to existing heavy right-turn demand.
 - Eastbound Approach of Holcomb Boulevard at Winston Drive - The warrant would be satisfied for the eastbound right turn movement during weekday p.m. peak hour only. The warrant would be triggered by development of the subject site.
 - Eastbound Approach of Holcomb Boulevard at New Site Access Street - The warrant would be satisfied for the eastbound right turn movement during weekday p.m. peak hour only. The warrant would be triggered by development of the subject site.
- The proposed location for the future street access to Holcomb Boulevard is approximately 70 feet west of Jada Way (north side), 415 feet west of Edenwild Lane (south side) and 475 feet east of Barlow Drive (north side). This location has been selected as a suitable point of access for the following reasons:
 - Represents the approximate location shown in the approved Park Place Concept Plan.

- Access has been pushed as far east as possible to maximize sight distance along Holcomb Boulevard.
 - Would allow for the construction of a future right-turn deceleration lane off of Holcomb Avenue.
 - Would allow for the access to be realigned directly across from Jada Way, once the parcel to the east is brought into the UGB, annexed into the city limits, and rezoned for urban development. A final configuration with access across from Jada Way would satisfy the City's local street access spacing standard of 400 feet.
- Intersection and stopping sight distances would be adequate at the proposed location of the primary street access to Holcomb Boulevard, west of Jada Way.

CONCLUSIONS AND RECOMMENDATIONS

Based on the transportation impact analysis findings documented in this report, the proposed Park Place Annexation project in Oregon City can be completed and developed while maintaining acceptable levels of operation and safety on the surrounding transportation system. This study resulted in the following recommendations:

City of Oregon City

- Establish a proportionate share cost collection system to pay for future improvement needs at the Redland Road/Highway 213 intersection. Improvements needed to meet ODOT's v/c ratio standard within the year 2014 forecast period include the addition of a third southbound through travel lane on the highway and a new traffic signal.
- Periodically assess the need for a traffic signal at the Redland Road/Anchor Way intersection.

Applicant/Developer

- Participate in a proportionate share cost collection system to mitigate site traffic impacts to the Redland Road/Highway 213 intersection.
- Establish a new public street access to Holcomb Boulevard approximately 70 feet west of Jada Way. The minor street approach to this access should be designed for possible relocation in the future to align directly across from Jada Way, once the adjacent parcel to the east is brought into the UGB, annexed into the city limits, and developed for urban uses.
- Construct an eastbound right-turn deceleration lane along the Holcomb Boulevard site frontage for the new public street access into the site.

INTRODUCTION

This study was prepared to evaluate the transportation impacts associated with a proposal to annex eight properties totaling 53.8 acres in size into the city limits of Oregon City. A site vicinity map is provided in Figure 1 with a site boundary map of the Park Place Annexation properties illustrated in Figure 2. As shown in the site boundary map, the Park Place Annexation site is located along the south side of Holcomb Boulevard between Barlow Drive and Jada Way, the south side of an existing residential subdivision, and the east side of the east end of Livesay Road. The subject properties are already located within METRO's urban growth boundary.

Upon annexation into the city limits, the underlying zoning of the subject properties will change from a mixture of FU10 and RR5 to a new city designation of R5 (Medium Density Residential) per City Code Section 17.68.025. Future development activity on the subject properties is expected to include a residential subdivision with up to 200 single family detached homes. For the purposes of this study, the subject site is expected to be fully developed and occupied within the next five years by 2014.

Vehicular access to the site is expected to occur at four external locations. One would be a primary public street connection to Holcomb Boulevard just west of Jada Way. The remaining three external access points will be established via connections to the street stubs of Cattle Drive, Shartner Drive, and Journey Drive, which lie within the adjacent subdivision to the north and lead to a single street access to Holcomb Boulevard via Winston Drive. For the purposes of this study, no vehicular access is expected to take place along Livesay Road within the five-year forecast build-out period as this roadway is currently substandard and would be unsafe for travel by residents of the development. Future access to Livesay Road and by extension to Redland Road will eventually be made once infill development occurs along this roadway and the street is brought up to urban standards.

STUDY SCOPE

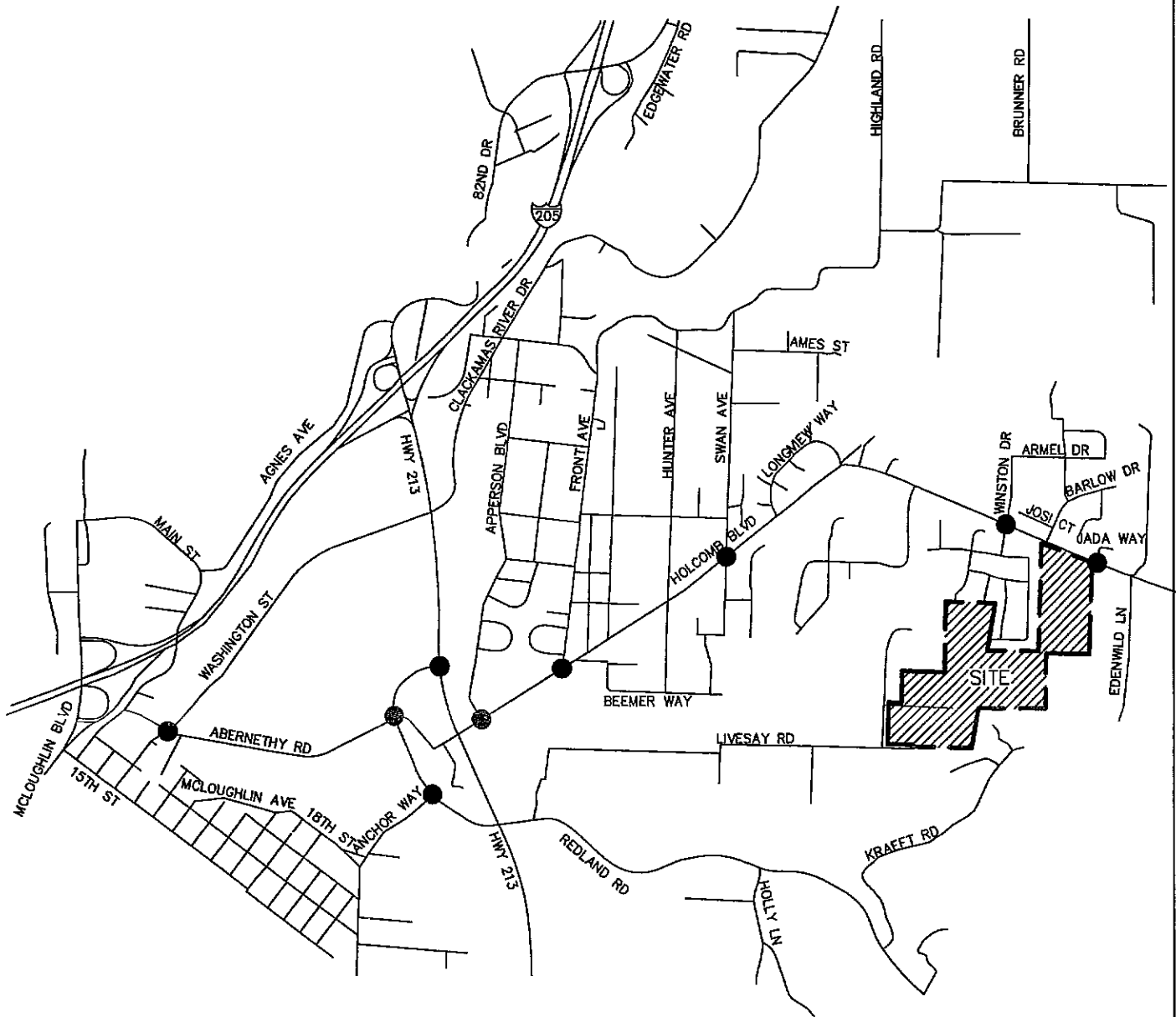
This study was prepared to identify any traffic operation and safety-related impacts that will result from the proposed Park Place Annexation in Oregon City. The study scope was determined through careful review of the *City of Oregon City Guidelines for Transportation Impact Analyses* (Reference 2), and through a study scoping arrangement with City's traffic engineering sub-consultant. Based on the scoping discussions with the City's sub-consultant, operational and safety analyses were performed at the following study intersections for the weekday a.m. and p.m. peak hours:

- Abernethy Rd. at Washington St.;
- Abernethy Rd.-Holcomb Blvd. at Redland Rd.;
- Redland Rd. at OR Hwy 213 (Cascade Hwy.)
- Anchor Way at Redland Road;
- Holcomb Blvd. at Apperson Blvd.;
- Holcomb Blvd. at Front Ave.;
- Holcomb Blvd. at Swan Ave.;
- Holcomb Blvd. at Winston Dr.; and,
- Holcomb Blvd. at Jada Way.



This study examines the transportation impacts of the proposed site annexation and future development potential. Specifically, this report addresses the following transportation issues:

- A review of existing transportation system conditions, including an inventory of transportation facilities and access locations, analysis of weekday a.m. and p.m. peak hour traffic operations, and a review of vehicle crash statistics and crash rates;
- A review of planned transportation improvements, in-process developments in the study area, and an assessment of future background traffic growth rates;
- An assessment of future year 2014 background traffic conditions (without any development on-site) during the weekday a.m. and p.m. peak hours at all identified study intersections;

- Site trip generation estimates for the average weekday and the weekday a.m. and p.m. peak hours, based on ITE trip rates/equations;
- An evaluation of future year 2014 total traffic conditions during the weekday a.m. and p.m. peak hours at all identified study intersections and planned external site access locations;
- A review of vehicle queuing needs, turn lane warrants, and access spacing and sight distance requirements;
- Identification of possible mitigation measures to remedy any site development impacts; and,
- Conclusions and recommendations.



LEGEND

-  = SITE BOUNDARY
-  = STUDY INTERSECTION

SITE VICINITY MAP

FIGURE
No.:

1

NOVEMBER, 2009



LEGEND

 = SITE BOUNDARY

SITE BOUNDARY MAP

FIGURE
No.:

2

NOVEMBER, 2009

EXISTING TRANSPORTATION CONDITIONS

The existing conditions analysis identifies conditions of the subject Park Place Annexation site and surrounding land uses, provides an inventory of the geometric characteristics of roadways in the study area, and summarizes existing traffic operations and safety at the study intersections. The purpose of this discussion is to provide a basis for comparison to future conditions analyses.

SITE CONDITIONS/SURROUNDING LAND USES

The eight parcels comprising the subject site are currently located within the urban growth boundary of METRO, but outside the city limits of Oregon City. The parcels are currently zoned for a mixture of FU10 and RR5 uses in Clackamas County. There are five single family residences present on five of the eight subject parcels.

The site is bordered by an urban residential subdivision and Holcomb Boulevard to the north, and rural residential properties to the east towards METRO's urban growth boundary, south to Redland Road, and west to Livesay Road.

ROADWAY FACILITIES AND STUDY INTERSECTIONS

An inventory was performed in November 2009 of all roadway facilities within the site's study area. These facilities are described in detail in Table 1. Figure 3 identifies the location of all existing study intersections and their respective lane configurations and traffic control devices.

TABLE 1
Roadway Facility Inventory

Roadway	Classification	Cross-Section	Speed Limit	Sidewalks?	Bicycle Lanes?	On-Street Parking?
OR Highway 213	Expressway	4-5 lanes	45 mph	No	Yes	No
Abernethy Road	Minor Arterial	3 lanes	35 mph	Partial	Yes	No
Washington Street	Minor Arterial	3 lanes	35 mph	Yes*	Yes	No
Redland Road	Minor Arterial	2-4 lanes	45 mph	Partial	Yes	No
Anchor Way	Minor Arterial	2 lanes	25 mph	No	No	No
Holcomb Boulevard	Minor Arterial	2 lanes	40 mph	Partial**	No***	No***
Apperson Boulevard	Neighborhood Collector	2 lanes	25 mph	Yes	No	Yes
Front Avenue	Collector	2 lanes	25 mph	Yes	No	Yes
Swan Avenue	Collector	2 lanes	25 mph	No	No	No
Winston Drive	Local	2 lanes	Not Posted	Yes	No	Yes
Jada Way	Local	2 lanes	Not Posted	Yes	No	Yes

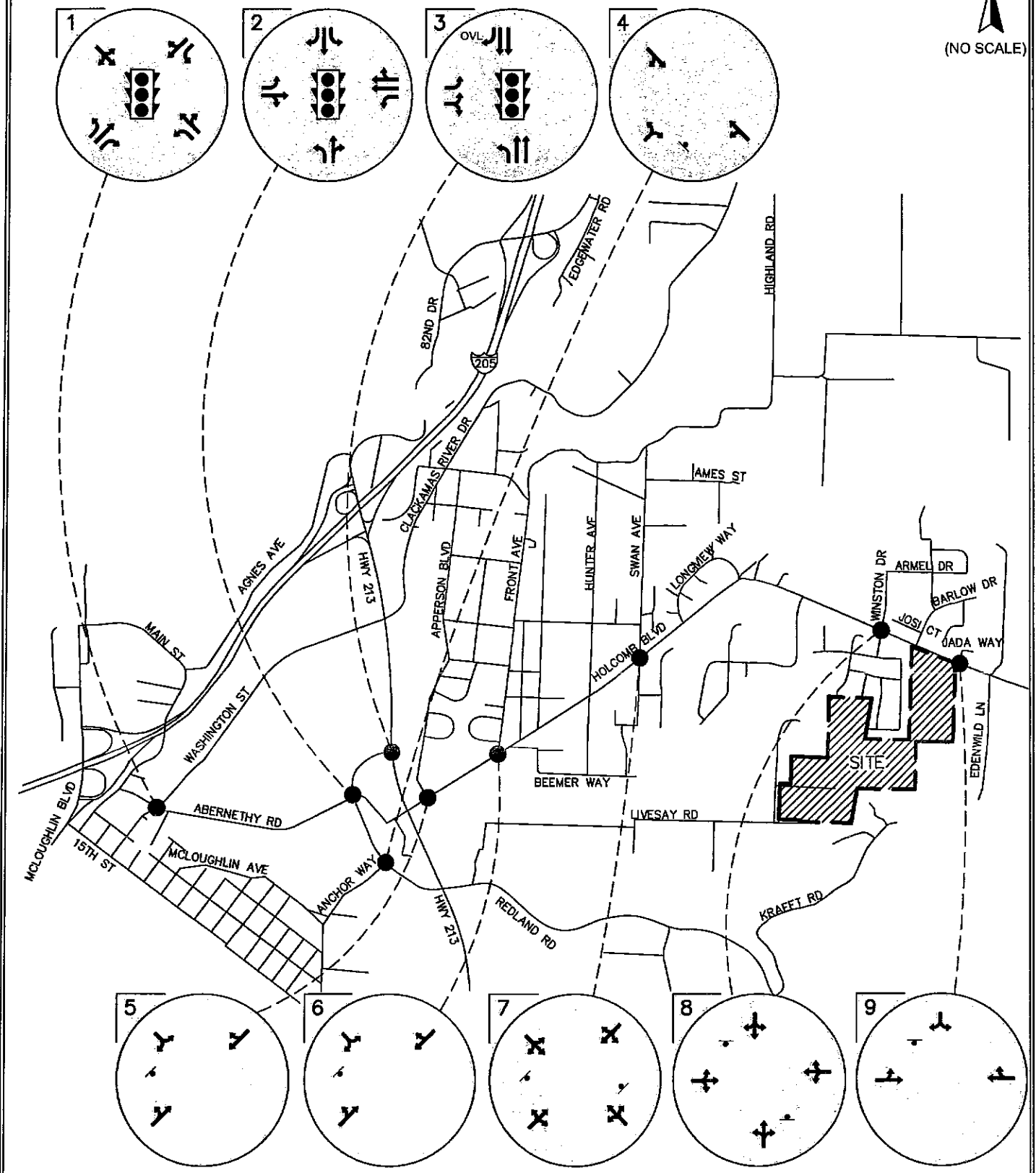
Notes:

*- East of Abernethy Road, there is partial sidewalk along north side of road, but a continuous multi-use path on the south side. West of Abernethy Road there is continuous sidewalk present along both sides of the street.

** - Continuous sidewalk is now under construction on north side of street from Front Street out to Longview Way.

*** - Wide paved shoulders allows for some on-street parking opportunities but bulk of paved shoulders used for bicycle travel, although there is no striping for bike lanes.

As shown in Figure 3, traffic signals are present at the three study intersections between Abernethy Road/Washington Street, Abernethy Road-Holcomb Avenue/Redland Road, and Redland Road/Highway 213. Apart from these intersections, the remaining study intersections are unsignalized with free-flowing conditions on the major street approaches (i.e. Holcomb Avenue and Redland Road) with stop-control present only on the minor street approaches (i.e. Anchor Way, Apperson Boulevard, Front Avenue, Swan Avenue, Winston Drive, and Jada Way.)



LEGEND

• = STOP SIGN

OVL = RIGHT TURN OVERLAP
SIGNAL PHASE

⬆ = TRAFFIC SIGNAL

EXISTING LANE CONFIGURATIONS AND
TRAFFIC CONTROL DEVICES

FIGURE
No.:

3

NOVEMBER, 2009

PEDESTRIAN AND BICYCLE FACILITIES

As indicated by the previous table, continuous sidewalks are present in sporadic locations within the study area. Continuous sidewalk facilities are present along Apperson Boulevard, Front Avenue, Winston Drive and Jada Way. And along Washington Street, there is a multi-use path along the south side of the street east of Abernethy Road, with continuous sidewalks along both sides of Washington Street west of Abernethy Road. Continuous sidewalk facilities are generally lacking along the remaining study area roadways. However, it should be noted that construction is now underway on a new continuous sidewalk along the north side of Holcomb Boulevard from Front Avenue out to Longview Way.

In terms of bicycle facilities, continuous bicycle lanes are present along Highway 213, Abernethy Road, Washington Street, and Redland Road. Additionally, in most locations along Holcomb Avenue, there is a wide enough paved shoulder to allow for bikers to separate themselves from through traffic. No bike lanes are present on any of the remaining study area roadways.

Overall, bicycle activity was observed to be low in the site vicinity, and based on the results of the traffic counts collected for this study, pedestrian activity is also relatively low, with most intersections experiencing no pedestrian activity during peak travel hours. Several intersections did experience between one and five pedestrian crossings during the peak travel hours. No pedestrians were observed walking along Holcomb Boulevard along the site frontage.

TRANSIT FACILITIES

Tri-Met provides public transit service along Holcomb Boulevard, but only as far out as Longview Way at Clackamas Heights and at very infrequent intervals. Bus Route #34 (River Road) proceeds east from the Oregon City Transit Center along Abernethy Road and Holcomb Boulevard up to Longview Way. Bus Route #34's regular route heads between the Oregon City Transit Center and the Milwaukie Transit Center via McLoughlin Boulevard. The transit center in Oregon City provides access to many other bus routes including #32 (Oatfield), #33 (McLoughlin), #35 (Macadam/Greeley), and #79 (Clackamas/Oregon City). At the Holcomb Avenue/Longview Way bus stop, buses arrive on weekdays at 5:51 a.m., 8:30 a.m., 2:33 p.m., 5:35 p.m., and 6:35 p.m. There is no bus service on weekends.

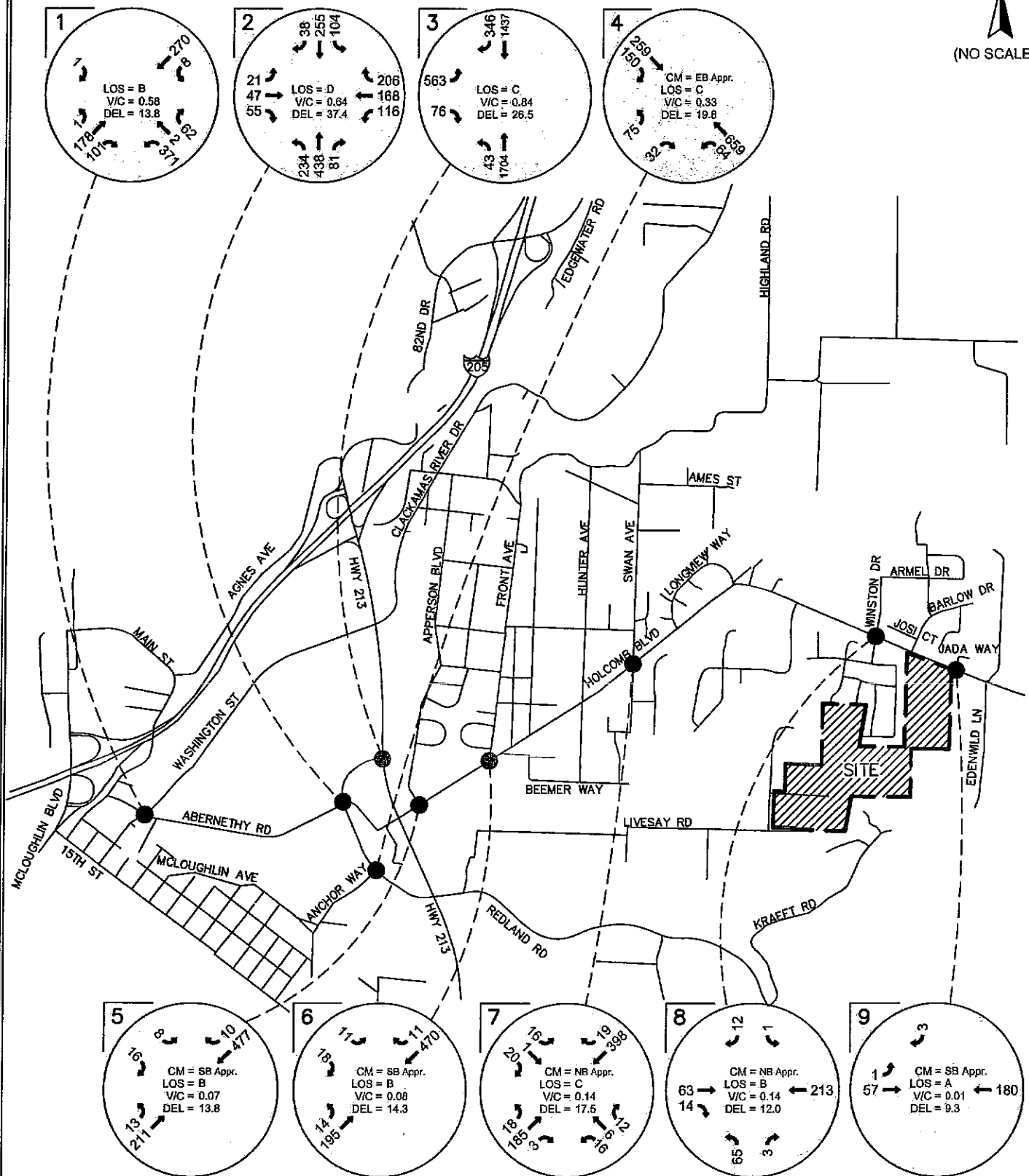
EXISTING TRAFFIC VOLUMES

Based on the City's traffic impact study guidelines and through discussions with the city's traffic engineering sub-consultant, traffic counts were collected for this study during both the weekday morning and evening periods to capture the worst-case peak hour periods for evaluating traffic conditions. Manual turn movement traffic counts were conducted at all study intersections on a mid-week day in November 2009 during the morning period from 7:00 a.m. to 9:00 a.m. and during the late afternoon period from 4:00 p.m. until 6:00 p.m.

Based on the traffic count data collected in the field, the weekday a.m. peak hour was found to occur from 7:10 a.m. to 8:10 a.m., and the p.m. peak hour was found to occur from 4:45 p.m. to 5:45 p.m. Figures 4 and 5 illustrate the existing turn movement volumes at all study intersections during the weekday a.m. and p.m. peak hours, respectively. *All traffic count worksheets are provided in Appendix "A".*

INTERSECTION OPERATING STANDARDS

All intersection operations analyses described in this report were performed in accordance with the procedures stated in the *2000 Highway Capacity Manual* (Reference 3). *A description of level of service and the criteria by which they are determined is presented in Appendix "B."* This appendix indicates how level of service is measured and what is generally considered the acceptable range of level of service.

**LEGEND**

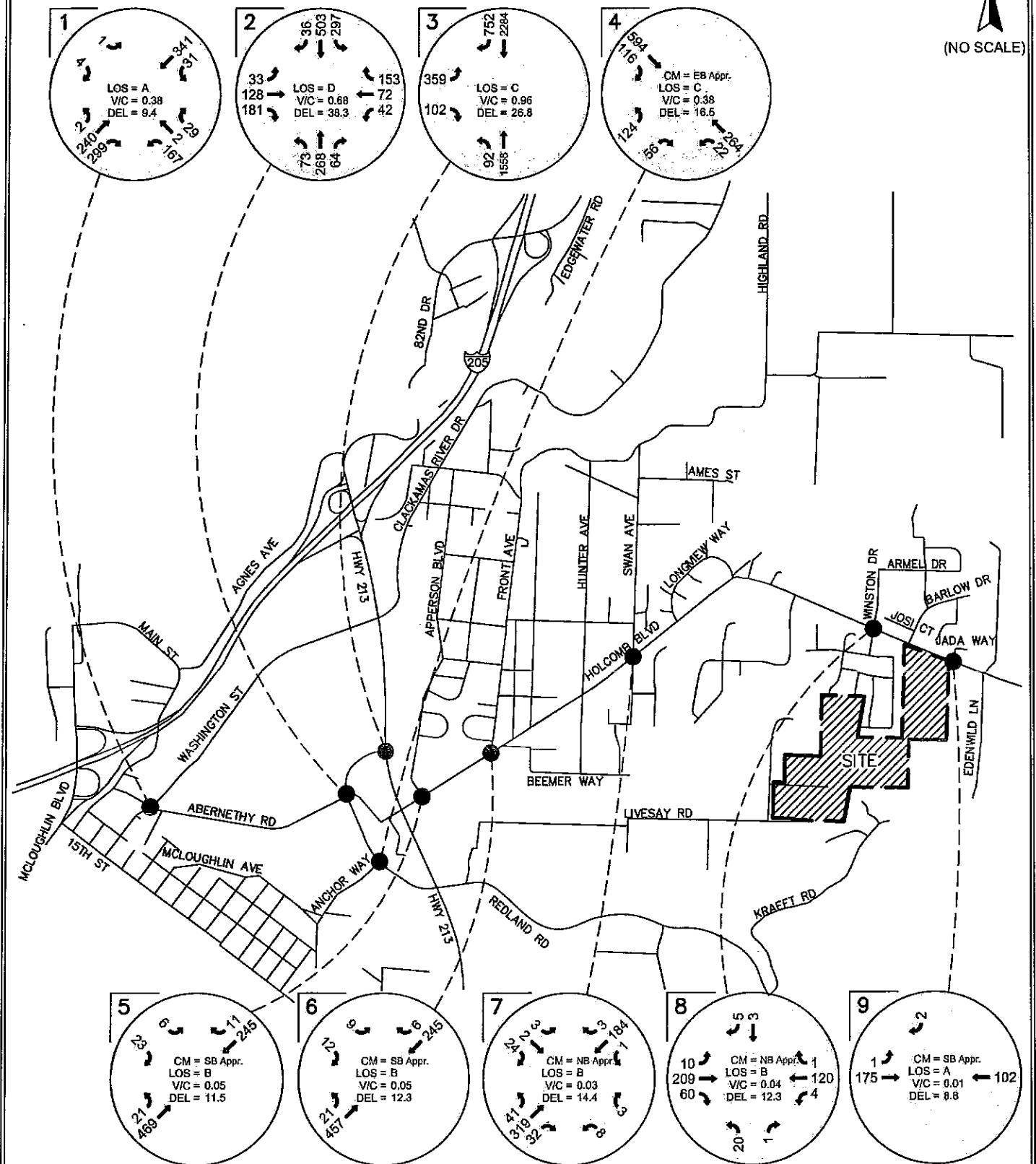
CM = UNSIGNALIZED CRITICAL MOVEMENT/APPROACH
 LOS = LEVEL OF SERVICE FOR SIGNALIZED INTERSECTION OR
 UNSIGNALIZED CRITICAL MOVEMENT/APPROACH
 DEL = AVERAGE CONTROL DELAY (SECONDS)
 V/C = VOLUME-TO-CAPACITY RATIO

EXISTING TRAFFIC CONDITIONS WEEKDAY AM PEAK HOUR

FIGURE
No.:

4

NOVEMBER, 2009



EXISTING TRAFFIC CONDITIONS
WEEKDAY PM PEAK HOUR

FIGURE
No.:

5

NOVEMBER, 2009

To ensure that this analysis was based on reasonable "worst-case" conditions, the peak 15-minute flow rates observed during the weekday a.m. and p.m. peak hours were used in the evaluation of all intersection levels of service. For this reason, the analysis reflects conditions that are only likely to occur for fifteen minutes out of each peak hour. The traffic conditions during all other weekday hours will likely operate under better conditions than those described in this report.

At signalized intersections, operational performance is measured by the level of service (LOS) and the volume-to-capacity (v/c) ratio. LOS is based on the average control delay per vehicle for the entire intersection, while the v/c ratio is a measurement of intersection's capacity to accommodate only the critical movements. For unsignalized intersections, operational performance is also measured by the level of service and the volume-to-capacity ratio. However, the LOS and v/c ratio are based on the average control delay per vehicle for the critical movement (typically minor left-turn or approach).

Based on the City's *Guidelines for Transportation Impact Analyses*, the City standard for signalized intersections is "LOS "D" or better for the intersection as a whole, with no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of critical movements". For unsignalized intersections under the jurisdiction of the City of Oregon City, the City supports a policy of LOS "E" or better for the poorest operating approach and with no movement serving more than 20 peak hour vehicles at worse than LOS "E". In other words, LOS "F" will be tolerated for the critical movements during a peak hour as long as demand is at or below 20 vehicles.

Intersections under the jurisdiction of the Oregon Department of Transportation (ODOT) such as those in the Highway 213 corridor are subject to the mobility standards outlined in *1999 Oregon Highway Plan* (OHP, Reference 4). The OHP specifies a maximum v/c ratio of 0.99 for all intersections along OR Hwy 213, given its location within the Portland metropolitan area and its designation as an "Expressway".

PEAK HOUR OPERATIONS

Figures 4 and 5 also summarize the existing operating conditions at all study intersections during the weekday a.m. and p.m. peak hours, including resulting levels-of-service, average vehicle delay, and v/c ratios. *Appendix "C" includes the existing year level of service worksheets.* As the figure results show, all study intersections operate within the standards enforced by the City of Oregon City and ODOT. However, it is important to note that the Redland Road/Highway 213 intersection is known to suffer heavy congestion during peak travel periods, with v/c ratios close to or at 1.00, which exceeds ODOT's minimum v/c ratio standard of 0.99 or less.

REVIEW OF DRIVER SAFETY

The Oregon Department of Transportation maintains a database of vehicle crash statistics for public streets and highways in Oregon. Using crash data provided by ODOT for the five-year period beginning in 2004 and ending in 2008, a detailed accounting of the crash history for each study intersection was prepared to identify any apparent safety hazards. The results of the crash analysis are summarized in Table 2, which includes a breakdown of the various collision types, accident severity, total crashes, and crash rates expressed in terms of crashes per million entering vehicles (crashes/mev). Typically, crash rates exceeding 1.0 crashes per million entering vehicles indicate a potential safety hazard and reason for closer inspection of the crash data. Further discussion on the crash histories of each study intersection are provided in the sections that follow. *Detailed crash data provided by ODOT along with the crash rate calculations are presented in Appendix "D".*

Abernethy Road/Washington Street

A total of two turning-type vehicle crashes were reported at this intersection in the five-year history of reported crashes. Both turning-type crashes were unrelated. One crash involved property damage only and one crash involved an injury. The resulting vehicle crash rate was determined to be low at 0.10 crashes/mev, indicating no apparent safety concern.

TABLE 2
Intersection Crash Summary
(Year 2004 Through Year 2008)

Intersection	Collision Type				Severity		Totals	
	Rear-End	Turning	Angle	Other	Property Damage	Injury	Total Crashes	Crash Rate*
Abernethy Road/Washington Street	0	2	0	0	1	1	2	0.10
Abernethy Road-Holcomb Boulevard/Redland Road	3	0	0	0	2	1	3	0.09
Redland Road/OR Highway 213	2	4	2	0	4	4	8	0.09
Anchor Way/Redland Road	1	6	0	0	5	2	7	0.33
Holcomb Boulevard/Apperson Blvd.	0	0	0	0	0	0	0	0.00
Holcomb Boulevard/Front Avenue	0	0	1	0	0	1	1	0.07
Holcomb Boulevard/Swan Avenue	0	0	0	0	0	0	0	0.00
Holcomb Boulevard/Winston Drive	0	2	0	0	1	1	2	0.25
Holcomb Boulevard/Jada Way	0	0	0	0	0	0	0	0.00

*- Crash rate expressed in terms of accidents per million entering vehicles.

Abernethy Road-Holcomb Boulevard/Redland Road

A total of three rear-end type vehicle crashes were reported at this intersection in the five-year history of reported crashes. Two of the crashes were on the same approach with the remaining crash on the opposing approach. Two crashes involved property damage only and one crash involved an injury. The resulting vehicle crash rate was low at 0.09 crashes/mev, indicating no apparent safety concern.

Redland Road/Highway 213

A total of eight vehicle crashes were reported at this intersection in the five-year history of reported crashes. Four of the crashes were turning-type crashes, with two rear-end crashes, and two angle crashes. Two of the four turning-type crashes involved a northbound driver failing to yield right of way before turning left off the highway. Also, both angle crashes involved a driver on the minor street approach failing to yield right of way to through traffic on the highway. In both cases, these crashes may indicate the need for additional green or clearance time. Nevertheless, the number of crashes for this intersection is relatively low, as seen by the low crash rate of 0.09. Hence, no safety mitigation is recommended at the intersection.

Anchor Way/Redland Road

A total of seven vehicle crashes were reported at this intersection in the five-year history of reported crashes. Six of the crashes were turning-type crashes, with one rear-end crash. Four of the six turning-type crashes involved an eastbound driver on Anchor Way failing to yield right of way to through traffic on Redland Road, which is indicative of a potential need for signalized traffic signal. Even with seven crashes reported at this intersection, the crash rate was still determined to be low at 0.33. Hence, no safety mitigation is recommended at the intersection, except for perhaps a traffic signal installation when one becomes warranted.

Holcomb Boulevard/Front Avenue

Only one vehicle crash was reported at this intersection in the five-year history of reported crashes. The resulting vehicle crash rate of 0.07 crashes/mev is very low, indicating no apparent safety concern.

Holcomb Boulevard/Winston Drive

Only two vehicle crashes were reported at this intersection in the five-year history of reported crashes. These two turning-type crashes were unrelated. The resulting vehicle crash rate of 0.25 crashes/mev is low, indicating no apparent safety concern.

BACKGROUND TRAFFIC CONDITIONS

The analyses of background traffic conditions examines how the study area's transportation system will operate in the year 2014 when the proposed annexation is complete and the site is expected to be fully built-out and occupied. The analyses of background traffic conditions account for increased traffic from all approved "in-process" developments and from expected traffic growth trends, but does not include traffic from the subject site.

PLANNED TRANSPORTATION IMPROVEMENTS

Based on a review of Oregon City's Transportation System Plan (TSP, Reference 5) and approved master plans, through discussions with the City's traffic engineering sub-consultant, and a review of the *ODOT Statewide Transportation Improvement Program* (Reference 6), only one planned and funded transportation improvement has been identified within the study area. This includes the first phase of the pedestrian sidewalk facility now under construction along Holcomb Boulevard from Front Avenue out to Longview Way. Based on this sole planned and funded transportation improvement, no traffic capacity enhancements can be anticipated at any the study intersections over the next five years.

IN-PROCESS DEVELOPMENTS

Research was conducted to identify trips associated with any "in-process" developments in the site vicinity. "In-process" developments are projects that have been approved for construction but have yet to be occupied or are partially occupied. Based on research of Oregon City land use records, a total of two "in-process" developments were identified. These include the second phase of the Red Soils Master Plan and the Clackamette Cove Mixed-Use Development. All trip assignments associated with these two developments were collected from the City and accounted for in the analysis of future background traffic conditions. *The trip assignment figures for these developments are provided in Appendix "E".*

BACKGROUND TRAFFIC FORECAST VOLUMES

Background traffic volumes at all study intersections for the forecast year 2014 (without any development on the subject site) were developed by increasing existing traffic volumes by a factor of ten percent to reflect five years of two percent annual growth beyond the date of the November 2009 traffic counts. This conservative ten percent total growth rate was determined from a review of a historical traffic growth trends in highway volumes along Highway 213 and from discussions with the city's traffic engineering sub-consultant. Figures 6 and 7 summarize the resulting year 2014 background traffic volumes at all study intersections during the weekday a.m. and p.m. peak hours, respectively.

2014 BACKGROUND TRAFFIC OPERATIONS

Figures 6 and 7 also summarize year 2014 background operating conditions at all study intersections during the weekday a.m. and p.m. peak hours, respectively. *Appendix "F" includes all year 2014 background traffic conditions level of service worksheets.* As the results in these two figures show, all the study intersections are anticipated to operate acceptably and meet jurisdictional standards during both the weekday a.m. and p.m. peak hours, except for the Redland Road/Highway 213 intersection. This intersection is forecast to operate with a v/c ratio greater than 1.0 during the weekday p.m. peak hour.

