



CITY OF OREGON CITY

CITY COMMISSION SPECIAL MEETING - REVISED AGENDA

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Tuesday, October 11, 2022 at 7:00 PM

SPECIAL MEETING OF THE CITY COMMISSION

Ways to participate in this public meeting:

- *Attend in person, location listed above*
- *Register to provide electronic testimony (email recorderteam@orcity.org or call 503-496-1509 by 3:00 PM on the day of the meeting to register)*
- *Email recorderteam@orcity.org (deadline to submit written testimony via email is 3:00 PM on the day of the meeting)*
- *Mail to City of Oregon City, Attn: City Recorder, P.O. Box 3040, Oregon City, OR 97045*

1. CONVENE MEETING AND ROLL CALL

2. CEREMONIES AND PROCLAMATIONS

[2a.](#) Oath of Office for Commission President

3. CITIZEN COMMENTS

Citizens are allowed up to 3 minutes to present information relevant to the City but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the City Recorder. The City Commission does not generally engage in dialog with those making comments but may refer the issue to the City Manager. Complaints shall first be addressed at the department level prior to addressing the City Commission.

4. PUBLIC HEARINGS

[4a.](#) Appeal of the Park Place Crossing General Development Plan (AP-22-00003; GLUA-21-00045; MAS-21-00006; VAR-22-00001)

5. ADJOURNMENT

PUBLIC COMMENT GUIDELINES

Complete a Comment Card prior to the meeting and submit it to the City Recorder. When the Mayor/Chair calls your name, proceed to the speaker table, and state your name and city of residence into the microphone. Each speaker is given three (3) minutes to speak. To assist in tracking your speaking time, refer to the timer on the table.

As a general practice, the City Commission does not engage in discussion with those making comments. Electronic presentations are permitted but shall be delivered to the City Recorder 48 hours in advance of the meeting.

ADA NOTICE

The location is ADA accessible. Hearing devices may be requested from the City Recorder prior to the meeting. Individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-657-0891.

Agenda Posted at City Hall, Pioneer Community Center, Library, City Website.

Video Streaming & Broadcasts: The meeting is streamed live on the Oregon City's website at www.orcity.org and available on demand following the meeting. The meeting can be viewed on Willamette Falls Television channel 28 for Oregon City area residents as a rebroadcast. Please contact WFMC at 503-650-0275 for a programming schedule.

OATH OF OFFICE

I, _____, do solemnly swear that I will support the Constitution of the United States and of the State of Oregon, along with the Oregon City Municipal Charter and Code.

I will to the best of my ability, faithfully perform the duties of Commission President of Oregon City during my incumbency thereof.

Commission President

DENYSE C. MCGRUFF, Mayor

Date: October 5, 2022



CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 10/11/2022
From: Aquilla Hurd-Ravich, Community Development Director

SUBJECT:

Appeal of the Park Place Crossing General Development Plan (AP-22-00003; GLUA-21-00045; MAS-21-00006; VAR-22-00001)

STAFF RECOMMENDATION:

Staff recommends that the City Commission choose one of the options identified in the supplemental staff report, restated in the options section below.

EXECUTIVE SUMMARY:

The City has received nine (9) appeals of a Type III decision approving the Park Place Crossing Master Plan General Development Plan and associated approval. As amended during the Planning Commission proceedings, the Applicant, Icon Development, requested approval for 426 residential units to be provided in six residential phases on 91.7 acres of land. The project also includes a community park, open space, on-site stormwater management facility, an area to accommodate retail/civic uses, and trails components.

On September 12, 2022 the Planning Commission voted 4-3 to approve GLUA-21-00045 / MAS-21-00006 / VAR-22-00001 with revised findings and conditions of approval.

The appellants are:

- Jackie Dalseme
- Jackie Hammond-Williams
- Enoch Huang
- Christine Kosinski
- Roya Mansouri
- James Nicita
- Elizabeth and Jed Peterson
- Linda Smith
- Park Place Neighborhood Association – Tom Geil

This appeal is governed by the procedures set out in OCMC 17.50.190, including the following limitations:

- The Appeal is "on the record," meaning no new evidence may be introduced on Appeal – only the evidence placed before the Planning Commission may be considered by the appellants, Applicant and City Commission. 17.50.190(F).
- The issues on Appeal are limited to those listed in the notice of Appeal. The appellant may not raise any new issues as part of this Appeal. 17.50.190(F).
- Only those persons who submitted comments during the notice and opportunity to comment will be allowed to participate in the appeal hearing. OCMC 17.50.120(E)(6).

BACKGROUND:

Please review the attached 29-page memorandum re: “Park Place Crossing General Development Plan Appeals” prepared by Community Development Director, Aquilla Hurd-Ravich, Planning Manager Pete Walter, Bill Kabeiseman, City Attorney, and Carrie Richter, Assistant City Attorney, and the attached Record for this application.

OPTIONS:

The options before the City Commission include:

1. Uphold the appeal(s) and make a tentative decision to deny the consolidated applications.
2. Uphold in part and deny in part the appeal(s), and make a tentative decision to modify the conditions of approval and approve the consolidated applications.
3. Deny the appeals and make a tentative decision to approve the application with no change to the Planning Commission’s conditions of approval.

City staff will revise the written decision consistent with the City Commission’s deliberation and present it for City Commission adoption on October 17th, 2021.



October 4, 2022

To: Honorable Mayor McGriff and City Commission

From: Aquilla Hurd-Ravich, Community Development Director
Pete Walter, Planning Manager
Bill Kabeiseman, City Attorney
Carrie Richter, Deputy City Attorney

Re: Park Place Crossing General Development Plan Appeals

File #s: GLUA-21-00045 / MAS-21-00006 / VAR-22-00001

Request: Nine appeals challenging the Planning Commission's approval of the Park Place Crossing Master Plan General Development Plan and associated approval. As amended during the Planning Commission proceedings, the Applicant, Icon Development, requested approval for 426 residential units to be provided in six residential phases on 91.7 acres of land. The project also includes a community park, open space, on-site stormwater management facility, an area to accommodate retail/civic uses, and trails components. Those areas where the applicant sought, and received permission, to alter the otherwise applicable standards include:

1. A modification to street width standards for a limited segment of Holly Lane:
16.12.013 – Modifications at PC decision p 134
2. Adjustments to the following development standards:
 - a. OCMC Chapter 17.08.040 and 17.10.040 - reduction in the lot dimensional standards- p 162
 - b. OCMC Chapter 17.21.090.A – changes to garage placement and design – p 125
3. Variance: Request to reduce the minimum lot size for attached single family lots to 1800 square feet – p 190.

The Planning Commission approved the request subject to conditions to ensure compliance with applicable standards. The appeals challenge that approval and seek to have the City Commission overturn the Planning Commission's decision.

120-Day Deadline: October 23, 2022

EXECUTIVE SUMMARY

This General Development Plan (GDP) application sought to advance the efforts to urbanize an area that was brought into the Metro Urban Growth Boundary in 2002. Since the area was brought into the UGB, the City has adopted policies to guide eventual development of this area including:

- adoption of the Park Place Concept Plan (PPCP) in 2008,
- adopting Comprehensive Plan and Zoning designations and policies to implement PPCP policies in 2008 and 2010, and

- annexation and rezoning of the subject 92 acres with conditions requiring master plan review in 2018.