Potential Mitigation Measures for Redland Road/Highway 213 Intersection

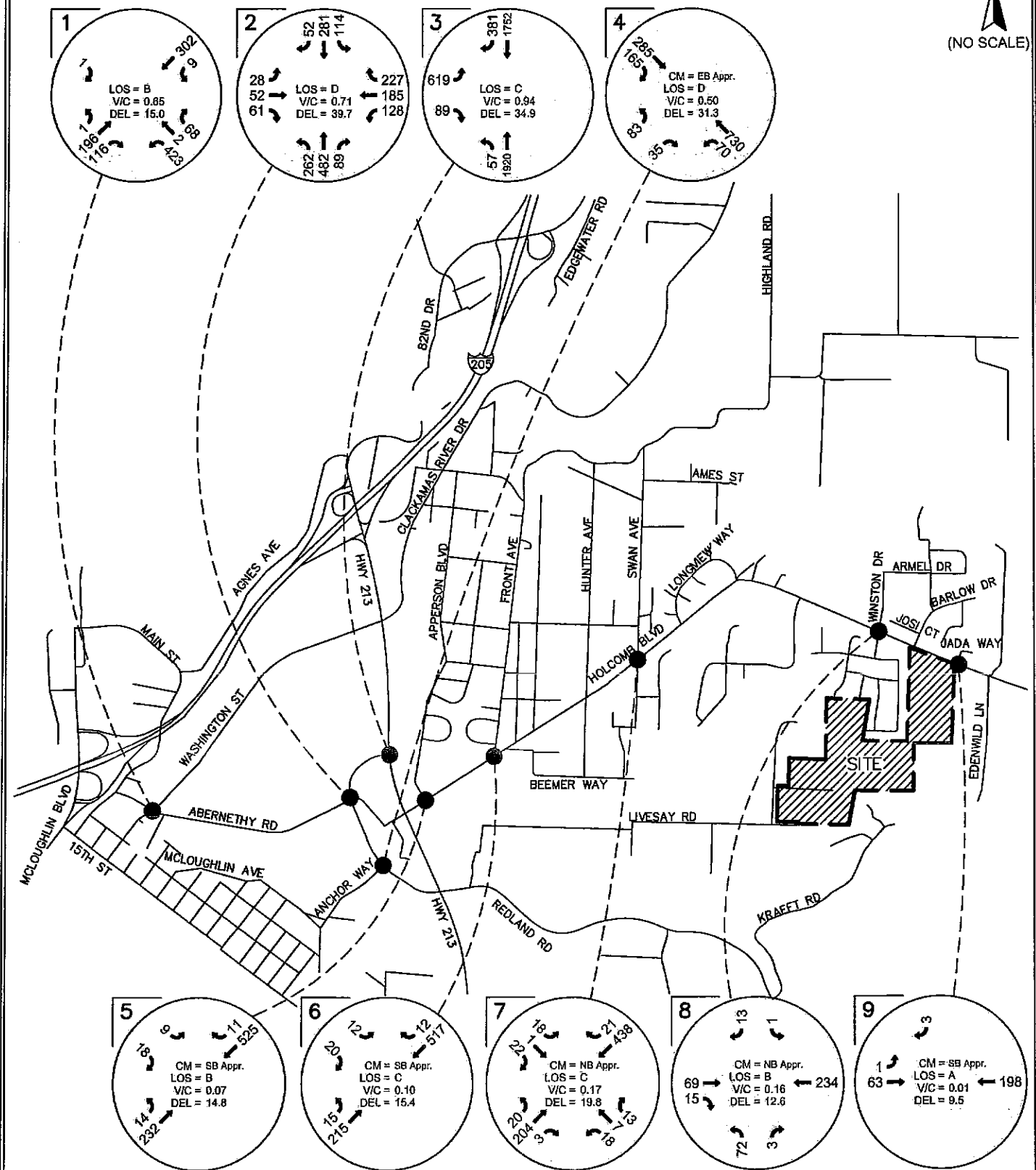
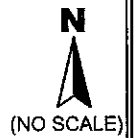
Kittelson & Associates, Inc. along with OBEC Consulting Engineers recently concluded a "Pre-Design" study that identifies and analyzes a variety of capacity enhancements for this intersection to meet long-term traffic demand needs for a design year of 2030. The study was intended to find a design solution that best optimizes traffic operating conditions at the intersection while making the best use of funding available at the time. The technical work prepared by Kittelson & Associates, Inc. in the form of a technical memorandum (Reference 7) reviewed a host of intersection improvement solutions and

associated construction costs. Two of the geometric design elements discussed and recommended in the Kittelson memorandum as part of a long-term phased solution included restriping the eastbound approach of Redland Road to provide an exclusive right-turn lane for an estimated construction cost of \$70,000, and widening Highway 213 to add a third southbound through travel lane on the highway for a construction cost of \$1.82 million (includes cost of new traffic signal). These two design elements were tested separately and together to determine whether or not the subject highway intersection could function adequately under forecast year 2014 background traffic conditions. The results of the analysis are presented in Table 3. *Analysis results for this evaluation are presented at the end of Appendix "F".*

TABLE 3
Analysis Of Potential Redland Road/Highway 213 Mitigation Measures
(Year 2014 Background Traffic Conditions)

Improvement Option	Weekday AM Peak Hour			Weekday PM Peak Hour		
	V/C Ratio	Avg. Delay	LOS	V/C Ratio	Avg. Delay	LOS
No Improvement	0.94	34.9	C	>1.00	47.6	D
Solution "A": Restripe Redland Road approach to provide exclusive right-turn lane.	0.88	28.8	C	>1.00	31.8	C
Solution "B": Widen Highway 213 to include third southbound through travel lane	0.94	30.2	C	0.85	24.8	C
Solution "A" & "B" Together	0.88	25.7	C	0.76	18.5	B

As the results in the table above show, Solution "B" by itself would achieve acceptable levels of operation during the weekday a.m. and p.m. peak hours, with intersection v/c ratios of 0.94 and below. Solution "A" by itself would still not provide an acceptable v/c ratio during the weekday p.m. peak hour. Both solutions together would result in favorable intersection operations.



LEGEND

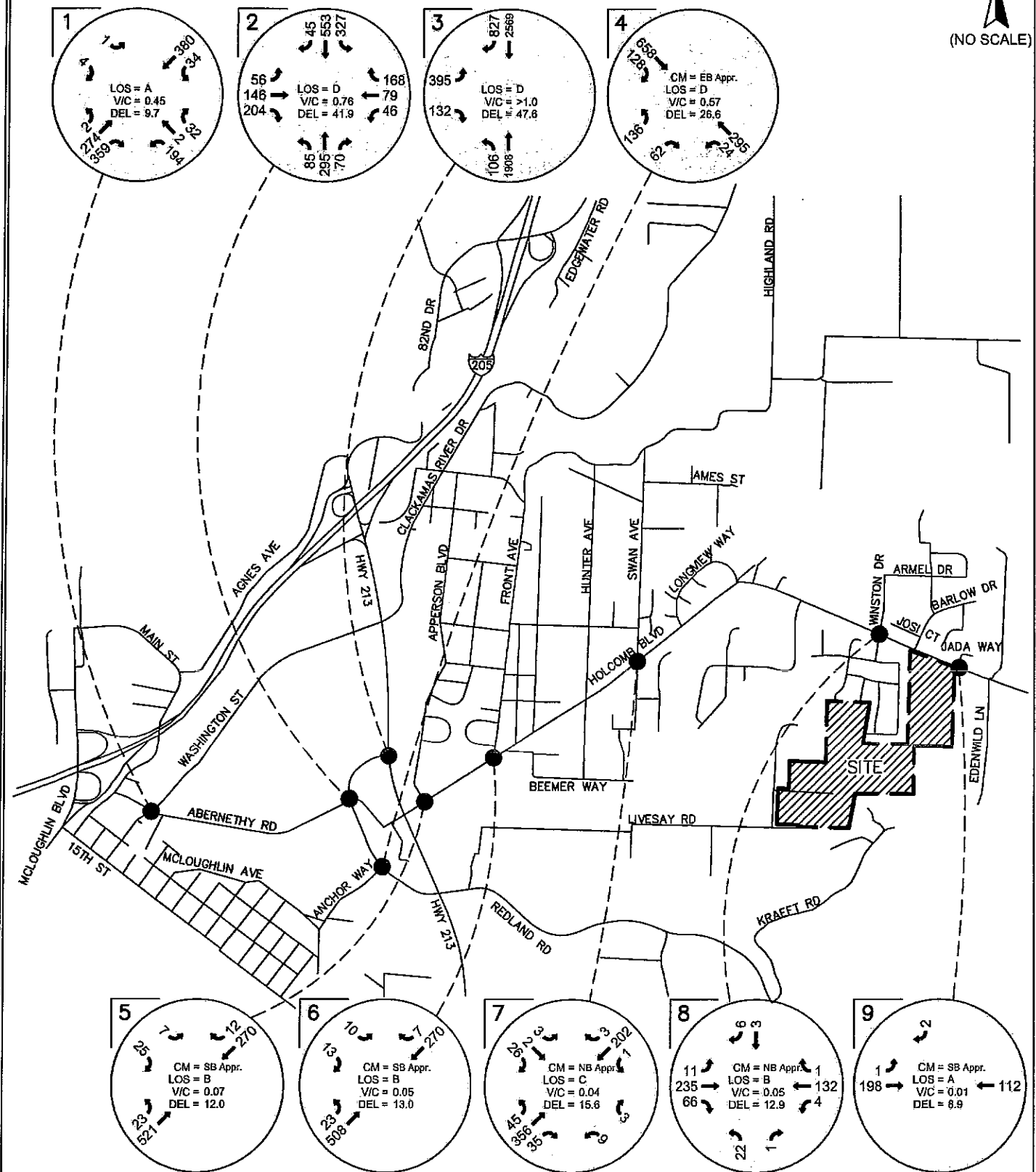
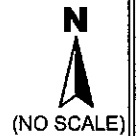
CM = UNSIGNALIZED CRITICAL MOVEMENT/APPROACH
 LOS = LEVEL OF SERVICE FOR SIGNALIZED INTERSECTION OR
 UNSIGNALIZED CRITICAL MOVEMENT/APPROACH
 DEL = AVERAGE CONTROL DELAY (SECONDS)
 V/C = VOLUME-TO-CAPACITY RATIO

YEAR 2014 BACKGROUND TRAFFIC CONDITIONS WEEKDAY AM PEAK HOUR

FIGURE No.:

6

NOVEMBER, 2009



LEGEND

CM = UNSIGNALIZED CRITICAL MOVEMENT/APPROACH
 LOS = LEVEL OF SERVICE FOR SIGNALIZED INTERSECTION OR
 UNSIGNALIZED CRITICAL MOVEMENT/APPROACH
 DEL = AVERAGE CONTROL DELAY (SECONDS)
 V/C = VOLUME-TO-CAPACITY RATIO

YEAR 2014 BACKGROUND TRAFFIC CONDITIONS WEEKDAY PM PEAK HOUR

FIGURE
No.:

7

NOVEMBER, 2009

FUTURE SITE DEVELOPMENT PLAN

Upon annexation into the city limits, the underlying zoning of the Park Place Annexation properties will change from a mixture of FU10 and RR5 to a new city designation of R5 (Medium Density Residential) per City Code Section 17.68.025. As such, the subject properties are expected to develop into a residential subdivision, with the potential for up to 200 units of single family detached homes. For the purposes of this study, the subject site is expected to be fully developed and occupied within the next five years by 2014.

Vehicular access to the site is expected to occur at four external locations. One would be a primary public street connection to Holcomb Boulevard just west of Jada Way. This location is consistent with the vision set forth in the approved Park Place Concept Plan. (See concept plan figure provided in Appendix "G"). The three other external access points will be established via connections to the street stubs of Cattle Drive, Shartner Drive, and Journey Drive, which lie within the adjacent subdivision to the north and lead to a single street access to Holcomb Boulevard via Winston Drive. For the purposes of this study, no vehicular access is expected to take place along Livesay Road within the five-year forecast build-out period as this roadway is currently substandard and would be unsafe for travel by residents of the development. Future access to Livesay Road and by extension to Redland Road will eventually be made once infill development occurs along this roadway and the street is brought up to urban standards.

Figure 8 illustrates the lane configurations and traffic control devices assumed to be in place at all the study intersections upon development of the site.

SITE TRIP GENERATION

Estimates of the average weekday and weekday a.m. and p.m. peak hour vehicle trip ends for a future 200-unit residential subdivision were prepared using the standard reference *Trip Generation, 7th Edition* (Reference 8). The trip rates for ITE Land Use Category #210 (*Single Family Detached*) were utilized, as they are derived from empirical observations made at similar developments.

Using ITE trip generation equations, Table 4 shows the estimated trip generation potential for the assumed residential subdivision.

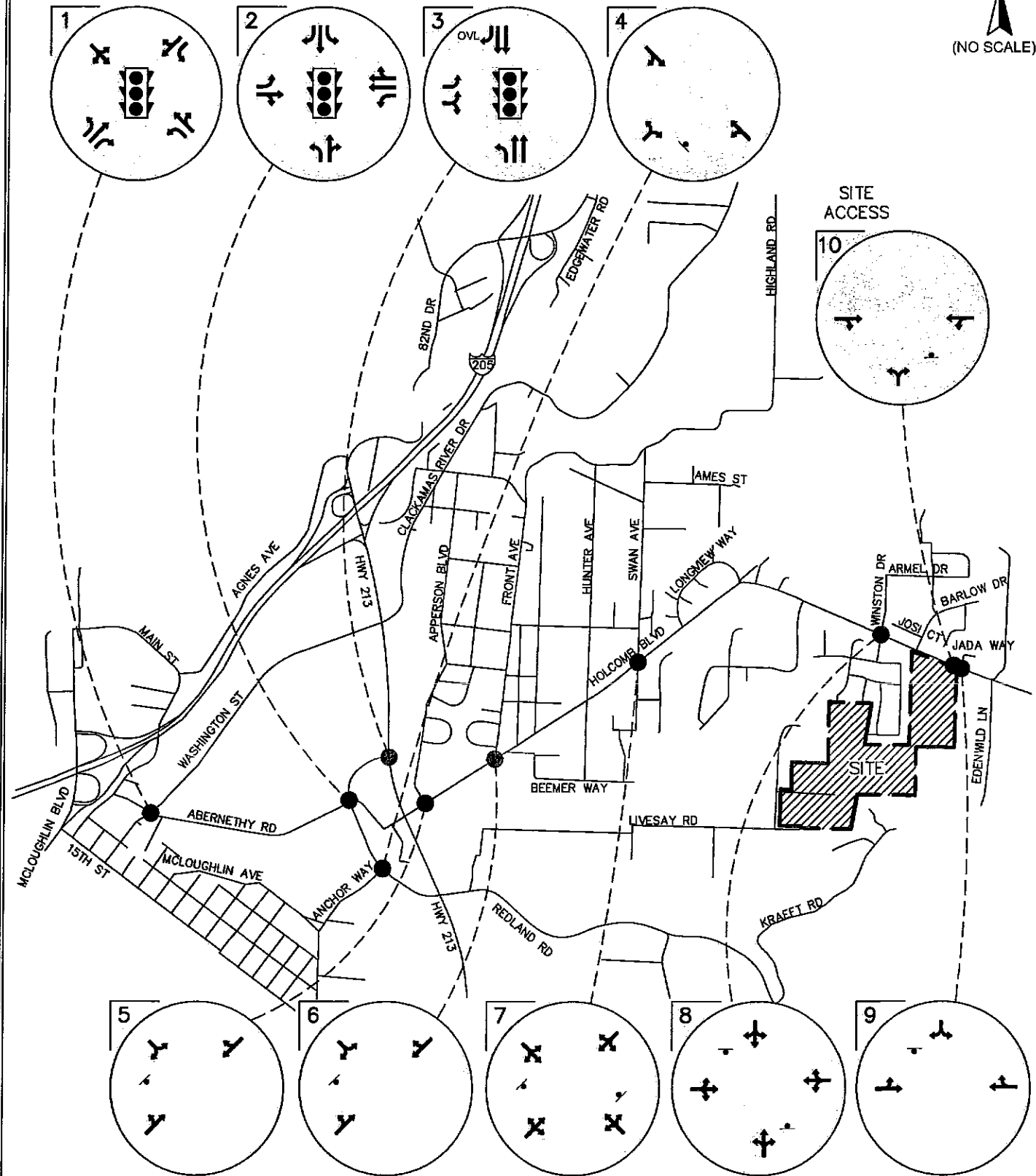
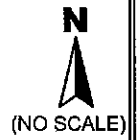
TABLE 4
Site Trip Generation Estimate

Land Use	ITE Code	Size	Average Weekday Trips	Weekday AM Peak Hour Trips			Weekday PM Peak Hour Trips		
				Total	In	Out	Total	In	Out
Single Family Detached Home	210	200 units	1,967	149	37	112	200	126	74

As shown in the table above, the proposed site development is expected to generate a total of 1,967 average weekday trips, 149 (37 in, 112 out) weekday a.m. peak hour trips, and 200 (126 in, 74 out) weekday p.m. peak hour trips.

SITE TRIP DISTRIBUTION/ASSIGNMENT

The distribution of site-generated trips onto the surrounding study area roadways was based on the location of the subject site relative to the surrounding transportation network, turn movement patterns observed from the existing traffic counts conducted for this study, and through discussions with the city's traffic engineering sub-consultant. Figure 9 illustrates the overall trip distribution pattern selected for the assignment of all weekday a.m. and p.m. peak hour site-generated trips. The resulting site traffic assignments for the weekday a.m. and p.m. peak hours are shown in Figures 10 and 11, respectively.



LEGEND

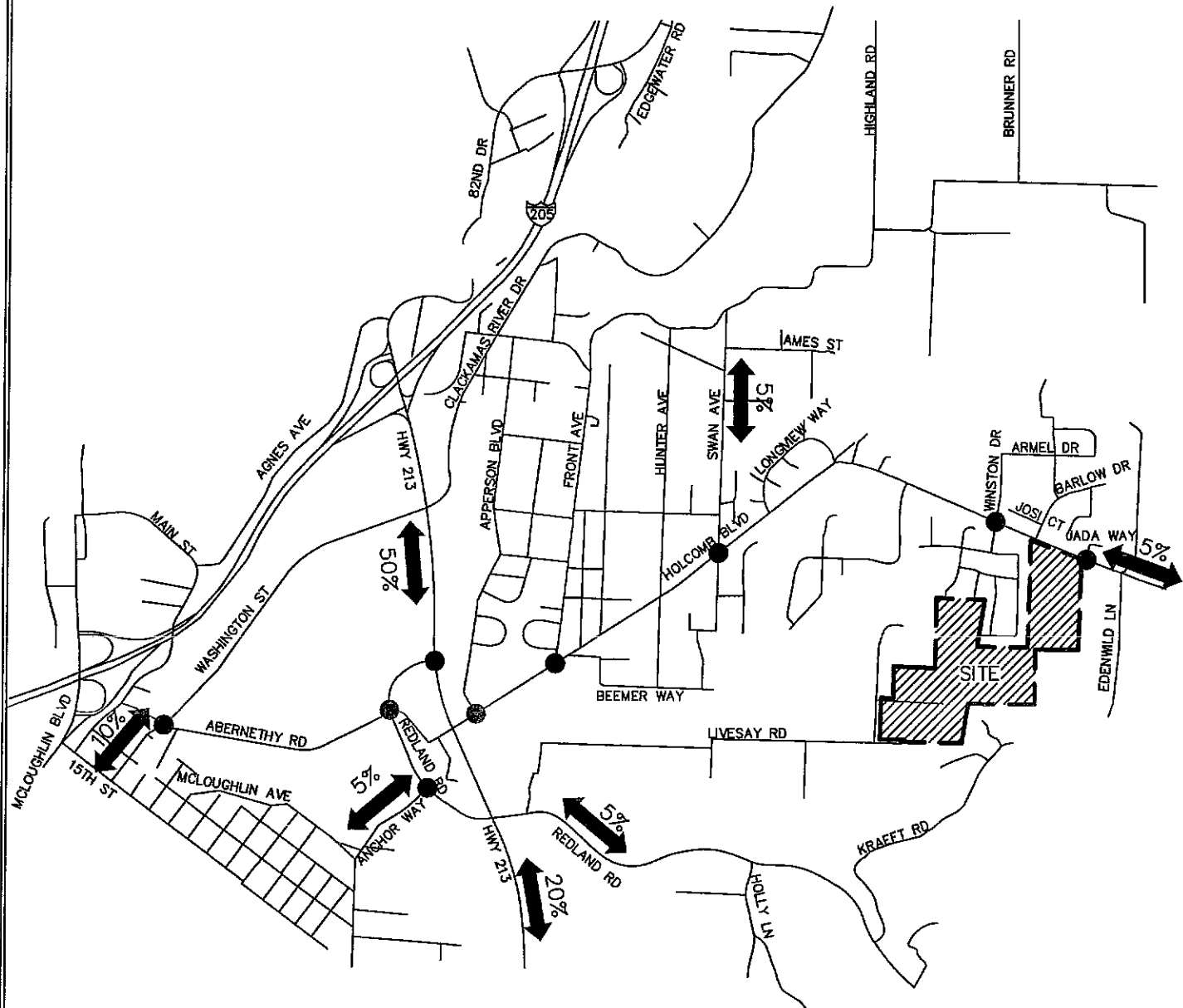
- = STOP SIGN
- = TRAFFIC SIGNAL
- OVL = RIGHT TURN OVERLAP SIGNAL PHASE

ASSUMED LANE CONFIGURATIONS AND TRAFFIC CONTROL DEVICES

FIGURE No.:

8

NOVEMBER, 2009



LEGEND

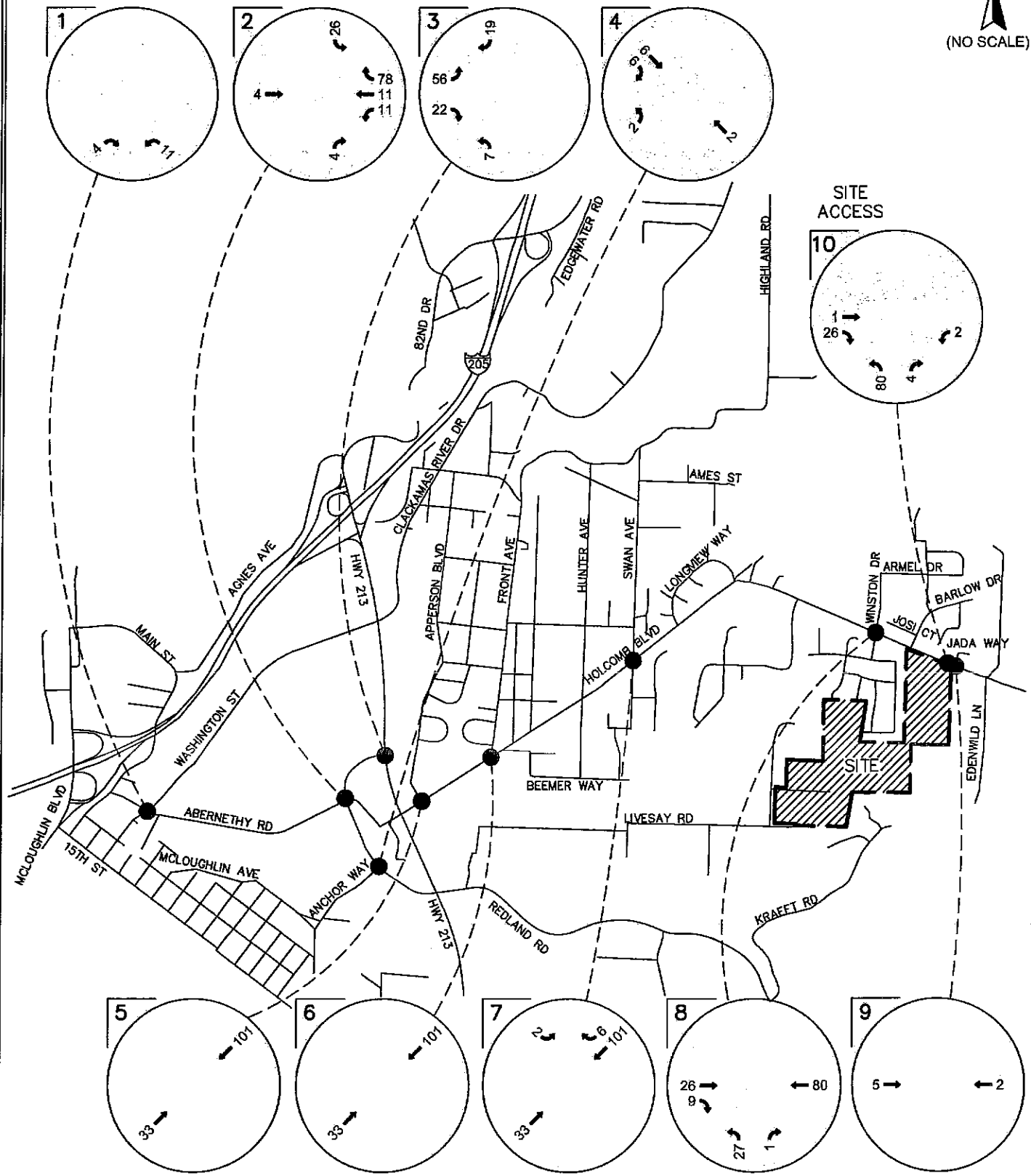
= PERCENT SITE TRIP DISTRIBUTION

ESTIMATED SITE TRIP DISTRIBUTION PATTERN

FIGURE No.:

9

NOVEMBER, 2009



LEGEND

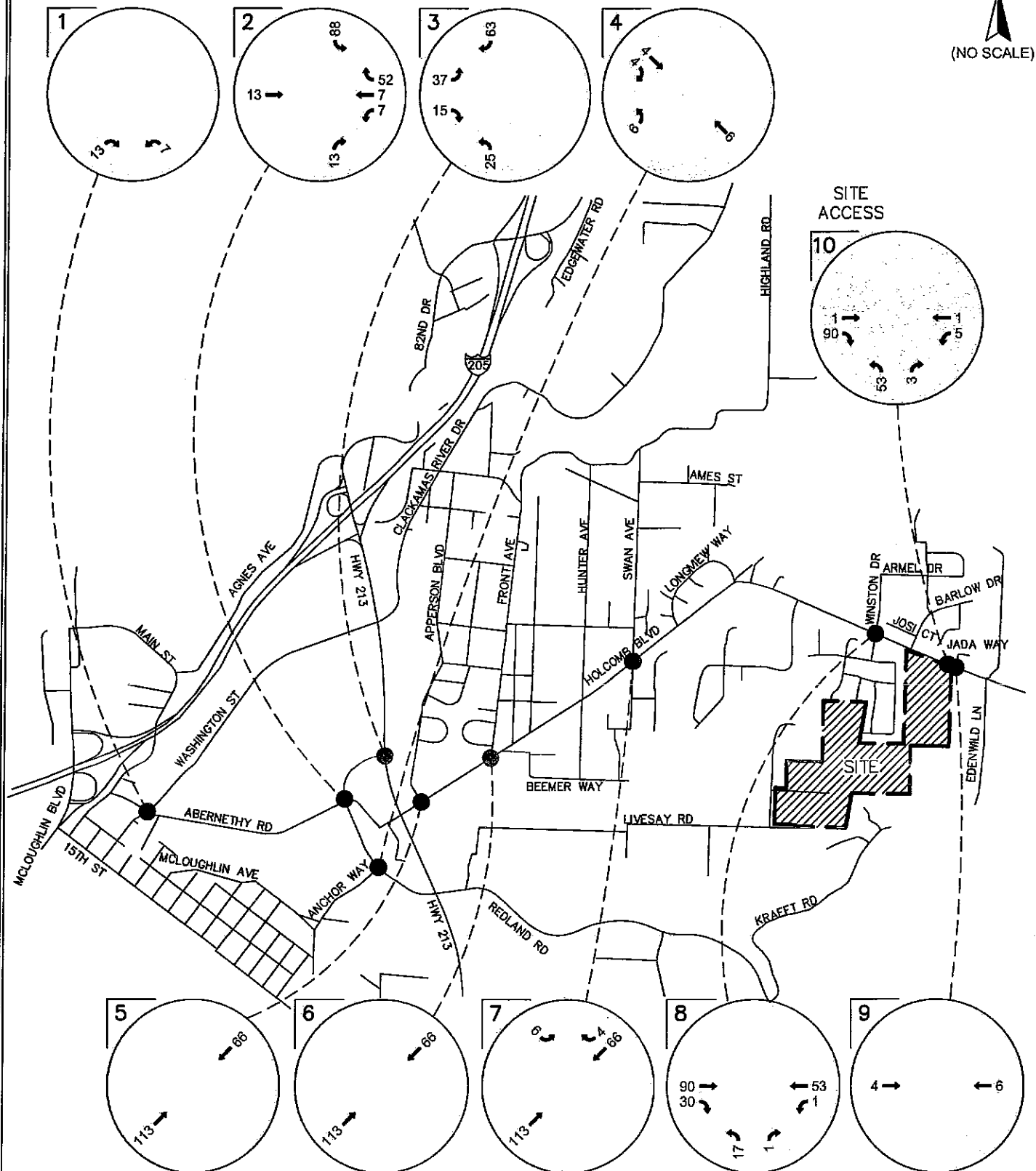
= PEAK HOUR TRAFFIC VOLUME

SITE TRAFFIC ASSIGNMENT
WEEKDAY AM PEAK HOUR

NOVEMBER, 2009

FIGURE
No.:

10



LEGEND

= PEAK HOUR TRAFFIC VOLUME

SITE TRAFFIC ASSIGNMENT
WEEKDAY PM PEAK HOURFIGURE
No.:

11

NOVEMBER, 2009

TOTAL TRAFFIC CONDITIONS

The analysis of total traffic conditions examines how the study area's transportation system will operate when the Park Place Annexation site is fully built-out and occupied in the year 2014.

FORECAST TRAFFIC VOLUMES

Traffic volumes for site build-out conditions in the year 2014 were determined by adding the site traffic assignments for the weekday a.m. and p.m. peak hours shown in Figures 10 and 11 to the associated 2014 background traffic volume forecasts shown in Figures 6 and 7 for these same time periods. The resulting total traffic volumes for the year 2014 during the weekday a.m. and p.m. peak hours are shown in Figures 12 and 13, respectively.

2014 TOTAL TRAFFIC CONDITIONS

Figures 12 and 13 also summarize year 2014 total traffic operating conditions at all study intersections during the weekday a.m. and p.m. peak hours, respectively. *Appendix "H" includes the year 2014 total traffic conditions level of service worksheets.* As shown in the figures, all the study intersections are anticipated to operate acceptably and meet jurisdictional standards during both the weekday a.m. and p.m. peak hours, except for the Redland Road/Highway 213 intersection. Like the background traffic condition, this intersection is forecast to continue operating with a v/c ratio greater than 1.0 during the weekday p.m. peak hour.

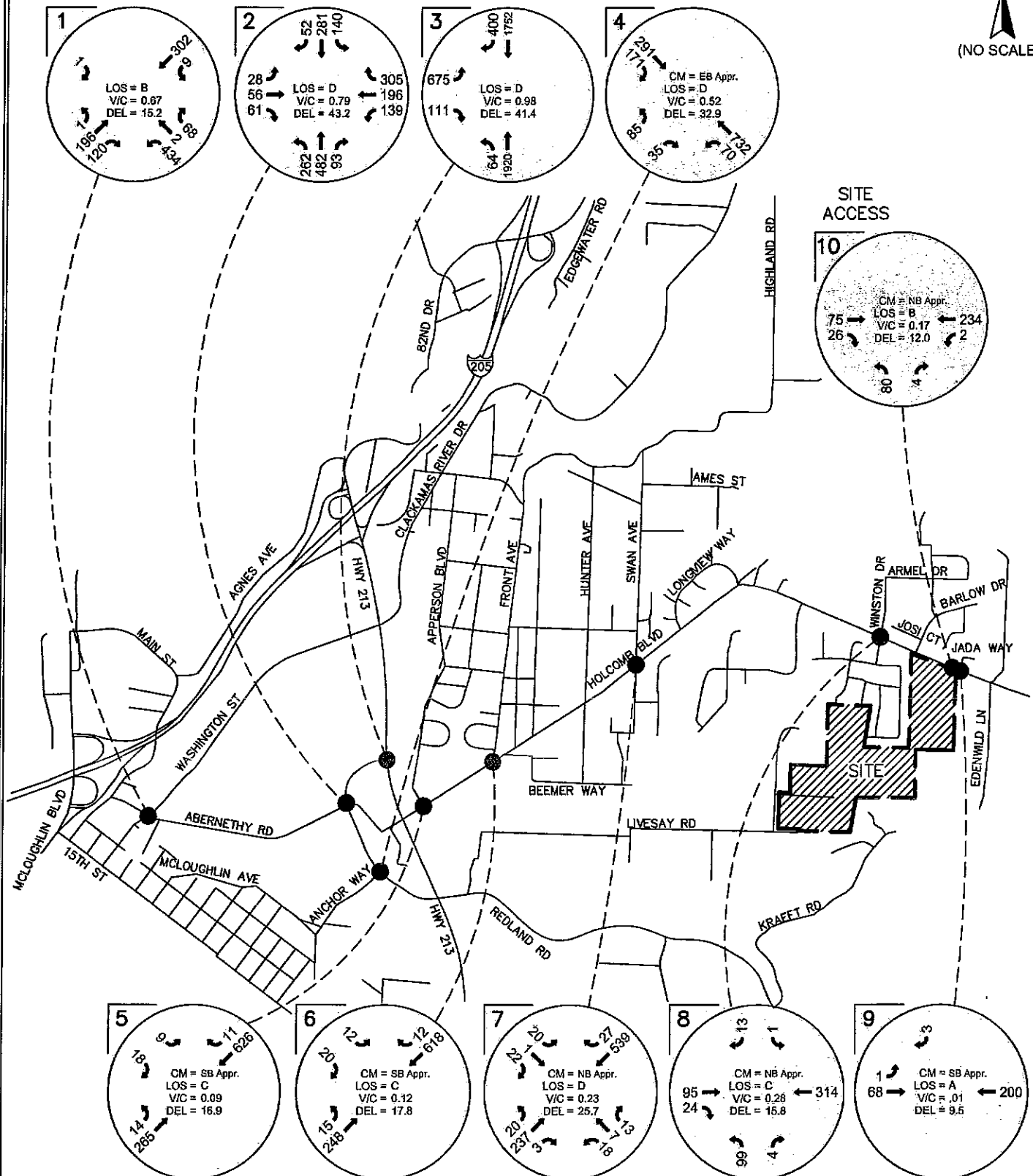
Potential Mitigation Measures for Redland Road/Highway 213 Intersection

The same two design elements evaluated previously in the background traffic conditions section of this report were tested again separately and together to determine whether or not the Redland Road/Highway 213 intersection could function adequately under forecast year 2014 total traffic conditions. The results of the analysis are presented in Table 5. *Analysis results for this evaluation are presented at the end of Appendix "H".*

TABLE 5
Analysis Of Potential Redland Road/Highway 213 Mitigation Measures
(Year 2014 Total Traffic Conditions)

Improvement Option	Weekday AM Peak Hour			Weekday PM Peak Hour		
	V/C Ratio	Avg. Delay	LOS	V/C Ratio	Avg. Delay	LOS
No Improvement	0.98	41.4	D	>1.00	56.3	E
Solution "A": Restripe Redland Road approach to provide exclusive right-turn lane.	0.90	31.8	C	>1.00	37.6	D
Solution "B": Widen Highway 213 to include third southbound through travel lane	0.98	35.0	C	0.89	28.0	C
Solution "A" & "B" Together	0.90	28.1	C	0.79	20.7	C

As the results in the table above show, Solution "B" by itself would satisfy ODOT's v/c ratio standard during the weekday a.m. and p.m. peak hours, with intersection v/c ratios of 0.98 and below. Solution "A" by itself would still not provide an acceptable v/c ratio result during the weekday p.m. peak hour. Both solutions together would operate in a manner that satisfies ODOT's v/c ratio standard during both peak hour periods.



LEGEND

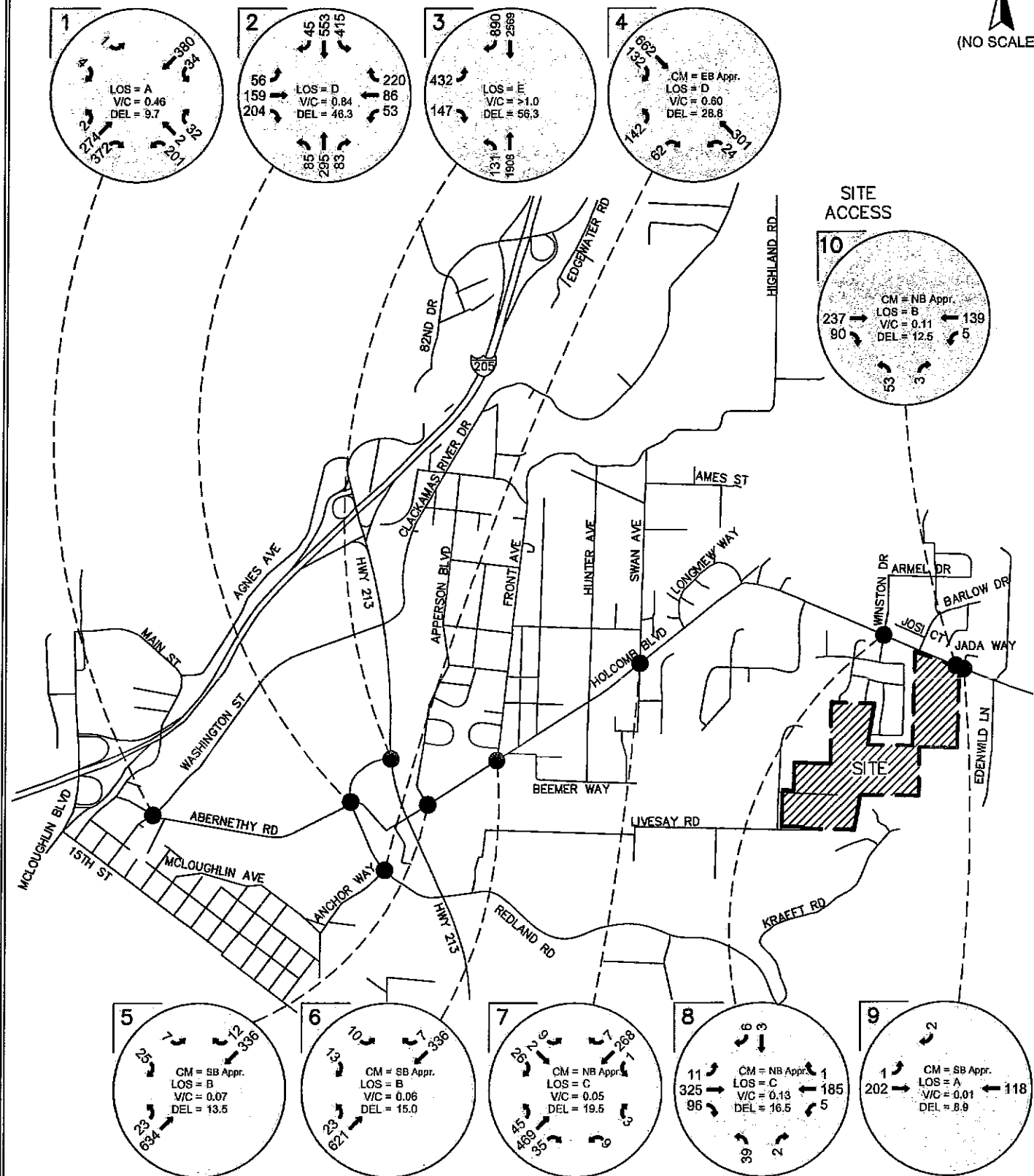
CM = UNSIGNALIZED CRITICAL MOVEMENT/APPRAOCH
LOS = LEVEL OF SERVICE FOR SIGNALIZED INTERSECTION OR
UNSIGNALIZED CRITICAL MOVEMENT/APPRAOCH
DEL = AVERAGE CONTROL DELAY (SECONDS)
V/C = VOLUME-TO-CAPACITY RATIO

YEAR 2014 TOTAL TRAFFIC CONDITIONS WEEKDAY AM PEAK HOUR

FIGURE
No.:

12

NOVEMBER, 2009



LEGEND

CM = UNSIGNALIZED CRITICAL MOVEMENT/APPROACH
LOS = LEVEL OF SERVICE FOR SIGNALIZED INTERSECTION OR
UNSIGNALIZED CRITICAL MOVEMENT/APPROACH
DEL = AVERAGE CONTROL DELAY (SECONDS)
V/C = VOLUME-TO-CAPACITY RATIO

YEAR 2014 TOTAL TRAFFIC CONDITIONS WEEKDAY PM PEAK HOUR

FIGURE
No.:

13

NOVEMBER, 2009

Proportionate Share Cost Collection Program for Redland Road/Highway 213 Improvements

It is likely that future developers in the study area will not be able to absorb the full cost of making substantial physical improvements at the Redland Road/Highway 213 intersection as a means of mitigating the traffic impacts of their developments. Instead, the City should establish a proportionate share cost collection fee program. The City or Oregon City has, in the past, employed such a method to extract fees from developers in a manner that is commensurate or proportionate to their traffic impact. A recent example is the City's efforts to collect impact fees from local area developers for improvements needed at the Highway 213/Meyers Road intersection. Developers who send vehicle trips through this intersection are conditioned to pay a fee that covers their share of impact.

It is our recommendation that City staff consider employing a proportionate share cost collection program for the Redland Road/Highway 213 intersection to begin collecting the funds that will be necessary to improve this intersection in the near future. Such a program would create a mechanism for the future developer of the Park Place Annexation site to meet the City's concurrency standards.

VEHICLE QUEUING ANALYSIS

A vehicle queuing analysis was conducted for individual lane movements at the study intersections, whereby the 95th percentile vehicle queues were estimated for the weekday a.m. and p.m. peak hours of year 2014 total traffic conditions. Tables 6 and 7 summarize the results of the signalized and unsignalized vehicle queuing analyses under both peak hour periods along with comparisons to available lane storage. *Appendix "I" contains all the queuing analysis worksheets for year 2014 total traffic conditions.*

TABLE 6
Signalized Vehicle Queue Analysis Results
(Year 2014 Total Traffic Conditions)

Intersection	Period	Northbound			Southbound			Eastbound			Westbound		
		Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Abernethy Road/ Washington Street	AM	0	125	100	25	175		0			150	50	
	PM	0	125	150	25	150		25			125	50	
	Avail. Storage	115	Cont.	225	125	Cont.		250			165	Cont.	
	Adequate?	Yes	Yes	Yes	Yes	Yes		Yes			Yes	Yes	
Abernethy Road- Holcomb Boulevard/ Redland Road	AM	275	400		200	275	75	75	175		175	225	
	PM	125	375		375	375	50	100	350		100	150	
	Avail. Storage	125	900**		215	750**	750**	115	Cont.		100	Cont./100	
	Adequate?	No*	Yes		No***	Yes	Yes	Yes	Yes		No***	No***	
Redland Road/OR Highway 213	AM	125	500	N/A	N/A	500	125	400			N/A	N/A	N/A
	PM	225	375	N/A	N/A	600	250	350			N/A	N/A	N/A
	Avail. Storage	200	13,000**	N/A	N/A	1,600**	1,600**	750**			N/A	N/A	N/A
	Adequate?	No*	Yes	N/A	N/A	Yes	Yes	Yes			N/A	N/A	N/A

Notes: Cont.= continuous approach lane with significant storage potential.

* - Additional 175 feet available within taper transition area.

** - Distance shown is to next adjacent intersection.

*** - Sufficient additional storage available within adjacent through lane.

TABLE 7
Unsignalized Vehicle Queue Analysis Results
(Year 2014 Total Traffic Conditions)

Intersection	Period	Northbound			Southbound			Eastbound			Westbound		
		Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Anchor Way/ Redland Road	AM							75					
	PM							100					
	Avail. Storage							>100					
	Adequate?							Yes					
Holcomb Boulevard/ Apperson Blvd.	AM				25								
	PM				25								
	Avail. Storage				>50								
	Adequate?				Yes								
Holcomb Boulevard/ Front Avenue	AM				25								
	PM				25								
	Avail. Storage				>50								
	Adequate?				Yes								
Holcomb Boulevard/ Swan Avenue	AM	25			25								
	PM	25			25								
	Avail. Storage	>50			>50								
	Adequate?	Yes			Yes								
Holcomb Boulevard/ Winston Drive	AM	50			25								
	PM	25			25								
	Avail. Storage	>50			>50								
	Adequate?	Yes			Yes								
Holcomb Boulevard/ Jada Way	AM				25								
	PM				25								
	Avail. Storage				>50								
	Adequate?				Yes								
Holcomb Boulevard/ Site Access	AM	25											
	PM	25											
	Avail. Storage	>50											
	Adequate?	Yes											

As the previous table shows, there are a total of five movements at signalized intersections where the 95th percentile vehicle queues are forecast to exceed beyond striped lane storage during the weekday a.m. and/or p.m. peak hours. In all cases for the unsignalized intersections, available lane storage would be adequate to meet demand. The following sections further summarize the intersection movements that are forecast to exceed available striped storage.

Southbound Approach of Redland Road at Abernathy-Holcomb Boulevard

The left-turn lane queue demand is forecast to reach 375 feet during weekday p.m. peak hour, with only 215 feet of striped storage available. Based on the results of the vehicle queuing analysis, the adjacent through lane has sufficient storage (375 feet of unused storage) to handle any spillover that may occur beyond this left-turn lane without affecting the overall safety or operating capacity of the intersection. Also, both the Kittelson "Pre-Design" study and the approved Park Place Concept Plan indicate no long-term need to extend the length of this turn lane. The long-term plan for this intersection, per the Park Place Concept Plan is to widen Redland Road to a five-lane section. Based on these findings, no changes are required to the existing lane storage.

Northbound Approach of Redland Road at Abernathy-Holcomb Boulevard

The left turn lane queue demand is forecast to reach 275 feet during weekday a.m. peak hour, with only 125 feet of striped storage available. Based on current conditions, there is additional space (175 feet) to handle vehicle spillback into the left-turn lane taper transition area. This condition should be acceptable in the interim period until Redland Road is ultimately upgraded to a five lane section per the Park Place Concept Plan recommendations. Based on these findings, no changes are required to the existing lane storage.

Westbound Approach of Holcomb Boulevard at Redland Road

The left-turn and outside through-right-turn lane demand on this approach are forecast to reach 175 feet and 225 feet, respectively, during the critical weekday a.m. peak hour, with only 100 feet of striped storage available. Based on the results of the vehicle queuing analysis, the adjacent through lane has continuous and sufficient storage to handle any spillover that may occur from these turn lanes without affecting the overall safety or operating capacity of the intersection. Also, the approved Park Place Concept Plan indicate no long-term need to extend the lengths of these turn lanes. Based on observations in the field and a review of city records, there is no additional space available for widening the roadway approach due to the roadway's steep grade and slope support, and limited right-of-way. Based on these findings, no changes are required to the existing lane storage.

Northbound Approach of Highway 213 at Redland Road

The left turn lane demand on this highway approach is forecast to reach 225 feet during weekday p.m. peak hour, with only 200 feet of striped storage available. Based on the future capacity enhancements that may be implemented at this intersection (i.e. additional southbound through travel lane) it may be possible to reduce the 95th percentile queue demand by providing more green time to this movement. Alternatively, there is additional storage space present within the taper transition area; enough to accommodate an additional vehicle or two in the queue, without impacting the safety of traffic in the through travel lanes. Based on these findings, no changes are required to the existing lane storage.

LEFT TURN LANE WARRANTS ANALYSIS

Using the criteria outlined in the City's *Guidelines for Transportation Impact Studies*, an analysis was conducted to determine if exclusive left-turn lanes would be warranted at key study intersections. The analysis was performed for the following movements at two stop-controlled intersections:

- Westbound left turn at the Holcomb Avenue/Winston Drive intersection; and
- Westbound left turn at the Holcomb Avenue/Site Access intersection.

The turn lane analysis was conducted using the left turn lane criterion contained in the ODOT *Analysis Procedures Manual* (Reference 9), i.e. traffic volume demand, crashes and special cases. Based on the results of the analysis, left-turn lanes will not be warranted for either of the movements cited above during the weekday a.m. and p.m. peak hours of the 2014 total build-out traffic condition. Therefore, exclusive left-turn lanes are not recommended for construction along the site frontage of Holcomb Avenue at Winston Drive or the proposed site access street. *Appendix "J" contains the left turn lane warrant analyses worksheets.*

RIGHT TURN LANE WARRANTS ANALYSIS

Using the criteria outlined in the City's *Guidelines for Transportation Impact Studies*, an analysis was conducted to determine if exclusive right-turn lanes would be warranted at any of the unsignalized study intersections. *Appendix "K" contains all the right turn lane warrant analyses worksheets.* The turn lane analysis was conducted using the right turn lane criterion contained in the *ODOT Analysis Procedures Manual*, i.e. traffic volume demand and crashes. Based on the results of the analysis, right-turn lanes would be warranted for three individual movements in the 2014 total build-out traffic condition. They are as follows:

- Southbound right-turn movement on Redland Road at Anchor Way;
- Eastbound right-turn movement on Holcomb Boulevard at Winston Drive; and,
- Eastbound right-turn movement on Holcomb Boulevard at the Proposed Site Access.

Southbound Approach of Redland Road at Anchor Way

The right-turn lane warrant would be satisfied for the southbound right turn movement during weekday a.m. and p.m. peak hours primarily due to existing heavy right-turn demand. In fact, further analysis shows that the right-turn lane warrant is already or would be met during the existing year 2009 and future background year 2014 traffic conditions over the same analysis periods. In addition, a review of the historical crash data indicates no reported crashes between right-turning vehicles and other vehicles in the through traffic lane. Lastly, the Park Place Concept plan targets this intersection for signalization in addition to widening Redland Road to a five lane section. Based on these findings, a right-turn lane may be warranted today, but the need should diminish once a traffic signal is installed and Redland Road is widened to provide multiple through travel lanes. Therefore, no action is recommended.

Eastbound Approach of Holcomb Boulevard at Winston Drive

The right-turn lane warrant would be satisfied for the eastbound right turn movement during weekday p.m. peak hour only. A review of historical crash data does not support need for right turn lane as there were no reported crashes involving right-turning vehicles. Interestingly, the right-turn lane warrant would not be satisfied during the year 2014 background condition, thus indicating the warrant will be triggered by traffic associated with development on the Park Place Annexation properties. Nevertheless, a right-turn lane cannot be constructed here because half-street improvements have already been established along the site frontage of the adjacent subdivision on the south side of the street. To address and mitigate this issue, it is recommended that an exclusive right-turn lane be constructed further to the east along Holcomb Boulevard at the ultimate location of the new street providing direct access to the Park Place Annexation properties. This should attract some of the right-turn traffic demand away from Winston Drive.

Eastbound Approach of Holcomb Boulevard at New Site Access Street

The right-turn lane warrant would be satisfied for the eastbound right turn movement during weekday p.m. peak hour only. As stated previously, an exclusive right-turn lane is recommended for this movement to be placed at the ultimate location of the new street providing direct access to the Park Place Annexation properties.

ACCESS SPACING REVIEW

The City of Oregon City Transportation System Plan (TSP) outlines the access spacing standards for city streets and private access driveways. For *Minor Arterial* streets like Holcomb Boulevard, the City's policy is for a minimum public street intersection spacing of 400 feet between local streets.

The proposed location for the future street access between the Park Place Annexation properties and Holcomb Boulevard is approximately 70 feet west of Jada Way (north side), 415 feet west of Edenwild Lane (south side) and 475 feet east of Barlow Drive (north side). This location has been selected for several reasons. First, the access represents the approximate location as shown in the Park Place Concept Plan. Second, the access has been pushed as far east as possible in an effort to maximize the

amount of sight distance that would be available along Holcomb Boulevard (see summary in next section). Thirdly, with the access pushed up to the eastern site boundary, it would allow for the construction of a future right-turn deceleration lane off of Holcomb Avenue.

It should be emphasized here that it will not possible to locate the proposed street access to the Park Place Annexation properties directly across from Jada Way, which would be ideal. The reason is because the adjacent property to the east, across from Jada Way, is still outside METRO's urban growth boundary. This property would have to be brought into the urban growth boundary, annexed into the city limits, and rezoned for urban uses before an urban street access could be made. Until then, it is recommended that if the Park Place Annexation properties develop prior to annexation and development of the parcel to the east, an interim street access be established to Holcomb Avenue, subject to future realignment directly across from Jada Way. Creating a four-way intersection between Holcomb Boulevard, Jada Way, and the street accessing the Park Place Annexation properties would meet the City's access spacing policy.

SIGHT DISTANCE REVIEW

Analyses of intersection and stopping sight distances were conducted at the proposed future location of the public street access to Holcomb Boulevard. For the analysis, sight distances were evaluated using measurements obtained in the field (70 feet west of Jada Way). Intersection sight distances were measured from a viewpoint 15 feet behind the edge of the traveled way and from a height of 3.5 feet above the ground, looking toward an object that is 4.25 feet above the ground. Stopping sight distances were measured in the field from a height of 3.5 feet above the ground looking toward an object that is 2.00 feet above the ground. All sight distance measurements were taken using procedures that are consistent with the sight distance design standards specified in *A Policy on Geometric Design of Highways and Streets* (AASHTO, Reference 10).

Table 8 summarizes the results of the intersection and stopping sight distance analyses. Intersection sight distance results reflect the distance drivers can see in each direction along the mainline roadway from a stop-controlled minor road approach. Stopping sight distance reflects the distance drivers can see along the mainline roadway as they approach an intersecting street. It was also assumed for this analysis that a design speed of 40 mph applies along Holcomb Boulevard, given the roadway character and posted speed.

TABLE 8
Sight Distance Analysis Results

Roadway Section	Travel Direction	Available Intersection Sight Distance (feet)	Required Intersection Sight Distance (feet)	Available Stopping Sight Distance (feet)	Required Stopping Sight Distance (feet)	Adequate Sight Distance Available?
Holcomb Boulevard at Future Street Access	Eastbound	>700	445	>700	305	Yes
	Westbound	>700	445	>700	305	

As the results show in the previous table, adequate intersection and stopping sight distance would be provided at the proposed future street access to Holcomb Boulevard.

It should be emphasized here that there is a crest vertical curve present along the Holcomb Boulevard alignment, right at the Jada Way intersection. This crest vertical curve does not adversely affect sight distance at this intersection and it will not adversely affect sight distance at any future intersection that may be located west of Jada Way, unless such an intersection were located more than 150 feet away from Jada Way. Beyond this distance, the crest vertical curve in Holcomb Boulevard severely limits sight distance to the east.

CONCLUSIONS AND RECOMMENDATIONS

Based on the transportation impact analysis findings documented in this report, the proposed Park Place Annexation project in Oregon City can be completed and developed while maintaining acceptable levels of operation and safety on the surrounding transportation system. This study resulted in the following recommendations:

City of Oregon City

- Establish a proportionate share cost collection system to pay for future improvement needs at the Redland Road/Highway 213 intersection. Improvements needed to meet ODOT's v/c ratio standard within the year 2014 forecast period include the addition of a third southbound through travel lane on the highway and a new traffic signal.
- Periodically assess the need for a traffic signal at the Redland Road/Anchor Way intersection.

Applicant/Developer

- Participate in a proportionate share cost collection system to mitigate site traffic impacts to the Redland Road/Highway 213 intersection.
- Establish a new public street access to Holcomb Boulevard approximately 70 feet west of Jada Way. The minor street approach to this access should be designed for possible relocation in the future to align directly across from Jada Way, once the adjacent parcel to the east is brought into the UGB, annexed into the city limits, and developed for urban uses.
- Construct an eastbound right-turn deceleration lane along the Holcomb Boulevard site frontage for the new public street access into the site.

REFERENCES

1. Oregon City & Various Consultants. *Park Place Concept Plan*. March 12, 2008.
2. Oregon City. *City of Oregon City Guidelines for Transportation Impact Analyses*. November 2, 2005.
3. Transportation Research Board. *Highway Capacity Manual*. 2000.
4. Oregon Department of Transportation (ODOT). *1999 Oregon Highway Plan and all associated updates*.
5. Oregon City. *Transportation System Plan*. 2001
6. ODOT. *2008-2011 Statewide Transportation Improvement Program (STIP)*. November 14, 2007. <http://www.oregon.gov/ODOT/HWY/STIP/index.shtml>
7. Kittelson & Associates, Inc. *Technical Memorandum OR 213/Redland Road Intersection Improvements Pre-Design Study*. September 12, 2008.
8. Institute of Transportation Engineers (ITE). *Trip Generation, Seventh Edition*. 2003.
9. ODOT. *Analysis Procedures Manual*. December 2007.
10. American Association of State Highway and Transportation Officials (AASHTO). *A Policy on Geometric Design of Highways and Streets*. 2004.

TRANSPORTATION IMPACT ANALYSIS REPORT

PARK PLACE ANNEXATION

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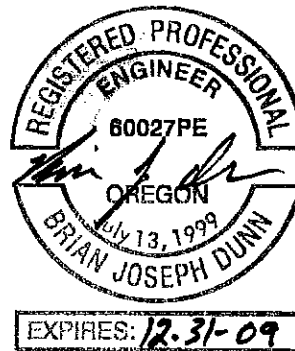
November 2009

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EXECUTIVE SUMMARY

This study evaluates the transportation impacts of the proposed Park Place Annexation in Oregon City. Once annexed into the city limits, the underlying zoning of the eight subject parcels will change from a mixture of FU10 and RR5 to a new city designation of R5 (Medium Density Residential) per City Code Section 17.68.025. Given that the long-term effects of changing the underlying zoning of these parcels and the remaining properties located within the all-encompassing Park Place Concept Plan (Reference 1) area have already been analyzed and approved by the City of Oregon City, the purpose of this study is to analyze the transportation impacts associated with annexation and actual development on the subject site, within a more limited timeframe.

Once annexed, the subject properties within the Park Place Annexation site boundary are expected to develop into a residential subdivision, with the potential for up to 200 units of single family detached homes. This limit reflects the maximum development potential of the subject site under the planned R5 zoning and considering factors such as the amount of developable property that is available. For the purposes of this study, the subject site is expected to be fully developed and occupied within the next five years by 2014.

Upon development, vehicular access to the site is expected to occur at four external locations. One would be a primary public street connection to Holcomb Boulevard just west of Jada Way. This roadway would traverse through the site boundary in a manner that is consistent with the vision of the Park Place Concept Plan. The three other external site access points will be established via connections to the street stubs of Cattle Drive, Shartner Drive, and Journey Drive, all of which are located in the adjacent subdivision to the north and which lead to a single street access to Holcomb Boulevard via Winston Drive. For the purposes of this study, no vehicular access is expected to take place along Livesay Road within the forecast build-out period as this roadway is currently substandard and would be unsafe for travel by residents of the development. Future access to Livesay Road and by extension to Redland Road will eventually be made once infill development occurs along this roadway and the street is brought up to urban standards.

The following sections summarize the scope of this study and detailed findings of the transportation impact analysis associated with the proposed annexation of the subject property, followed by the conclusions and recommendations.

STUDY INTERSECTIONS

Based on a scoping arrangement with the City's traffic engineering sub-consultant, operational and safety analyses were performed at the following study intersections during the weekday a.m. and p.m. peak hours:

- Abernethy Road at Washington Street;
- Abernethy Road-Holcomb Boulevard at Redland Road;
- Redland Road at OR Highway 213 (Cascade Highway);
- Anchor Way at Redland Road;
- Holcomb Boulevard at Apperson Boulevard;
- Holcomb Boulevard at Front Avenue;
- Holcomb Boulevard at Swan Avenue;
- Holcomb Boulevard at Winston Drive; and,
- Holcomb Boulevard at Jada Way.

EXISTING TRAFFIC CONDITIONS

- The subject site is currently located within METRO's urban growth boundary but outside the city limits. The current zoning for the subject parcels is a mix of FU10 and RR5, but with annexation approval and recent approval of the Park Place Concept Plan, a new zoning designation of R5 (Medium Density Residential) is expected to apply.
- There are five single family residences present on five of the eight subject parcels.
- The site is bordered by an urban residential subdivision and Holcomb Boulevard to the north, and rural residential properties to the east, south, and west. METRO's urban growth boundary is present along the eastern site boundary.
- Based on the operational analysis conducted at the study intersections, all the study intersections are currently operating within the operating standards enforced by the City of Oregon City and ODOT. However, the Redland Road/Highway 213 intersection is known to suffer heavy congestion during peak travel periods, with v/c ratios close to or approaching 1.00, which exceeds ODOT's minimum v/c ratio standard of 0.99 or less.
- A review of five-year historical crash data at the study intersections did not indicate any high crash frequencies, reoccurring crash patterns, or potential safety hazards.

YEAR 2014 BACKGROUND TRAFFIC CONDITIONS

- Year 2014 background traffic conditions (without development on the subject site) were evaluated based on a ten percent increase in existing traffic levels to account for a conservative regional growth pattern over the next five years.
- Two in-process developments were identified in the site vicinity. These include the second phase of the Red Soils Master Plan and the Clackamette Cove Mixed-Use development. The peak hour trips associated with these two developments were accounted for in the future traffic forecast.
- All the study intersections are anticipated to operate acceptably and meet jurisdictional standards during both the weekday a.m. and p.m. peak hour periods, except for the Redland Road/Highway 213 intersection during the weekday p.m. peak hour, where a v/c ratio greater than 1.0 is forecast.

FUTURE SITE DEVELOPMENT PLAN

- The subject site, once annexed, will be developed in conformance with the vision of the approved Park Place Concept Plan. Upon development, the subject site will consist of up to 200 single family detached homes.
- Using ITE trip generation equations, 200 single family homes will generate a total of 1,967 average weekday trips with 149 trips (37 in, 112 out) occurring during the weekday a.m. peak hour and 200 trips (126 in, 74 out) occurring during the weekday p.m. peak hour.
- Future vehicular access will take place at Holcomb Boulevard in the northeast corner of the subject site via a new primary street connection. Other connections will be made to the three street stubs at the adjacent subdivision to the north, all of which lead to Holcomb Avenue via Winston Drive.
- The subject site, once annexed, is expected to be fully developed and occupied within five year and by the year 2014.

YEAR 2014 TOTAL TRAFFIC CONDITIONS

- The analysis of year 2014 total traffic conditions reflects the addition of site trips to the year 2014 background traffic volumes.
- All the study intersections are anticipated to operate acceptably and meet jurisdictional standards during both the weekday a.m. and p.m. peak hour periods, except for the Redland Road/Highway 213 intersection during the weekday p.m. peak hour, where a v/c ratio greater than 1.0 is

forecast. Further analysis of mitigation measures indicates that adding a third southbound through travel lane on the highway would improve intersection operations considerably during the weekday p.m. peak hour, with a resulting v/c ratio of 0.89.

- Planned improvements for the Redland Road/Highway 213 intersection are not yet funded, and it is likely that developments in the study area will not be able to take on the responsibility for making substantial physical improvements to this intersection as a means of traffic impact mitigation. Instead, the City should establish a proportionate share cost collection program for developments that send vehicle trips through this intersection. Such programs have been implemented by the City in the past.
- The results of a 95th percentile vehicle queuing analysis indicate vehicle queues will exceed available striped storage at several locations, but in each case, vehicle queues can be accommodated within the residual turn lane taper transition areas or within the adjacent through travel lane without adversely affecting safety or operating conditions. These locations are as follows:
 - Left-turn lane queue on southbound approach of Redland Road at Abernathy-Holcomb Boulevard is forecast to reach 375 feet during weekday p.m. peak hour, with only 215 feet of striped storage available.
 - Left turn lane queue on northbound approach of Redland Road at Abernathy-Holcomb is forecast to reach 275 feet during the weekday a.m. peak hour, with only 125 feet of striped storage available.
 - Left turn lane and outside through-right-turn lane queues on westbound approach of Holcomb Boulevard at Redland Road are forecast to reach 175 feet and 225 feet, respectively, during the weekday a.m. peak hour, with only 100 feet of striped lane storage available today in both lanes.
 - Left turn lane queue on northbound approach of Highway 213 at Redland Road is forecast to reach 225 feet of storage during weekday p.m. peak hour, with 200 feet of striped storage available.
- Left turn lane warrants were evaluated for the westbound left turn movement at the Holcomb Avenue/Winston Drive intersection and the westbound left turn at the future Holcomb Avenue/Site Access intersection. The analysis results indicated left-turn lane warrants would not be satisfied during either the weekday a.m. or p.m. peak hours.
- Right turn lane warrants are forecast to be met at three study intersections:
 - Southbound Approach of Redland Road at Anchor Way - The warrant would be satisfied for the southbound right turn movement during weekday a.m. and p.m. peak hours primarily due to existing heavy right-turn demand.
 - Eastbound Approach of Holcomb Boulevard at Winston Drive - The warrant would be satisfied for the eastbound right turn movement during weekday p.m. peak hour only. The warrant would be triggered by development of the subject site.
 - Eastbound Approach of Holcomb Boulevard at New Site Access Street - The warrant would be satisfied for the eastbound right turn movement during weekday p.m. peak hour only. The warrant would be triggered by development of the subject site.
- The proposed location for the future street access to Holcomb Boulevard is approximately 70 feet west of Jada Way (north side), 415 feet west of Edenwild Lane (south side) and 475 feet east of Barlow Drive (north side). This location has been selected as a suitable point of access for the following reasons:
 - Represents the approximate location shown in the approved Park Place Concept Plan.

- Access has been pushed as far east as possible to maximize sight distance along Holcomb Boulevard.
 - Would allow for the construction of a future right-turn deceleration lane off of Holcomb Avenue.
 - Would allow for the access to be realigned directly across from Jada Way, once the parcel to the east is brought into the UGB, annexed into the city limits, and rezoned for urban development. A final configuration with access across from Jada Way would satisfy the City's local street access spacing standard of 400 feet.
- Intersection and stopping sight distances would be adequate at the proposed location of the primary street access to Holcomb Boulevard, west of Jada Way.

CONCLUSIONS AND RECOMMENDATIONS

Based on the transportation impact analysis findings documented in this report, the proposed Park Place Annexation project in Oregon City can be completed and developed while maintaining acceptable levels of operation and safety on the surrounding transportation system. This study resulted in the following recommendations:

City of Oregon City

- Establish a proportionate share cost collection system to pay for future improvement needs at the Redland Road/Highway 213 intersection. Improvements needed to meet ODOT's v/c ratio standard within the year 2014 forecast period include the addition of a third southbound through travel lane on the highway and a new traffic signal.
- Periodically assess the need for a traffic signal at the Redland Road/Anchor Way intersection.

Applicant/Developer

- Participate in a proportionate share cost collection system to mitigate site traffic impacts to the Redland Road/Highway 213 intersection.
- Establish a new public street access to Holcomb Boulevard approximately 70 feet west of Jada Way. The minor street approach to this access should be designed for possible relocation in the future to align directly across from Jada Way, once the adjacent parcel to the east is brought into the UGB, annexed into the city limits, and developed for urban uses.
- Construct an eastbound right-turn deceleration lane along the Holcomb Boulevard site frontage for the new public street access into the site.

INTRODUCTION

This study was prepared to evaluate the transportation impacts associated with a proposal to annex eight properties totaling 53.8 acres in size into the city limits of Oregon City. A site vicinity map is provided in Figure 1 with a site boundary map of the Park Place Annexation properties illustrated in Figure 2. As shown in the site boundary map, the Park Place Annexation site is located along the south side of Holcomb Boulevard between Barlow Drive and Jada Way, the south side of an existing residential subdivision, and the east side of the east end of Livesay Road. The subject properties are already located within METRO's urban growth boundary.

Upon annexation into the city limits, the underlying zoning of the subject properties will change from a mixture of FU10 and RR5 to a new city designation of R5 (Medium Density Residential) per City Code Section 17.68.025. Future development activity on the subject properties is expected to include a residential subdivision with up to 200 single family detached homes. For the purposes of this study, the subject site is expected to be fully developed and occupied within the next five years by 2014.

Vehicular access to the site is expected to occur at four external locations. One would be a primary public street connection to Holcomb Boulevard just west of Jada Way. The remaining three external access points will be established via connections to the street stubs of Cattle Drive, Shartner Drive, and Journey Drive, which lie within the adjacent subdivision to the north and lead to a single street access to Holcomb Boulevard via Winston Drive. For the purposes of this study, no vehicular access is expected to take place along Livesay Road within the five-year forecast build-out period as this roadway is currently substandard and would be unsafe for travel by residents of the development. Future access to Livesay Road and by extension to Redland Road will eventually be made once infill development occurs along this roadway and the street is brought up to urban standards.

STUDY SCOPE

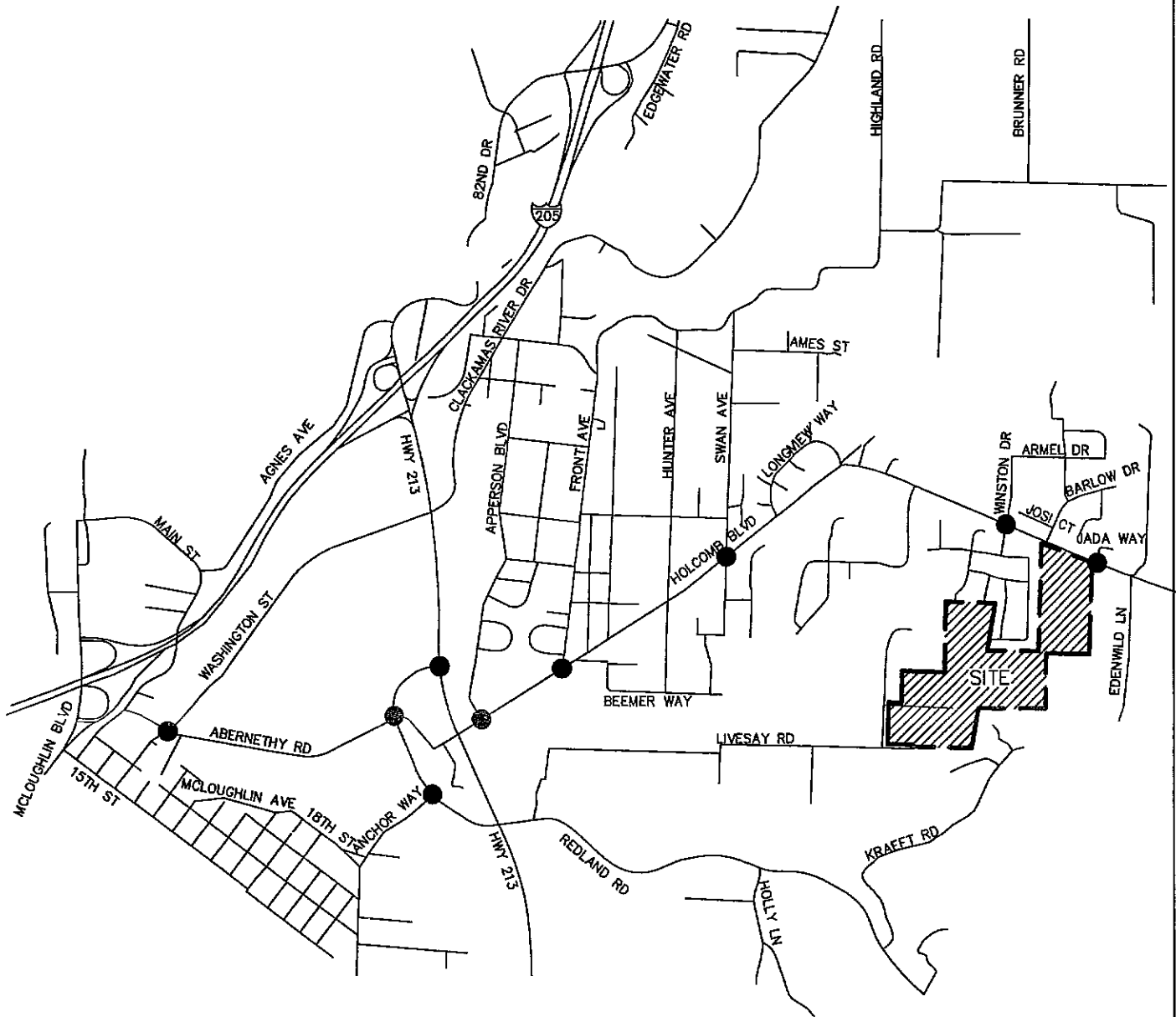
This study was prepared to identify any traffic operation and safety-related impacts that will result from the proposed Park Place Annexation in Oregon City. The study scope was determined through careful review of the *City of Oregon City Guidelines for Transportation Impact Analyses* (Reference 2), and through a study scoping arrangement with City's traffic engineering sub-consultant. Based on the scoping discussions with the City's sub-consultant, operational and safety analyses were performed at the following study intersections for the weekday a.m. and p.m. peak hours:

- Abernethy Rd. at Washington St.;
- Abernethy Rd.-Holcomb Blvd. at Redland Rd.;
- Redland Rd. at OR Hwy 213 (Cascade Hwy.)
- Anchor Way at Redland Road;
- Holcomb Blvd. at Apperson Blvd.;
- Holcomb Blvd. at Front Ave.;
- Holcomb Blvd. at Swan Ave.;
- Holcomb Blvd. at Winston Dr.; and,
- Holcomb Blvd. at Jada Way.

This study examines the transportation impacts of the proposed site annexation and future development potential. Specifically, this report addresses the following transportation issues:

- A review of existing transportation system conditions, including an inventory of transportation facilities and access locations, analysis of weekday a.m. and p.m. peak hour traffic operations, and a review of vehicle crash statistics and crash rates;
- A review of planned transportation improvements, in-process developments in the study area, and an assessment of future background traffic growth rates;
- An assessment of future year 2014 background traffic conditions (without any development on-site) during the weekday a.m. and p.m. peak hours at all identified study intersections;

- Site trip generation estimates for the average weekday and the weekday a.m. and p.m. peak hours, based on ITE trip rates/equations;
- An evaluation of future year 2014 total traffic conditions during the weekday a.m. and p.m. peak hours at all identified study intersections and planned external site access locations;
- A review of vehicle queuing needs, turn lane warrants, and access spacing and sight distance requirements;
- Identification of possible mitigation measures to remedy any site development impacts; and,
- Conclusions and recommendations.



LEGEND

- = SITE BOUNDARY
- = STUDY INTERSECTION

SITE VICINITY MAP

FIGURE
No.:

1

NOVEMBER, 2009



LEGEND

 = SITE BOUNDARY

SITE BOUNDARY MAP

FIGURE
No.:

2

NOVEMBER, 2009

EXISTING TRANSPORTATION CONDITIONS

The existing conditions analysis identifies conditions of the subject Park Place Annexation site and surrounding land uses, provides an inventory of the geometric characteristics of roadways in the study area, and summarizes existing traffic operations and safety at the study intersections. The purpose of this discussion is to provide a basis for comparison to future conditions analyses.

SITE CONDITIONS/SURROUNDING LAND USES

The eight parcels comprising the subject site are currently located within the urban growth boundary of METRO, but outside the city limits of Oregon City. The parcels are currently zoned for a mixture of FU10 and RR5 uses in Clackamas County. There are five single family residences present on five of the eight subject parcels.

The site is bordered by an urban residential subdivision and Holcomb Boulevard to the north, and rural residential properties to the east towards METRO's urban growth boundary, south to Redland Road, and west to Livesay Road.

ROADWAY FACILITIES AND STUDY INTERSECTIONS

An inventory was performed in November 2009 of all roadway facilities within the site's study area. These facilities are described in detail in Table 1. Figure 3 identifies the location of all existing study intersections and their respective lane configurations and traffic control devices.