When the property was annexed, the annexation required that property in the Park Place area must be developed pursuant to the City's Master Plan review process and the proposed General Development Plan (GDP) is the first step in obtaining that Master Plan review and the Planning Commission's approval would govern the development of the site over time. No specific development is authorized as part of this application; instead, development would occur only after a detailed development plan is approved.

The Applicant sought to develop primarily housing – 426 units including both attached and detached units – that is generally consistent with the PPCP map designating this area for low to medium residential uses. By a 4-3 vote on September 12, 2022, the Planning Commission approved this application finding that the proposal meets the applicable Park Place Concept Plan policies, the Comprehensive Plan goals and policies, and the provisions of the Oregon City Municipal Code including those related to the modification, adjustments and variance requests. The Planning Commission's decision includes a lengthy series of conditions that identified proportional mitigation and development obligations, particularly as part of the subsequent DDP review, that would enable the project to meet or exceed those standards and goals.

The September 12, 2022, decision followed an August 22, 2022, meeting at which the Planning Commission tentatively approved the application, leaving the only question before the Planning Commission on September 12 whether the written findings reflected the tentative decision of approval. After an initial tie vote, participation by a late-arriving Commissioner resulted in a vote of 4-3. Providing a no-cost right to appeal, appellants now have an opportunity to present their case anew to the City Commission, curing any alleged procedural defects occurring during this final vote.

This issues raised by Appellants focus on adverse impacts that they believe will result from the proposed density and overall layout. With respect to traffic, Appellants argue that the GDP fails to provide the Holly Lane north/south road connection to Redland Road before development which, they assert, is critical to ensure the safety of existing and future residents as well as avoiding pass-thru traffic that they believe will negatively impact the adjacent Trail View neighborhood directly to the north. Appellants also challenge the applicant's expert traffic count assumptions, demand projections, and findings that other critical intersections will be adequate to accommodate the impacts from this development. Appellants also question the proposed level of density, arguing that it sacrifices an existing or future green buffer and results in front-entry garages for some of the homes. Appellants also raise concerns about the degree to which the GDP fulfills the PPCP obligations with respect to the uses and layout of the North Village Main Street area and the area available for a community park. Appellants posit that the GDP fails to sufficiently analyze the risk of landslide, which they believe is significant, and design a project that avoids those risks. Appellants also raise procedural objections over the events that occurred at the final Planning Commission hearing on Sept. 12, 2022.

This GDP review represents the first opportunity for the City (and the public) to review a specific proposal for the eventual development within Park Place. Up to this point, all of the planning and annexations effort has been conceptual – without any site-specific evaluation or expert consultation of density, use, layout, infrastructure demands and impacts. Transitioning from long-term planning policies to a fully functional development requires a balancing of interests that is both exacting as well as highly discretionary. Although it may be possible to interpret the criteria and weigh the evidence differently, the Planning Commission's decision represents a reasonable approach. That said, the concerns raised over the need for a greater degree of Phase 1 green buffering and additional Main Street design obligations could be addressed through the use of additional conditions of approval.

BACKGROUND FACTS

The Proposed Development

The subject 92 acres proposed for development is within the northernmost portion of the Park Place Concept Plan (PPCP) area, also known as the “North Village.” Through an applicant-initiated process, the property was annexed and assigned zoning in 2018 through AN-17-04 and ZC 17-05. One of the conditions of approval imposed on the annexation request was that the applicant obtain General Development Plan (GDP) approval for the 92-acre area prior to any urban development on the site. This application for a GDP is thus necessary to comply with the condition and is the next step in the development of this site. Once approved, the GDP would guide future development within the master plan area to assure long-term regulatory certainty and a high level of predictability for existing homeowners and developers within the master plan area as well as the rest of the Oregon City community. The GDP provides a framework for development within the master plan area over the next 20 years, although the applicant anticipates completing development authorized by this GDP approval by 2030 and the Planning Commission conditions required completion of all phases within 12 years.

Although it was modified a number of times during the proceedings before the Planning Commission, the approved development proposal includes the following components:

- 426 residential units¹ to be developed over 6 phases including 342 detached single family residential units and 121 attached townhomes with an overall net density of 9.2 units per acre;
- A 4.3 acre community park and 14.6 acres of open space including trails;
- Transportation connections designed and restricted in order to prevent pass-through traffic within the existing Trail View neighborhood with the construction of Holly Lane from Holcomb Boulevard to Redland Road conditioned to occur during Phase 3; and
- 2.43 acres of land available in separate tracts to provide a continuous corridor for the Livesay Main Street Area that may include neighborhood commercial, retail or mixed use development and civic space.

Graphic depictions of the approved proposal are best illustrated in a series of Exhibits attached to the applicant’s letter dated June 29, 2022². A link to these exhibits is available [here](#) and they are referenced in support of this Staff Report.

Planning for Urbanization including the Park Place Concept Plan

In 2002, the subject property, along with 400+/- acres throughout the region, were added to the Metro Urban Growth Boundary. At that point, these areas were anticipated for urbanization within the 30-year planning horizon – in other words, when the property was brought into the UGB in 2002, it was

¹ This number does not include the construction of any multi-family units that could be accommodated within the North Village Main Street area. In a memorandum dated August 11, 2022, the applicant indicated that this area could accommodate 14 additional units.

² The revised layout was presented to the Planning Commission at the July 11, 2022 public hearing which may be viewed at the following link: <https://www.orcity.org/bc-pc/planning-commission-32>

anticipated that the property would be developed by 2032. To acknowledge prospective urbanization, these lands were zoned Future Urban – FU-10 by Clackamas County.

In order to ensure an orderly transition from rural to urban uses, Metro has adopted rules requiring the adoption of a concept plan for the area prior to its development. Title 11 of the Metro Urban Growth Functional Management Plan (Sections 3.07.1105 – 3.07.1140) – *Planning for New Urban Areas*. After an extensive and interactive public process, guided by a Project Advisory Committee comprised of neighbors, stakeholders, business owners and City residents, as well as hearings before the Planning Commission and City Commission, in 2008, the City Council adopted the Park Place Concept Plan.

Quoting the relevant parts from the Plan introduction:

“Concept plans describe how an area is expected to develop over time. In general, they identify the *general location and intensity* of land uses, including a variety of housing types (affordable and market-rate), commercial and industrial land uses, parks, open spaces, and schools.” (emphasis added) P 7.

And elsewhere:

“2. Concept Plan

The vision for the Park Place Concept Plan is to provide a framework for growth that respects and augments the area’s context, history, and natural systems. The Park Place Concept Plan emphasizes good urban design, connectivity, opportunities for place-making and cultivating community, diversity, and, above all, a way to provide for future growth in a sustainable manner.” P 21.

The PPCP consists of a variety of materials that guided plan drafting, the plan, and chapters dealing with implementation and possible financing. The PPCP also includes a Technical Appendix “which provides comprehensive descriptions and details of the Plan elements” and, as such, provides context for interpreting the PPCP plan. P 7. The Plan itself consists of an area site plan followed by a narrative series of chapters. The Plan map - “North Village Neighborhood”, Figure 3-2, bears a note stating:

“This map is for concept planning purposes only. *The specific locations of natural resource boundaries, open space, parks, land uses, roads, trail, infrastructure and related improvements may change and is subject to on-site verification and design at the time of development.*” (Emphasis added) P 24.