TABLE 1
Roadway Facility Inventory

Roadway	Classification	Cross-Section	Speed Limit	Sidewalks?	Bicycle Lanes?	On-Street Parking?
OR Highway 213	Expressway	4-5 lanes	45 mph	No	Yes	No
Abernethy Road	Minor Arterial	3 lanes	35 mph	Partial	Yes	No
Washington Street	Minor Arterial	3 lanes	35 mph	Yes*	Yes	No
Redland Road	Minor Arterial	2-4 lanes	45 mph	Partial	Yes	No
Anchor Way	Minor Arterial	2 lanes	25 mph	No	No	No
Holcomb Boulevard	Minor Arterial	2 lanes	40 mph	Partial**	No***	No***
Apperson Boulevard	Neighborhood Collector	2 lanes	25 mph	Yes	No	Yes
Front Avenue	Collector	2 lanes	25 mph	Yes	No	Yes
Swan Avenue	Collector	2 lanes	25 mph	No	No	No
Winston Drive	Local	2 lanes	Not Posted	Yes	No	Yes
Jada Way	Local	2 lanes	Not Posted	Yes	No	Yes

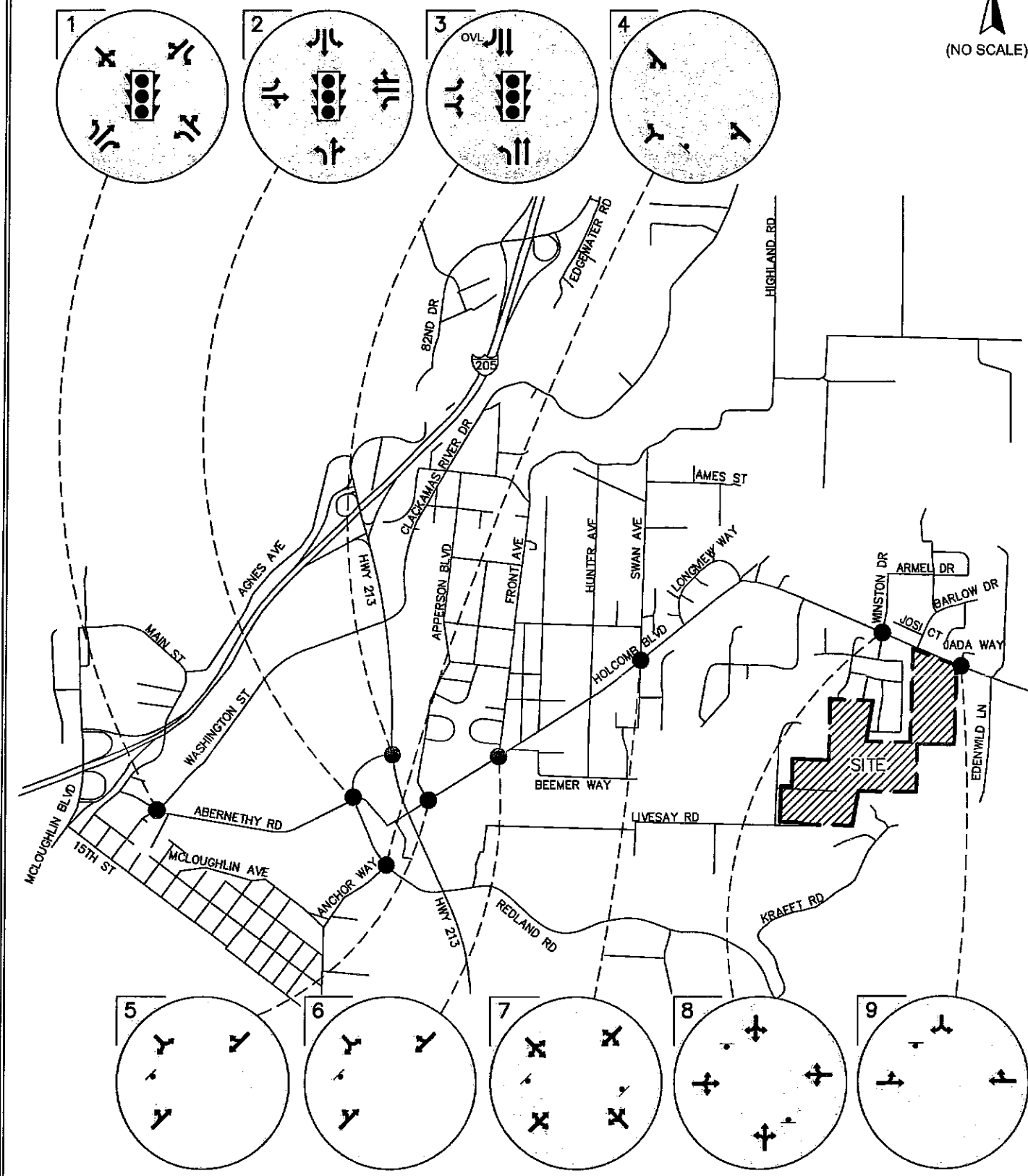
Notes:

*- East of Abernethy Road, there is partial sidewalk along north side of road, but a continuous multi-use path on the south side. West of Abernethy Road there is continuous sidewalk present along both sides of the street.

** - Continuous sidewalk is now under construction on north side of street from Front Street out to Longview Way.

*** - Wide paved shoulders allows for some on-street parking opportunities but bulk of paved shoulders used for bicycle travel, although there is no striping for bike lanes.

As shown in Figure 3, traffic signals are present at the three study intersections between Abernethy Road/Washington Street, Abernethy Road-Holcomb Avenue/Redland Road, and Redland Road/Highway 213. Apart from these intersections, the remaining study intersections are unsignalized with free-flowing conditions on the major street approaches (i.e. Holcomb Avenue and Redland Road) with stop-control present only on the minor street approaches (i.e. Anchor Way, Apperson Boulevard, Front Avenue, Swan Avenue, Winston Drive, and Jada Way.)



LEGEND

- = STOP SIGN
- OVL = RIGHT TURN OVERLAP SIGNAL PHASE
- ⬆️ = TRAFFIC SIGNAL

EXISTING LANE CONFIGURATIONS AND TRAFFIC CONTROL DEVICES

FIGURE No.:

3

NOVEMBER, 2009

PEDESTRIAN AND BICYCLE FACILITIES

As indicated by the previous table, continuous sidewalks are present in sporadic locations within the study area. Continuous sidewalk facilities are present along Apperson Boulevard, Front Avenue, Winston Drive and Jada Way. And along Washington Street, there is a multi-use path along the south side of the street east of Abernethy Road, with continuous sidewalks along both sides of Washington Street west of Abernethy Road. Continuous sidewalk facilities are generally lacking along the remaining study area roadways. However, it should be noted that construction is now underway on a new continuous sidewalk along the north side of Holcomb Boulevard from Front Avenue out to Longview Way.

In terms of bicycle facilities, continuous bicycle lanes are present along Highway 213, Abernethy Road, Washington Street, and Redland Road. Additionally, in most locations along Holcomb Avenue, there is a wide enough paved shoulder to allow for bikers to separate themselves from through traffic. No bike lanes are present on any of the remaining study area roadways.

Overall, bicycle activity was observed to be low in the site vicinity, and based on the results of the traffic counts collected for this study, pedestrian activity is also relatively low, with most intersections experiencing no pedestrian activity during peak travel hours. Several intersections did experience between one and five pedestrian crossings during the peak travel hours. No pedestrians were observed walking along Holcomb Boulevard along the site frontage.

TRANSIT FACILITIES

Tri-Met provides public transit service along Holcomb Boulevard, but only as far out as Longview Way at Clackamas Heights and at very infrequent intervals. Bus Route #34 (River Road) proceeds east from the Oregon City Transit Center along Abernethy Road and Holcomb Boulevard up to Longview Way. Bus Route #34's regular route heads between the Oregon City Transit Center and the Milwaukie Transit Center via McLoughlin Boulevard. The transit center in Oregon City provides access to many other bus routes including #32 (Oatfield), #33 (McLoughlin), #35 (Macadam/Greeley), and #79 (Clackamas/Oregon City). At the Holcomb Avenue/Longview Way bus stop, buses arrive on weekdays at 5:51 a.m., 8:30 a.m., 2:33 p.m., 5:35 p.m., and 6:35 p.m. There is no bus service on weekends.

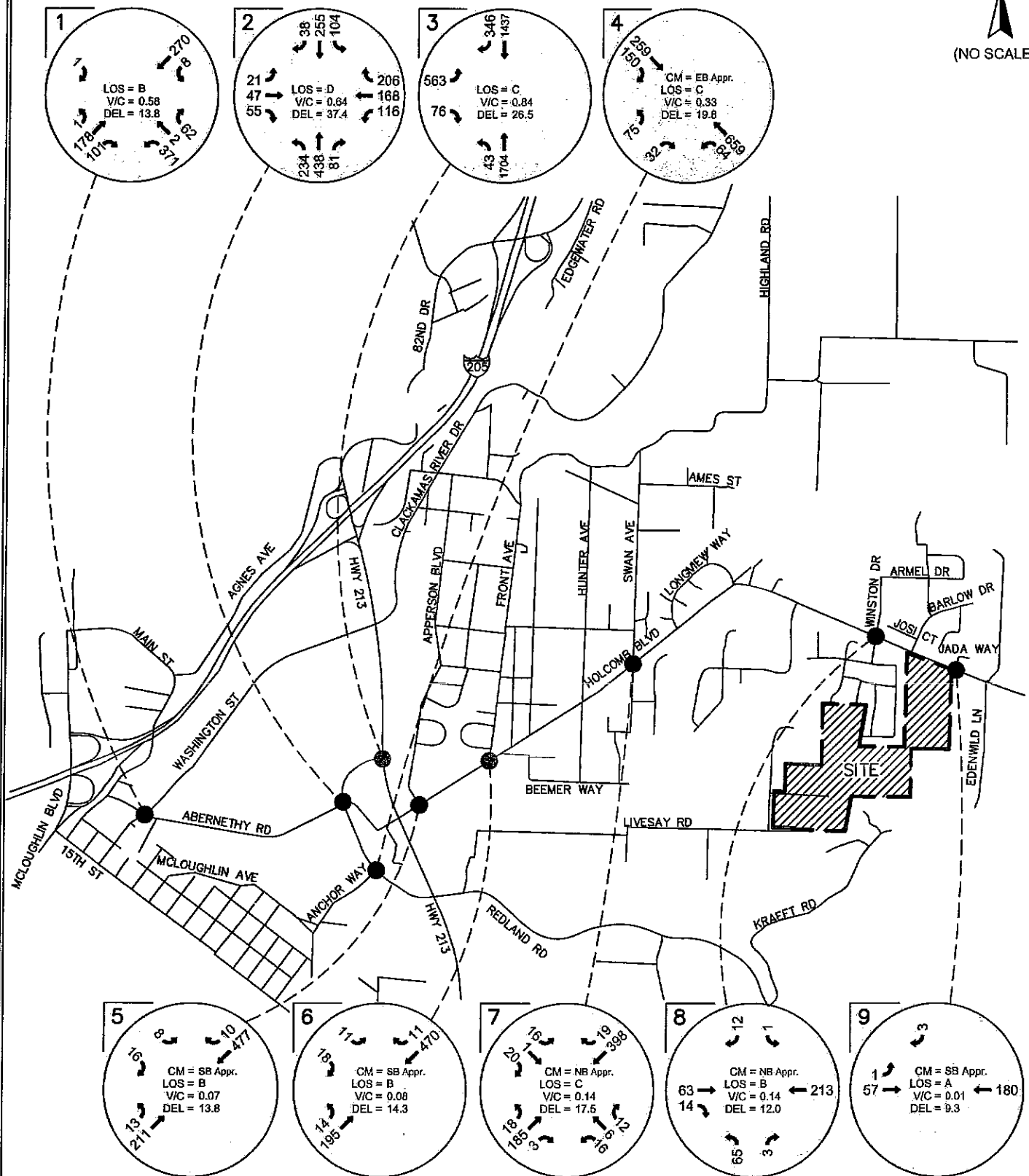
EXISTING TRAFFIC VOLUMES

Based on the City's traffic impact study guidelines and through discussions with the city's traffic engineering sub-consultant, traffic counts were collected for this study during both the weekday morning and evening periods to capture the worst-case peak hour periods for evaluating traffic conditions. Manual turn movement traffic counts were conducted at all study intersections on a mid-week day in November 2009 during the morning period from 7:00 a.m. to 9:00 a.m. and during the late afternoon period from 4:00 p.m. until 6:00 p.m.

Based on the traffic count data collected in the field, the weekday a.m. peak hour was found to occur from 7:10 a.m. to 8:10 a.m., and the p.m. peak hour was found to occur from 4:45 p.m. to 5:45 p.m. Figures 4 and 5 illustrate the existing turn movement volumes at all study intersections during the weekday a.m. and p.m. peak hours, respectively. *All traffic count worksheets are provided in Appendix "A".*

INTERSECTION OPERATING STANDARDS

All intersection operations analyses described in this report were performed in accordance with the procedures stated in the *2000 Highway Capacity Manual* (Reference 3). *A description of level of service and the criteria by which they are determined is presented in Appendix "B."* This appendix indicates how level of service is measured and what is generally considered the acceptable range of level of service.

**LEGEND**

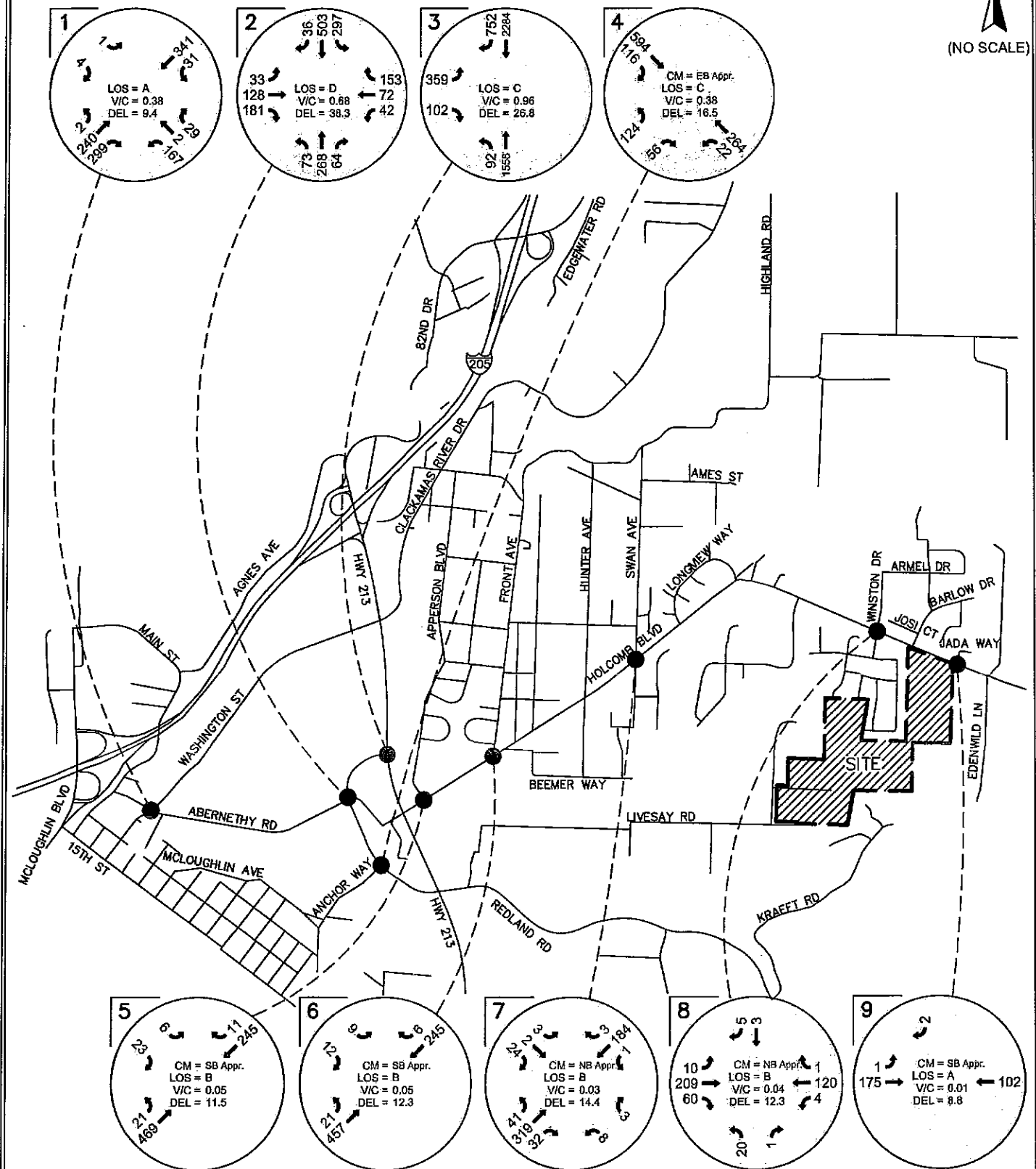
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 DEL = AVERAGE CONTROL DELAY (SECONDS)
 V/C = VOLUME-TO-CAPACITY RATIO

**EXISTING TRAFFIC CONDITIONS
 WEEKDAY AM PEAK HOUR**

**FIGURE
 No.:**

4

NOVEMBER, 2009



EXISTING TRAFFIC CONDITIONS
WEEKDAY PM PEAK HOUR

FIGURE
No.:

5

NOVEMBER, 2009

To ensure that this analysis was based on reasonable "worst-case" conditions, the peak 15-minute flow rates observed during the weekday a.m. and p.m. peak hours were used in the evaluation of all intersection levels of service. For this reason, the analysis reflects conditions that are only likely to occur for fifteen minutes out of each peak hour. The traffic conditions during all other weekday hours will likely operate under better conditions than those described in this report.

At signalized intersections, operational performance is measured by the level of service (LOS) and the volume-to-capacity (v/c) ratio. LOS is based on the average control delay per vehicle for the entire intersection, while the v/c ratio is a measurement of intersection's capacity to accommodate only the critical movements. For unsignalized intersections, operational performance is also measured by the level of service and the volume-to-capacity ratio. However, the LOS and v/c ratio are based on the average control delay per vehicle for the critical movement (typically minor left-turn or approach).

Based on the City's *Guidelines for Transportation Impact Analyses*, the City standard for signalized intersections is "LOS "D" or better for the intersection as a whole, with no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of critical movements". For unsignalized intersections under the jurisdiction of the City of Oregon City, the City supports a policy of LOS "E" or better for the poorest operating approach and with no movement serving more than 20 peak hour vehicles at worse than LOS "E". In other words, LOS "F" will be tolerated for the critical movements during a peak hour as long as demand is at or below 20 vehicles.

Intersections under the jurisdiction of the Oregon Department of Transportation (ODOT) such as those in the Highway 213 corridor are subject to the mobility standards outlined in *1999 Oregon Highway Plan* (OHP, Reference 4). The OHP specifies a maximum v/c ratio of 0.99 for all intersections along OR Hwy 213, given its location within the Portland metropolitan area and its designation as an "Expressway".

PEAK HOUR OPERATIONS

Figures 4 and 5 also summarize the existing operating conditions at all study intersections during the weekday a.m. and p.m. peak hours, including resulting levels-of-service, average vehicle delay, and v/c ratios. *Appendix "C" includes the existing year level of service worksheets.* As the figure results show, all study intersections operate within the standards enforced by the City of Oregon City and ODOT. However, it is important to note that the Redland Road/Highway 213 intersection is known to suffer heavy congestion during peak travel periods, with v/c ratios close to or at 1.00, which exceeds ODOT's minimum v/c ratio standard of 0.99 or less.

REVIEW OF DRIVER SAFETY

The Oregon Department of Transportation maintains a database of vehicle crash statistics for public streets and highways in Oregon. Using crash data provided by ODOT for the five-year period beginning in 2004 and ending in 2008, a detailed accounting of the crash history for each study intersection was prepared to identify any apparent safety hazards. The results of the crash analysis are summarized in Table 2, which includes a breakdown of the various collision types, accident severity, total crashes, and crash rates expressed in terms of crashes per million entering vehicles (crashes/mev). Typically, crash rates exceeding 1.0 crashes per million entering vehicles indicate a potential safety hazard and reason for closer inspection of the crash data. Further discussion on the crash histories of each study intersection are provided in the sections that follow. *Detailed crash data provided by ODOT along with the crash rate calculations are presented in Appendix "D".*

Abernethy Road/Washington Street

A total of two turning-type vehicle crashes were reported at this intersection in the five-year history of reported crashes. Both turning-type crashes were unrelated. One crash involved property damage only and one crash involved an injury. The resulting vehicle crash rate was determined to be low at 0.10 crashes/mev, indicating no apparent safety concern.

TABLE 2
Intersection Crash Summary
(Year 2004 Through Year 2008)

Intersection	Collision Type				Severity		Totals	
	Rear-End	Turning	Angle	Other	Property Damage	Injury	Total Crashes	Crash Rate*
Abernethy Road/Washington Street	0	2	0	0	1	1	2	0.10
Abernethy Road-Holcomb Boulevard/Redland Road	3	0	0	0	2	1	3	0.09
Redland Road/OR Highway 213	2	4	2	0	4	4	8	0.09
Anchor Way/Redland Road	1	6	0	0	5	2	7	0.33
Holcomb Boulevard/Apperson Blvd.	0	0	0	0	0	0	0	0.00
Holcomb Boulevard/Front Avenue	0	0	1	0	0	1	1	0.07
Holcomb Boulevard/Swan Avenue	0	0	0	0	0	0	0	0.00
Holcomb Boulevard/Winston Drive	0	2	0	0	1	1	2	0.25
Holcomb Boulevard/Jada Way	0	0	0	0	0	0	0	0.00

*- Crash rate expressed in terms of accidents per million entering vehicles.

Abernethy Road-Holcomb Boulevard/Redland Road

A total of three rear-end type vehicle crashes were reported at this intersection in the five-year history of reported crashes. Two of the crashes were on the same approach with the remaining crash on the opposing approach. Two crashes involved property damage only and one crash involved an injury. The resulting vehicle crash rate was low at 0.09 crashes/mev, indicating no apparent safety concern.

Redland Road/Highway 213

A total of eight vehicle crashes were reported at this intersection in the five-year history of reported crashes. Four of the crashes were turning-type crashes, with two rear-end crashes, and two angle crashes. Two of the four turning-type crashes involved a northbound driver failing to yield right of way before turning left off the highway. Also, both angle crashes involved a driver on the minor street approach failing to yield right of way to through traffic on the highway. In both cases, these crashes may indicate the need for additional green or clearance time. Nevertheless, the number of crashes for this intersection is relatively low, as seen by the low crash rate of 0.09. Hence, no safety mitigation is recommended at the intersection.

Anchor Way/Redland Road

A total of seven vehicle crashes were reported at this intersection in the five-year history of reported crashes. Six of the crashes were turning-type crashes, with one rear-end crash. Four of the six turning-type crashes involved an eastbound driver on Anchor Way failing to yield right of way to through traffic on Redland Road, which is indicative of a potential need for signalized traffic signal. Even with seven crashes reported at this intersection, the crash rate was still determined to be low at 0.33. Hence, no safety mitigation is recommended at the intersection, except for perhaps a traffic signal installation when one becomes warranted.

Holcomb Boulevard/Front Avenue

Only one vehicle crash was reported at this intersection in the five-year history of reported crashes. The resulting vehicle crash rate of 0.07 crashes/mev is very low, indicating no apparent safety concern.

Holcomb Boulevard/Winston Drive

Only two vehicle crashes were reported at this intersection in the five-year history of reported crashes. These two turning-type crashes were unrelated. The resulting vehicle crash rate of 0.25 crashes/mev is low, indicating no apparent safety concern.

BACKGROUND TRAFFIC CONDITIONS

The analyses of background traffic conditions examines how the study area's transportation system will operate in the year 2014 when the proposed annexation is complete and the site is expected to be fully built-out and occupied. The analyses of background traffic conditions account for increased traffic from all approved "in-process" developments and from expected traffic growth trends, but does not include traffic from the subject site.

PLANNED TRANSPORTATION IMPROVEMENTS

Based on a review of Oregon City's Transportation System Plan (TSP, Reference 5) and approved master plans, through discussions with the City's traffic engineering sub-consultant, and a review of the *ODOT Statewide Transportation Improvement Program* (Reference 6), only one planned and funded transportation improvement has been identified within the study area. This includes the first phase of the pedestrian sidewalk facility now under construction along Holcomb Boulevard from Front Avenue out to Longview Way. Based on this sole planned and funded transportation improvement, no traffic capacity enhancements can be anticipated at any the study intersections over the next five years.

IN-PROCESS DEVELOPMENTS

Research was conducted to identify trips associated with any "in-process" developments in the site vicinity. "In-process" developments are projects that have been approved for construction but have yet to be occupied or are partially occupied. Based on research of Oregon City land use records, a total of two "in-process" developments were identified. These include the second phase of the Red Soils Master Plan and the Clackamette Cove Mixed-Use Development. All trip assignments associated with these two developments were collected from the City and accounted for in the analysis of future background traffic conditions. *The trip assignment figures for these developments are provided in Appendix "E".*

BACKGROUND TRAFFIC FORECAST VOLUMES

Background traffic volumes at all study intersections for the forecast year 2014 (without any development on the subject site) were developed by increasing existing traffic volumes by a factor of ten percent to reflect five years of two percent annual growth beyond the date of the November 2009 traffic counts. This conservative ten percent total growth rate was determined from a review of a historical traffic growth trends in highway volumes along Highway 213 and from discussions with the city's traffic engineering sub-consultant. Figures 6 and 7 summarize the resulting year 2014 background traffic volumes at all study intersections during the weekday a.m. and p.m. peak hours, respectively.

2014 BACKGROUND TRAFFIC OPERATIONS

Figures 6 and 7 also summarize year 2014 background operating conditions at all study intersections during the weekday a.m. and p.m. peak hours, respectively. *Appendix "F" includes all year 2014 background traffic conditions level of service worksheets.* As the results in these two figures show, all the study intersections are anticipated to operate acceptably and meet jurisdictional standards during both the weekday a.m. and p.m. peak hours, except for the Redland Road/Highway 213 intersection. This intersection is forecast to operate with a v/c ratio greater than 1.0 during the weekday p.m. peak hour.

Potential Mitigation Measures for Redland Road/Highway 213 Intersection

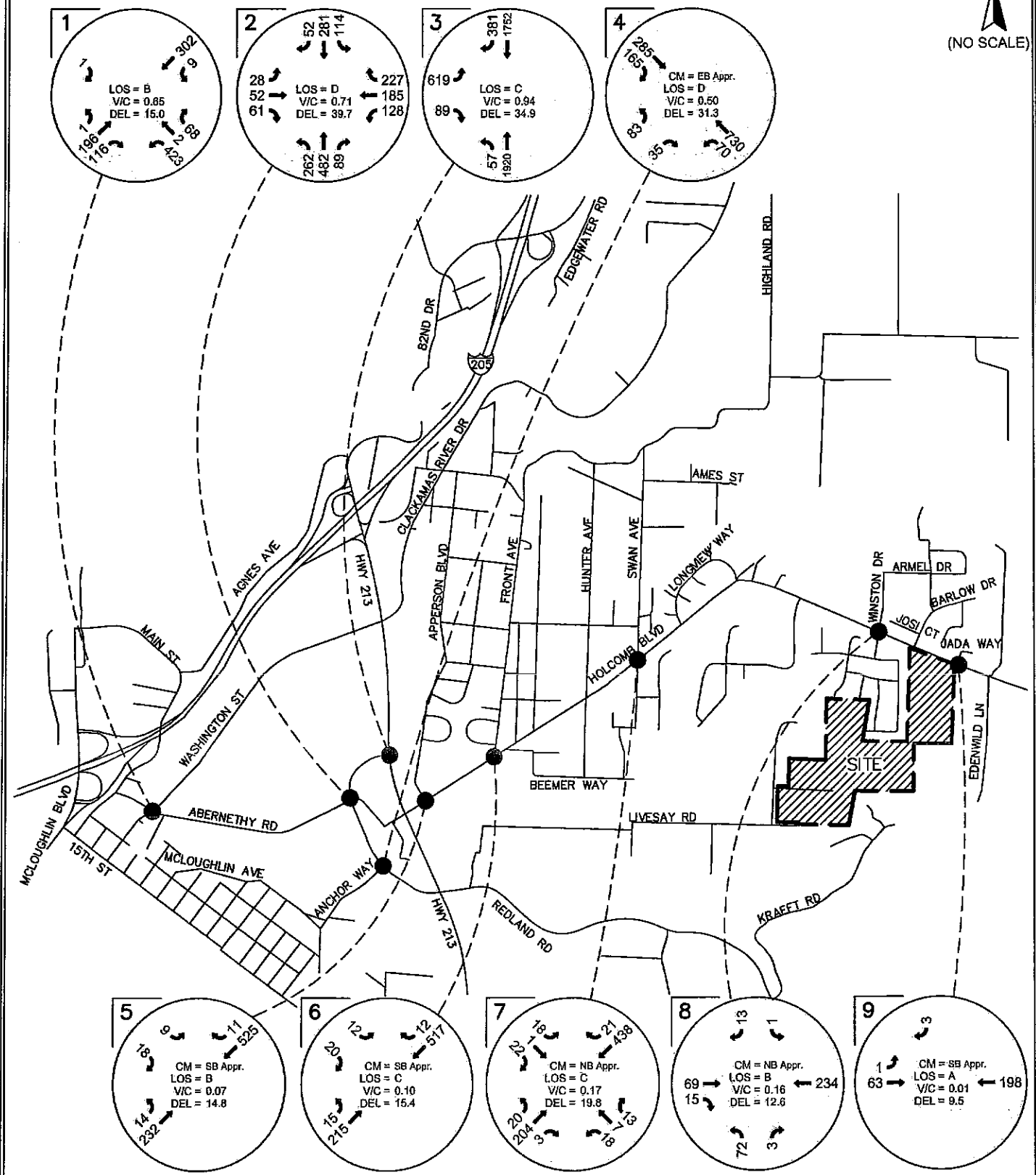
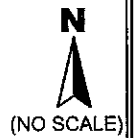
Kittelson & Associates, Inc. along with OBEC Consulting Engineers recently concluded a "Pre-Design" study that identifies and analyzes a variety of capacity enhancements for this intersection to meet long-term traffic demand needs for a design year of 2030. The study was intended to find a design solution that best optimizes traffic operating conditions at the intersection while making the best use of funding available at the time. The technical work prepared by Kittelson & Associates, Inc. in the form of a technical memorandum (Reference 7) reviewed a host of intersection improvement solutions and

associated construction costs. Two of the geometric design elements discussed and recommended in the Kittelson memorandum as part of a long-term phased solution included restriping the eastbound approach of Redland Road to provide an exclusive right-turn lane for an estimated construction cost of \$70,000, and widening Highway 213 to add a third southbound through travel lane on the highway for a construction cost of \$1.82 million (includes cost of new traffic signal). These two design elements were tested separately and together to determine whether or not the subject highway intersection could function adequately under forecast year 2014 background traffic conditions. The results of the analysis are presented in Table 3. *Analysis results for this evaluation are presented at the end of Appendix "F".*

TABLE 3
Analysis Of Potential Redland Road/Highway 213 Mitigation Measures
(Year 2014 Background Traffic Conditions)

Improvement Option	Weekday AM Peak Hour			Weekday PM Peak Hour		
	V/C Ratio	Avg. Delay	LOS	V/C Ratio	Avg. Delay	LOS
No Improvement	0.94	34.9	C	>1.00	47.6	D
Solution "A": Restripe Redland Road approach to provide exclusive right-turn lane.	0.88	28.8	C	>1.00	31.8	C
Solution "B": Widen Highway 213 to include third southbound through travel lane	0.94	30.2	C	0.85	24.8	C
Solution "A" & "B" Together	0.88	25.7	C	0.76	18.5	B

As the results in the table above show, Solution "B" by itself would achieve acceptable levels of operation during the weekday a.m. and p.m. peak hours, with intersection v/c ratios of 0.94 and below. Solution "A" by itself would still not provide an acceptable v/c ratio during the weekday p.m. peak hour. Both solutions together would result in favorable intersection operations.



LEGEND

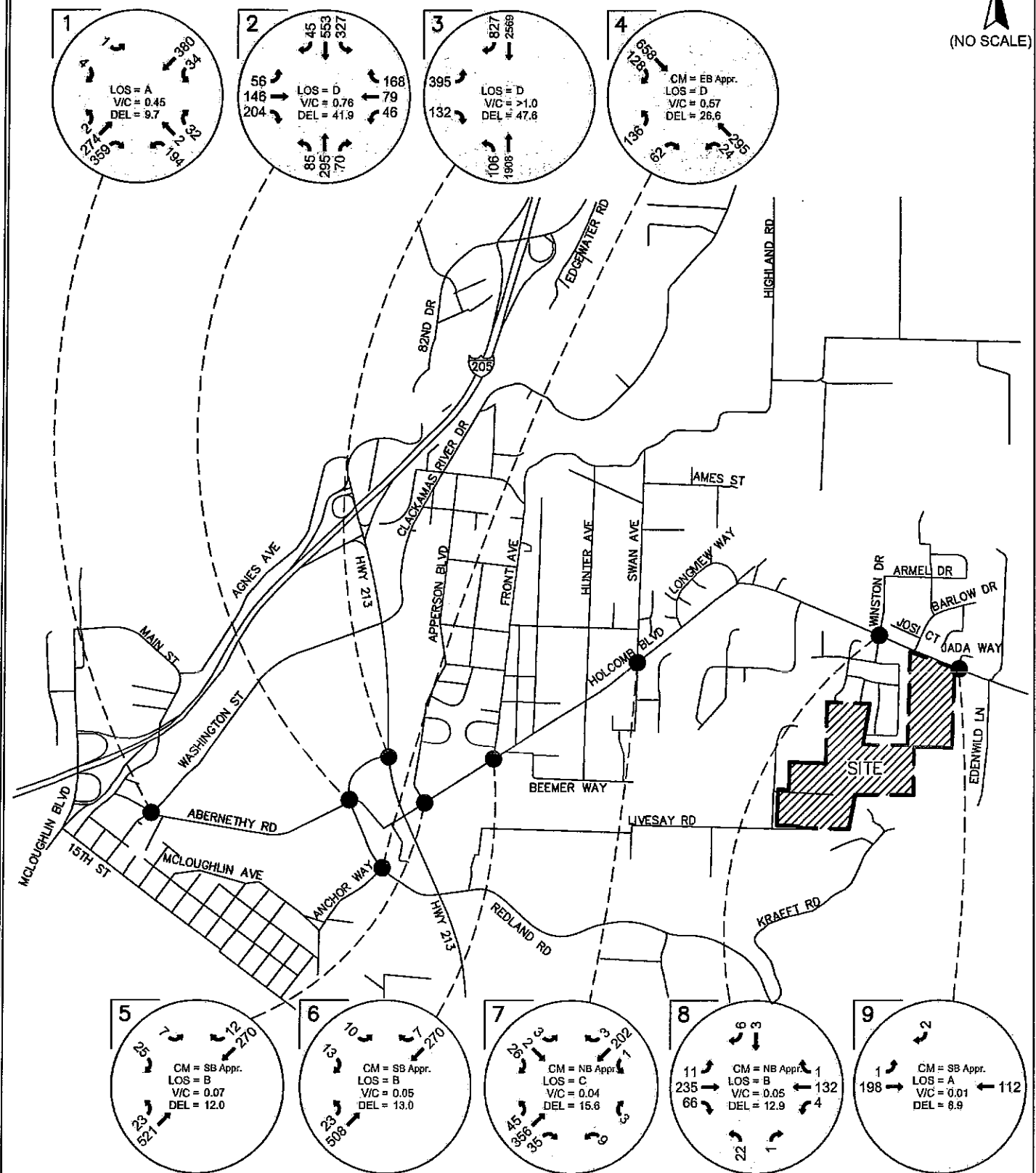
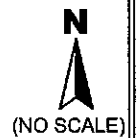
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 UNSIGNALIZED CRITICAL MOVEMENT/APPROACH
 DEL = AVERAGE CONTROL DELAY (SECONDS)
 V/C = VOLUME-TO-CAPACITY RATIO

YEAR 2014 BACKGROUND TRAFFIC CONDITIONS WEEKDAY AM PEAK HOUR

FIGURE No.:

6

NOVEMBER, 2009



LEGEND

CM = UNSIGNALIZED CRITICAL MOVEMENT/APPROACH
 LOS = LEVEL OF SERVICE FOR SIGNALIZED INTERSECTION OR
 UNSIGNALIZED CRITICAL MOVEMENT/APPROACH
 DEL = AVERAGE CONTROL DELAY (SECONDS)
 V/C = VOLUME-TO-CAPACITY RATIO

YEAR 2014 BACKGROUND TRAFFIC CONDITIONS WEEKDAY PM PEAK HOUR

FIGURE
No.:

7

NOVEMBER, 2009

FUTURE SITE DEVELOPMENT PLAN

Upon annexation into the city limits, the underlying zoning of the Park Place Annexation properties will change from a mixture of FU10 and RR5 to a new city designation of R5 (Medium Density Residential) per City Code Section 17.68.025. As such, the subject properties are expected to develop into a residential subdivision, with the potential for up to 200 units of single family detached homes. For the purposes of this study, the subject site is expected to be fully developed and occupied within the next five years by 2014.

Vehicular access to the site is expected to occur at four external locations. One would be a primary public street connection to Holcomb Boulevard just west of Jada Way. This location is consistent with the vision set forth in the approved Park Place Concept Plan. (See concept plan figure provided in Appendix "G"). The three other external access points will be established via connections to the street stubs of Cattle Drive, Shartner Drive, and Journey Drive, which lie within the adjacent subdivision to the north and lead to a single street access to Holcomb Boulevard via Winston Drive. For the purposes of this study, no vehicular access is expected to take place along Livesay Road within the five-year forecast build-out period as this roadway is currently substandard and would be unsafe for travel by residents of the development. Future access to Livesay Road and by extension to Redland Road will eventually be made once infill development occurs along this roadway and the street is brought up to urban standards.

Figure 8 illustrates the lane configurations and traffic control devices assumed to be in place at all the study intersections upon development of the site.

SITE TRIP GENERATION

Estimates of the average weekday and weekday a.m. and p.m. peak hour vehicle trip ends for a future 200-unit residential subdivision were prepared using the standard reference *Trip Generation, 7th Edition* (Reference 8). The trip rates for ITE Land Use Category #210 (*Single Family Detached*) were utilized, as they are derived from empirical observations made at similar developments.

Using ITE trip generation equations, Table 4 shows the estimated trip generation potential for the assumed residential subdivision.

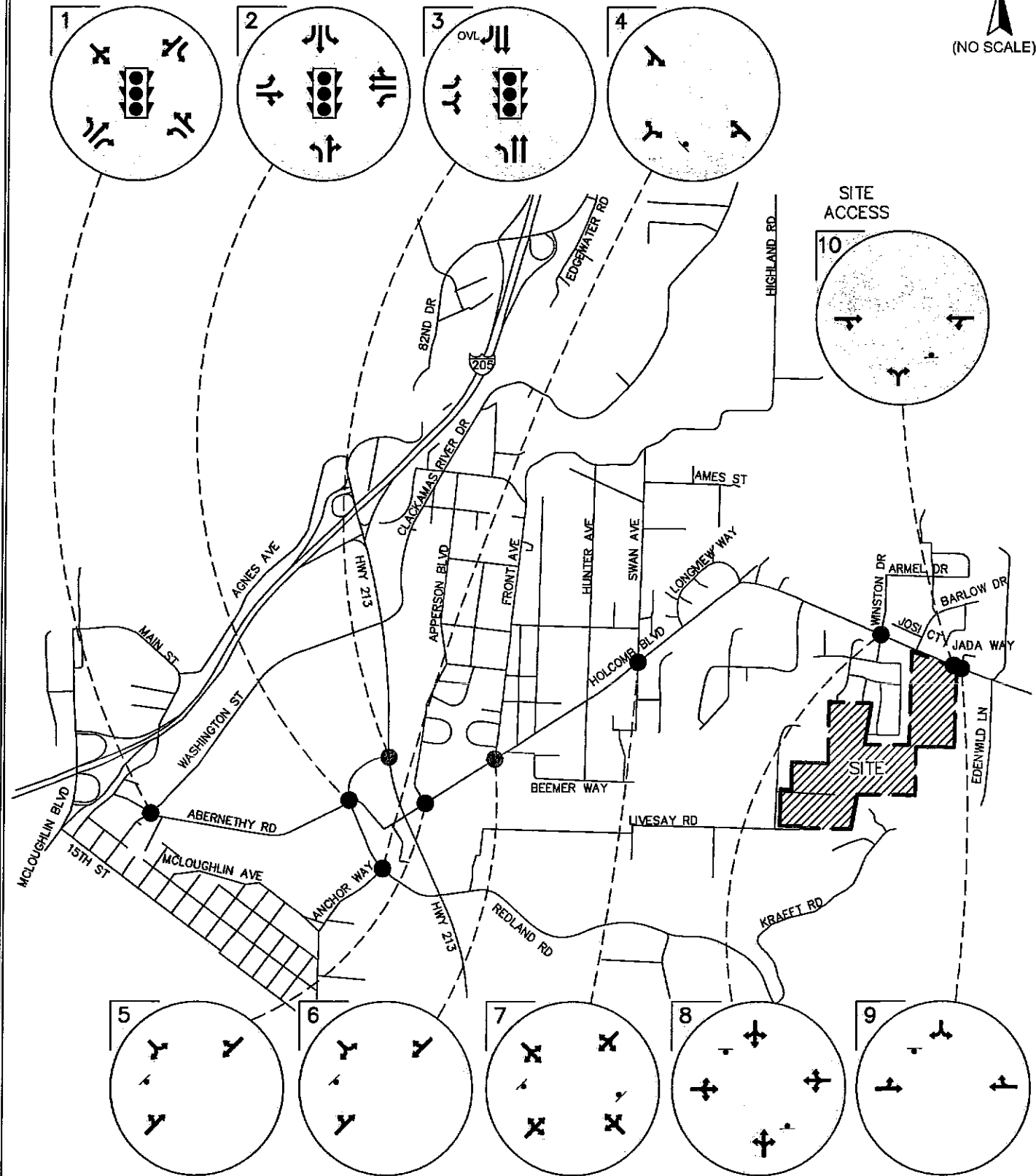
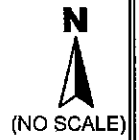
TABLE 4
Site Trip Generation Estimate

Land Use	ITE Code	Size	Average Weekday Trips	Weekday AM Peak Hour Trips			Weekday PM Peak Hour Trips		
				Total	In	Out	Total	In	Out
Single Family Detached Home	210	200 units	1,967	149	37	112	200	126	74

As shown in the table above, the proposed site development is expected to generate a total of 1,967 average weekday trips, 149 (37 in, 112 out) weekday a.m. peak hour trips, and 200 (126 in, 74 out) weekday p.m. peak hour trips.

SITE TRIP DISTRIBUTION/ASSIGNMENT

The distribution of site-generated trips onto the surrounding study area roadways was based on the location of the subject site relative to the surrounding transportation network, turn movement patterns observed from the existing traffic counts conducted for this study, and through discussions with the city's traffic engineering sub-consultant. Figure 9 illustrates the overall trip distribution pattern selected for the assignment of all weekday a.m. and p.m. peak hour site-generated trips. The resulting site traffic assignments for the weekday a.m. and p.m. peak hours are shown in Figures 10 and 11, respectively.



LEGEND

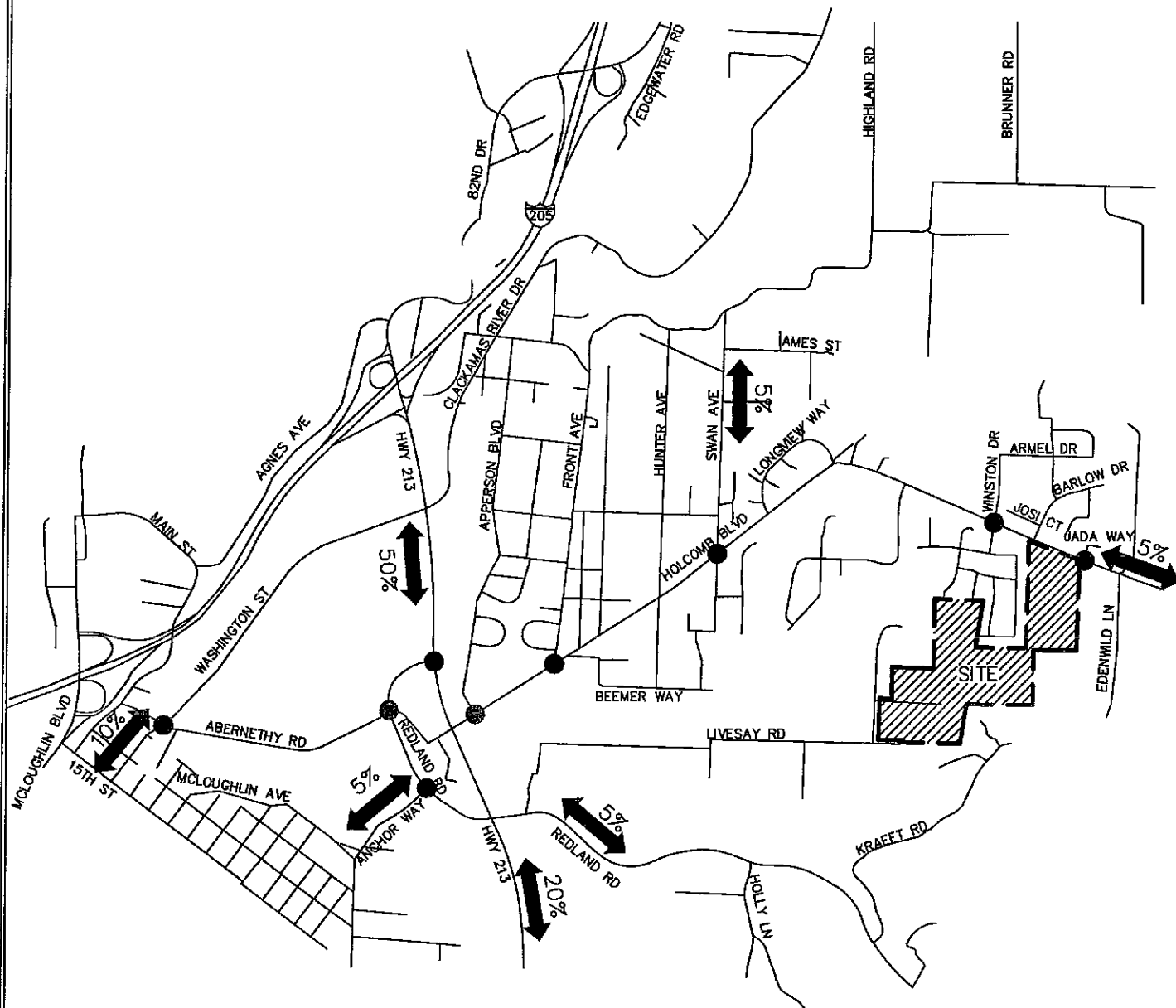
- = STOP SIGN
- OVL = RIGHT TURN OVERLAP SIGNAL PHASE
- ⬆️ = TRAFFIC SIGNAL

ASSUMED LANE CONFIGURATIONS AND TRAFFIC CONTROL DEVICES

FIGURE No.:

8

NOVEMBER, 2009



LEGEND

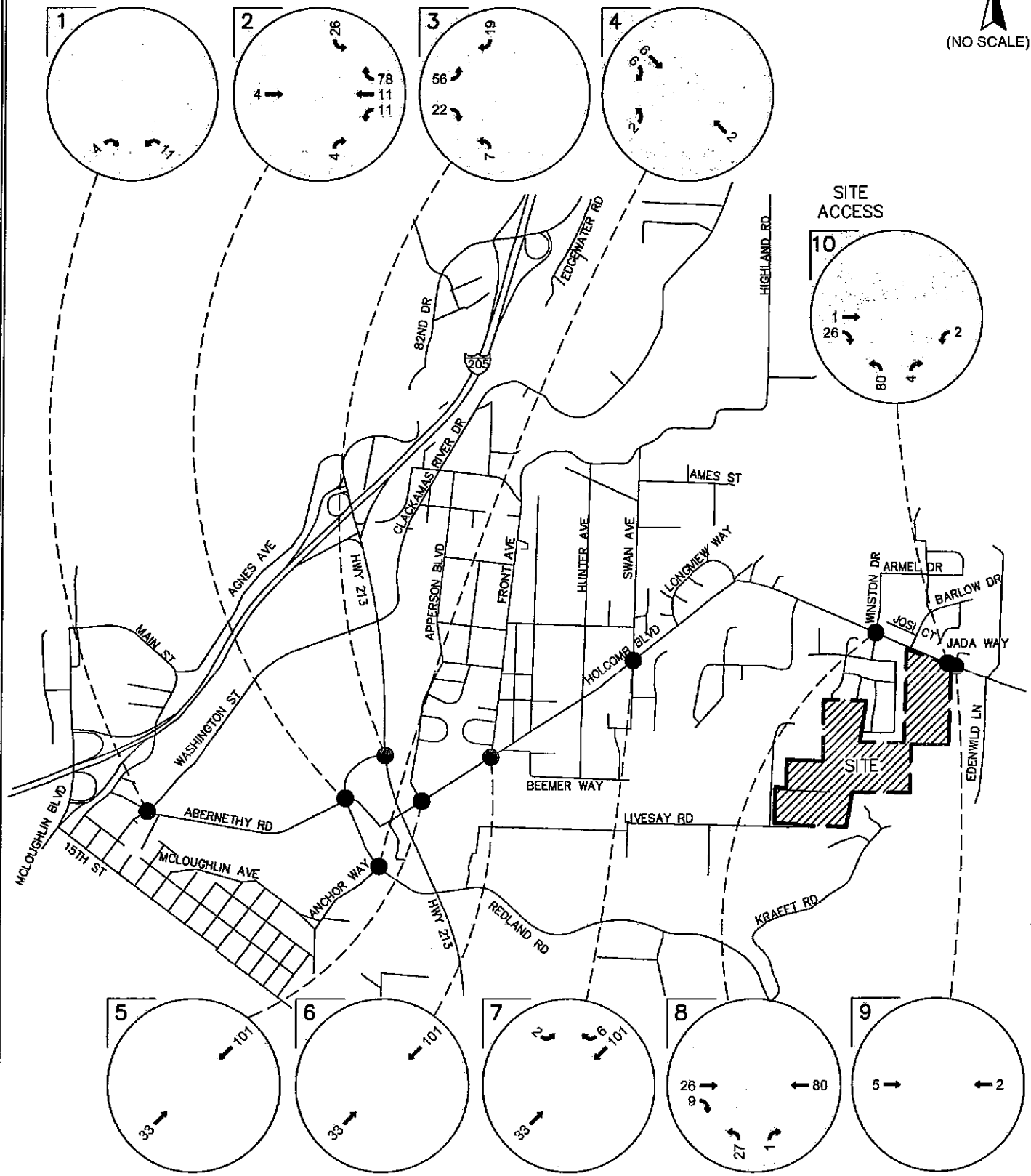
= PERCENT SITE TRIP DISTRIBUTION

ESTIMATED SITE TRIP DISTRIBUTION PATTERN

FIGURE
No.:

9

NOVEMBER, 2009



LEGEND

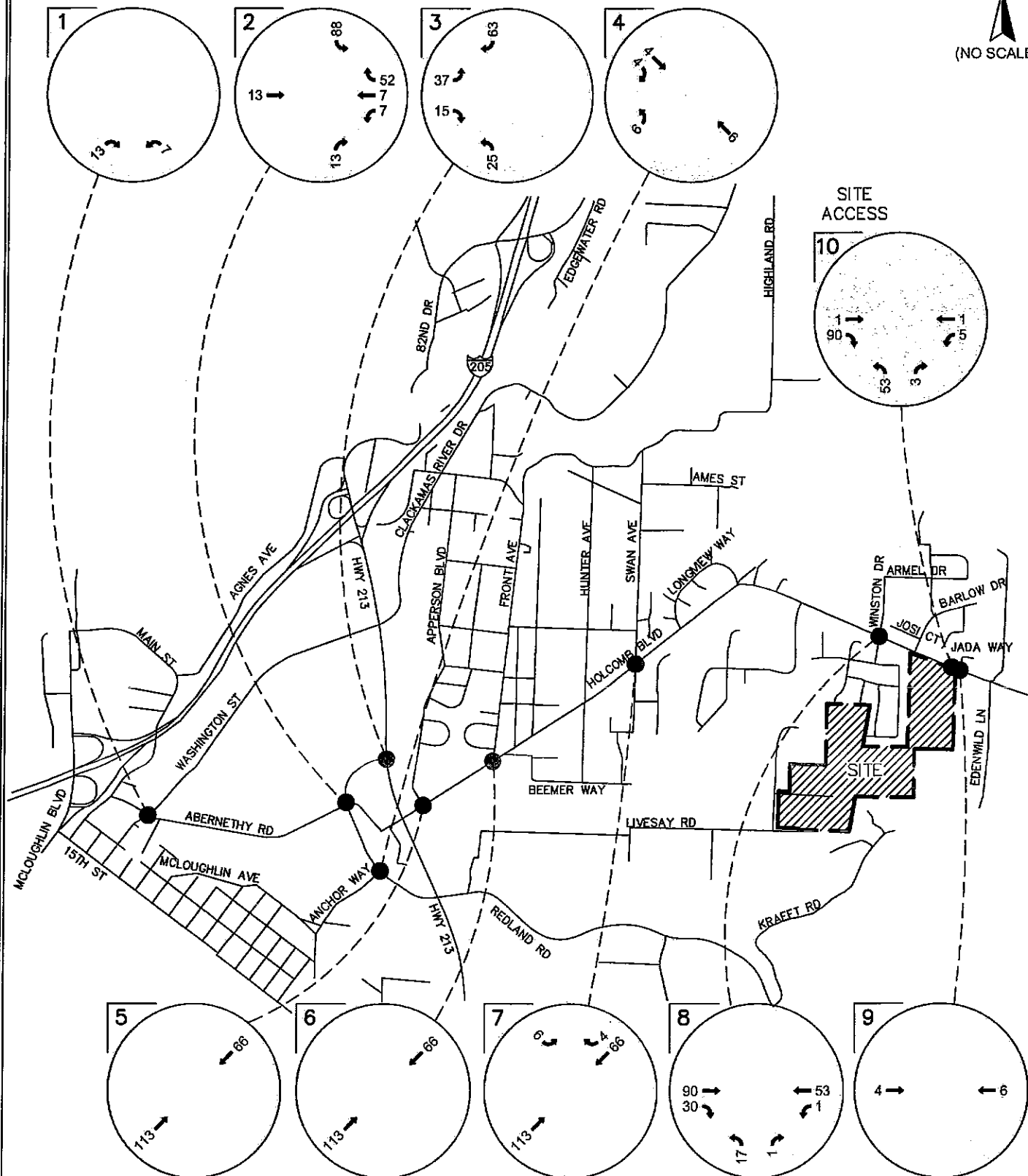
= PEAK HOUR TRAFFIC VOLUME

SITE TRAFFIC ASSIGNMENT
WEEKDAY AM PEAK HOUR

NOVEMBER, 2009

FIGURE
No.:

10



LEGEND

= PEAK HOUR TRAFFIC VOLUME

SITE TRAFFIC ASSIGNMENT
WEEKDAY PM PEAK HOURFIGURE
No.:

11

NOVEMBER, 2009

TOTAL TRAFFIC CONDITIONS

The analysis of total traffic conditions examines how the study area's transportation system will operate when the Park Place Annexation site is fully built-out and occupied in the year 2014.

FORECAST TRAFFIC VOLUMES

Traffic volumes for site build-out conditions in the year 2014 were determined by adding the site traffic assignments for the weekday a.m. and p.m. peak hours shown in Figures 10 and 11 to the associated 2014 background traffic volume forecasts shown in Figures 6 and 7 for these same time periods. The resulting total traffic volumes for the year 2014 during the weekday a.m. and p.m. peak hours are shown in Figures 12 and 13, respectively.

2014 TOTAL TRAFFIC CONDITIONS

Figures 12 and 13 also summarize year 2014 total traffic operating conditions at all study intersections during the weekday a.m. and p.m. peak hours, respectively. *Appendix "H" includes the year 2014 total traffic conditions level of service worksheets.* As shown in the figures, all the study intersections are anticipated to operate acceptably and meet jurisdictional standards during both the weekday a.m. and p.m. peak hours, except for the Redland Road/Highway 213 intersection. Like the background traffic condition, this intersection is forecast to continue operating with a v/c ratio greater than 1.0 during the weekday p.m. peak hour.

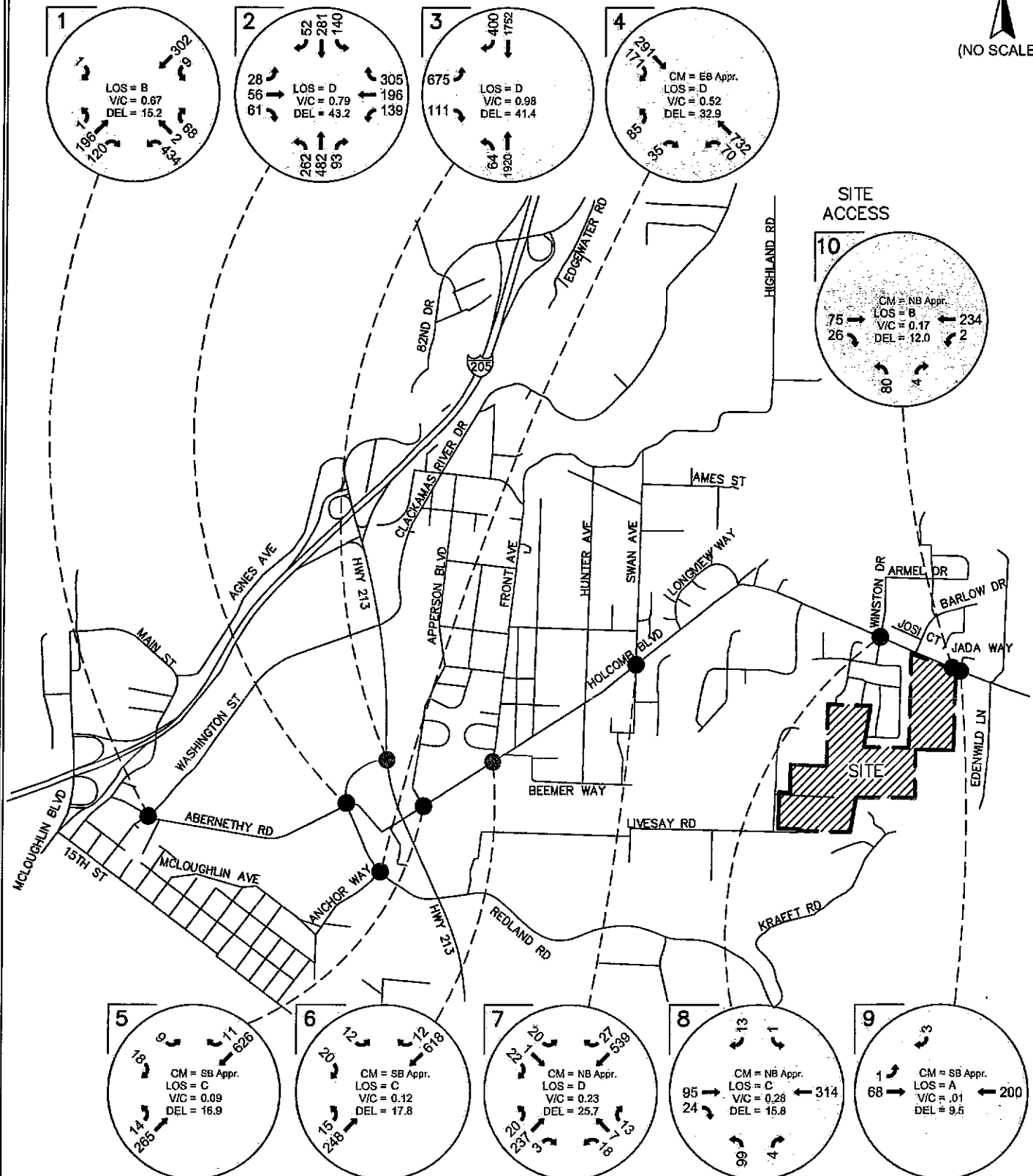
Potential Mitigation Measures for Redland Road/Highway 213 Intersection

The same two design elements evaluated previously in the background traffic conditions section of this report were tested again separately and together to determine whether or not the Redland Road/Highway 213 intersection could function adequately under forecast year 2014 total traffic conditions. The results of the analysis are presented in Table 5. *Analysis results for this evaluation are presented at the end of Appendix "H".*

TABLE 5
Analysis Of Potential Redland Road/Highway 213 Mitigation Measures
(Year 2014 Total Traffic Conditions)

Improvement Option	Weekday AM Peak Hour			Weekday PM Peak Hour		
	V/C Ratio	Avg. Delay	LOS	V/C Ratio	Avg. Delay	LOS
No Improvement	0.98	41.4	D	>1.00	56.3	E
Solution "A": Restripe Redland Road approach to provide exclusive right-turn lane.	0.90	31.8	C	>1.00	37.6	D
Solution "B": Widen Highway 213 to include third southbound through travel lane	0.98	35.0	C	0.89	28.0	C
Solution "A" & "B" Together	0.90	28.1	C	0.79	20.7	C

As the results in the table above show, Solution "B" by itself would satisfy ODOT's v/c ratio standard during the weekday a.m. and p.m. peak hours, with intersection v/c ratios of 0.98 and below. Solution "A" by itself would still not provide an acceptable v/c ratio result during the weekday p.m. peak hour. Both solutions together would operate in a manner that satisfies ODOT's v/c ratio standard during both peak hour periods.



LEGEND

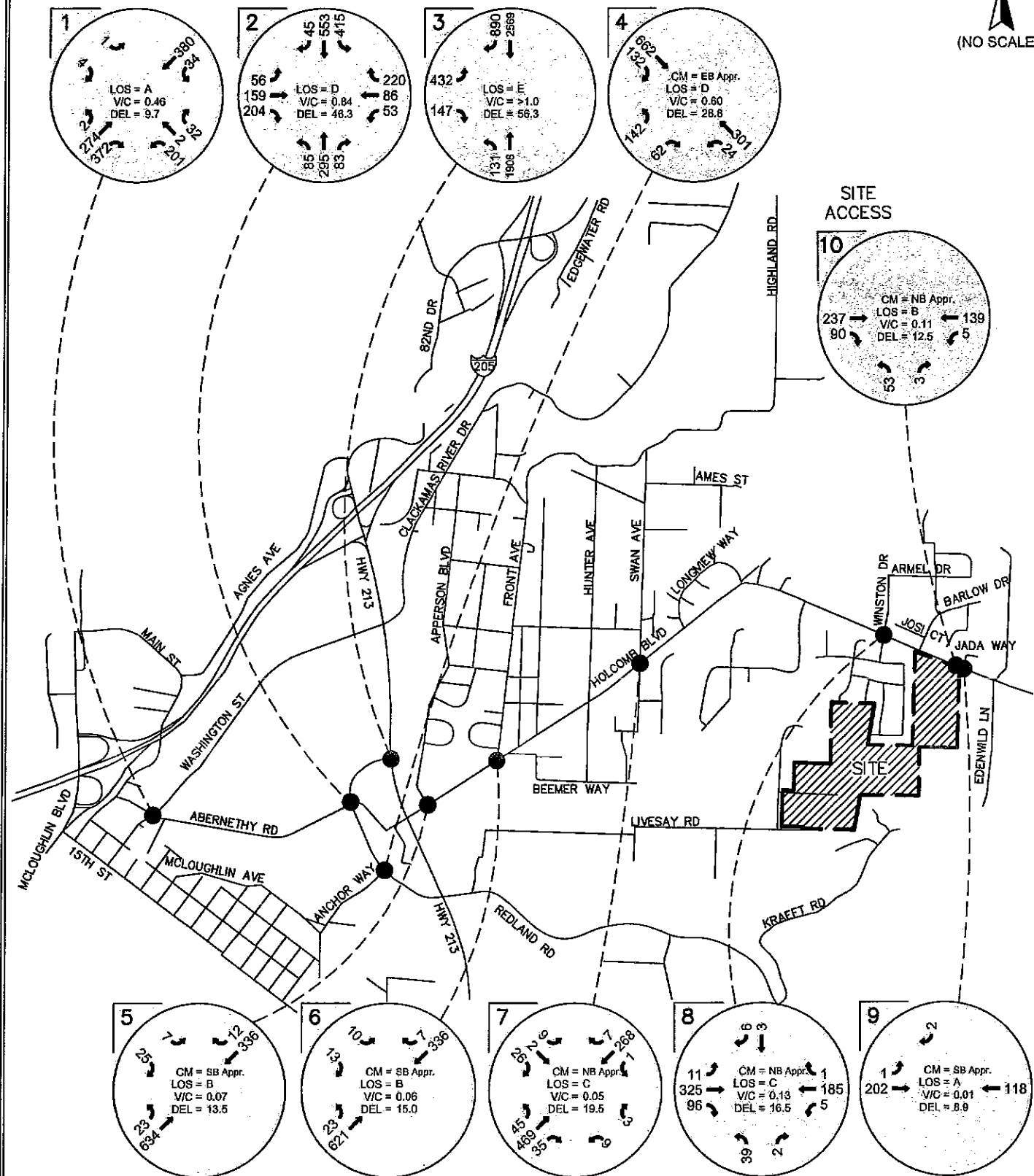
CM = UNSIGNALIZED CRITICAL MOVEMENT/APPRAOCH
LOS = LEVEL OF SERVICE FOR SIGNALIZED INTERSECTION OR
UNSIGNALIZED CRITICAL MOVEMENT/APPRAOCH
DEL = AVERAGE CONTROL DELAY (SECONDS)
V/C = VOLUME-TO-CAPACITY RATIO

YEAR 2014 TOTAL TRAFFIC CONDITIONS WEEKDAY AM PEAK HOUR

FIGURE
No.:

12

NOVEMBER, 2009



LEGEND

CM = UNSIGNALIZED CRITICAL MOVEMENT/APPROACH
LOS = LEVEL OF SERVICE FOR SIGNALIZED INTERSECTION OR
UNSIGNALIZED CRITICAL MOVEMENT/APPROACH
DEL = AVERAGE CONTROL DELAY (SECONDS)
V/C = VOLUME-TO-CAPACITY RATIO

YEAR 2014 TOTAL TRAFFIC CONDITIONS WEEKDAY PM PEAK HOUR

FIGURE
No.:

13

NOVEMBER, 2009

Proportionate Share Cost Collection Program for Redland Road/Highway 213 Improvements

It is likely that future developers in the study area will not be able to absorb the full cost of making substantial physical improvements at the Redland Road/Highway 213 intersection as a means of mitigating the traffic impacts of their developments. Instead, the City should establish a proportionate share cost collection fee program. The City or Oregon City has, in the past, employed such a method to extract fees from developers in a manner that is commensurate or proportionate to their traffic impact. A recent example is the City's efforts to collect impact fees from local area developers for improvements needed at the Highway 213/Meyers Road intersection. Developers who send vehicle trips through this intersection are conditioned to pay a fee that covers their share of impact.

It is our recommendation that City staff consider employing a proportionate share cost collection program for the Redland Road/Highway 213 intersection to begin collecting the funds that will be necessary to improve this intersection in the near future. Such a program would create a mechanism for the future developer of the Park Place Annexation site to meet the City's concurrency standards.

VEHICLE QUEUING ANALYSIS

A vehicle queuing analysis was conducted for individual lane movements at the study intersections, whereby the 95th percentile vehicle queues were estimated for the weekday a.m. and p.m. peak hours of year 2014 total traffic conditions. Tables 6 and 7 summarize the results of the signalized and unsignalized vehicle queuing analyses under both peak hour periods along with comparisons to available lane storage. *Appendix "I" contains all the queuing analysis worksheets for year 2014 total traffic conditions.*

TABLE 6
Signalized Vehicle Queue Analysis Results
(Year 2014 Total Traffic Conditions)

Intersection	Period	Northbound			Southbound			Eastbound			Westbound		
		Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Abernethy Road/ Washington Street	AM	0	125	100	25	175		0			150	50	
	PM	0	125	150	25	150		25			125	50	
	Avail. Storage	115	Cont.	225	125	Cont.		250			165	Cont.	
	Adequate?	Yes	Yes	Yes	Yes	Yes		Yes			Yes	Yes	
Abernethy Road- Holcomb Boulevard/ Redland Road	AM	275	400		200	275	75	75	175		175	225	
	PM	125	375		375	375	50	100	350		100	150	
	Avail. Storage	125	900**		215	750**	750**	115	Cont.		100	Cont./100	
	Adequate?	No*	Yes		No***	Yes	Yes	Yes	Yes		No***	No***	
Redland Road/OR Highway 213	AM	125	500	N/A	N/A	500	125	400			N/A	N/A	N/A
	PM	225	375	N/A	N/A	600	250	350			N/A	N/A	N/A
	Avail. Storage	200	13,000**	N/A	N/A	1,600**	1,600**	750**			N/A	N/A	N/A
	Adequate?	No*	Yes	N/A	N/A	Yes	Yes	Yes			N/A	N/A	N/A

Notes: Cont.= continuous approach lane with significant storage potential.

* - Additional 175 feet available within taper transition area.

** - Distance shown is to next adjacent intersection.

*** - Sufficient additional storage available within adjacent through lane.

TABLE 7
Unsignalized Vehicle Queue Analysis Results
(Year 2014 Total Traffic Conditions)

Intersection	Period	Northbound			Southbound			Eastbound			Westbound		
		Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Anchor Way/ Redland Road	AM							75					
	PM							100					
	Avail. Storage							>100					
	Adequate?							Yes					
Holcomb Boulevard/ Apperson Blvd.	AM				25								
	PM				25								
	Avail. Storage				>50								
	Adequate?				Yes								
Holcomb Boulevard/ Front Avenue	AM				25								
	PM				25								
	Avail. Storage				>50								
	Adequate?				Yes								
Holcomb Boulevard/ Swan Avenue	AM	25			25								
	PM	25			25								
	Avail. Storage	>50			>50								
	Adequate?	Yes			Yes								
Holcomb Boulevard/ Winston Drive	AM	50			25								
	PM	25			25								
	Avail. Storage	>50			>50								
	Adequate?	Yes			Yes								
Holcomb Boulevard/ Jada Way	AM				25								
	PM				25								
	Avail. Storage				>50								
	Adequate?				Yes								
Holcomb Boulevard/ Site Access	AM	25											
	PM	25											
	Avail. Storage	>50											
	Adequate?	Yes											

As the previous table shows, there are a total of five movements at signalized intersections where the 95th percentile vehicle queues are forecast to exceed beyond striped lane storage during the weekday a.m. and/or p.m. peak hours. In all cases for the unsignalized intersections, available lane storage would be adequate to meet demand. The following sections further summarize the intersection movements that are forecast to exceed available striped storage.

Southbound Approach of Redland Road at Abernathy-Holcomb Boulevard

The left-turn lane queue demand is forecast to reach 375 feet during weekday p.m. peak hour, with only 215 feet of striped storage available. Based on the results of the vehicle queuing analysis, the adjacent through lane has sufficient storage (375 feet of unused storage) to handle any spillover that may occur beyond this left-turn lane without affecting the overall safety or operating capacity of the intersection. Also, both the Kittelson "Pre-Design" study and the approved Park Place Concept Plan indicate no long-term need to extend the length of this turn lane. The long-term plan for this intersection, per the Park Place Concept Plan is to widen Redland Road to a five-lane section. Based on these findings, no changes are required to the existing lane storage.

Northbound Approach of Redland Road at Abernathy-Holcomb Boulevard

The left turn lane queue demand is forecast to reach 275 feet during weekday a.m. peak hour, with only 125 feet of striped storage available. Based on current conditions, there is additional space (175 feet) to handle vehicle spillback into the left-turn lane taper transition area. This condition should be acceptable in the interim period until Redland Road is ultimately upgraded to a five lane section per the Park Place Concept Plan recommendations. Based on these findings, no changes are required to the existing lane storage.

Westbound Approach of Holcomb Boulevard at Redland Road

The left-turn and outside through-right-turn lane demand on this approach are forecast to reach 175 feet and 225 feet, respectively, during the critical weekday a.m. peak hour, with only 100 feet of striped storage available. Based on the results of the vehicle queuing analysis, the adjacent through lane has continuous and sufficient storage to handle any spillover that may occur from these turn lanes without affecting the overall safety or operating capacity of the intersection. Also, the approved Park Place Concept Plan indicate no long-term need to extend the lengths of these turn lanes. Based on observations in the field and a review of city records, there is no additional space available for widening the roadway approach due to the roadway's steep grade and slope support, and limited right-of-way. Based on these findings, no changes are required to the existing lane storage.

Northbound Approach of Highway 213 at Redland Road

The left turn lane demand on this highway approach is forecast to reach 225 feet during weekday p.m. peak hour, with only 200 feet of striped storage available. Based on the future capacity enhancements that may be implemented at this intersection (i.e. additional southbound through travel lane) it may be possible to reduce the 95th percentile queue demand by providing more green time to this movement. Alternatively, there is additional storage space present within the taper transition area; enough to accommodate an additional vehicle or two in the queue, without impacting the safety of traffic in the through travel lanes. Based on these findings, no changes are required to the existing lane storage.

LEFT TURN LANE WARRANTS ANALYSIS

Using the criteria outlined in the City's *Guidelines for Transportation Impact Studies*, an analysis was conducted to determine if exclusive left-turn lanes would be warranted at key study intersections. The analysis was performed for the following movements at two stop-controlled intersections:

- Westbound left turn at the Holcomb Avenue/Winston Drive intersection; and
- Westbound left turn at the Holcomb Avenue/Site Access intersection.

The turn lane analysis was conducted using the left turn lane criterion contained in the ODOT *Analysis Procedures Manual* (Reference 9), i.e. traffic volume demand, crashes and special cases. Based on the results of the analysis, left-turn lanes will not be warranted for either of the movements cited above during the weekday a.m. and p.m. peak hours of the 2014 total build-out traffic condition. Therefore, exclusive left-turn lanes are not recommended for construction along the site frontage of Holcomb Avenue at Winston Drive or the proposed site access street. *Appendix "J" contains the left turn lane warrant analyses worksheets.*

RIGHT TURN LANE WARRANTS ANALYSIS

Using the criteria outlined in the City's *Guidelines for Transportation Impact Studies*, an analysis was conducted to determine if exclusive right-turn lanes would be warranted at any of the unsignalized study intersections. *Appendix "K" contains all the right turn lane warrant analyses worksheets.* The turn lane analysis was conducted using the right turn lane criterion contained in the *ODOT Analysis Procedures Manual*, i.e. traffic volume demand and crashes. Based on the results of the analysis, right-turn lanes would be warranted for three individual movements in the 2014 total build-out traffic condition. They are as follows:

- Southbound right-turn movement on Redland Road at Anchor Way;
- Eastbound right-turn movement on Holcomb Boulevard at Winston Drive; and,
- Eastbound right-turn movement on Holcomb Boulevard at the Proposed Site Access.

Southbound Approach of Redland Road at Anchor Way

The right-turn lane warrant would be satisfied for the southbound right turn movement during weekday a.m. and p.m. peak hours primarily due to existing heavy right-turn demand. In fact, further analysis shows that the right-turn lane warrant is already or would be met during the existing year 2009 and future background year 2014 traffic conditions over the same analysis periods. In addition, a review of the historical crash data indicates no reported crashes between right-turning vehicles and other vehicles in the through traffic lane. Lastly, the Park Place Concept plan targets this intersection for signalization in addition to widening Redland Road to a five lane section. Based on these findings, a right-turn lane may be warranted today, but the need should diminish once a traffic signal is installed and Redland Road is widened to provide multiple through travel lanes. Therefore, no action is recommended.

Eastbound Approach of Holcomb Boulevard at Winston Drive

The right-turn lane warrant would be satisfied for the eastbound right turn movement during weekday p.m. peak hour only. A review of historical crash data does not support need for right turn lane as there were no reported crashes involving right-turning vehicles. Interestingly, the right-turn lane warrant would not be satisfied during the year 2014 background condition, thus indicating the warrant will be triggered by traffic associated with development on the Park Place Annexation properties. Nevertheless, a right-turn lane cannot be constructed here because half-street improvements have already been established along the site frontage of the adjacent subdivision on the south side of the street. To address and mitigate this issue, it is recommended that an exclusive right-turn lane be constructed further to the east along Holcomb Boulevard at the ultimate location of the new street providing direct access to the Park Place Annexation properties. This should attract some of the right-turn traffic demand away from Winston Drive.

Eastbound Approach of Holcomb Boulevard at New Site Access Street

The right-turn lane warrant would be satisfied for the eastbound right turn movement during weekday p.m. peak hour only. As stated previously, an exclusive right-turn lane is recommended for this movement to be placed at the ultimate location of the new street providing direct access to the Park Place Annexation properties.

ACCESS SPACING REVIEW

The City of Oregon City Transportation System Plan (TSP) outlines the access spacing standards for city streets and private access driveways. For *Minor Arterial* streets like Holcomb Boulevard, the City's policy is for a minimum public street intersection spacing of 400 feet between local streets.

The proposed location for the future street access between the Park Place Annexation properties and Holcomb Boulevard is approximately 70 feet west of Jada Way (north side), 415 feet west of Edenwild Lane (south side) and 475 feet east of Barlow Drive (north side). This location has been selected for several reasons. First, the access represents the approximate location as shown in the Park Place Concept Plan. Second, the access has been pushed as far east as possible in an effort to maximize the

amount of sight distance that would be available along Holcomb Boulevard (see summary in next section). Thirdly, with the access pushed up to the eastern site boundary, it would allow for the construction of a future right-turn deceleration lane off of Holcomb Avenue.