These purpose statements and disclaimers suggest that the Concept Plan was designed at a high-level without any site-specific assessment of topography or other natural resource or health and safety overlay obligations. The term “framework” is defined by *Merriam Webster’s 3rd International Dictionary* as the “a basic conceptional structure (as of ideas).” It is the skeleton or a generalized idea that is intended to subsequently be developed as more detail is available. As such, it would be reasonable to assume that the PPCP does contemplate some variability with respect to uses, their location, and their design.

The proposed 92-acres are within the PPCP North Village which, in summary, includes:

- The primary land use is residential. Of the approximately 408 net buildable acres in the study area, approximately 360 acres are proposed for residential use. The majority of the new residential growth (a total of approximately 936 units) is proposed to be accommodated in the

North Village neighborhood, north of Redland Road. A wide range of housing types from very low density single family development to high density multi-family uses that will “attract a mixture of ages, incomes, family structures and lifestyles;”

- A new main street along Upper Livesay Road between the Holly Lane and Swan Avenue Extensions, called “Livesay Main Street,” surrounded by a mix of small-scale commercial and residential uses, served by wide sidewalks, that would terminate with a Village Green and civic building, serving as “the heart of the North Village;”
- Transportation demand accommodated by two north-south collectors: the extension of Holly Lane from Redland Road to Holcomb Boulevard and the Swan Avenue extension from Forsyth Road to points south of Donovan Road;
- “An 8-10 acre community park” along with an “extensive system of off-street and on-street trails and pedestrian/bicycle connections” that are integrated into neighborhoods and that define and buffer different neighborhoods;
- Sustainability values that include innovative, green on-site stormwater treatment methods, the protection of sensitive areas, including drainages and steep slopes;
- “Land uses along Livesay Main Street are envisioned to be a mix of residential and commercial uses (e.g. ground-floor, neighborhood-oriented commercial with housing or offices above),” providing “area residents with opportunities to shop and work,” with pedestrian-focused design elements to be implemented by “main street” standards to be adopted in the future.

Concurrent with the adoption of the PPCP, the City designated the subject property on the comprehensive plan map for low density residential (LR), medium density residential (MR), and mixed use corridor (MUC). In 2008 and 2010, the City adopted zoning amendments to implement the PPCP addressing allowed land uses, residential, commercial and mixed use design standards, provisions for protection of natural resources and geologic hazards, public improvements, tree removal and replacement, and other standards.

The owner initiated an application for annexation and concurrent rezoning in 2017. A small portion of the property was rezoned to R-10, a majority of the site was rezoned R-5 and the southern portion was rezoned Neighborhood Commercial. The annexation and rezoning of the property in 2017 was conditioned upon submittal of a Type III master plan.

Proceedings Before the Planning Commission

The initial public hearing on this application was held on April 25, 2022, with continuances to May 9, 2022, May 23, 2022, July 11, 2022, July 25, 2022 and August 22, 2022. Taken together the Planning Commission heard 10 hours of public testimony, not including presentations from city staff or the applicant, including from representatives of the Park Place Neighborhood and 72 individuals, many testifying at multiple hearings.

On August 22, 2022, after closing the public record to all new testimony and lengthy deliberation where all Planning Commissioners were heard, the Planning Commission voted 5-2 to tentatively approve the application with modified findings and conditions. The matter was

then continued to September 12 where the Planning Commission would adopt the final written decision confirming that it was consistent with its previous decision.

At the continued hearing on September 12, the meeting began with only six members of the Planning Commission present. The Chair called for any ex parte contacts and commenced deliberations on the final written decision. The Planning Commission initially split evenly on whether to approve the application; however, after the initial vote was taken, the seventh commissioner joined the meeting and the application was approved 4-3.

ANALYSIS OF ISSUES RAISED ON APPEAL

The City received nine notices of appeal from project opponents, including one from the Park Place Neighborhood Association and the others from individual neighboring residents or concerned citizens. All entities / individuals participated during the proceedings before the Planning Commission and have standing to participate. Since there is some overlap between the issues raised by the various parties, this Report is organized by topic area rather than by discrete appeal issue.

New Appeal Issues and Evidence Raised for the First Time on Appeal

In appeals of Type III decisions from the Planning Commission, OCMC 17.50.190.D.2 provides that: (1) “appeals are limited to those issues raised either orally or in writing before the close of the public record;” and (2) “no new evidence shall be allowed.” A number of appeal statements include new issues that were not raised before the Planning Commission or include new evidence. Each of these issues are discussed in greater detail below:

- 1) Bias Challenge against Planning Commissioners Daphene Wuest and Mike Mitchell – At the start of each Planning Commission hearing, each commissioner was asked to disclose any conflict of interest, bias or ex parte contacts. At each of those hearings Commissioners Wuest and Mitchell explained their historic involvement with the applicant. Although the public was given the opportunity to challenge any commissioner for bias based on these disclosures, no bias challenge was raised. Appellant Dalseme cannot raise this new issue now. Moreover, as discussed further below in relation to a different issue, to the extent any planning commissioner was biased, the hearing before the City Commission resolves that issue.
- 2) Impropriety of conversations between the applicant and staff relating to changes to the Geologic Hazards Code – This is a new issue that was not raised before the Planning Commission below. Although it is not relevant to any of the substantive considerations of this issue, this appeal issue raised by Appellant Dalseme, along with the newspaper articles substantiating the same, should be rejected from the record and not considered further by the City Commission.

PROCEDURAL CHALLENGES

Planning Commission Final Vote – Raised by Nicita, Huang, Mansouri and the Petersons

A number of appellants raised concerns over the way in the which the final vote occurred before the Planning Commission on September 12. As noted above, on August 22, the 7-member Commission voted to tentatively approve the applications by a vote of 5 to 2. The September 12 Planning Commission meeting was anticipated to include a review of findings to confirm the Planning

Commission's tentative vote. No Appellant raised any objection to the procedures leading up to the tentative approval.

The September 12 meeting began with only six of the seven members of the Planning Commission present – five in the Commission chambers, and one present electronically. Before turning to the proposed findings, the Planning Commission disclosed any ex parte contacts and then began discussing an issue that had not been discussed previously, namely, whether a particular clause in the prefatory portion of Ordinance No. 07-1007 required some further action before action could be taken. After a short discussion, one member of the Planning Commission present in the chamber moved to approve the findings, and that motion was seconded. A vote was held and the result was a tie vote at 3-3. The Planning Commission turned to the City Attorney to ask what should occur with a tie vote. The City Attorney provided several options, including the possibility of locating the seventh member and having that member participate in the vote. Subsequently, a member of the audience who was not participating in this matter called the missing Planning Commission member and provided his phone to the Community Development Director. The motion to approve was made again and it was approved 4 to 3.

Several Appellants have raised various issues related to the Planning Commission's meeting and how the vote occurred, including that the Planning Commission was not presented all available options, that the seventh commissioner was called by someone who had a bias, that the seventh commissioner was not informed regarding the issues before the Commission, that the seventh commissioner did not disclose any ex parte contacts, that the vote was a "nullity" because no one on the prevailing side of the previous vote moved to reconsider, and various other procedural concerns.

As an initial matter, it is important to note that, while several of the appeal issues raise the specter of improper actions by the seventh commissioner, there is no allegation, nor identification, of actual improper conduct. In other words, there is no allegation that the person on the phone was not the actual seventh commissioner, only that the Commission could not be certain. There is no allegation that there were ex parte contacts, only that there could have been. Similarly, none of the appeals explain how it was improper for the commissioner to use one particular phone instead of a different phone. For whatever reason, the seventh commissioner was not present when the Planning Commission meeting began, but joined the meeting later. There is nothing improper about late arrival at a meeting and there was no reason for either planning staff or the planning commission to prevent his participation as a result. The City acts through its elected and appointed representatives on various boards and commissions; to the extent a member of one of those commissions is present, they are entitled to participate (barring other disqualifying attributes).