It should be emphasized here that it will not possible to locate the proposed street access to the Park Place Annexation properties directly across from Jada Way, which would be ideal. The reason is because the adjacent property to the east, across from Jada Way, is still outside METRO's urban growth boundary. This property would have to be brought into the urban growth boundary, annexed into the city limits, and rezoned for urban uses before an urban street access could be made. Until then, it is recommended that if the Park Place Annexation properties develop prior to annexation and development of the parcel to the east, an interim street access be established to Holcomb Avenue, subject to future realignment directly across from Jada Way. Creating a four-way intersection between Holcomb Boulevard, Jada Way, and the street accessing the Park Place Annexation properties would meet the City's access spacing policy.

SIGHT DISTANCE REVIEW

Analyses of intersection and stopping sight distances were conducted at the proposed future location of the public street access to Holcomb Boulevard. For the analysis, sight distances were evaluated using measurements obtained in the field (70 feet west of Jada Way). Intersection sight distances were measured from a viewpoint 15 feet behind the edge of the traveled way and from a height of 3.5 feet above the ground, looking toward an object that is 4.25 feet above the ground. Stopping sight distances were measured in the field from a height of 3.5 feet above the ground looking toward an object that is 2.00 feet above the ground. All sight distance measurements were taken using procedures that are consistent with the sight distance design standards specified in *A Policy on Geometric Design of Highways and Streets* (AASHTO, Reference 10).

Table 8 summarizes the results of the intersection and stopping sight distance analyses. Intersection sight distance results reflect the distance drivers can see in each direction along the mainline roadway from a stop-controlled minor road approach. Stopping sight distance reflects the distance drivers can see along the mainline roadway as they approach an intersecting street. It was also assumed for this analysis that a design speed of 40 mph applies along Holcomb Boulevard, given the roadway character and posted speed.

TABLE 8
Sight Distance Analysis Results

Roadway Section	Travel Direction	Available Intersection Sight Distance (feet)	Required Intersection Sight Distance (feet)	Available Stopping Sight Distance (feet)	Required Stopping Sight Distance (feet)	Adequate Sight Distance Available?
Holcomb Boulevard at Future Street Access	Eastbound	>700	445	>700	305	Yes
	Westbound	>700	445	>700	305	

As the results show in the previous table, adequate intersection and stopping sight distance would be provided at the proposed future street access to Holcomb Boulevard.

It should be emphasized here that there is a crest vertical curve present along the Holcomb Boulevard alignment, right at the Jada Way intersection. This crest vertical curve does not adversely affect sight distance at this intersection and it will not adversely affect sight distance at any future intersection that may be located west of Jada Way, unless such an intersection were located more than 150 feet away from Jada Way. Beyond this distance, the crest vertical curve in Holcomb Boulevard severely limits sight distance to the east.

CONCLUSIONS AND RECOMMENDATIONS

Based on the transportation impact analysis findings documented in this report, the proposed Park Place Annexation project in Oregon City can be completed and developed while maintaining acceptable levels of operation and safety on the surrounding transportation system. This study resulted in the following recommendations:

City of Oregon City

- Establish a proportionate share cost collection system to pay for future improvement needs at the Redland Road/Highway 213 intersection. Improvements needed to meet ODOT's v/c ratio standard within the year 2014 forecast period include the addition of a third southbound through travel lane on the highway and a new traffic signal.
- Periodically assess the need for a traffic signal at the Redland Road/Anchor Way intersection.

Applicant/Developer

- Participate in a proportionate share cost collection system to mitigate site traffic impacts to the Redland Road/Highway 213 intersection.
- Establish a new public street access to Holcomb Boulevard approximately 70 feet west of Jada Way. The minor street approach to this access should be designed for possible relocation in the future to align directly across from Jada Way, once the adjacent parcel to the east is brought into the UGB, annexed into the city limits, and developed for urban uses.
- Construct an eastbound right-turn deceleration lane along the Holcomb Boulevard site frontage for the new public street access into the site.

REFERENCES

1. Oregon City & Various Consultants. *Park Place Concept Plan*. March 12, 2008.
2. Oregon City. *City of Oregon City Guidelines for Transportation Impact Analyses*. November 2, 2005.
3. Transportation Research Board. *Highway Capacity Manual*. 2000.
4. Oregon Department of Transportation (ODOT). *1999 Oregon Highway Plan and all associated updates*.
5. Oregon City. *Transportation System Plan*. 2001
6. ODOT. *2008-2011 Statewide Transportation Improvement Program (STIP)*. November 14, 2007. <http://www.oregon.gov/ODOT/HWY/STIP/index.shtml>
7. Kittelson & Associates, Inc. *Technical Memorandum OR 213/Redland Road Intersection Improvements Pre-Design Study*. September 12, 2008.
8. Institute of Transportation Engineers (ITE). *Trip Generation, Seventh Edition*. 2003.
9. ODOT. *Analysis Procedures Manual*. December 2007.
10. American Association of State Highway and Transportation Officials (AASHTO). *A Policy on Geometric Design of Highways and Streets*. 2004.

Pete Walter

From: Ryan O'Brien [ryanobrien1@verizon.net]
Sent: Sunday, January 24, 2010 11:55 PM
To: Pete Walter
Cc: Kent Ziegler; Brian Dunn; Kirsten Vanloo
Subject: Ziegler Annexation
Attachments: 160 - Responce to Annexation.doc; 160 - Annexation Exhibit.pdf

Peter,

Attached are a short memo and map we want to present to the Planning Commission on Monday. Please review it for comments and forward it to the City Attorney and Tony Konkol. In the event the Planning Commission does not approve our request, we need to know if a zone change application can be submitted to the city right away so it can be reviewed with a Traffic Impact Analysis in compliance with the TPR prior to the May 15 annexation vote. Even though the property will not be in the city until May, we believe the city can process a zone change application in accordance with Section 17.68.025 which allows rezoning upon annexation. The code does not say the rezoning needs to be concurrently approved with the annexation. Please let me know the policy of the City. If we need to wait until May to submit the zone change, then development of the first phase in the summer of 2010 may be very difficult. Please call if you want to discuss this further.

Ryan O'Brien, Urban Planner
Planning & Land Design, LLC
cell: 503-780-4061
office: 503-846-1095
ryanobrien1@verizon.net

Transmittal

Planning & Land Design LLC
1862 NE Estate Drive
Hillsboro, Oregon 97124
Cell: 503-780-4061
Office: 503-846-1095
Email: ryanobrien1@verizon.net

TO: Oregon City Planning Commission

FROM: Ryan O'Brien

DATE: 1-25-10

SUBJECT: AN 09-02

The applicant, Kent Ziegler, is requesting approval of R-5 zoning for the 53 acre annexation. If the Planning Commission does not agree, then the applicant is requesting R-5 zoning for the first phase which contains about 6.5 acres as shown on the attached site plan to allow construction in the summer of 2010. The first phase would be limited to 31 dwelling units. The applicant would like to develop this first phase to eliminate 3 dead end roads stubbed to the property and construct an emergency access to Livesay Road. In the past, Livesay Road has been blocked because of flooding. All of the subdivisions to the north only have one access which is Winston Drive connecting to Holcomb Road. Emergency access is necessary as a public safety issue. The applicant is unable to start construction of the first phase and provide the emergency access without annexation and R-5 zoning. Section 17.68.025 of the Oregon City Code allows rezoning of the property with annexation.

The staff report indicates that a Traffic Impact Analysis (TIA) has not been prepared in compliance with the Transportation Planning Rule (TPR) identified in OAR660-012-0060. We agree this traffic analysis has not been prepared. However, we request that the Planning Commission approve R-5 zoning with a condition that requires a TIA in compliance with the TRP before the R-5 zoning becomes effective. The annexation vote will not occur until May 15, 2010 which provides adequate time for the TIA to be reviewed and approved by the Planning Commission. In order to comply with the recent Court of Appeals decision in *WILLAMETTE OAKS, LLC v. CITY OF EUGENE*, the city needs to make a finding of **significant affect**. The problem with the above case is that the City of Eugene did not make the **significant affect** finding with the zone change. The City intended to determine the significant affect and compliance with the TPR with a later application even though the zone change was conditioned that no development can occur on the site until compliance with the TPR. The court

ruled that there is no guarantee that DLCD or ODOT would receive notice of the future TIA with an opportunity to review the TIA for compliance with the TPR. Based on this court case, the city also needs to condition the zone change requiring ODOT and DLCD notification of the TIA review. The proposed conditions are as follows:

Amend the second to the last recommendation on page 20 of the staff report to read "Recommend that the annexed properties be zoned R-5, but maintain the existing county zoning designation of FU-10 and RRF-5 until a Traffic Impact Analysis has been approved by the Planning Commission in compliance with the Transportation Planning Rule in OAR 660-012-0060."

Eliminate the last recommendation on Page 20 of the Staff report.

Finding 13 on page 23 of the staff report should read as follows:

The City Commission recognizes that the applicant is requesting annexation and conditional zoning which requires approval of Traffic Impact Analysis (TIA) in compliance with the Oregon Statewide Transportation Planning Rule, OAR 660-012-0060 prior to the effective date of the R-5 zoning. Until the TIA is approved by the Planning Commission, the existing RRF-5 and FU-10 county zoning will remain in effect.

The Traffic Analysis for the Park Place Village Master Plan identified necessary transportation improvements which were included in the City's Transportation System Plan. The improvement costs were 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 the intent of ODOT's Transportation Planning Rule. The TPR requires the TIA to be completed before a zone change is allowed. In this case, a condition on the zone change would prevent the zoning from becoming effective until the TIA is reviewed and approved by the Planning Commission. During the interim, the County FU-10 and RRF-5 zoning would remain on the property. For reference, the following is the first section of the TPR which determines **significant affect**.

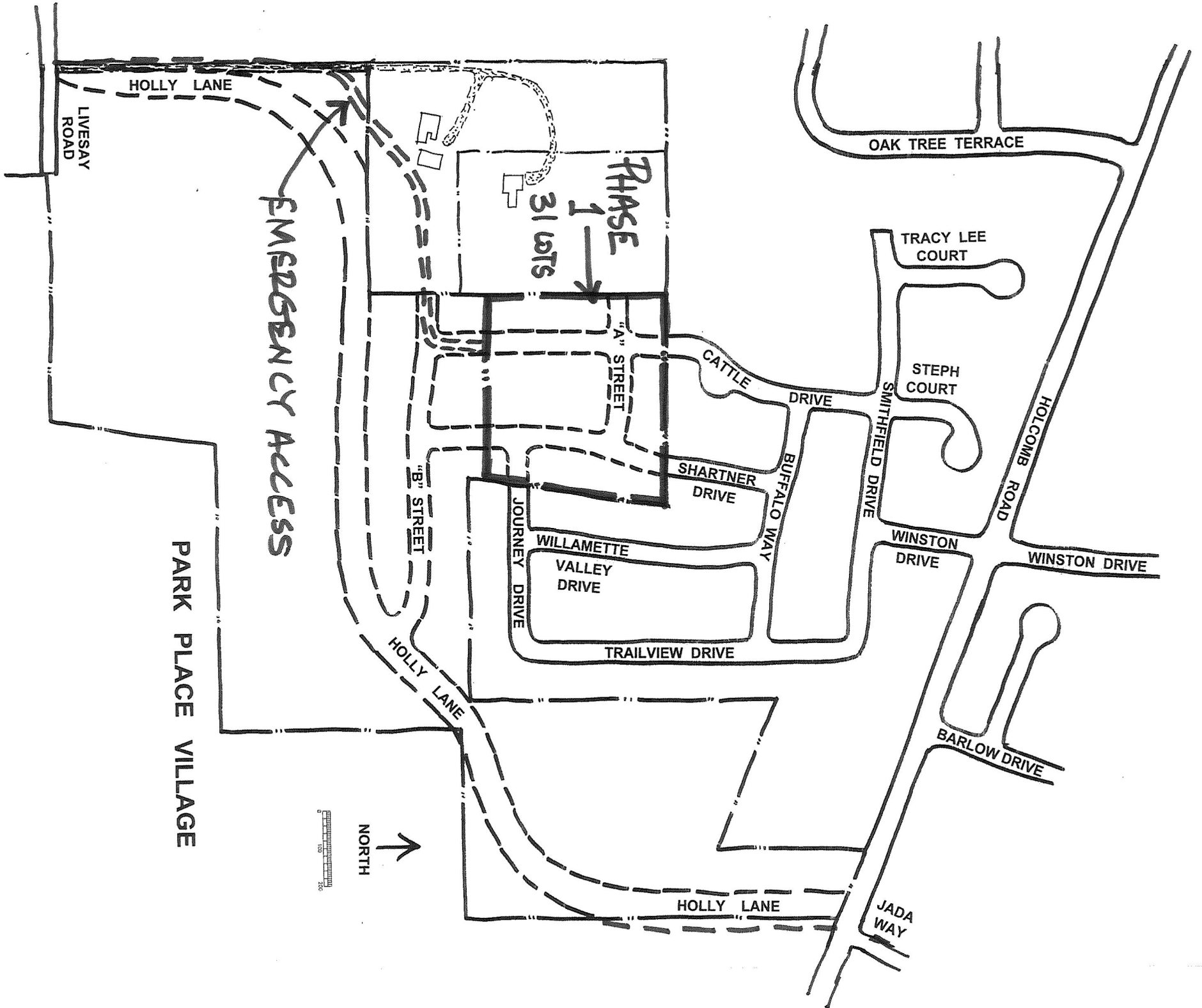
660-012-0060

Plan and Land Use Regulation Amendments

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function,

capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system; or
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
 - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.





Metro | *People places. Open spaces.*

January 21, 2010

Chair Tim Powell and Planning Commissioners
c/o Tony Konkol, Community Development Director
City of Oregon City
221 Molalla Avenue, Suite 200
Oregon City, OR 97045

RE: File No. AN 09-02, Annexation of 53 acres

Dear Chair Powell and Commissioners:

I am writing in regards to the application by Kent Ziegler to request annexation to the City. As you know, the City completed and adopted the Park Place Concept Plan in 2007. This plan sets the framework for development of a new urban area, which was brought into the urban growth boundary by the Metro Council in 2002 to help accommodate the projected growth in the region. We endorsed the concept plan, which we think did a good job of balancing needed urbanization with protection of natural features and recognition of the land form in the area. Annexation of the land by willing owners is the next logical step in the process to realize this plan.

We support the City staff's recommendation and urge the Commission to forward a recommendation to the City Commission to allow Mr. Ziegler's annexation to go to a vote of the City residents. Please enter this letter into the hearing record.

Thank you for your consideration of this matter.

Sincerely,

Ray Valone
Principal Regional Planner

cc: Tony Konkol
Pete Walter
Carlotta Collette, Metro Councilor District 2
John Williams
Robin McArthur
Michael Jordan
Richard Benner

Clackamas River Water

P.O. Box 2439

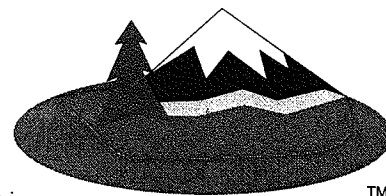
Clackamas, Oregon 97015-2439

(503) 722-9220

Fax (503) 656-7086

Administration: 16770 SE 82nd Drive

Production/Operations: 9100 SE Mangan Drive



January 25, 2010

Via Messenger Delivery

Mr. Tony Konkol, Community Development Director
City of Oregon City Planning Department
221 Molalla Avenue, Suite 200
Oregon City, OR 97045

RE: Notice Of and Hearing for Proposed Annexation for AN 09-02;
Clackamas River Water ("CRW") Annexation Response

Mr. Konkol:

This letter contains CRW's initial comments to support CRW's request that the application for the above referenced annexation should be deemed incomplete by the City for information that is missing or inaccurate. CRW is a domestic water supply district organized under ORS Chapter 264 and is therefore a necessary party to this proceeding.

This filing of these initial comments concerns the proposed annexation (AN 09-02) of the 8 tax lots located south of Holcomb Boulevard and northeast of Livesay Road. The properties are identified as Clackamas County Map 2S-2E-27B, tax lots 600, 800, 900, 1000, 1080, and 2S-2E-28D, tax lots 100, 180 and 190.

For purposes of the record, we want to reconfirm our past discussions and agreements with respect to the continued supply by CRW of domestic water to a portion the affected area. Per the Holcomb-Outlook-Park Place (HOPP) Intergovernmental Cooperative Agreement for water service dated April 22, 1998 ("HOPP IGA"), CRW should remain the domestic water service supplier for the term of the agreement for the general area of tax lots 600, 800, 900, 1000 and a portion of tax lot 1000 above the 450 foot elevation as outlined in the HOPP agreement. Prior to this time and at the present time, Oregon City does not have the ability to serve properties above the 450 foot elevation which was the basis for the HOPP IGA.

The following list is CRW's general concerns and comments. CRW will supplement this response prior to the time of the February 3, 2010 hearing with its response to specific criteria required for the annexation application.

- The application states that the "existing infrastructure is sufficient, or can be made sufficient, to serve existing needs of the annexation area." See Annexation Application at page 8. While this is intuitively correct if no new development takes place, the purpose of the Park Place Concept Plan, and the proposed annexation application, is to encourage development or eventually allow

development. The statement, however, is incomplete because without any proposed development it begs the question of what infrastructure would be needed and what entity or individual would pay for such infrastructure. This problem is demonstrated throughout the application. In general, the criteria established by the City's Municipal Code, its Development Code and Metro Code Section 3.09 all anticipate that the criteria is applied to a proposed development or an area that is already developed. The criteria cannot adequately be addressed when development is anticipated but the extent of the development cannot be determined at the time of annexation. The Park Place Concept Plan is merely that and does not provide the type of detail missing from the application. One cannot analyze the sufficiency of the infrastructure unless you know what development is proposed. Therefore, the annexation should either be delayed until such time as the development is known or the application should be rejected until it contains a development plan that is consistent with the Park Place Concept Plan.]

- The application states that there are no known urban service provider agreements for the area. This statement is incorrect because, at a minimum, the HOPP IGA is in place between CRW and Oregon City. While the staff report has identified the HOPP IGA as the urban service provider agreement, the applicant should be required to address how the HOPP IGA fits with its proposed development. This agreement should be the basis for further discussions between Oregon City, CRW and the applicant with respect to the infrastructure needed for any future development.
- In addressing the criteria of "Consider whether the boundary change will eliminate or avoid unnecessary duplication of services" (See Annexation Application at page 9), the applicant states that "There is no evidence to suggest that the proposed change will interfere with the orderly and efficient provision of service." See Annexation Application at page 9. The applicant goes on to say that "incremental development will ensure provision of public services." See Annexation Application at Page 10. The first statement cannot be made because no development is proposed at this time. Therefore, the application is incomplete or incorrect and this criterion cannot be addressed in the abstract without a specific development proposal. Likewise, the second statement cannot be made because there is no restriction or assurance that the development will be incremental. Once again, the adequacy or sufficiency of public services cannot be determined without a specific development proposal.
- In addressing the policy that any development should assure that there are public facilities available (See Annexation Application at page 11), the application refers to the Park Place Concept Plan and alleges the plan identifies public facility upgrades that would be necessary to serve the area. See Annexation Application at page 12. While the applicant recognizes that CRW serves a portion of the area, it does not address what improvements would be necessary for CRW to continue that service. In addition, it cannot adequately address this issue until a specific development proposal is considered.

In addressing the policy that all applications must ensure that water (and other public service providers) have adequate capacity to meet public facility and service needs within the planning area (See Annexation Application at page 14), the applicant states that "the existing utilities plan included with the application package provides information about public infrastructure." See Annexation Application at page 14. The utilities plan included in the applicant's package addresses sewer and storm systems but not address the CRW water system. This is incomplete and needs to be corrected.

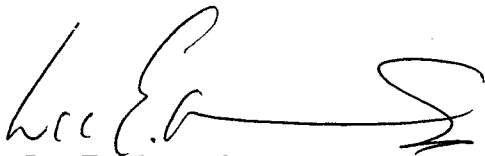
Finally, it is unclear as to whether the City intends to provide for withdrawal of the subject area from CRW's boundaries. If it does, there needs to be further discussions with respect to the assumption of liabilities and indebtedness as provided under ORS 222.520.

While this list is a partial list of comments, the District is also reserving the right to raise additional issues that are not, and cannot be, adequately addressed until a specific development is proposed.

While CRW would like to support this annexation request, it cannot do so at this time because of the missing or inaccurate information contained in the annexation request. CRW feels that the applicant lacks a clear understanding of domestic water coverage information to support this annexation at this time.

CRW has been in communication with City staff to discuss CRW's concerns. Some of these concerns have been addressed, in part, in the City's staff report. CRW is willing to meet with both the City and the applicant to discuss CRW's concerns, system configurations and service boundary. If the City has any questions or need additional information concerning our comments, please do not hesitate to contact me (503-722-9240) or CRW's District Engineer, Bob George (503-722-9248).

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Lee E. Moore, Sr.', with a stylized flourish at the end.

Lee E. Moore, Sr.
General Manager

cc: Bob George
Dean M. Phillips



TO: Chair Powell and Planning Commission

FROM: Tony Konkol, Community Development Director
Planning Division Staff

DATE: January 19, 2010

RE: L 08-01 Code Amendments- 6th Month Update

Dear Planning Commissioners,

Tonight the Planning Commission is holding the 4th public hearing to consider the 6-month review of the code amendments adopted in July 31, 2009.

Background

The development regulation sections of the Municipal Code (primarily found in Chapters 12, 15, 16, and 17) are comprised of standards which govern zoning, site development, land division, street design, architectural review, parking, signs, hillside development, home occupations, variances and other similar topics.

These standards reflect the future vision for development in Oregon City, implements our Comprehensive Plan, and allows us to manage future growth effectively. The Municipal Code and associated zoning maps are periodically reviewed and updated. This was a collaborative process whereby we worked together to improve the economic health and livability of the City. After over a year of review by the public, Planning Commission, and elected officials, the code amendments were adopted on July 1, 2009 and became effective on July 31, 2009, with the passage of Ordinance 08—1014. Ord. 08-1014 additionally setup a six-month update process to review the code language to determine if any sections needed revisions or tweaks that were unforeseen. At the end of the hearing adopting Ord. 08-1014, the City Commission also directed staff to study some outstanding issues and bring them back during the 6- month review. The Planning Commission met on November 23, 2009, December 14, 2009, and January 11, 2010 to review the initial batch of amendments.

Enclosed are redline versions of the latest group of proposed code revisions that are to be reviewed and entered into the record at the January 25th, 2010 Hearing. Updates to some of the outstanding issues identified to date are found at the end of the document.

Staff recommends that the Planning Commission open the hearing, hear the staff presentation and any public comments and continue the hearing to the February 8, 2010 Planning Commission meeting to allow additional amendments to be proposed. At the February 22, 2010 Planning Commission meeting, staff will present a master document of all the proposed code amendments along with a staff report for final Planning Commission

comments. If there are no further amendments, the Planning Commission will formally vote to forward the file and recommend approval to the City Commission.

The [L 08-01 Code Update- 6th Month Review Project](#) website has been added to the planning page and provides background information and the record to date. The page will be updated throughout the process.

OCMC 17.49 Natural Resource Overlay District (Exhibit A) new sections highlighted in yellow

Latest revisions to this chapter include the following (new revisions shown in red with yellow highlight, older revisions are shown in just red).

- **Section 17.49.130.** Clarified language in “Alterations to Existing Development” to allow a cumulative limit of 500 square feet of additional development for existing development within the NROD as a Type II review and anything more than 500 square feet as a Type III review . The Type III review requires the applicant provide an alternatives analysis for the proposed development.
- **Section 17.49.140.** Requires a discretionary Type III review process for New Utility Lines that cannot be located within a road ROW pursuant to the “Adjustment from Standards” section 17.49.200. The Type III review requires the applicant provide an alternatives analysis for the proposed development.

OCMC 17.62 – SITE Plan and Design Review (Exhibit B)

- Addition of LID pervious pavement landscape(credit) reduction to Site Plan and Design Review standards.

OCMC 17.50 – Administrative Provisions (Exhibit C)

- Revisions to Neighborhood Association meeting requirements in 17.50 (from discussion at 1.11.10 Planning Commission meeting).

OCMC 17.52 – Off-Street Parking and Loading (Exhibit D) new sections highlighted in yellow

- Added reference to purpose statement in OCMC 17.52.070 regarding alternative landscape and parking plans 50 (from discussion at 1.11.10 Planning Commission meeting).

OCMC 17.20 – Residential Design Standards (Exhibit E)

- The number of design elements on the side of a corner or through lot was reduced from 5 to 3. Compliance with this section became very hard for one-story homes on corner lots.
- Three residential design options from the previous code were added to the current code.

OCMC 17.54. Supplemental Zoning Regulations and Exception -Membrane or Fabric Covered Storage Areas. (Exhibit F)

- Planning Commission directed staff to prepare language regulating membrane structures code. Such structures would not be permitted in front of a dwelling nor be seen from ROW at pedestrian level, including structures under 200 square feet. There would be some exceptions for temporary nature (less than 30 days per year) or for garden fabric summer tents. After a lengthy discussion with the Planning Commission at the November 23, 2009 and December 14, 2009 meetings, staff worked with the City Attorney on wording and will forward the final proposed amendments to the Code Enforcement Department for comments.

OCMC 17.04 Definitions (Exhibit F)

- The definitions for a Membrane or Fabric Covered Storage Area was added to the chapter.

Use Matrix (Exhibit G)

- A matrix of potential uses was adopted with the code amendments, effective July 31, 2009. The matrix was intended to provide guidance for staff and not included in the Oregon City Municipal Code. Staff would like to remove the matrix from the code.

Archeological sensitivity map and submittal requirements

Staff is still working with SHPO staff to create an archeological sensitivity map. At the January 12, 2010 City Commission worksession, Susan White, Assistant Archaeologist from the Oregon State Historic Preservation Office provided background information on the Archeological Division and presented a potential process for earlier communication between developers and SHPO through the adoption of an Archeological Sensitivity Map. If the City Commission gave direction to move forward with this proposal. The map and code amendments will be processed as part of the L 08-01 6-month Code Update 6th month review process. Staff hopes to receive the map for the February 8, 2010 Planning Commission Meeting.

19765 Highway 213, 19785 Highway 213, portions of 13825 S. Meyers Road. – Rezone request from R-2 to C (Exhibit H) Submitted at the January 11, 2010 Planning Commission meeting.

Lavone Kent and Dennis Klink submitted a request to rezone properties at the intersection of Meyers and Highway 213 from R-2 Multi-family to C-Commercial. Two are existing single family houses that gain access directly off a Highway 213 and the third parcel is a portion of a long rectangular lot that abuts the intersection on Meyers Road and 213. The site was rezoned by the city in 2004 from R-10 to R-2 during the comprehensive plan update process. Staff has identified various issues and concerns that will need to be addressed before this site can be rezoned to Commercial.

These include:

1. Knowing the final alignment of the Meyers Road Extension to the high school.
2. Working with ODOT to address access and intersection concerns as well as provide findings that support the Transportation Planning Rule (TPR) for a Zone Change and Comprehensive Plan Amendment to Commercial
3. Provide findings that show that the city is still in compliance with the 2004 housing study for needed housing.

At this time staff is not recommending that this proposal be forwarded on as part of the L 08-01 6-month update process. The amount of work needed to address the issues above is beyond the scope of this project and could potentially delay the approval of the updates. The owners could choose to apply for a Comprehensive Plan amendment and zone change separate from this process through the Type IV Quasi-Judicial process, or wait until these outstanding issues have been resolved and work with the city to request a rezone during a future code update process.

Oregon City Municipal Code

Chapter 17.49 - Natural Resource Overlay District

17.49.010 Purpose

This overlay zone designation provides a framework for protection of Metro Titles 3 and 13 lands, and Statewide Planning Goal 5 resources within Oregon City. The Natural Resource Overlay District (NROD) implements the Oregon City Comprehensive Plan Natural Resource Goals and Policies, as well as Federal Clean Water Act requirements for shading of streams and reduction of water temperatures, and the recommendations of the Metro ESEE Analysis. It is intended to resolve conflicts between development and conservation of habitat, stream corridors, wetlands, and floodplains identified in the City's maps. The NROD contributes to the following functional values:

- A. Protect and restore streams and riparian areas for their ecologic functions and as an open space amenity for the community.
- B. Protect floodplains and wetlands, and restore them for improved hydrology, flood protection, aquifer recharge, and habitat functions.
- C. Protect upland habitats, and enhance connections between upland and riparian habitat.
- D. Maintain and enhance water quality and control erosion and sedimentation through the revegetation of disturbed sites and by placing limits on construction, impervious surfaces, and pollutant discharges.
- E. Conserve scenic, recreational, and educational values of significant natural resources.

The NROD ecological functions listed above are planned for integration with existing neighborhoods and new residential and commercial developments. The long-term goal of the NROD is to restore and enhance stream corridors, wetlands, and forests to more natural vegetated conditions, recognizing that existing homes and other existing uses will continue in the district.

General

17.49.020 How the NROD Works

- A. The NROD protects as one connected system; the habitats and associated functions of the streams, riparian corridors, wetlands and the regulated upland habitats found in Oregon City. These habitats and functions are described in the following documents upon which the NROD is based:
 - 1. The 1999 Oregon City Local Wetland Inventory
 - 2. The Oregon City Water Quality Resource Area Map (Ord. 99-1013)
 - 3. 2004 Oregon City slope data and mapping (LIDAR)
 - 4. Metro Regionally Significant Habitat Map (Aerial Photos taken 2002)
 - 5. National Wetland Inventory (published 1992).
 - 7. Beaver Creek Road Concept Plan (adopted September 2008).
 - 8. Park Place Concept Plan (adopted April 2008).

The NROD provisions apply only to properties within the NROD as shown on the NROD Map, as amended.

Properties on the NROD map which are smaller than two acres and which are completely surrounded by the NROD shall be included within the NROD and subject to review under this code.

The intent of these regulations is to provide applicants with a clear and objective review process, as well as discretionary review process. The NROD provisions do not affect existing uses and development, or the normal maintenance of existing structures, driveways/parking areas, public facilities, farmland and landscaped areas. New public facilities such as recreation trails, planned road and utility line crossings and stormwater facilities, are allowed within the overlay district under prescribed conditions as described in Section 17.49.090. In addition, provisions to allow a limited portion of the NROD to be developed on existing lots of record that are entirely or mostly covered by the NROD (“highly constrained”) are -described in Section 17.49.120.

17.49.030 Map as Reference

This chapter applies to all development within the Natural Resources Overlay District as shown on the NROD Map, which is a regulatory boundary mapped 10’ beyond the required vegetated corridor width specified in section 17.49.110. The mapped NROD boundary is based on a GIS-supported application of the adopted documents, plans and maps listed in 17.49.020(A)(1)-(8), however the adopted map may not indicate the true location of protected features. Notwithstanding changing field conditions or updated mapping approved by the City (and processed as a Type I Verification per OCMC 17.49.255), the applicant may choose to either accept the adopted NROD boundary or provide a verifiable delineation of the true location of the natural resource feature pursuant to the Type I or Type II procedure in accordance with this Chapter. The NROD boundary shall be shown on all development permit applications and its location shall be verified in the field before development activity (including grading) commences. The official NROD map can only be amended by the City Commission. Verification of the map shall be processed pursuant to Section 17.49.250.

17.49.035 Addition of Wetlands to Map following Adoption

The NROD boundary shall be expanded to include a wetland identified during the course of a development permit review if it is within or partially within the mapped NROD boundary and meets the State of Oregon’s definition of a “Locally Significant Wetland”. In such cases the entire wetland and its required vegetated corridor as defined in Table 17.49.110 shall be regulated pursuant to the standards of this Chapter. The NROD boundary shall be added to the NROD map by the Community Development Director after the development permit becomes final.

17.49.040 NROD Permit

An NROD permit is required for those uses regulated under Section 17.49.90, Uses Allowed under Prescribed Conditions. An NROD permit shall be processed under the Type II development permit procedure, unless an adjustment of standards pursuant to Section 17.49.87 200 is requested or the application is being processed in conjunction with a concurrent application or action requiring a Type III or Type IV development permit. Applications for development on properties affected by the NROD shall delineate or verify the exact location of the NROD as part of a Type I or II development review process unless exempted pursuant to section 17.40.080.

17.49.050 Emergencies

The provisions of this ordinance do not apply to work necessary to protect, repair, maintain, or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies. After the emergency has passed, any disturbed native vegetation areas shall be replanted with similar vegetation found in the Oregon City Native Plant List pursuant to the mitigation standards of Section 17.49.180. For purposes of this section

emergency shall mean any man-made or natural event or circumstance causing or Threatening loss of life, injury to person or property, and includes, but is not limited to fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.

17.49.060 Consistency and Relationship to Other Regulations

- A. Where the provisions of the NROD are less restrictive or conflict with comparable provisions of the Oregon City Municipal Code, other City requirements, regional, state or federal law, the provisions that provides the greater protection of the resource ~~are more restrictive~~ shall govern.
- B. Compliance with Federal and State Requirements.
- a. If the proposed development requires the approval of any other governmental agency, such as the Division of State Lands or the U.S. Army Corps of Engineers, the applicant shall make application for such approval prior to or simultaneously with the submittal of its development application to the City. The planning division shall coordinate City approvals with those of other agencies to the extent necessary and feasible. Any permit issued by the City pursuant to this chapter shall not become valid until other agency approvals have been obtained or those agencies indicate that such approvals are not required.
- b. The requirements of this chapter apply only to areas within the NROD and to locally significant wetlands that may be added to the boundary during the course of development review pursuant to Section 17.49.035. If, in the course of a development review, evidence suggests that a property outside the NROD may contain a wetland or other protected water resource, the provisions of this chapter shall not be applied to that development review. However, the omission shall not excuse the applicant from satisfying any state and federal wetland requirements which are otherwise applicable. Those requirements apply in addition to, and apart from the requirements of the City's comprehensive plan and this code.

Prohibited, Exempted and Regulated Uses

17.49.070 Prohibited Uses

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

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

activity that results in the removal of more than ten percent of the existing native vegetation on any lot ~~the removal of native vegetation~~ within the NROD is prohibited, unless part of an approved development activity.

17.49.080 Uses Allowed Outright (Exempted)

The following uses are allowed within the NROD and do not require the issuance of an NROD permit:

- A. Stream, wetland, riparian, and upland restoration or enhancement projects as authorized by the City.
- B. Farming practices as defined in ORS 215.203 and farm uses, excluding buildings and structures, as defined in ORS 215.203.
- C. Utility service using a single utility pole or where no more than 100 square feet of ground surface is disturbed outside of the top-of-bank of water bodies and where the disturbed area is restored to the pre-construction conditions.
- D. Boundary and topographic surveys leaving no cut scars greater than three inches in diameter on live parts of native plants listed in the Oregon City Native Plant List.
- E. Soil tests, borings, test pits, monitor well installations, and other minor excavations necessary for geotechnical, geological or environmental investigation, provided that disturbed areas are restored to pre-existing conditions as approved by the Community Development Director. Soil tests performed with hand held equipment, provided that excavations do not exceed a depth of five feet, combined diameters of all excavations do not exceed five feet, and all excavations are refilled with native soil, except as necessary for environmental review.
- F. Trails meeting all of the following:
 - 1. Construction shall take place between May 1 and October 30 with hand held equipment;
 - 2. Widths shall not exceed 48 inches and trail grade shall not exceed 20 percent;
 - 3. Construction shall leave no scars greater than three inches in diameter on live parts of native plants;
 - 4. Located no closer than 25 feet to a wetland or the top of banks of water bodies;
 - 5. No impervious surfaces; and
 - 6. No native trees greater than one (1) inch in diameter may be removed or cut, unless replaced with an equal number of native trees of at least 3-inch diameter and planted within 10 feet of the trail.
- G. Land divisions provided they meet the following standards, and indicate the following on the final plat:
 - 1. Lots shall have their building sites (or buildable areas) entirely located at least 5 feet from the NROD boundary shown on the City's adopted NROD map. For the purpose of this subparagraph, "building site" means an area of at least 3,500 square feet with minimum dimensions of 40 feet wide by 40 feet deep;
 - 2. All public and private utilities (including water lines, sewer lines or drain fields, and stormwater disposal facilities) where none of these utilities are in the NROD;
 - 3. Streets, driveways and parking areas where all pavement shall be located at least 10 feet from the NROD; and
 - 4. The NROD portions of all lots are protected by a conservation easement; or
 - 5. A lot or tract created and dedicated solely for unimproved open space or conservation purposes.
- H. Site Plan and Design Review applications where all new construction is located outside of the NROD boundary shown on the City's adopted NROD map, where the NROD are is protected by a conservation easement approved in form by the City.

- ~~I~~H. Routine repair and maintenance of existing structures, roadways, driveways and utilities.
- ~~J~~. Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased.
- ~~J-K~~. Measures mandated by the City of Oregon City to remove or abate nuisances or hazardous conditions.
- ~~K-L~~. Planting of native vegetation and the removal of non-native, invasive vegetation (as identified on the Oregon City Native Plant List), and removal of refuse and fill, provided that:
 1. All work is done using hand-held equipment;
 2. No existing native vegetation is disturbed or removed; and
 3. All work occurs outside of wetlands and the tops-of-bank of streams.

17.49.090 Uses Allowed Under Prescribed Conditions

The following uses within the NROD are subject to the applicable standards listed in Sections 17.49.100 through 17.49.190 pursuant to a Type II process:

- A. Alteration to existing structures within the NROD when not exempted by Section 17.49.080, subject to Section 17.49.130.
- B. A residence on a highly constrained vacant lot of record that has less than 5,000 square feet of buildable area, with minimum dimensions of 50 feet by 50 feet, remaining outside the NROD portion of the property, subject to the maximum disturbance allowance prescribed in subsection 17.49.120.A.
- C. A land division that would create a new lot for an existing residence currently within the NROD, subject to Section 17.49.160.
- ~~D~~. Land divisions when not exempted by Section 17.49.080, subject to the applicable standards of Section 17.49.160.
- ~~D-E~~. Trails/pedestrian paths when not exempted by Section 17.49.080, subject to Section 17.49.170 (for trails) or Section 17.49.150 (for paved pedestrian paths).
- ~~E-F~~. New roadways, bridges/creek crossings, utilities or alterations to such facilities when not exempted by Section 17.49.080, subject to Section 17.49.150 (for roads, bridges/creek crossings) or Section 17.49.140 (for utility lines) or Section 17.49.100 (for stormwater detention or pre-treatment facilities).
- ~~F-G~~. Institutional, Industrial or Commercial development on a vacant lot of record situated in an area designated for such use that has more than 75% of its area covered by the NROD, subject to subsection 17.49.120(B).
- ~~G-H~~. City, county and state capital improvement projects, including sanitary sewer, water and storm water facilities, water stations, and parks and recreation projects.

Development Standards

17.49.100 General Development Standards

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

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

- B. The Community Development Director may allow the landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites in the Natural Resource Overlay District.
- C. All vegetation planted in the NROD shall be native and listed on the Oregon City Native Plant List;
- D. Grading is subject to installation of erosion control measures required by the City of Oregon;
- E. The minimum front, street, or garage setbacks of the base zone may be reduced to any distance between the base zone minimum and zero in order to minimize the disturbance area within the NROD portion of the lot;
- F. Any maximum required setback in any zone, such as for multi-family, commercial or institutional development, may be increased to any distance between the maximum and the distance necessary to minimize the disturbance area within the NROD portion of the lot;
- G. Fences are allowed only within the disturbance area;
- H. Incandescent lights exceeding 200 watts (or other light types exceeding the brightness of a 200 watt incandescent light) shall be placed or shielded so that they do not shine directly into resource areas;
- I. If development will occur within the 100 yr. floodplain, the FEMA floodplain standards of Chapter 17.42 shall be met; and
- J. Mitigation is required, subject to Section 17.49.180 or 17.49.190.

17.49.110 Width of Vegetated Corridor

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

Table 17.49.110

Protected Feature Type (See Definitions)	Anadromous Fish-bearing Stream	All Other Features			
		Intermittent Stream < 25%, drains < 100 acres	All Other Streams (Intermittent or Perennial)		Delineated Wetland
			<u>Intermittent</u>	<u>Perennial</u>	
Minimum Required Width	200'	15'	50'	200'	50'
Slope Adjacent to Feature	Any	< 25 %	> 25 % for less than 150 feet (see Note 2)	> 25 % for 150 feet or more (see Note 2)	Any
Starting Point for Measurements from Feature	Top of Bank	Top of Bank	Top of Bank	Top of bank to break in > 25 % slope (See Note 3) + 50'	Delineated Edge of Title 3 Wetland
Maximum Disturbance Allowance	See Section 17.49.120				
Mitigation Requirements	See Section 17.49.180 or 17.49.190				

Notes:

1. Vegetated corridors in excess of fifty feet apply on steep slopes only in the uphill direction from the protected water feature.
2. Where the protected water feature is confined by a ravine or gully, the top of the ravine is the break in the ≥ 25 percent slope.

- B. Habitat Areas within City Parks. For habitat and water features identified by Metro as regionally significant which are located within city parks, the NROD Boundary shall correspond to the Metro Regionally Significant Habitat Map.
- C. Habitat Areas outside city limit / within UGB. For habitat and water features identified by Metro as regionally significant which are located outside of the city limits as of the date of adoption of this ordinance, the minimum corridor width from any non-anadromous fish bearing stream or wetland shall be fifty feet (50').

17.49.120 Maximum Disturbance Allowance for Highly Constrained Lots of Record

In addition to the General Development Standards of Section 17.49.100, the following standards apply to a vacant lot of record that is highly constrained by the NROD, per subsections 17.49.90(B) and 17.49.90(F):

- A. Standard for Residential Development. In the NROD where the underlying zone district is zoned Residential (R-10, R-8, R-6, R-5, R-3.5): the maximum disturbance area allowed for new residential development within the NROD area of the lot is 2,500 square feet.
- B. Standard for all developments not located in R-10, R-8, R-6, R-5, and R-3.5. For all other underlying zone districts, including R-2 multifamily, the maximum disturbance area allowed for a vacant, constrained lot of record development within the NROD is that square footage which when added to the square footage of the lot lying outside the NROD portion equals 25% of the total lot area.

[1] Lots that are entirely covered by the NROD will be allowed to develop 25% of their area.

[1] Note: This can be determined by (1) Multiplying the total square footage of the lot by .25; (2) Subtracting from that amount the square footage of the lot that is located outside the NROD; (3) The result is the maximum square footage of disturbance to be allowed in the NROD portion of the lot. If the result is < 0 or $= 0$, no disturbance is permitted and the building shall be located outside of the boundary.

- C. In all areas of Oregon City, the disturbance area of a vacant, highly constrained lot of record within the NROD shall be set back at least 100 feet from the top of bank on Abernethy Creek, Newell Creek, or Livesay Creek or 50 feet from the top of bank of any tributary of the aforementioned Creeks, other water body, or from the delineated edge of a wetland located within the NROD area.

17.49.130 Existing Development Standards

In addition to the General Development Standards of Section 17.49.100, the following standards apply to alterations ~~and additions to~~ existing development within the NROD, except for trails, rights of way, utility lines, land divisions and mitigation projects. Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased are exempt from review pursuant to Section 17.49.080(J). As of June 1, 2010, applicants for alterations and additions to existing development that are not exempt per pursuant to Section 17.49.080(J) shall submit a Type II or Type III application pursuant to this section. The application shall include a site plan which delineates a

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permanent disturbance area that includes all existing buildings, parking and loading areas, paved or graveled areas, patios and decks. The same delineated disturbance area shall be shown on every subsequent proposal for alterations and additions meeting this standard.

A. The following alterations and additions to existing development are permitted subject to the following standards. One of the following shall be met:

1. Alterations or additions that cumulatively total up to a maximum of five-hundred (500) square feet of additional disturbance area after June 1, 2010 shall be processed as a Type II permit pursuant to this Chapter. The new disturbance area shall not encroach closer than 25 feet from the top-of-bank of any stream, waterbody, or from the delineated edge of any wetland located within the NROD area.

1. The disturbance area shall not exceed 2,500 square feet of subsection 17.49.120, and the disturbance area shall not be expanded toward the protected features; or

2. If the existing disturbance area now exceeds 2,500 square feet, a permanent disturbance area shall be delineated that includes all existing buildings, parking and loading areas, paved or graveled areas, patios and decks, and contains the proposed development. The same delineated disturbance area shall be shown on every subsequent proposal for alterations meeting this standard.

2. Alterations or additions that cumulatively exceed five-hundred (500) square feet of additional disturbance area or which propose encroachment closer than 25 feet from the top-of-bank of any stream, waterbody, or from the delineated edge of any wetland located within the NROD area after June 1, 2010 shall be processed as a Type III permit pursuant to Section 17.49.200. Adjustment from Standards.

B. The proposed development shall be set back at least 25 feet from the top-of-bank of any stream, waterbody, or from the delineated edge of any wetland located within the NROD area.

C. Mitigation is required, subject to Section 17.49.180 or 17.49.190.

17.49.140 Standards for Utility Lines

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

A. The disturbance area for private connections to utility lines shall be no greater than 10 feet wide;

B. The disturbance area for the upgrade of existing utility lines shall be no greater than 15 feet wide;

C. New utility lines shall be within the right-of-way.

D. New utility lines that cross above or underneath a drainage way, wetland, stream, or ravine within the NROD shall be processed as a Type III permit pursuant to Section 17.49.200. Adjustment from Standards.

ED. No fill or excavation is allowed within the ordinary high water mark of a stream without the approval of the the Division of State Lands and/or the U.S. Army Corps of Engineers;

FE. The Division of State Lands must approve any work that requires excavation or fill in a wetland;

FG. Native trees more than 10 inches in diameter shall not be removed unless it is shown that there are no feasible alternatives; and

GH. Each 6 to 10-inch diameter native tree cut shall be replaced at a ratio of three trees for each

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one removed. Each 11-inch or greater diameter native tree shall be replaced at a ratio of five trees for each removed. The replacement trees shall be a minimum one-half inch diameter and selected from the Oregon City Native Plant List. All trees shall be planted on the applicant's site. Where a utility line is approximately parallel with the stream channel, at least half of the replacement trees shall be planted between the utility line and the stream channel.

~~H.~~ Mitigation is required, subject to Section 17.49.180 or 17.49.190.

17.49.150 Standards for Private and Public Roads, Bridges and Stream Crossings~~Rights of Ways~~

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

- A. Stream crossings shall be limited to the minimum number and width necessary to ensure safe and convenient pedestrian, bicycle and vehicle connectivity, and shall cross the stream at an angle as close to perpendicular to the stream channel as practicable. Bridges shall be used instead of culverts wherever practicable.
- B. Where the right-of-way crosses a stream the crossing shall be by bridge or a bottomless culvert;
- C. No fill or excavation shall occur within the ordinary high water mark of a stream;
- D. If the Oregon Department of State Lands (DSL) has jurisdiction over any work that requires excavation or fill in a wetland, required permits or authorization shall be obtained from DSL prior to release of a grading permit;
- E. Any work that will take place within the banks of a stream shall be conducted between June 1 and August 31, or shall be approved by the Oregon Department of Fish and Wildlife; and
- F. Mitigation is required, subject to Section 17.49.180 or 17.49.190.

17.49.155 Standards for Stormwater Facilities

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

- A. The forest canopy within the driplines of existing trees shall not be disturbed.
- B. Only vegetation from the Oregon City Native Plant List shall be planted within these facilities.
- C. Mitigation is required, subject to Section 17.49.180 or 17.49.190.
- D. The Community Development Director may allow landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites within the Natural Resource Overlay District.

17.49.160 Standards for Land Divisions

Other than those land divisions exempted by Section 17.49.~~070~~ (G), new residential lots created within the NROD shall conform to the following standards.

A. For a ~~lot~~ for an existing residence currently within the NROD. This ~~the only~~ type of lot is allowed within the NROD ~~is a lot created~~ for a residence that existed before the NROD was applied to a subject property. A new lot for an existing house may be created when all of the

following are met:

- ~~A~~1. There is an existing house on the site that is entirely within the NROD area; and
- ~~B~~2. The existing house will remain; and
- ~~C~~3. The new lot is no larger than required to contain the house, minimum required side setbacks, garage, driveway and a 20-foot deep rear yard, with the remaining NROD area beyond that point protected by a conservation easement, or by dedicating a conservation tract or public open space.

B. Subdivisions.

- 1. ~~New subdivisions shall delineate and show the NROD area as either a separate tract or part of a larger tract that meets the requirements of subsection (3) of this section.~~
- 2. Prior to preliminary plat approval, the NROD area shall be shown either as a separate tract or part of a larger tract that meets the requirements of subsection (3) of this section, which shall not be a part of any parcel used for construction of a dwelling unit.
- 3. Prior to final plat approval, ownership of the NROD tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:
 - a. Private open space held by the owner or a homeowners association; or
 - b. For residential land divisions, private open space subject to an easement conveying stormwater and surface water management rights to the city and preventing the owner of the tract from activities and uses inconsistent with the purpose of this document; or
 - c. At the owners option, public open space where the tract has been dedicated to the city or other governmental unit; or
 - d. Any other ownership proposed by the owner and approved by the city.
 - e. Tracts shall be exempt from minimum frontage requirements.

C. Partitions

- 1. New partitions shall delineate the NROD area either as a separate tract or conservation easement that meets the requirements of subsection (2) of this section.
- 2. Prior to final plat approval, ownership and maintenance of the NROD area shall be identified to distinguish it from the buildable areas of the development site. The NROD area may be identified as any one of the following:
 - a. A tract of private open space held by the owner or homeowners association; or
 - b. For residential land divisions, a tract of private open space subject to an easement conveying stormwater and surface water management rights to the city and preventing the owner of the tract from activities and uses inconsistent with the purpose of this document; or
 - c. At the owners option, public open space where the tract has been dedicated to the city or other governmental unit;
 - d. Conservation easement area pursuant to subsection 17.49.180(G) and approved in form by the Community Development Director
 - e. Any other ownership proposed by the owner and approved by the Community Development Director.
 - f. Tracts shall be exempt from minimum frontage requirements.

17.49.170 Standards for Trails

The following standards apply to trails within the NROD:

- A. All trails that are not exempt pursuant to Section 17.49.76(F), shall be setback at least 50 feet from the tops of banks of streams or the delineated boundary of a wetland, except as designated in the Oregon City Parks, Open Space and Trails Master Plans; and
- B. Mitigation is required, subject to Section 17.49.180 or 17.49.190.

17.49.180 Mitigation Standards

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

- A. Mitigation shall occur at a 2:1 ratio of mitigation area to proposed disturbance area;
- B. Mitigation shall occur on the site where the disturbance occurs, except as follows:
 - 1. The mitigation is required for disturbance associated with a right-of-way or utility in the right-of-way;
 - 2. The mitigation shall occur first on the same stream tributary, secondly in the Abernethy, Newell or Livesay Creek or a tributary thereof, or thirdly as close to the impact area as possible within the NROD; and
 - 3. An easement that allows access to the mitigation site for monitoring and maintenance shall be provided as part of the mitigation plan.
- C. Mitigation shall occur within the NROD area of a site unless it is demonstrated that this is not feasible because of a lack of available and appropriate area. In such cases, the proposed mitigation area shall be contiguous to the existing NROD area so the NROD boundary can be easily extended in the future to include the new resource site.
- D. Invasive and nuisance vegetation shall be removed within the mitigation area;
- E. Required Mitigation Planting. An applicant shall meet Mitigation Planting Option 1 or 2 below, whichever option results in more tree plantings, except that where the disturbance area is one acre or more, Mitigation Option 2 shall be required. All trees, shrubs and ground cover shall be selected from the Oregon City Native Plant List.

NOTE: Applications on sites where no trees are present or which are predominantly covered with invasive species shall be required to mitigate the site, remove the invasive species and plant trees and native plants pursuant to Option 2.

- 1. Mitigation Planting Option 1.
 - a. Option 1 - Planting Quantity. This option requires mitigation planting based on the number and size of trees that are removed from the site pursuant to Table ~~17.49.180(E)(1)(a)~~. Conifers shall be replaced with conifers. Bare ground shall be planted or seeded with native grasses and ground cover species.

Table 17.49.180(E)(1)(a) – Required Planting Option 1

Size of Tree to be Removed (DBH)	Number of Trees and Shrubs to be Replanted
6 to 12"	2 trees and 3 shrubs
13 to 18"	3 trees and 6 shrubs
19 to 24"	5 trees and 12 shrubs
25 to 30"	7 trees and 18 shrubs
Over 30"	10 rees and 30 shrubs

- b. Option 1 - Plant Size. Replacement trees shall be at least one-half inch in caliper on

average, measured at 6 inches above the ground level for field grown trees or above the soil line for container grown trees. Oak, madrone, ash or alder may be one gallon size. Conifers shall be a minimum of six (6') in height. Shrubs must be in at least 1-gallon container size or the equivalent in ball and burlap, and shall be at least 12 inches in height at the time of planting. All other species shall be a minimum of four-inch pots;

- c. Option 1 - Plant Spacing. Except for the outer edges of mitigation areas, trees and shrubs shall be planted in a non-linear fashion. Plant spacing for new species shall be measured from the driplines of existing trees when present. Trees shall be planted on average between 8 and 12 feet on center, and shrubs shall be planted on average between 4 and 5 feet on center, or clustered in single species groups of no more than four (4) plants, with each cluster planted on average between 8 and 10 feet on center.
- d. Option 1 - Mulching and Irrigation. Mulch new plantings a minimum of three inches in depth and 18 inches in diamters. Water new plantings one inch per week from June 30th to September 15th, for the three years following planting.
- e. Option 1 - Plant Diversity. Shrubs shall consist of at least two (2) different species. If 10 trees or more are planted, no more than one-half of the trees may be of the same genus.

2. Mitigation Planting Option 2.

- a. Option 2 - Planting Quantity. In this option, the mitigation requirement is calculated based on the size of the disturbance area within the NROD. Native trees and shrubs are required to be planted at a rate of five (5) trees and twenty-five (25) shrubs per every 500 square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by 500, and then multiplying that result times five trees and 25 shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will be 330 square feet of disturbance area, then 330 divided by 500 equals .66, and .66 times five equals 3.3, so three trees must be planted, and .66 times 25 equals 16.5, so 17 shrubs must be planted). Bare ground must be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs. In this option the required number of plantings is calculated based on the size of the disturbance area within the NROD. The ratio of native trees and shrubs to be planted is 820 trees and 820 shrubs per acre for every acre of HCA disturbance. This amount shall be adjusted for smaller disturbance areas. For example, 410 trees and 410 shrubs shall be planted per acre for every half-acre of HCA disturbance. Bare ground shall be planted or seeded with native grasses and ground cover species.
- b. Option 2 - Plant Size. Plantings may vary in size dependent on whether they are live cuttings, bare root stock or container stock, however, no initial plantings may be shorter than 12 inches in height.
- c. Option 2 - Plant Spacing. Trees shall be planted at average intervals of seven (7) feet on center. Shrubs may be planted in single-species groups of no more than four (4) plants, with clusters planted on average between 8 and 10 feet on center.
- d. Option 2 - Mulching and Irrigation shall be applied in the amounts necessary to ensure 80% survival at the end of the required 5-year monitoring period.
- e. Option 2 - Plant Diversity. Shrubs shall consist of at least three (3) different species. If 20 trees or more are planted, no more than one-third of the trees may be of the same genus.

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

- F. Monitoring and Maintenance. The mitigation plan shall provide for a 5-year monitoring and maintenance plan with annual reports in a form approved by the Director of Community Development. Monitoring of the mitigation site is the on-going responsibility of the property owner, assign, or designee, who shall submit said annual report to the City's Planning Division, documenting plant survival rates of shrubs and trees on the mitigation site. Photographs shall accompany the report that indicate the progress of the mitigation. A minimum of 80% survival of trees and shrubs of those species planted is required at the end of the 5-year maintenance and monitoring period. Any invasive species shall be removed and plants that die shall be replaced in kind. Bare spots and areas of invasive vegetation larger than ten (10) square feet that remain at the end the 5 year monitoring period shall be replanted or reseeded with native grasses and ground cover species.
- G. Covenant or Conservation Easement. Applicant shall record a restrictive covenant or conservation easement, in a form provided by the City, requiring the owners and assigns of properties subject to this section to comply with the applicable mitigation requirements of this section. Said covenant shall run with the land, and permit the City to complete mitigation work in the event of default by the responsible party. Costs borne by the City for such mitigation shall be borne by the owner.
- H. Financial Guarantee. A financial guarantee for establishment of the mitigation area, in a form approved by the City, shall be submitted before development within the NROD disturbance area commences. The City will release the guarantee at the end of the five-year monitoring period, or before, upon its determination that the mitigation plan has been satisfactorily implemented pursuant to this section.

17.49.190 Alternative Mitigation Standards

In lieu of the above mitigation standards of Section 17.49.180, the following standards may be used. Compliance with these standards shall be demonstrated in a mitigation plan report prepared by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry. At the applicant's expense, the City may require the report to be reviewed by an environmental consultant.

A. A- The report shall document the existing condition of the vegetated corridor as one of the following categories:

<u>Good Existing Corridor:</u>	<u>Combination of trees, shrubs and groundcover are eighty percent present, and there is more than fifty percent tree canopy coverage in the vegetated corridor.</u>
<u>Marginal Existing Vegetated Corridor:</u>	<u>Combination of trees, shrubs and groundcover are eighty percent present, and twenty-five to fifty percent canopy coverage in the vegetated corridor.</u>
<u>Degraded Existing Vegetated Corridor:</u>	<u>Less vegetation and canopy coverage than marginal vegetated corridors, and/or greater than ten percent surface coverage of any non-native species.</u>

B. The proposed mitigation shall occur at a minimum 2:1 ratio of mitigation area to proposed disturbance area;

B.C. The proposed mitigation shall result in a significant improvement of at least one functional value listed in section 17.49.10, as determined by a qualified environmental professional;

C.D. There shall be no detrimental impact on resources and functional values in the area designated to be left undisturbed;

- | ~~DE~~. Where the proposed mitigation includes alteration or replacement of development in a stream channel, wetland, or other water body, there shall be no detrimental impact related to the migration, rearing, feeding or spawning of fish;
- | ~~EF~~. Mitigation shall occur on the site of the disturbance to the extent practicable. If the proposed mitigation cannot practically occur on the site of the disturbance, then the applicant shall possess a legal instrument, such as an easement, sufficient to carryout and ensure the success of the mitigation.

17.49.200 Adjustment from Standards

If a regulated NROD use listed in Section 17.49.90 cannot meet one or more of the applicable NROD standards then an adjustment may be issued if all of the following criteria are met. Compliance with these criteria shall be demonstrated by the applicant in a written report prepared by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry. At the applicant's expense, the City may require the report to be reviewed by an environmental consultant. Such requests shall be processed under the Type III development permit procedure. The applicant shall demonstrate:

- A. There are no feasible alternatives for the proposed use or activity to be located outside the NROD area or to be located inside the NROD area and to be designed in a way that will meet all of the applicable NR-~~SWOD~~ development standards;
- B. The proposal has fewer adverse impacts on significant resources and resource functions found in the local NROD area than actions that would meet the applicable environmental development standards;
- C. The proposed use or activity proposes the minimum intrusion into the NROD area that is necessary to meet development objectives;
- D. Fish and wildlife passage will not be impeded; and
- E. With the exception of the standard(s) subject to the adjustment request, all other applicable NROD standards can be met.

Application Requirements

17.49.210 Type II Development Permit Application

Unless otherwise directed by the NROD standards, proposed development within the NROD shall be processed as a Type II development permit application. All applications shall include the items required for a complete application by Sections 17.49.220-230, and Section 17.50.080 of the Oregon City Municipal Code as well as a discussion of how the proposal meets all of the applicable NROD development standards 17.49.100-170.

17.49.220 Required Site Plans

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

- A. For the entire subject property (NROD and non-NROD areas):
 - 1. The NROD district boundary. This may be scaled in relation to property lines from the NROD Map;
 - 2. 100 year floodplain and floodway boundary (if determined by FEMA);
 - 3. Creeks and other waterbodies;
 - 4. Any wetlands, with the boundary of the wetland that will be adjacent to the proposed

- development determined in a wetlands delineation report prepared by a professional wetland specialist and following the Oregon Division of State Lands wetlands delineation procedures;
5. Topography shown by contour lines of 2 or 1 foot intervals for slopes less than 15% and by 10 foot intervals for slopes 15% or greater;
 6. Existing improvements such as structures or buildings, utility lines, fences, driveways, parking areas, etc.
 7. Extent of the required Vegetated Corridor required by Table 17.49.110.
- B. Within the NROD area of the subject property:
1. The distribution outline of shrubs and ground covers, with a list of most abundant species;
 2. Trees 6 inches or greater in diameter, identified by species. When trees are located in clusters they may be described by the approximate number of trees, the diameter range, and a listing of dominant species;
 3. An outline of the disturbance area that identifies the vegetation that will be removed. All trees to be removed with a diameter of 6 inches or greater shall be specifically identified as to number, trunk diameters and species;
 4. If grading will occur within the NROD, a grading plan showing the proposed alteration of the ground at 2 foot vertical contours in areas of slopes less than 15% and at 5 foot vertical contours of slopes 15% or greater.
- C. A construction management plan including:
1. Location of site access and egress that construction equipment will use;
 2. Equipment and material staging and stockpile areas;
 3. Erosion control measures that conform to City of Oregon City erosion control standards;
 4. Measures to protect trees and other vegetation located outside the disturbance area.
- D. A mitigation site plan demonstrating compliance with Section 17.49.180 or 17.49.190, including:
1. Dams, weirs or other in-water features;
 2. Distribution, species composition, and percent cover of ground covers to be planted or seeded;
 3. Distribution, species composition, size, and spacing of shrubs to be planted;
 4. Location, species and size of each tree to be planted;
 5. Stormwater management features, including retention, infiltration, detention, discharges and outfalls;
 6. Water bodies or wetlands to be created, including depth;
 7. Water sources to be used for irrigation of plantings or for a water source for a proposed wetland.

17.49.230 Mitigation Plan Report

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

- A. Written responses to each applicable Mitigation Standard 17.49.180 or 17.49.190 indicating how the proposed development complies with the mitigation standards;
- B. The resources and functional values to be restored, created, or enhanced through the mitigation plan;
- C. Documentation of coordination with appropriate local, regional, state and federal regulatory/resource agencies such as the Oregon Department of State Lands (DSL) and the United States Army Corps of Engineers (USACE);

- D. Construction timetables;
- E. Monitoring and Maintenance practices pursuant to Section 17.49.230 (F) and a contingency plan for undertaking remedial actions that might be needed to correct unsuccessful mitigation actions during the first 5 years of the mitigation area establishment.

Miscellaneous

17.49.240 Density Transfer

The NROD allocates urban densities to the non-NROD portions of properties located partially within the NROD, generally resulting in a substantial increase in net development potential.

For lots of record that are located within the NROD, additional density transfer credits are allowed, subject to the following provisions:

- A. Density may be transferred from the NROD to non-NROD portions of the same property or of contiguous properties within the same development site;
- B. The residential transfer credit shall be as follows: for new residential partitions and subdivisions, 1/3 of the area of the NROD tract or conservation easement area gross density of the underlying zone district within the NROD tract may be is permitted to be transferred added to the net developable area outside of the tract or conservation easement area within the boundary of the development site in order to calculate the allowable number of lots.-
- C. Permitted Modifications to Residential Dimensional Standards. In order to allow for a transfer of density pursuant to (B) above, the dimensional standards of the base zone may be modified in order minimize disturbance to the NROD. The permissible reductions are specified in Table 17.49.240(C).

Table 17.49.240(C).

<u>ZONE</u>	<u>Min. Lot Size (%)</u>	<u>Min. Lot Width</u>	<u>Min. Lot Depth</u>
<u>R-10</u>	<u>50%</u>	<u>50'</u>	<u>65'</u>
<u>R-8</u>	<u>45%</u>	<u>45'</u>	<u>60'</u>
<u>R-6</u>	<u>40%</u>	<u>35'</u>	<u>55'</u>
<u>R-5</u>	<u>35%</u>	<u>30'</u>	<u>50'</u>
<u>R-3.5</u>	<u>30%</u>	<u>20'</u>	<u>45'</u>

- ~~D.~~ For transfers to the Mixed Use Commercial (MUC-2), Mixed Use Employment (MUE) Employment, or Mixed Use Downtown (MUD), the transfer credit is 10,000 sq. ft. (FAR) per acre of land within the NROD;
- ~~D~~E. The area of land contained in the NROD area may be excluded from the calculations for determining compliance with minimum density requirements of the land division code.
- ~~E~~G. The owner of the transferring property shall execute a covenant with the City that records the transfer of ~~units~~density. The covenant shall be found to meet the requirements of this section and be recorded before building permits are issued; and
- ~~F~~H. All other applicable development standards, including setbacks and building heights, maximum lot coverage shall continue to apply when a density transfer occurs.

17.49.250 Verification of NROD Boundary

The NROD boundary may have to be verified occasionally to determine the true location of a resource and its functional values on a site. This may through a site specific environmental survey or, in those cases where existing information demonstrates that the NROD significance rating does not apply to a site-specific area. Applications for development on a site located in the NROD area may request a determination that the subject site is not in an NROD area and therefore is not subject to the standards of Section 17.49.100. Verifications shall be processed as either a Type I or Type II process.

17.49.255 Type I Verification.

- A. Applicants for a determination under this section shall submit a site plan meeting the requirements of 17.49.220, as applicable.
- B. Alternatively, an applicant may request a Type I Verification determination by the Community Development Director by making an application therefore and paying to the City a fee as set by resolution of the City Commission. Such requests may be approved provided that there is evidence substantiating that all the requirements of this chapter relative to the proposed use are satisfied and demonstrates that the property also satisfies the following criteria, as applicable:
 - 1. No soil, vegetation, hydrologic features have been disturbed;
 - 2. No hydrologic features have been changed;
 - 3. There are no man-made drainage features, water marks, swash lines, drift lines present on trees or shrubs, sediment deposits on plants, or any other evidence of sustained inundation.
 - 4. The property does not contain a wetland as identified by the City's local wetland inventory or water quality and flood management areas map.
 - 5. There is no evidence of a perennial or intermittent stream system or other protected water feature. This does not include established irrigation ditches currently under active farm use, canals or manmade storm or surface water runoff structures or artificial water collection devices.
 - 6. Evidence of prior land use approvals that conform to the City's existing Water Quality Resource Area Overlay District.
 - There is an existing physical barrier between the site and a protected water feature, including:
 - a. streets, driveways, alleys, parking lots or other approved impervious areas wider than 15 feet and which includes drainage improvements that are connected to the City storm sewer system, as approved by the City.
 - b. Walls, buildings, drainages, culverts or other structures and which form a physical barrier between the site and the protected water features, as approved by the City.
- C. If the City is not able to clearly determine, through the Type I verification process that the applicable criteria (B)1-6 above are met the verification application shall be denied. An applicant may then opt to apply for an verification through the Type II process defined below.

17.49.260. Type II Verification

Verifications of the NROD which cannot be determined pursuant to the standards of 17.49.255 may be processed under the Type II permit procedure.

- A. Applicants for a determination under this section shall submit a site plan meeting the requirements of 17.49.220 as applicable.
- B. Such requests may be approved provided that there is evidence that demonstrates in an environmental report prepared by one or more qualified professionals with experience and credentials in natural resource areas, including wildlife biology, ecology, hydrology and forestry, that a resource function(s) and/or land feature(s) does not apply to a site-specific area. (C) Verification to remove a recently developed area from the NROD shall show that all of the following have been met:
 - 1. All approved development in the NROD has been completed;
 - 2. All mitigation required for the approved development, located within the NROD, has been successful; and
 - 3. The previously identified resources and functional values on the developed site no longer exist or have been subject to a significant detrimental impact.

17.49.265 Corrections to Violations

For correcting violations, the violator shall submit a remediation plan that meets all of the applicable standards of the NROD. The remediation plan shall be prepared by one or more qualified professionals with experience and credentials in natural resource areas, including wildlife biology, ecology, hydrology and forestry. If one or more of these standards cannot be met then the applicant's remediation plan shall demonstrate that there will be:

- A. No permanent loss of any type of resource or functional value listed in section 17.49.10, as determined by a qualified environmental professional;
- B. A significant improvement of at least one functional value listed in section 17.49.10, as determined by a qualified environmental professional; and
- C. There will be minimal loss of resources and functional values during the remediation action until it is fully established.

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 onsite 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 3 years will cover 100% 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 parking lot landscaping shall not be counted toward the fifteen percent minimum.

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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 onsite prior to building final.
 - a. Except as allowed elsewhere in the Zoning and Land Division Chapters of this code, all areas to be credited towards landscaping must be installed with growing plant materials. A reduction of up to 25% of the overall required landscaping may be approved by the Community Development Director if the same or greater amount of pervious material is incorporated in the non-parking lot portion of the site plan (pervious material within parking lots are regulated in OCMC 17.52.070).
 - b. Pursuant to Chapter 17.49, landscaping requirements within the Natural Resource Overlay District, other than landscaping required for parking lots, may be met by preserving, restoring and permanently protecting native vegetation and habitat on development sites.
 - c. 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 3 years will cover 100% 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.
 - d. 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.
 - e. Landscaping also shall be visible from public thoroughfares to the extent practicable.
 - f. Interior parking lot landscaping shall not be counted toward the fifteen percent minimum.

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17.50.050 Preapplication Conference ~~and Neighborhood Meeting.~~

- A. ~~Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents. Conditional use, subdivision, or site plan and design review (excluding minor site plan and design review) applications shall schedule and attend a meeting with the city recognized neighborhood association in whose territory the application is proposed. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended. The applicant shall send, by certified mail, return receipt requested, a letter to the chairperson of the neighborhood association and the Citizen Involvement Committee describing the proposed project. A meeting shall be scheduled within 30 days of the notice. If the neighborhood association does not want to, or cannot meet within 30 days, the applicant shall hold their own meeting after 6pm or on the weekend, with notice to the neighborhood association, Citizen Involvement Committee, and all property owners within 300 feet. If the applicant holds their own meeting, a copy of the certified letter shall be required for a complete application. The meeting shall be held within the boundaries of the neighborhood association or in a City facility.~~
- B. Preapplication Conference. Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with City staff to discuss the proposal. To schedule a preapplication conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans. The purpose of the preapplication conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the preapplication conference. Notwithstanding any representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.
- E. A preapplication conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant must schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the preapplication requirement if, in the Director's opinion, the development does not warrant this step.

17.50.055 Neighborhood Association Meeting

- A. Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.
1. Applicants applying for Annexations, Zone Change, Comprehensive Plan Amendments, Conditional Use, Subdivision, or Site Plan and Design Review (excluding Minor Site Plan and Design Review) applications shall schedule and attend a meeting with the city-recognized neighborhood association in whose territory the application is proposed. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.

2. The applicant shall send, by certified mail, return receipt requested letter to the chairperson of the neighborhood association and the Citizen Involvement Committee describing the proposed project. Other communication methods may be used if approved by the Neighborhood Association.
3. A meeting shall be scheduled within 30 days of the notice. A meeting may be scheduled later than 30 days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within 30 days, the applicant shall hold their own meeting after 6pm or on the weekend, with notice to the neighborhood association, Citizen Involvement Committee, and all property owners within 300 feet. If the applicant holds their own meeting, a copy of the certified letter requesting a neighborhood association meeting shall be required for a complete application. The meeting held by the applicant shall be held within the boundaries of the neighborhood association or in a City facility.
4. If the Neighborhood Association is not currently recognized by the city, the applicant shall request a meeting with the Citizen Involvement Committee.
5. To show compliance with this section, the applicant shall submit a sign-in sheet of meeting attendees, a summary of issues discussed, and letter from the Neighborhood Association or Citizen Involvement Committee indicating that a neighborhood meeting was held. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, a sign in sheet of attendees and a summary of issues discussed.

Oregon City Municipal Code

Chapter 17.52 Off-Street Parking and Loading

17.52.010 Applicability.

The construction of a new structure or parking lot, or alterations to the size or use of an existing structure, parking lot or property use shall require site plan review approval and compliance with this chapter. This chapter does not apply to single- and two-family residential dwellings.

17.52.020 Number of Automobile Spaces Required.

A. ~~Number Required.~~ 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 1,000 square feet gross leasable area unless otherwise stated.

<u>Table 17.52.020</u>		
<u>LAND USE</u>	<u>PARKING REQUIREMENTS</u>	
	<u>MINIMUM</u>	<u>MAXIMUM</u>
Single-Family Dwelling	1.00 per unit	
Multi-Family: Studio	1.00 per unit	1.5 per unit
Multi-Family: 1 bedroom	1.25 per unit	2.00 per unit
Multi-Family: 2 bedroom	1.5 per unit	2.00 per unit
Multi-Family: 3 bedroom	1.75 per unit	2.50 per unit
Hotel/Motel	1.0 per guest room	1.25 per guest room
Welfare/Correctional Institution	1 per 7 beds	1 per 5 beds
Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes;	1 per 7 beds	1 per 5 beds
Hospital	2	4
Religious Assembly Building	0.25 per seat	0.5 per seat
Preschool Nursery/ Kindergarten	2	3
Elementary/Middle School	1 per classroom	1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium/assembly room/stadium
High School/College/Commercial School for Adults	0.20 per # staff and students	0.30 per # staff and students
Auditorium/Meeting Room/Stadium	.25	0.5 per seat
Retail Store/ Shopping Center/	4.10	5.00

Restaurants		
Office	2.70	3.33
Medical or Dental Clinic	2.7	3.33
Sports Club/ Recreation Facilities	Case Specific	5.40
Storage Warehouse/ Freight Terminal	0.30 per gross sq-ft	0.40 per gross sq-ft
Manufacturing/ Wholesale Establishment	1.60 per gross sq-ft	1.67 per gross sq-ft
Light Industrial/ Industrial Park	1.3	1.60

1. Multiple Uses. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
2. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Community Development Director, based upon the requirements of comparable uses listed.
3. 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.
4. The minimum required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use. Off-street parking for dwellings shall be located on the same lot with the dwelling.
- 4.5. A Change in Use within an existing building located in the MUD Downtown Design District is exempt from additional parking requirements. Additions to an existing building or new construction in the District, however, are required to meet Table 17.52.020.

B. Reduction of the Number of Automobile Spaces Required. The required number of parking stalls may be reduced if one or more of the following is met:

- A1. Transit Oriented Development. The Community Development Director may reduce the required number of parking stalls up to 10% when it is determined that a commercial business center or multi-family project is adjacent to or within 1,000 feet of an existing or planned public transit. Also, if a commercial center is within 1,000 feet of a multi-family project, with over 80 units and pedestrian access, the parking requirements may be reduced by ten percent.
- B2. Transportation Demand Management. The Community Development Director may reduce the required number of parking stalls up to 10% when a parking-traffic study prepared by a traffic engineer demonstrates:
 - a. Alternative modes of transportation, including transit, bicycles, and walking, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standard Institute of Transportation Engineers vehicle trip generation rates and minimum city parking requirements.
 - b. 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.

3C. Shared Parking. The Community Development Director may reduce the required number of parking stalls up to 50% for:

a. 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 50%, as determined by the Community Development Director.

b. Shared parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlay (e.g., uses primarily of a daytime versus nighttime nature), that the shared parking facility is within 1,000 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.

4. 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.

5D. 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 [22] feet of uninterrupted and available curb;
- b. [45/60] degree diagonal, each with [12] feet of curb;
- c. 90 degree (perpendicular) parking, each with [12] 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.

~~17.52.020 Administrative Provisions.~~

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

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

~~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.~~

17.52.030 ~~Design Review~~ Standards for Automobile Parking.

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

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

EB. Surfacing. Required off-street parking spaces and access aisles shall have paved surfaces adequately maintained. The use of pervious asphalt/concrete and alternative designs that reduce storm water runoff and improve water quality pursuant to the city's Stormwater and Low Impact Development Design Standards are encouraged.

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

D. Dimensional ~~Requirements~~ Standards.

1. Requirements for parking developed at varying angles are according to the table included in this section. A parking space shall not be less than seven feet in height when within a building or structure, and shall have access by an all-weather surface to a street or alley. Parking stalls in compliance with the American with Disabilities Act may vary in size in order to comply with the Building Division requirements. Up to 35% 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.