Turning to the procedure used by the Planning Commission, the appeal filed by Mr. Nicita correctly notes that, under the Commission's rules of procedure and Robert's Rules, only a member of the Commission who voted with the prevailing side on a motion can seek reconsideration of the motion. However, the fact that the motion was made by someone who was not on the prevailing side did not make the vote "illegal" or otherwise render it a nullity. As noted in Section 23 of Robert's Rules, if a breach of procedural rules occurs, a member of the body may raise a point of order, but the point of order must be raised in a timely fashion. Because no member raised a point of order, the vote was taken and the result announced, making it a final decision.

The Planning Commission, as well as other boards and commissions in the City, often do not act in strict accordance with Robert's Rules and the otherwise applicable rules of order. This is typically done because those rules are not intended to be a straitjacket requiring strict compliance but rather to facilitate making decisions of the majority of the commission, while respecting the rights of the minority. If the city attorney were to require strict adherence to each precept of Roberts Rules, most meetings would end up being run by the city attorney and community decision-making would be diminished, rather than enhanced. In short, while the Planning Commission's decision was procedurally flawed, it was not a nullity, nor was it illegal.

Stepping beyond the merits of those challenges for a moment, review of this matter on appeal by the City Commission offers a de novo (or new) opportunity to interpret the applicable approval criteria and make a decision based solely on the City Commission's evaluation of volumes of evidence collected over a 4-month period. The Commission owes no deference to any of the Planning Commission's interpretations or weight given to any of the evidence. As a result, allowing all parties with standing an opportunity to appeal raising their concerns, coupled with unrestricted review of the record by the City Commissioners will cure any prejudice due to a planning commissioner's allegedly improper participation in or vote taken during the planning commission proceedings. *See Murphy v. City of Ashland*, 19 Or LUBA 182, 189 n 7 (1990).

To ensure that the City Commissioners will make a decision based on the criteria, limited to the record, before each public hearing on appeal, the City Commission will be asked to disclose all ex parte contacts or if they have any conflicts of interest or bias concerns to declare. The public will be given an opportunity to question the Commissioners further with respect to these disclosures. Then the City Commission will have an unfettered opportunity to consider the evidence, ask questions and make an entirely new decision.

Planning Commissioner Bias – Raised by Dalseme

Appellant Dalseme raises concerns that Commissions Wuest and Mitchell were biased. Any allegation of bias or other impropriety that might otherwise compromise the validity of the Planning Commission's decision is eliminated by the City Commission's review.

The Planning Commission Review Process was Rushed – Raised by Dalseme

The public hearing for this application first opened on April 25, 2022, with continuances to May 9, 2022, May 23, 2022, July 11, 2022, July 25, 2022 and August 22, 2022. The hearings on May 23 and July 11 lasted over 4 hours in length. In total, the Planning Commission heard testimony from 72 individuals and many on multiple evenings. Over the course of that time, the applicant revised its project three times to respond to concerns raised by Oregon City staff and concerned neighbors. These facts do not support a finding that this matter was in any way rushed, participation compromised or that the Planning Commission did not make a deliberate decision.

Incomplete Application – Raised by Huang, Mansouri and the Petersons

Appellants argue that as originally submitted, the application contained "factual errors and omissions" and therefore, it should not have been deemed complete. On August 19, 2021, City staff sent a letter to the applicant identifying a list of items that were missing from the application, deeming it incomplete. In its response, dated January 14, 2022, the applicant provided some additional information and

requested that the application be deemed complete. Under ORS 227.178(2)(c), once an applicant asks for a completeness determination, the city has no choice but to proceed with processing. Further, as LUBA has explained in numerous cases, the purpose for a completeness check is to determine if the applicant has provided enough information to conduct a review. It does not offer any determination whether the approval standards are satisfied, nor does it prohibit an applicant for revising or supplementing an application in order to demonstrate compliance with the applicable standards. *Frewing v. City of Tigard*, 59 Or LUBA 23 (2009); *Sperber v. Coos County*, 56 Or LUBA 763 (2008).

SUBSTANTIVE CHALLENGES

Master plan approval in Oregon City is a two-step process. First, an applicant must secure a General Development Plan (GDP) approval identifying “the long-term buildout” proposal for the site including proposed land uses, densities and infrastructure necessary to serve those uses, subject to a Type III review. OCMC 17.64.040.B. Once a GDP is in place, an applicant must obtain a detailed development plan (DDP) approval to ensure that development complies with the approved GDP, which is processed through a Type II procedure. OCMC 17.64.040.C. Where changes to a proposal exceed certain code-identified thresholds, an applicant must return and amend their GDP before proceeding with development. OCMC 17.65.080.

The City Commission’s evaluation of this application must be “based on standards and criteria which shall be set forth in the development ordinance and to the comprehensive plan * * *.” ORS 227.173(1). The “standards and criteria” applicable to this General Development Plan are set forth in OCMC 17.65.050.C. In addition to specific criteria relating to evaluating transportation, infrastructure and resource impacts, OCMC 17.65.050.C(6) requires that the City determine whether: “The proposed general development plan is consistent with the Oregon City Comprehensive Plan.” Adequate “criteria and standards” are those that have been codified as sufficient to inform interested parties of the basis on which an application will be approved or denied. ORS 227.173(1). *Waveseer of Oregon, LLC v. Deschutes County* ___ Or LUBA ___ (LUBA No. 2020-038, 2020), *aff’d* 308 Or App 494 (2021); *See also Lee v. City of Portland*, 57 Or App 798, 802-03, 646 P2d 662 (1982).

Need for Future Concept Plan or OCMC Implementation Amendments – Raised by Park Place Neighborhood Association, Nicita, Huang, Mansouri, the Petersons

Appellants have pointed out that one of the prefatory provisions set forth in Ordinance 07-1007 (the ordinance adopting the PPCP) provides that “further amendments to the Oregon City Comprehensive Plan and Map and Zoning Code and Map will be necessary in order to implement the Park Place Concept Plan.” Some argue that this provision indicates that further PPCP amendments were necessary before any development within the Plan area could be permitted. In a related but more specific argument, Appellant Nicita argues that the City must adopt additional design guidelines before allowing development within the Neighborhood Commercial zone in order to achieve the Main Street Village objectives set forth in the PPCP. The Technical Appendix includes some proposed draft design standards. The main idea behind these appeal issues is that the PPCP was not fully formed or fully implemented in zoning and, for that reason, future development must be delayed.

First, with respect to Ordinance 07-1007, only codified and adopted regulatory thresholds may serve as “standards and criteria” subject to development. Even when looking for additional context to inform the meaning of a codified standard, that context must come from things that are codified. Nothing in

the OCMC indicates that an applicant must consider or otherwise comply with the prefatory ordinance provisions that affected an amendment to the comprehensive plan. *Waveseer supra.*; *Zirker v. City of Bend*, 233 Or. App. 601, 610, 227 P.3d 1174, *rev. den.*, 348 Or. 415, 233 P.3d 818 (2010).