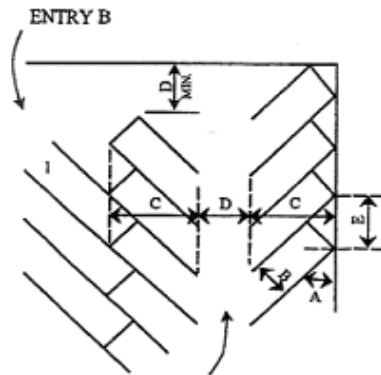
2. Alternative parking/~~landscaping~~ plan. Any applicant may propose an alternative parking plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. In such situations, the Community Development Director may approve an alternative parking lot plan with variations to parking dimensions of this section.~~The city understands the physical constraints imposed upon small parking lots and encourages alternative designs for parking lots of less than 10 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. ~~(Ord. 03-1014, Att. B3 (part), 2003; Ord. 99-1029 §9, 1999; prior code §11-5-3)~~

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	9'	17.3'	11'	18'	
	Compact	8'	14.9'	11'	16'	
45 degrees	Standard	8.5	19.8'	13'	12.7'	1.4
	Compact	8.5	17.0'	13'	11.3'	

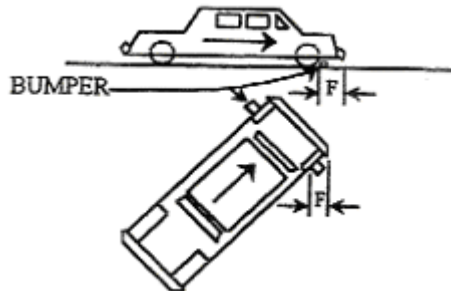
60 degrees	Standard Compact	9' 8'	21' 17.9'	18' 16'	10.4' 9.2'	1.7
90 degrees	Standard Compact	9' 8'	19.0' 16.0'	24' 22'	9' 8'	1.5

All dimensions are to the nearest tenth of a foot.
TYPICAL PARKING LAYOUT



ENTRY A

NOTE: SPACE 1 CONTINGENT UPON ENTRY B



OVERHANG

NOTE: Overhang dimensions are intended to indicate possible location from parking area edge for location of bumpers.

E.

~~17.52.040~~ Carpool and Vanpool Parking.

New, 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."

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~~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. (Ord. 95-1001 §2(part), 1995)~~

17.52.0450 Bicycle Parking Standards-

A. Purpose-Applicability. To encourage bicycle transportation to help reduce principal reliance on the automobile, and to ensure bicycle safety and security, bicycle parking shall be provided in conjunction with all ~~of the following uses:~~

- ~~A. Multifamily housing of four or more units;~~
- ~~B. Retail and office development;~~
- ~~C. Industrial development;~~
- ~~D. Institutional development;~~
- ~~E. Transit transfer stations and park and ride lots;~~
- ~~F. Automobile parking lots and structures~~
- ~~G. Restaurants~~
- ~~H. Schools~~

Religious Institutions (Ord. 95-1001 §2(part), 1995)uses other than single-family dwellings or duplexes.

17.52.060B. Number of Bicycle Spaces Required. -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 17.52.0240 for determining automobile parking space requirements.

<u>TABLE A Required Bicycle Parking Spaces*</u>	
<u>USE</u>	<u>BICYCLE PARKING</u>
<u>Residential</u>	
<u>Multiple family (three or more units)</u>	<u>1 per unit</u>
<u>Commercial Residential</u>	
<u>Hotel and Motel</u>	<u>1 per 10 guest rooms</u>
<u>Rooming or boarding houses</u>	<u>1 per 10 guest rooms</u>
<u>Bed and breakfast inns</u>	<u>1 per 10 guest rooms</u>
<u>Club/lodge</u>	<u>1 per 20 auto spaces</u>

<u>Institutional</u>	
<u>Welfare institution</u>	<u>not applicable</u>
<u>Correctional institution</u>	<u>1 per 30 auto spaces</u>
<u>Nursing home, care facility, sanitarium</u>	<u>1 per 30 auto spaces</u>
<u>Hospital</u>	<u>1 per 20 auto spaces</u>
<u>Park-and-ride lot</u>	<u>5 per acre, at least one of which is a locker</u>
<u>Transit center</u>	<u>5 per center, at least one of which is a locker</u>
<u>Parks and open space</u>	<u>1 per 10 auto spaces</u>
<u>Public parking lots</u>	<u>1 per 20 auto spaces</u>
<u>Automobile parking structures</u>	<u>1 per 20 auto spaces</u>
<u>Places of Public Assembly</u>	
<u>Religious institutions</u>	<u>1 per 20 auto spaces</u>
<u>Libraries, museums</u>	<u>1 per 10 auto spaces</u>
<u>Preschool, nursery, kindergarten</u>	<u>2 spaces</u>
<u>Elementary, junior high</u>	<u>4 per classroom</u>
<u>High school</u>	<u>2 per classroom</u>
<u>College, business/commercial schools</u>	<u>2 per classroom</u>
<u>Other auditorium/meeting room</u>	<u>1 per 20 auto spaces</u>
<u>Commercial Amusement</u>	
<u>Stadium, arena, theater</u>	<u>1 per 20 auto spaces</u>
<u>Bowling alley, skating rink, dance hall</u>	<u>1 per 15 auto spaces</u>
<u>Commercial</u>	
<u>Retail stores and shopping centers</u>	<u>1 per 20 auto spaces</u>
<u>Retail stores handling exclusively bulky merchandise such as automobile, boat or trailer sales or rental</u>	<u>1 per 40 auto spaces</u>
<u>Bank, office</u>	<u>1 per 20 auto spaces</u>
<u>Medical and dental clinic</u>	<u>1 per 20 auto spaces</u>
<u>Convenience food store</u>	<u>1 per 10 auto spaces</u>
<u>Furniture and appliance stores</u>	<u>1 per 40 auto spaces</u>
<u>Eating and drinking establishment,</u>	<u>1 per 20 auto spaces</u>
<u>Auto repair garage and gasoline service station</u>	<u>2 spaces</u>
<u>Mortuaries</u>	<u>not applicable</u>
<u>Swimming pools, gymnasiums, ball courts</u>	<u>1 per 10 auto spaces</u>

<u>Industrial</u>	
<u>Storage warehouse a</u>	<u>1 per 50 auto spaces</u>
<u>Manufacturing</u>	<u>1 per 40 auto spaces</u>

C. Location of Bicycle Parking

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 or visible. ~~Outdoor bicycle parking areas shall be visible from from on-site buildings or the street. If a bicycle parking area is not plainly visible from the street or main building entrance, a sign must be posted indicating the location of the bicycle parking area.~~ Indoor bicycle parking areas shall not require stairs to access the space, ~~except that bicycle parking may be allowed on upper stories within multi-story residential structures unless approved by the Community Development Director.~~

~~3. B.~~ All bicycle parking areas shall be located to avoid conflicts with pedestrian and motor vehicle movement.

~~a1.~~ 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.~~

~~b2.~~ 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.

4. Accessibility.

~~a. C.~~ Outdoor bicycle areas shall be connected to main building entrances by pedestrian accessible walks.

~~b.~~ 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.

~~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 Chapter 17.62.050.A.7 of the Oregon City Municipal Code.~~

TABLE A Required Bicycle Parking Spaces*	
USE	BICYCLE PARKING

Residential	
Multiple family (three or more units)	1 per unit
Commercial Residential	
Hotel and Motel	1 per 10 guest rooms
Rooming or boarding houses	1 per 10 guest rooms
Bed and breakfast inns	1 per 10 guest rooms
Club/lodge	1 per 20 auto spaces
Institutional	
Welfare institution	not applicable
Correctional institution	1 per 30 auto spaces
Nursing home, care facility, sanitarium	1 per 30 auto spaces
Hospital	1 per 20 auto spaces
Park and ride lot	5 per acre, at least one of which is a locker
Transit center	5 per center, at least one of which is a locker
Parks and open space	1 per 10 auto spaces
Public parking lots	1 per 20 auto spaces
Automobile parking structures	1 per 20 auto spaces
Places of Public Assembly	
Religious institutions	1 per 20 auto spaces
Libraries, museums	1 per 10 auto spaces
Preschool, nursery, kindergarten	2 spaces
Elementary, junior high	4 per classroom
High school	2 per classroom
College, business/commercial schools	2 per classroom
Other auditorium/meeting room	1 per 20 auto spaces
Commercial Amusement	
Stadium, arena, theater	1 per 20 auto spaces
Bowling alley, skating rink, dance hall	1 per 15 auto spaces
Commercial	
Retail stores and shopping centers	1 per 20 auto spaces
Retail stores handling exclusively bulky merchandise such as automobile, boat or trailer sales or rental	1 per 40 auto spaces
Bank, office	1 per 20 auto spaces
Medical and dental clinic	1 per 20 auto spaces

Convenience food store	1 per 10 auto spaces
Furniture and appliance stores	1 per 40 auto spaces
Eating and drinking establishment,	1 per 20 auto spaces
Auto repair garage and gasoline service station	2 spaces
Mortuaries	not applicable
Swimming pools, gymnasiums, ball courts	1 per 10 auto spaces
Industrial	
Storage warehouse-a	1 per 50 auto spaces
Manufacturing	1 per 40 auto spaces

17.52.0690 Parking Lot Landscaping.

~~AA.~~ 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

1. The landscaping shall be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area.
2. All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.
3. Parking lot trees shall be a mix of deciduous shade trees and coniferous trees. The trees shall be evenly distributed throughout the parking lot as both interior and perimeter landscaping to provide shade.
4. Required landscaping trees shall be of a minimum two-inch minimum caliper size (though it may not be standard for some tree types to be distinguished by caliper), planted according to American Nurseryman Standards, and selected from the Oregon City Street Tree List;
5. Landscaped areas shall include irrigation systems.
6. All plant materials, including trees, shrubbery and ground cover should be selected for their appropriateness to the site, drought tolerance, year-round greenery and coverage and staggered flowering periods. Species found on the Oregon City Native Plant List are strongly encouraged and species found on the Oregon City Nuisance Plant List are prohibited.
7. The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation and shall comply with all requirements of Chapter 10.32, Traffic Sight Obstructions.
8. Landscaping shall incorporate design standards in accordance with Chapter 13.12, Stormwater Management.

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

~~1.~~ Perimeter Parking Lot Landscaping and Parking Lot Entryway/Right-of-Way Screening. Parking lots shall include a 5-foot wide landscaped buffer where the parking lot abuts the right-of-way and/or adjoining properties. In order to provide connectivity between non-single-family sites, the Community Development Director may approve an interruption in the perimeter parking lot landscaping for a single driveway where the parking lot abuts property designated as multi-family, commercial or industrial. Shared driveways and parking aisles that straddle a lot line do not need to meet perimeter landscaping requirements.

1. The perimeter parking lot are shall include:

- aa. 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 16-inches on center covering one hundred percent of the exposed ground within 3 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.

~~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.~~

~~D. 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:

- 1a. Minimum five-foot wide landscaped planter strip (excluding areas for pedestrian connection) abutting either side of a parking lot sidewalk with:
 - ai. Trees spaced a maximum of thirty-five feet apart;
 - ib. Ground cover such as wild flowers, spaced a maximum of 16-inches on center covering one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and
 - ii-c. An evergreen hedge of thirty to forty-two inches or shrubs placed no more than four feet apart on average; or
- b2. Seven-foot sidewalks with shade trees spaced a maximum of thirty-five feet apart in three-foot by five-foot tree wells.

~~3-E.~~ Interior Parking Lot Landscaping. Surface parking lots shall have a minimum ten percent of the interior of the gross area of the parking lot devoted to landscaping to improve the water quality, reduce storm water runoff, and provide pavement shade. Interior parking lot landscaping shall not be counted toward the fifteen percent minimum total site landscaping required by Section 17.62.050(1). 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 16-inches on center covering one hundred percent of the exposed ground within three years. No bark

mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.

- 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.

~~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 10 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.~~

- ~~4. The landscaping shall be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area.~~
- ~~5. 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.~~
- ~~6. All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.~~
- ~~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.~~
- ~~9. Landscaped areas shall 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.~~
- ~~11. Landscaping shall incorporate design standards in accordance with Chapter 13.12, Stormwater Management.~~
- ~~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;~~

F. 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.

17.52.070. Alternative landscaping plan.

Any applicant may propose an alternative landscaping plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. Alternative plans may include the use of low impact development techniques and minimized landscaping requirements. The city understands the physical constraints imposed upon small parking lots and encourages alternative designs for parking lots of less than 10 parking stalls. In such situations, 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 of section 17.52.060.

A. General Review Standard. The alternative shall meet or exceed consistent with the intent and purpose of this chapter (17.52.060A) 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 alternative landscaping plan shall be prepared by a licensed landscape architect.

B. Credit for Pervious / Low Impact Development. The Community Development Director may count up to 50% of the square footage of any pervious hardscaped landscape material within a parking lot that is designed and approved pursuant to the City's adopted Stormwater and Low Impact Development Design Standards may be counted toward minimum landscaping requirements for the site. (This includes porous pavement detention, open celled block pavers, porous asphalt, porous concrete pavement, porous turf, porous gravel, etc).

D17.52.080. Maintenance.

1. The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of the site including but not limited to the off-street parking and loading spaces, bicycle parking and all landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris.

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.

Oregon City Municipal Code

Chapter 17.20 Residential Design Standards

17.20.010 Purpose.

The Residential Design Standards are intended to:

- A. Enhance Oregon City through the creation of attractively designed housing and streetscapes.
- B. Ensure that there is a physical and visual connection between the living area of the residence and the street.
- C. Improve public safety by providing “eyes on the street”.
- D. Promote community interaction by designing the public way, front yards and open spaces so that they are attractive and inviting for neighbors to interact.
- E. Prevent garages from obscuring or dominating the primary facade of the house.
- F. Provide guidelines for good design at reasonable costs and with multiple options to achieve the purposes of this chapter.

The Community Development Director may approve an alternative design that achieves the intent of this chapter.

17.20.015 Street Trees.

All new single or two-family dwellings or additions of 25 percent or more of the existing square footage of the home (including the living space and garage(s)) shall install a street tree along the frontage of the site, within the abutting developed right-of-way. Existing trees may be used to meet this requirement. A picture of the planted tree shall be submitted to the Planning Division prior to issuance of an occupancy. Upon approval by the Community Development Director, when a planter strip is not present, a tree may be placed within an easement on the abutting private property within 10 feet of the public right-of-way if a covenant is recorded for the property with the Clackamas County Recorders Office identifying the tree as a city street tree, subject to the standards in Chapter 12.08 of the Oregon City Municipal Code. The street tree shall be a minimum of 2-inches in caliper and either selected from the Oregon City Street Tree List or approved by a certified arborist for the planting location.

17.20.020 Applicability.

The standards in section 17.20.030 through 17.20.050 apply to the street-facing facades of all single and two-family dwellings. New dwellings, new garages or an expansion of an existing garage require compliance with ~~Each new dwelling or addition shall comply with one of the residential design options in chapter 17.20.030 for the front façade of the home. Additions to homes existing prior to the adoption of this chapter in the concept plan area or new single family homes outside of the Concept Plan areas or may choose review under this section or OCMC 17.21 Single Family Residential Standards Park Place Concept Plan Area.~~

For the purpose of this chapter, gGarages are defined as structures, or portions thereof used or designed to be used for the parking of vehicles, including carports. The garage width shall be measured based on the foremost interior garage walls or carport cover. The Community Development Director may approve an alternative measurement location if the exterior façade screens a section of the garage or better accomplishes the goals of this Chapter.

17.20.030 Residential Design Options.

- A dwelling with no garage or a detached garage may be permitted if 5 of the residential design elements in 17.20.040.A are included on the front façade of the structure.
- B. A dwelling without a garage on the primary street-facing façade may be permitted if 5 of the residential design elements in 17.20.040.A are included on the front façade of the structure.
- C. A dwelling with a front garage where the building is less than 24 feet wide may be permitted if:
 - 1. The garage is no more than 12 feet wide and;

1. The garage does not extend past the furthest forward living space on the street-facing façade; and
2. 6 of the residential design elements in 17.20.040.A are included on the front façade of the structure; and
3. 1 of the following is provided:
 - a. Interior living area above the garage is provided. The living area must be set back no more than 4 feet from the street-facing garage wall; or
 - b. A covered balcony above the garage is provided. The covered balcony must be at least the same length as the street-facing garage wall, at least 6 feet deep and accessible from the interior living area of the dwelling unit; or
 - c. The garage is rear loaded.
- D. A dwelling with a garage that extends up to 50% of the length of the street-facing façade and is not closer to the street than the furthest forward living space on the street-facing façade may be permitted if: 6 of the residential design elements in 17.20.040.A are included on the front façade of the structure.
- E. A dwelling with a garage that extends up to 60% of the length of the street-facing façade and is recessed 2 feet or more from the furthest forward living space on the street-facing façade may be permitted if: 7 of the residential design elements in 17.20.040.A are included on the front façade of the structure.
- F. A dwelling with a garage that extends up to 60% of the length of the street-facing façade may extend up to 4 feet in front of the furthest forward living space on the street-facing façade may be permitted if: 8 of the residential design elements in 17.20.040.A are included on the front façade of the structure; and 1 of the options in 17.20.040.B is provided on the front façade of the structure.
- G. A dwelling with a garage that extends up to 50% of the length of the street-facing façade may extend up to 8 feet in front of the furthest forward living space on the street-facing façade if: 9 of the residential design elements in 17.20.040.A are included on the front of the structure; and 1 of the options in 17.20.040.B is provided on the front façade of the structure.
- H. A dwelling with a garage that is side-orientated to the front lot line and may extend up to 32 feet in front of the furthest forward living space on the street-facing facade if: Windows occupy a minimum of 15% of the lineal length of the street-facing wall; and 6 of the residential design elements in 17.20.040.A are included on the front façade of the structure.

17.20.035 Corner Lots and Through Lots:

Homes on corner lots and through lots shall comply with one of ~~the six~~ the options in 17.20.030 for the front of the lot. The other street-facing side of the home shall include windows and doors for a minimum of 15% of the lineal length of the ground floor façade with a minimum 4-inch window trim and comply with ~~5-3~~ additional residential design elements in 17.20.040.A.

17.20.040 Residential Design Elements.

- A. The residential design elements below shall be provided as required in section 17.20.030 above. Exemptions to the standards in Chapter 17.20.040 may be approved through a Type II Land Use decision that are in compliance with the purpose of this Chapter listed in 17.20.010.
1. The design of the dwelling includes dormers, which are projecting structures built out from a sloping roof housing a vertical window;
 2. The roof design utilizes a:
 - a. Gable, which is a roof sloping downward in two parts from a central ridge, so as to form a gable at each end; or
 - b. Hip, which is a roof having sloping ends and sides meeting at an inclined projecting angle.
 - ~~3.~~ 3.4. The building facade includes 2 or more offsets of 16-inches or greater;
 - ~~4.5.~~ 4.5. A roof overhang of 16-inches or greater;
 - ~~4.5.~~ A recessed entry that is at least 2 feet behind the furthest forward living space on the ground floor, and a minimum of 8 feet wide;

- ~~5.6.~~ A minimum 60 square-foot covered front porch that is at least 5 feet deep or a minimum 40 square-foot covered porch with railings that is at least 5 feet deep and elevated entirely a minimum of 18-inches;
- ~~6.7.~~ A bay window that extends a minimum of 12-inches outward from the main wall of a building and forming a bay or alcove in a room within;
- 8. Windows and main entrance doors that occupy a minimum of 15% of the lineal length of the front façade (not including the roof and excluding any windows in a garage door);
- 9. Window trim (minimum 4-inches);
- 10. Window grids (excluding any windows in the garage door or front door).
- ~~7.11.~~ Windows on all elevations include a minimum of 4-inch trim (worth 2 elements);
- ~~8.12.~~ Windows on all of the elevations are wood, clad wood, or fiberglass (worth 2 elements);
- ~~9.13.~~ Windows on all of the elevations are recessed a minimum of two inches from the façade (worth 2 elements);
- 11. A ~~front-facing~~ balcony that projects from the wall of the building and is enclosed by a railing or parapet;
- ~~10.14.~~ Shakes, shingles, brick, stone or other similar decorative materials shall occupy a minimum of 60 square feet of the street façade;
- ~~11.15.~~ All garage doors are a maximum 9-feet wide;
- ~~12.16.~~ All garage doors wider than 9-feet are designed to resemble 2 smaller garage doors;
- ~~13.17.~~ There are a minimum of two windows in each garage door;
- 15. A third garage door is recessed a minimum of 2 feet;
- 16. ~~A The garage window over the garage door is part of a 2-level façade that has a window that is a~~ (minimum of 12 square feet) with window trim (minimum 4-inches);
- 17. There is no attached garage onsite;
- 18. The living space of the dwelling is within 5 feet of the front yard setback; or
- 19. The driveway is composed entirely of pervious pavers or porous pavement.
- B. The residential design elements, 1 and 2 below, shall be provided as required in section 17.20.030 above in addition to the residential design elements required in Section 17.20.040.A above. Residential design elements utilized in Section 17.20.040.B can be additionally utilized in Section 17.20.040.A.
 - 1. A minimum 60 square-foot covered front porch that is at least 5 feet deep; or a minimum 40 square-foot covered porch with railings that is at least 5 feet deep and elevated entirely a minimum of 18-inches.
 - 2. The garage is part of a 2-level façade. The 2nd level façade shall have a window (minimum 12 square feet) with window trim (minimum 4-inches).

17.20.050 Main Entrances.

The main entrance for each structure shall:

- A. Face the street; or
- B. Be at an angle up to 45 degrees from the street;
- C. Open onto a covered porch that is at least 60 square feet with a minimum depth of 5 feet on the front or, in the case of a corner lot, the side of the residence;

Oregon City Municipal Code

Chapter 17.54 Supplemental Zoning Regulations and Exceptions

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 10 feet in height (measured from the interior floor to the midpoint of the roof) or over 200 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 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 10 days, is not erected for more than 20 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

▲ 17.04 Definitions

17.04. 743Membrane or Fabric Covered Storage Area - An area covered by a tarp or tensioned membrane that is either attached to a rigid framework, natural feature or some other structure that is used for storage.

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2009 DEC 31 AM 10: 58

RECEIVED
CITY OF OREGON CITY

December 30, 2009

Memo to: Oregon City Planning Department
221 Molalla Avenue
Suite 200
Oregon City, OR. 97045

From: LaVone Kent and Dennis Klink

Re: Request for zoning designation change

We understand that on July 31, 2009 the city of Oregon City completed a review of all property zoning within its jurisdiction. We also understand the city will review any written comments received on or before December 31, 2009 from private citizens regarding this current zoning. We respectfully request the following properties be changed from the current Multi-Family dwelling (R-2) zoning to General Commercial (C) status: 19765 Hwy 213, 19785 Hwy 213, and 13825 Meyers Rd. These adjacent properties form the Southwest corner of the intersection of Meyers Road and Highway 213.

Property surrounding the intersection of Meyers Road and Highway 213 is already zoned General Commercial on the Northwest corner. Haggen's, Wilco Gas, Quizno's and Carl's Jr. are some of the businesses located here. The entire East side of this intersection is zoned Institutional for Clackamas Community College. We are requesting a zone change at the Southwest corner of this intersection from R-2 to General Commercial for approximately two acres of land on three parcels, to match the Commercial zoning across the street on the North side of Meyers Road. These properties would have ingress and egress to both Meyers Road and Highway 213, the same as the Commercial property across the street. There is an existing traffic light at this intersection to regulate traffic, and nothing to restrict vehicles exiting these parcels from turning either left or right onto Meyers Road. The parcels included in this rezone request make up a total 7.17 acres, so the city would have the option to increase commercial zoning beyond our current request, or leave the remaining 5.17 acres in the existing R-2 zoning.

All three owners of these referenced properties on the Southwest corner of Meyers Road and Highway 213 have been in touch either personally (Mrs. Kent and Mr. Klink) or through a designated representative (Mr. Kryzsek) for a number of years now, and all favor this corner being rezoned as General Commercial. It appears Oregon City's current plan has adequate single and multi-family residential use areas identified. We feel that changing two acres of R-2 zoning at this intersection to General commercial is consistent with the current plan, represents the best use of the land at this intersection, and would

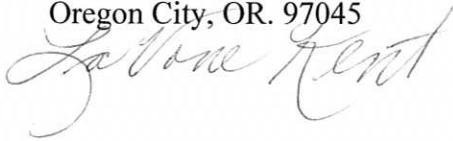
provide for a small increase in commercial development in an area already set aside for that purpose.

We look forward to hearing the results of our request for a zone change from R-2 to General Commercial on the parcels located at 19765 Hwy 213, 19785 Hwy 213, and 13825 Meyers Road.

Thank you for your consideration of this matter.

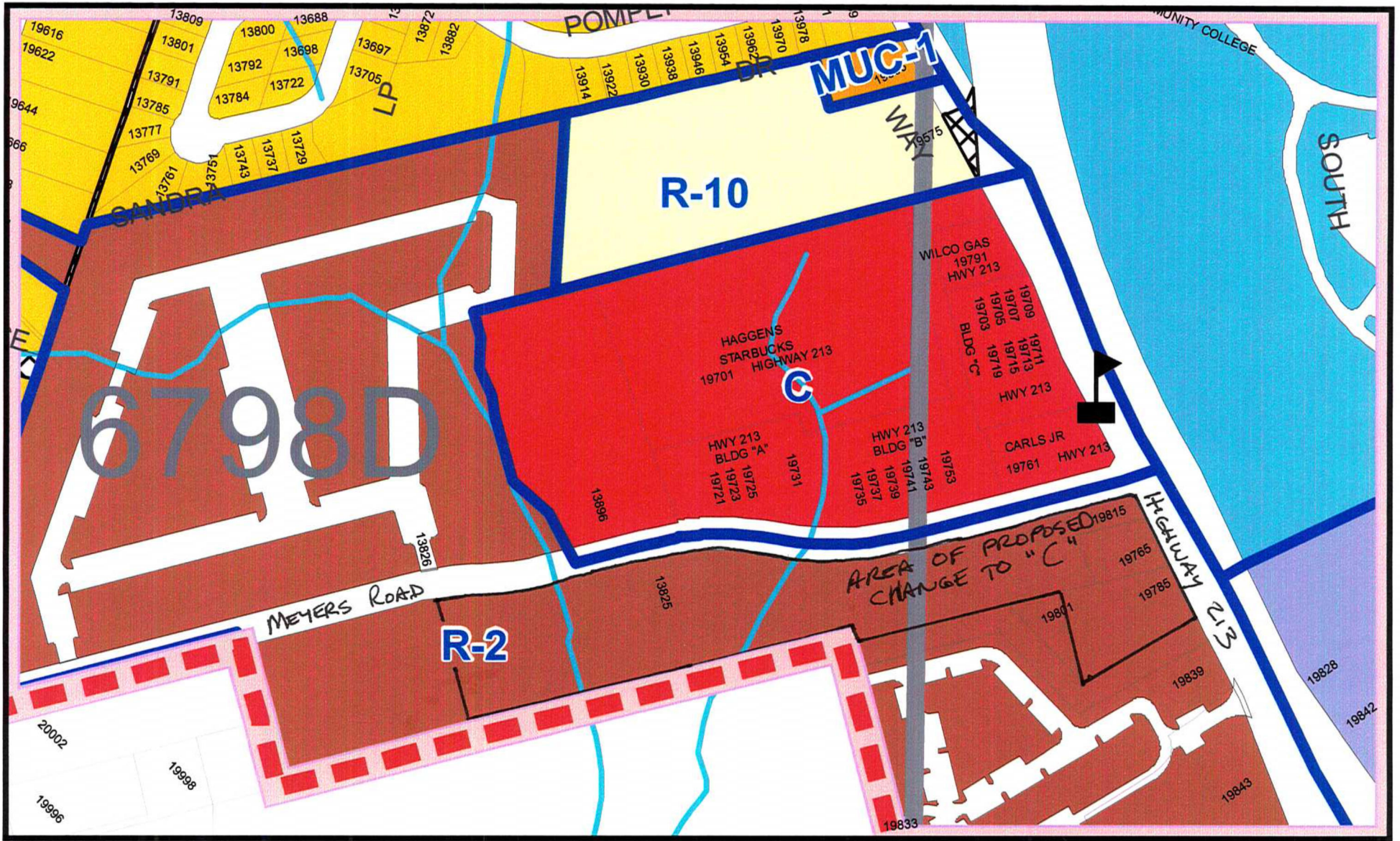
Sincerely,

LaVone Kent
19785 Hwy 213
Oregon City, OR. 97045

A handwritten signature in cursive script that reads "LaVone Kent".

Dennis Klink
19765 Hwy 213
Oregon City, OR. 97045

A handwritten signature in cursive script that reads "Dennis Klink".



P = Permitted Use
C = Conditional Use
X = Prohibited Use
* = special exceptions

Uses	MUC	NC	MUD	HC	MUE	C	GI	CI	I
Residential units, single-family detached;	X	X	X	P	X	X	X	X	X
Residential units, single-family attached;	X	P*	X	X	X	X	X	X	X
Residential units, Duplex	X	P*	X	P	X	X	X	X	X
Residential units, multi-family;	P	P	P	P	X	P	X	X	X
Accessory dwelling units	X	X	X	X	X	X	X	X	X
Cottage Housing	X	X	X	X	X	X	X	X	X
Live/work units	P*	P	P*	P*	X	X	X	X	X
Bed and Breakfast Inns / Boarding Houses	P	P	P	P	X	P	X	X	C
Hotels and motels, commercial lodging	C	C	P	C	C	P	X	X	C
Parks, playgrounds, playfields and community or neighborhood centers;	P	P	P	P	P	P	X	P	P
Home occupations	P	P	P	P	X	P	X	X	X
Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;	P	P	P	P	X	P	X	X	X
Accessory buildings	X	X	X	P	X	X	X	X	X
Family day care provider, subject to the provisions of Section 17.54.050;	P	P	P	P	X	P	X	X	P
Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on site is permitted);	X	X	X	X	X	X	X	X	P
Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;	X	X	X	X	X	X	X	P	P*
Cemeteries, crematories, mausoleums and columbariums;	X	X	X	X	X	X	X	C	C
Child care centers and nursery schools;	P	P*/C	P	P	P	P	X	C	P*
Public and/or Private educational or training facilities	C	C	C	C	P*	C	X	P	P
Emergency service facilities (police and fire), excluding correctional facilities;	C	C	C	C	P	C	P	C	C
Religious institutions;	C	C	C	C	C	C			P*
Banquet, conference facilities and meeting rooms;	P	P*/C	P	P	P	P	X	C	P
Museums, libraries and cultural facilities;	P	P*/C	P	P	P	P	X	X	P*
Health and fitness clubs;	P	P*/C	P	P	P	P	X	X	P*
Medical and dental clinics, outpatient; infirmary services;	P	P*/C	P	P	P	P	X	P	X
Residential Home per ORS 443.400	P	P	P	P	X	P	X	X	X

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* = special exceptions

Uses	MUC	NC	MUD	HC	MUE	C	GI	CI	I
Residential Care Facility;	P	P	P	P	X	P	X	X	P*/C
Assisted living facilities; nursing homes and group homes for over 15 patients	P	P*/C	P	P	X	P	X	X	P*/C
Office	P	P*/C	P	P	P	P	X	X	P*
Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;	P	P*/C	P	P	P	P	X	X	P
Postal services;	P	P*/C	P	P	P	P	X	X	P
Restaurants, eating and drinking establishments	P	P*/C	P	P	P*	P	X	P*	C
Services, including personal, professional, educational and financial services; laundry and dry-cleaning;	P	P*/C	P*/C	P	P*	P	P*	P*	X
Retail trade including grocery, speciality, clothing, etc.	P	P*/C	P*/C	P	P*	P	P*	P*	P*
Seasonal sales, subject to OCMC Chapter 17.54.060	P	P*/C	P	P	X	P	X	X	X
Studios and galleries, including dance, art, photography, music and other arts;	P	P*/C	P	P	X	P	X	X	P
Outdoor markets that do not meet 17.29.020.H	C	C	C	C	C	P	X	X	X
Utilities: basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers.	P	P	P	P	P	P	P	P	P
Public utilities, including sub-stations (such as buildings, plants and other structures);	C	C	C	C	C	C	P	C	C
Drive-in or drive-through facilities	C	C	C	C	C	P	X	X	X
Gas stations	C	C	C	C	X	P	X	X	X
Custom or specialized vehicle alterations or repair wholly within a building.	X	X	X	X	P*	P	X	X	X
Hospitals	C	X	C	C	P	C	C	X	X
Veterinary clinics or pet hospitals	P	P*/C	P	P	C	P	P	X	X
Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;	P	P*/C	P	P	X	P	X	X	X

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Uses	MUC	NC	MUD	HC	MUE	C	GI	CI	I
Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment, and machinery and farming equipment)	X	X	X	X	X	X	P	X	X
Kennels	X	X	X	X	X	X	P	X	X
Motor vehicle sales and/or incidental service	X	X	X	X	X	P	X	X	X
Motor vehicle repair and/or service	X	X	X	X	P*	P	X	X	X
Storage facilities	X	X	X	X	X	C	P	X	X
Indoor Entertainment Centers and Arcades	P	P*/C	P	P	X	P	X	X	X
Passenger terminals (water, auto, bus, train)	C	C	C	C	P	P	X	X	P
Marina	X	X	P	X	X	X	X	X	P
Recking yards	X	X	X	X	X	X	P	X	X
Stadiums and arenas	C	C	C	C	C	C	C	X	X
Parking structures and lots not in conjunction with a primary use	C	X	C	C	X	X	X	X	C
Industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials;	X	X	X	X	P	X	P	P	X
Correctional, detention and work release facilities	X	X	X	X	C	X	X	X	C
Distribution, wholesaling and warehousing	X	X	C	X	P	X	P	C	X
Manufacturing and/or fabrication	X	X	X	X	X	X	P	P*	X
Heavy equipment service, repair, sales, rental or storage (includes but is not limited to construction equipment and machinery and farming equipment);	X	X	X	X	X	X	P	X	X
Research and development activities	P	P*/C	P	P	P	P	X	P	P*
Outdoor sales or storage	X	X	X	X	X	X	P*	X	X
Recycling center and/or solid waste facility	X	X	C	X	X	X	P	X	X

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Uses	R-2	R-3.5	R-5	R-6	R-8	R-10
Residential units, single-family detached;	X	P	P	P	P	P
Residential units, single-family attached;	X	P	P*	X	X	X
Residential units, Duplex	X	P	P*	X	X	X
Residential units, multi-family;	P	P*	P*	X	X	X
Accessory dwelling units	X	X	X	P	P	P
Cottage Housing	X	P	P	P	P	P
Live/work units	C	C	C	X	X	X
Bed and Breakfast Inns / Boarding Houses	C	C	C	C	C	C
Hotels and motels, commercial lodging	X	X	X	X	X	X
Parks, playgrounds, playfields and community or neighborhood centers;	P	P	P	P	P	P
Home occupations	P	P	P	P	P	P
Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;	P	P	P	P	P	P
Accessory buildings	P	P	P	P	P	P
Family day care provider, subject to the provisions of Section 17.54.050;	P	P	P	P	P	P
Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on site is permitted);	X	P	P	P	P	P
Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;	C	C	C	C	C	C
Cemeteries, crematories, mausoleums and columbariums;	C	C	C	C	C	C
Child care centers and nursery schools;	C	C	C	C	C	C
Public and/or Private educational or training facilities	C	C	C	C	C	C
Emergency service facilities (police and fire), excluding correctional facilities;	C	C	C	C	C	C
Religious institutions;	C	C	C	C	C	C
Banquet, conference facilities and meeting rooms;	C	C	C	C	C	C
Museums, libraries and cultural facilities;	C	C	C	C	C	C
Health and fitness clubs;	X	X	X	X	X	X
Medical and dental clinics, outpatient; infirmary services;	X	X	X	X	X	X
Residential Home per ORS 443.400	X	P	P	P	P	P

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Uses	R-2	R-3.5	R-5	R-6	R-8	R-10
Residential Care Facility;	P	C	C	C	C	C
Assisted living facilities; nursing homes and group homes for over 15 patients	X	C	C	C	C	C
Office	P*	X	X	X	X	X
Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;	X	X	X	X	X	X
Postal services;	X	X	X	X	X	X
Restaurants, eating and drinking establishments	X	X	X	X	X	X
Services, including personal, professional, educational and financial services; laundry and dry-cleaning;	X	X	X	X	X	X
Retail trade including grocery, speciality, clothing, etc.	X	X	X	X	X	X
Seasonal sales, subject to OCMC Chapter 17.54.060	X	X	X	X	X	X
Studios and galleries, including dance, art, photography, music and other arts;	X	X	X	X	X	X
Outdoor markets that do not meet 17.29.020.H	X	X	X	X	X	X
Utilities: basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers.	P	P	P	P	P	P
Public utilities, including sub-stations (such as buildings, plants and other structures);	C	C	C	C	C	C
Drive-in or drive-through facilities	X	X	X	X	X	X
Gas stations	X	X	X	X	X	X
Custom or specialized vehicle alterations or repair wholly within a building.	X	X	X	X	X	X
Hospitals	X	X	X	X	X	X
Veterinary clinics or pet hospitals	X	X	X	X	X	X
Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;	X	X	X	X	X	X

P = Permitted Use
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Uses	R-2	R-3.5	R-5	R-6	R-8	R-10
Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment, and machinery and farming equipment)	X	X	X	X	X	X
Kennels	X	X	X	X	X	X
Motor vehicle sales and/or incidental service	X	X	X	X	X	X
Motor vehicle repair and/or service	X	X	X	X	X	X
Storage facilities	X	X	X	X	X	X
Indoor Entertainment Centers and Arcades	X	X	X	X	X	X
Passenger terminals (water, auto, bus, train)	X	X	X	X	X	X
Marina	X	X	X	X	X	X
Recking yards	X	X	X	X	X	X
Stadiums and arenas	P	C	C	C	C	C
Parking structures and lots not in conjunction with a primary use	X	X	X	X	X	X
Industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials;	X	X	X	X	X	X
Correctional, detention and work release facilities	X	X	X	X	X	X
Distribution, wholesaling and warehousing	X	X	X	X	X	X
Manufacturing and/or fabrication	X	X	X	X	X	X
Heavy equipment service, repair, sales, rental or storage (includes but is not limited to construction equipment and machinery and farming equipment);	X	X	X	X	X	X
Research and development activities	X	X	X	X	X	X
Outdoor sales or storage	X	X	X	X	X	X
Recycling center and/or solid waste facility	X	X	X	X	X	X