Second, the OCMC was amended in 2008 and 2010 to implement the PPCP addressing allowed land uses, residential, commercial and mixed use design standards, provisions for protection of natural resources and geologic hazards, public improvements, tree removal and replacement, and other standards. It is likely that these amendments satisfied the implementation obligations discussed in Ordinance 07-1007.

Finally, the fixed goal post rule, ORS 227.178(3)(a) provides that “approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.” Assuming that additional zoning code amendments implementing the PPCP have yet to occur, that fact alone does not allow the City to deny a development request. Rather, the City must evaluate requests against the “standards and criteria” set forth in the adopted OCMC and the comprehensive plan, including the PPCP and cannot deny a proposal because some implementing standards are not in place. That said, the whole of the PPCP, including the Technical Appendix, have been adopted as part of the City’s Comprehensive Plan and are applicable to this proposal in their own right pursuant to the GDP criterion OCMC 17.56.050.C.6. Therefore, whether additional amendments are necessary to implement the PPCP or not, the PPCP applies directly to this development through the master plan. Additional zoning provisions fulfilling the PPCP objectives would not have any impact on this development, presuming that it otherwise complies with the PPCP. The substantive PPCP requirements with respect to the Main Street Village provisions are discussed in greater detail below.

Overall Residential Density and Green Edge Buffers in Phase 1– Raised by Huang, Mansouri, the Petersons

Appellants argue that the application proposes too much residential density as areas within the South Village are more suitable to accommodating greater densities and reducing the density would have the result of preserving or planting trees as a buffer. Appellants believe that amendment of the PPCP is needed before this level or arrangement of density with lack of additional landscape buffering can be permitted. In support of their position, Appellants point to a “key component” of the PPCP which

provides: “The use of green edges to define neighborhood and buffer developments”³ and a PPCP provision talking about low-density clusters along lower Livesay Road and Holly Lane in the near term.⁴

First, the PPCP provisions related to low-density clusters are directed to the areas of Holly Lane within the South Village and areas of Livesay located to the west of the North Village. Other provisions make clear that this provision is not directed at areas north of Livesay. For example, when describing the location of one of the mixed use centers, the PPCP states that it will be “surrounded by medium and higher density.” P 3. The PPCP map identifies all of the area north of the area near the Main Street Village to be suitable for low to medium density residential. Finally, this provision describes a current condition that is expected to remain until it transitions to greater density over time. With PPCP adopted in 2008, it may be that the time for that transition has come.



With respect to buffering and existing trees, the application included an existing conditions plan that identifies all trees over 6” diameter. These trees will be regulated through OCMC 17.41, which discourages tree removal through robust mitigation and replanting standards. All future DDP applications will be required to show compliance with these standards. The PPCP provision talks about using the plan-identified natural areas as the buffer between developments, which the applicant has done by retaining a natural area along the north and west sides of the development. The applicant has also identified the planting of a landscape buffer between the proposed Phase 1 lots and Trail View estates to the west. It may be that the City Commission would like to impose a condition requiring additional trees buffering between the east and south boundaries of the Phase 1 development within the 20’ rear yard setback that will be required for the single family and paired townhouses proposed for these abutting lots.

Moving beyond specific PPCP provisions, Appellants suggest that the Planning Commission should have required a density less than 9.1 dwelling units per acre or allocated it differently, made possible by

³ The introductory provisions of the PPCP offers additional information about the scope of the “green edges” requirement where it states:

“Identifiable centers and green edges: The preferred alternative includes two discrete mixed-use/commercial centers, one on Livesay Road and another in the southern portion of the study area near Donovan Road supported by the enhanced transportation system. Each center provides for a mix of civic and commercial uses and spaces to serve the planning area. Edges around and between residential areas and existing neighborhoods are defined by open spaced (primarily corresponding to natural areas) and larger rear setbacks for new lots that border existing neighborhoods.” P 2-3.

⁴ More specifically, the statement set forth in the PPCP provides:

“Existing low-density clusters: Properties along Lower Livesay Road and Holly Lane are expected to remain as low-density clusters in the foreseeable future. They will have the potential to transition to medium-density residential uses over time. However, in the near term they are expected to retain the lowest densities within the planning area.”

rezoning some of the existing R-5 area to R-3.5 and the R-10 area to R-6 or R-8. As noted above, the only criteria that the City can apply are those that are adopted. Whether the zoning could be modified to allocate the density differently does not provide a basis to deny or impose additional conditions of approval.

That said, overall development density was a significant concern to the Planning Commission. The applicant originally proposed 476 units. That number was revised to 426 units as part of this process with the number of lots within Phase 1 reduced from 59 units to 49 units with lot lines that correspond with adjacent development and paired duplexes that better match the aesthetics of the existing neighborhood.

There were a couple of principles that drove the Planning Commission's analysis of this issue. First, the PPCP calls for the provision of 936 units within the North Village. The land area proposed for development comprises approximately 50% of the total North Village acreage and therefore, an equitable allocation of density would assume the provision of 468 units. Since the PPCP does not provide additional guidance about how the densities should be allocated, the Planning Commission findings focus on the maximum and minimum densities authorized within the R-5 and R-10 zones. As explained in detail on pp 36-38 of the Planning Commission's decision, in summary:

"The minimum composite density (calculated based on the net developable area and base zone density standards) permitted by the base zoning for the area is 6.8 dwelling units per acre (347 dwelling units with the NROD density transfer). The maximum composite density permitted by the base zoning for the area is 9.2 dwelling units an acre. Park Place Crossing is within the minimum/maximum density range established by the base zoning for the area, not including permitted density transfers and bonus density processes described below." P 34.

The Planning Commission's decision goes on to identify the pros and cons of a further reduction in density including potentially violating another comprehensive plan policy that talks about maximizing density as a means to efficiently utilize public utilities, placing unrealistic or unfair density demands on PPCP areas further to the south and a concomitant reduction in land available for a park. On the other hand, a reduction in density would allow for larger lots, a greater degree of buffering or transitions between the existing neighborhoods. This would eliminate the need for the lot size and dimensional standards adjustments as authorized through Master Plan review.

In closing on the density point, Appellants argue that, if the on-the-ground development realities do not reflect the conditions set forth in the PPCP, the only alternative to allow development is to amend the PPCP. Although this would be true if there were a codified standard in the OCMC or comprehensive plan (or PPCP) that could not be met by the GDP. As pointed out above, the PPCP is, by its nature, "conceptual."⁵ Further, the Court of Appeals has held that where comprehensive plan policies must be

⁵ The following language from the concept plan supports a finding that the number of dwelling units and their allocation throughout the plan area is conceptual:

"Table 3-2 identifies the potential number of housing units of different types that could be developed within the concept planning area based on proposed zoning. The low/medium-density zone is more likely to be the site of manufactured homes and

applied and are somewhat conflicting, a balancing process of some sort is not only permissible, it may well be required. *Waker Associates, Inc. v. Clackamas County*, 111 Or App 189, 194, 826 P2d 20.

Transportation Concerns

The PPCP identified North-South Connection and Transportation Connectivity – Raised by Park Place Neighborhood Assn, Huang, Mansouri, Peterson, Nicita, Hammond-Williams and Dalseme

The Appellants point out that the one of the “key components” identified in the PPCP includes: “two primary north-south connections between Holcomb Boulevard and Redland Road (Swan Avenue and Holly Lane).” P 1. Appellants argue that this application must be denied for the failure to provide one (or both) of these connections or otherwise conditioned to require the extension of Holly Lane using the City’s condemnation power, if the applicant does not otherwise own the land. Appellants believe that the failure to require two north-south connections not only violates the PPCP principles, it will result in a development that violates Comprehensive Plan Policy 7.1.13 – “Minimize the risk of loss of life and damage to property from wildfires within the city and the Urban Growth Boundary” and will not result in sufficient transportation redundancy to provide for egress in the case of an emergency.

Responding to this issue first requires understanding the transportation scheme that the Planning Commission approved. The Planning Commission interpreted this provision to require that the development include at least two emergency access locations at all times to serve this development. *See PC Findings in Response to Policy 7.1.13*, p 96. In order to do this in a way that minimized and dispersed the transportation impact to the north, the applicant proposed a phased development that expands the number of emergency egress options as the development phases occur. The first phase of development - 49 including a mix of detached and paired duplex single-family homes, will have access to Holcomb Boulevard via Street A and will include an emergency vehicle only access through a new street connection to Shartner Drive. Full buildout of Phase 1 and Phase 2 - a total of 182 detached single-family homes and 36 attached single-family homes will have primary access onto Holcomb through Street A with emergency access points through Shartner Drive and Holly Lane and Livesay Road. Construction of Phase 3 units will create additional connections to Holcomb Road through Cattle Drive and Journey Drive but they will be available to Phases 1 and 2 for emergency use only. Phases 1, 2 and 3 will have emergency access at Shartner Drive, Street B, and Street 4. See Exh-1 through Exh-4 of Applicants June 29, 2022 submittal.

Before any home occupancy that would result in total development trip generation in excess of 2,000 vehicle trips,⁶ a condition of approval requires the provision of vehicular connection to the south.

ADUs than the medium/high-density zone. The distribution of housing types in Table 3-2 however, represents only one scenario for accommodating needed housing within zones proposed for Park Place. It is possible that housing types may develop in different ratios, including development of attached single-family housing in the low/medium density residential zone.” P 28.

⁶ As pointed out during the proceedings below and explained in the Planning Commission’s decision, according to Metro’s 2018 Regional Transportation Plan, “Local streets primarily provide direct access to adjacent land uses, and usually between 200- 2,000 vehicles per day, with volumes varying by

Condition 9.c. The applicant projects that this threshold will be met sometime during the middle of the development of Phase 3. Appellant Smith argues that this 2,000 vehicle trip per day threshold will be met much sooner because the average daily residential trips should be 82% of 9.2 per household.

The city's Guidelines for Transportation Impact Analyses specify use of the ITE Trip Generation Manual (latest edition) or an alternative "subject to approval by the City Engineer prior to their inclusion in the transportation impact analysis." The ITE Trip Generation Manual's (11th Ed) daily trip rate (simple arithmetic function) value is 9.43 average daily trips per dwelling unit. As it appears that the Appellant is arguing for a rate of 7.54 trips per household (assuming 82% of 9.2), that would mean that the applicant could build more dwelling before triggering the 2,000 trip per day limitation.

Further, pursuant to Condition of Approval 9c, the applicant will have to perform new studies for each phase to demonstrate that the threshold value will not be exceeded by existing traffic plus the trips generated by the existing dwellings (plus prior phases). If it turns out that the applicant undertakes a count on a local street in 2025 that shows 1250 vehicles per day, they could add 750 trips without exceeding 2000.

Some Appellants raise OCMC 16.12.095.A⁷ as providing a need for greater transportation capacity. As this provision provides, the City's ability to obligate an applicant to expend funds necessary for public

jurisdiction." The City does not have an adopted standard for traffic volume on local streets. However, a street with 2,000 or more trips per day will feel, to the adjacent resident, more like a collector street. The level of traffic would have noise impacts as well as effects on the ability of children to play in or near the street. Local streets in Park Place are generally quiet and conducive to activities like walking, bicycling, sports, and other non-automotive uses. With the traffic levels at 2,000 trips per day or more, the livability of the neighborhood and enjoyment of these activities, as well as overall safety, would be significantly affected.

For comparison purposes, Average Daily traffic (ADT) on other local city streets based on 2021 volume studies are as follows:

- 16th St – West of Division ADT: 517 trips
- Front Street (in Park Place) near Forsythe ADT: 449 trips
- Apperson north of Holcomb ADT: 692 trips

⁷ OCMC 16.12.095.A provides, in relevant part:

"The following minimum improvements shall be required of all applicants for a development, unless the decision-maker determines that any such improvement is not proportional to the impact imposed on the City's public systems and facilities:

A. Transportation System. Applicants and all subsequent lot owners shall be responsible for improving the City's planned level of service on all public streets, including alleys within the development and those portions of public streets adjacent to but only partially within development. Applicants are responsible for designing and providing adequate vehicular, bicycle and pedestrian access to their developments and for accommodating future access to neighboring undeveloped properties that are suitably zoned for future development."

improvements, like roads and utilities, is constrained to those that are “roughly proportional” to the impacts of development under the Takings Clause of the US Constitution and Article I, section 18 of the Oregon Constitution. As a result, the City cannot condition an applicant to fund the dedication and/or construction of an additional road unless it also concludes that the existing roadways are inadequate and new roadways are necessary. Here, the applicant’s licensed transportation engineer determined that compliance with transportation mobility standards set forth in OCMC 16.12.033 and the 2,000 trip per day limitations can be achieved without the connection from Holly Lane to Redland Road. The City’s licensed and independent transportation engineer concurred with these findings. Certainly, the City could decide to use its authority to condemn land pursuant to ORS 223.930 and it could independently or share the cost with the applicant, assuming that supportable rough proportionality findings can be identified. This is a policy determination for the City Commission.

The Concept Plan, including all of its “key priorities,” identifies a vision for development of a total of 480 acres of land and the area subject to this application includes +/- 91.7 acres, less than ¼ of the total acreage. Unless a master plan for development of the total 480 acres is proposed, some smaller proportion of connectivity may be provided to serve a smaller level of development. Some appellants have argued that the concept plan must be amended in order to approve an application that fails to realize all of the improvements set forth in the PPCP. A comprehensive zoning plan only establishes long range maximum limit on possible intensity of land use, it does not simultaneously establish immediate minimum limit on possible intensity of land use. Unless a code specifies otherwise, questions of timing for realizing the full buildout may evolve over time. *Marracci v. City of Scappose*, 26 Or App 131, 552 P2d 552, *rev den*, 276 Or 133 (1976).

The applicant will be required to complete the Holly Lane connector when pass-thru traffic on neighborhood streets exceeds local street levels. In the meantime, the Planning Commission’s decision requires that at least two routes for emergency access to serve future residents are maintained, providing a sufficient plan to minimize the evacuation risk and to provide redundancy for emergency access. Finally, the Planning Commission’s decision does identify upcoming efforts by the Clackamas County disaster management division including evacuation route planning efforts that will occur in the near future.

Adequate Street Width at the Pinch Point – Raised by Huang, Mansouri and the Petersons

The Appellants claim that the road width between Taxlot 314 Tax Map 2-2E-28AD and Taxlot 400 Tax Map 2-2E-27C, often called the “pinch point” does not meet the TSP requirements for street design and a variance should not have been permitted. OCMC 16.12.013 allows for the City to approve a modification to the required road standards where it is found that doing so will provide safe and efficient movement of pedestrians, motor vehicles, bicyclists and is not inconsistent with the TSP. As discussed in the Planning Commission findings on pp 135-142, the proposed modification will include a vehicle travel lane, bicycle lane and sidewalk at the full width provided elsewhere, along with green space on either side. There is no evidence to suggest that constraining the street in this way will compromise safety for pedestrian, bicyclists, cars or emergency vehicles.

Adequacy of the Transportation Impact Analysis – Raised by Park Place Neighborhood Assn, Huang, Mansouri, the Petersons, Hammond-Williams and Smith

Baseline Traffic Counts

several of the Appellants argue that the traffic impact analysis underestimated the existing baseline traffic because it was performed during the COVID closures when many businesses and schools were not in session. The applicant's traffic analysis goes into a fairly deep explanation of how it used the existing traffic counts from April 2021, during the COVID closure, but compared them with historic counts from 2017 and 2019 and where appropriate applied adjustment factors accordingly. See pp 20-21. The City's traffic engineering, John Replinger reviewed this analysis and found that it was reasonable.

Congestion Impacts on Livability

Appellants argue that the applicant's transportation impact analysis failed to acknowledge the failure of the Redland/ OR 213 intersection failure without development or to evaluate how the existing transportation system, particularly the intersections of Holcomb / Abernethy / Redland and Redland and Hwy 213 would impact livability on adjoining neighborhoods.

OCMC 16.08.025.B sets forth the submittal requirements for processing a preliminary subdivision request and provides, in relevant part:

"...a traffic impact study prepared by a qualified professional transportation engineer, licensed in the state of Oregon, that assesses the traffic impacts of the proposed development on the existing transportation system and analyzes the adequacy of the proposed internal transportation network to handle the anticipated traffic and the adequacy of the existing system to accommodate the traffic from the proposed development."

The applicant's traffic impact study (TIS) was prepared by Todd Mobley of Lancaster Mobley, an Oregon licensed transportation engineer. Because this application precedes the construction of the S Holly Lane connection, the applicant's TIS assumes all site-generated traffic uses S Holcomb Boulevard and the intersections of Redland Road at OR-213 and Redland Road at Holcomb Boulevard/Abernethy Road. The applicant's transportation study makes the following conclusion:

"All intersections are shown to meet applicable mobility standards over the proposed Master Plan development period except for #4: OR Highway 213 and Redland Rd. The engineer concludes in the TIS: "Based on the results of the operational analysis, the intersection of Redland Road at OR-213 is projected to operate in excess of acceptable per jurisdictional standards during the 2nd evening peak hour under 2026 buildout conditions (Phase 1) and for all succeeding analysis scenarios through year 2030." During second highest hour of the PM peak, the calculated v/c is predicted to degrade from 0.982 under existing conditions to 1.032 in 2030 with the development. The standard for this intersection for the second peak hour found in OCMC 16.12.033.A.2 is "During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole."

These findings were reviewed by Mr. John Replinger, the City's traffic engineering consultant, who provided an independent 3rd party evaluation of the applicant's traffic study. Based on Mr. Replinger's review, he concludes that,

“The TIS provides sufficient information and documentation to satisfy the requirements of OCMC 17.65.050 C 3 with respect to adequacy of the transportation system for Phase 1 of the proposed development. For Phase 1, all intersections operate acceptably. However, the TIS indicates that the intersection of OR-213 and Redland Road fails to meet the applicable v/c standard for the second hour of the PM peak hour. In addition, queues that exceed available storage distance are predicted at the intersection of OR-213 and Redland Road and at the intersection of Redland Road/Abernethy Road/Holcomb Boulevard.

A detailed development plan for Phase 1 will not need additional transportation analysis beyond that provided in this TIS.

Detailed development plans for any phase beyond Phase 1 will require additional analysis and implementation of mitigation measures that demonstrate that the transportation system is “capable of serving the proposed development, or will be made capable by the time each phase of the development is completed” in accordance with OCMC 17.65.050 C 3. Specifically, the applicant will need to implement improvements at the intersection of OR-213 and Redland Road and at the intersection of Redland Road/Abernethy Road/Holcomb Boulevard such that v/c standards are met and adequate queue storage is provided. The burden is on the applicant to coordinate with and meet the requirements of the agencies with jurisdiction over the subject intersections and roadways (i.e. the Oregon Department of Transportation, Clackamas County and the City of Oregon City).”

The fact that the transportation study was independently reviewed and findings confirmed, suggests that it is not “skewed in favor of the developer.” Traffic system adequacy is not evaluated on whether it will have an “impact on livability” but rather whether an affected intersection meets the applicable volume-to-capacity ratio of .99 for the second peak hour found in OCMC 16.12.033.A.2. Detailed development plans for any phase beyond Phase 1, or 60 units, will require additional analysis and implementation of mitigation measures that demonstrate that the transportation system is “capable of serving the proposed development, or will be made capable by the time each phase of the development is completed” in accordance with OCMC 17.65.050 C 3. Specifically, the applicant shall show that improvements have been made to OR-213 and Redland Road and at the intersection of Redland Road/Abernethy Road/Holcomb Boulevard such that v/c standards are met and adequate queue storage is provided before building permits are approved for half the units in Phase 2. See Conditions of Approval 6 and 7. These conditions of approval are sufficient to ensure monitoring and updating of traffic assumptions at the time that new development is proposed. For example, if it turns out that the baseline traffic assumptions do not resume to pre-COVID levels or they exceed those levels, assumed mitigation levels can be revisited. If it turns out that the background levels coupled with 60 units exceeds the congestion levels, no further development will be allowed without mitigation.

General Livability Impacts – Raised by Park Place Neighborhood Assn and Smith

Appellant Park Place Neighborhood Association identifies a violation of OCMC 17.65.050 as it relates to livability. OCMC 17.65.050 contains a singular reference to “livability.” Subsection B sets forth a list of “development submittal requirements” which includes a “narrative statement” including an analysis of the impacts of the proposed development including, among other things, “livability impacts.” OCMC 17.65.050.B.1.f. This is a submittal standard rather than an approval criterion. The approval criteria applicable to a GDP, as set forth in OCMC 17.65.050.C makes no specific reference to “livability.”

However, at least one criterion, OCMC 17.65.050.C.5, requires an evaluation that impacts livability, it provides:

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

As explained above, mitigation for vehicular impacts are addressed through conditions restricting access to the Trail View Neighborhood by preventing pass-through trips and requiring construction of the Holly Lane extension as soon as trip generation on any of the local street exceeds 2,000 trips per day. With respect to pedestrian and bike safety on Holcomb Blvd, which will be exacerbated by added traffic volumes from this development, the conditions of approval from AN 17-04 require the applicant to pay its proportional share for related TSP projects, including several sidewalks and bike lane improvements on Holcomb Blvd. The applicant will be required by a condition of approval to pay proportional share at each phase; for phase 1 the amount is approximately \$160,000. The City will use the funds to supplement other funding sources to implement sidewalk infill and other safety improvements along Holcomb Blvd.

With respect to the adequacy of the transportation impact study, Appellant Smith argues that the additional trip generation will reduce livability for those on adjoining streets. None of the approval criteria prohibit development that reduces livability in the abstract. Rather, the City’s ability to impose mitigation obligations pursuant to this criterion is constrained by those development standards that are “clear and objective,” as this proposal is for needed housing, as that term is defined under ORS 197.303(1).⁸ This limitation makes it difficult to evaluate subjective terms like “livability” in the abstract, beyond what the TSP or other PPCP supported policies might require.

Garage Location and Orientation – Raised by Huang, Mansouri, and the Petersons

Location of garages for Single Family Structures

Appellants argue that the code section requiring the use of “detached, side entry or rear entry garages” and where side entry garages are used: “The garage area shall not be located in front of the living area” are not satisfied. OCMC 17.21.090.A.⁹ Appellants acknowledge that the revisions to the lot layout come

⁸ “Needed housing” as defined by ORS 197.303(1)(a) includes: “Attached and detached single-family housing and multiple family housing for both owner and renter occupancy.”

⁹ There is an exemption to the detached, side or rear entry garage requirement that offers important additional context. OCMC 17.21.090.B provides:

“B. Exemption: An exemption may be granted by the community development director from the garage requirement of subsection A above if topographic or pre-existing lot layout prevents the construction of detached, rear entry or side entry garages on-site or if the applicant proposes a design that mitigates the impact a front entry attached garage has on the pedestrian environment. Any alternative attached

closer to meeting this standard but that the applicant must make further revisions to be “entirely compliant.”

OCMC 17.65.070 allows for an adjustment, of certain types of criteria, including the criteria identified by these appeals, as opposed to the more strict variance process pursuant to OCMC Chapter 17.60. Changes to the residential design standards are included in the list of provisions that can be altered through an OCMC 17.65.070 adjustment review. OCMC 17.65.070.C3. Appellants do not acknowledge that an adjustment to these standards is allowed, was requested by the applicant, and granted by the Planning Commission.

Although the code authorization resolves this issue on appeal, it is worthwhile to understand how the Planning Commission evaluated this adjustment request. Although there are four criteria for granting an adjustment, there was one in particular that was critical to the Planning Commission’s analysis. OCMC 17.65.070.E.1 requires a finding that: “Granting the adjustment will equally or better meet the purpose of the regulation to be modified.” This means that an applicant must identify a reasonable approach to balancing the objectives that the criterion is meant to accomplish considering the project as a whole. *Michaelson v. City of Portland*, 77 Or LUBA 504 (2018), *aff’d*, 296 Or App 248, 437 P3d 1215 (2019)

Initially, the proposal did not include any rear or alley access lots and staff recommended denial of the adjustment for failure to further the PPCP-identified purpose of fostering a sense of community and encouraging “eyes on the street.” As part of its amended proposal submitted in July 2020, the applicant reconfigured its proposal to include alley loaded garages on all of the lots that are interior to the development. Perimeter lots, because they abut either natural areas or existing homes, and lots in areas with topographic constraints have not been planned with alley access. The Planning Commission concluded that the provision of alleys on 65% of the proposed lots was sufficient to meet the purpose of reducing pedestrian / vehicular conflicts, particularly when the remaining lots likely fall within the OCMC 17.21.090.B exemption due to topographic challenges or the existing adjacent lot pattern. See Applicant’s Aug. 17, 2022 submittal Ex 7. The Planning Commission went further by including the additional qualifications to Condition of Approval 5 dealing with adjustments:

“b. The requested adjustment to the garage orientation standards in OCMC 17.21.090.A is only approved for the lots indicated as topographically constrained on Exhibit 7, “Revised Alley-loaded and Topo Constrained Lot Exhibit” dated 8/17/2022. Corner lots shall use sideloaded garages wherever feasible. Since lot layouts and garage locations will be subject to further refinement with subsequent DDP submittals, the applicant shall provide narrative justification for granting the exception to the garage orientation standard to be reviewed with each DDP submittal.

c. Item (b) above notwithstanding, no more front-loaded lots shall be permitted on Holly Lane for any subsequent phases.”

garage design shall not project farther than the living area and shall be limited to garage door widths of ten feet or less.”

Although the Appellants do not question or otherwise challenge this analysis or conditions, the City Commission should affirm the Planning Commission decision on this basis.

Driveway and Off-Street Parking for Attached Structures

Appellants have also argued that the rear driveway or parking area requirements with respect to attached structures as set forth in OCMC 17.16.040.B have not been satisfied. Although it is not clear whether this issue was raised before the Planning Commission, it does not apply. OCMC 17.21.090 sets forth the design standards that are directly applicable to “all new detached single-family and two-family homes, accessory dwelling units, and cluster housing located within the Park Place Concept Plan areas.” OCMC 17.21.020. Where there are two otherwise applicable code provisions, the more specific controls. 17.50.230. As explained above, the applicant sought an adjustment to the design standards that would allow the topographically constrained lots to retain front access. Second, if OCMC 17.16.040 did apply, it allows garages on the front façade and parking areas in the front yard. OCMC 17.16.040.A.

Neighborhood Commercial Obligations – Raised by Nicita

Appellant Nicita argues that the PPCP requires that the Main Street Village – the area zoned Neighborhood Commercial (NC), must be reserved for mixed uses including commercial / retail on the ground floor and housing above, consistent with design guidelines that have yet to be adopted. He argues that this area cannot be used to accommodate a stormwater facility or any of the proposed community park. Relying on the PPCP map as the controlling document, Appellant points out that the civic center to be placed on the east side of Livesay, where the applicant’s stormwater facility is proposed. The PPCP does provide: “Integrate stormwater management. By treating or detaining stormwater on site, there is less need for costly infrastructure,” and Appellant Nicita argues that this obligation is not met by the singular treatment facility P 23.

Below is an excerpt taken from the Applicant’s June 29 submittal, Exhibit 13 showing how the proposed development and the PPCP map align. The color coding for the PPCP map shows red as retail, dark yellow as medium / high density residential, green as park or village green and blue as civic.



What this plan shows is that the stormwater facility is not located on any plan area mapped to accommodate non-residential uses. The acreage breakdown also on Exhibit 13 provides that the PPCP

maps 1.3 acres for retail, civic and village green uses. The proposed GDP provides 1.7 acres within separate development tracts as available to commercial / retail uses as well as a civic uses. As noted above, the Concept Plan Map on p 24 includes the following disclaimer: "The specific locations of natural resource boundaries, open space, parks, land uses, roads, trail, infrastructure and related improvements may change and is subject to on-site verification and design at the time of development." With respect to the layout of the various uses, Nicita fails to identify any PPCP standard or other criteria that is not satisfied with this proposal.

Appellant Nicita's claims that development of the NC zoned area will not include the type of two story, mixed use densities contemplated in the PPCP may have been addressed in 2014 when the City amended its Neighborhood Commercial standards.¹⁰ More specifically, the Neighborhood Commercial zone imposes a maximum front setback of 5 feet and the existing design standards call for locating parking in the rear, orienting building entrances to the main street, and 60% window glazing on the ground floor primary façade – all recommendations set forth in the PPCP Technical Appendix. Second, no actual commercial development is proposed as part of this review. Questions about building height, transparency, materials and streetscape design will be determined in the future as part of the detailed development plan review. If there are particular design elements that the City Commission believes the PPCP requires in order to realize the vision identified for the North Village, it may be appropriate to include them as conditions of approval.¹¹ One such condition might be to require that: except for a proposed civic space, all development within the 2.8 acre NC- zoned area be at least two stories in height with a ground floor retail / commercial component with residential above.

The PPCP calls for a tiered approach to stormwater management that mimics natural hydrological conditions to the extent practicable (PPCP pp 51-55). The stormwater management hierarchy uses three separate scales: (1) site specific, (2) green streets, and (3) regional or neighborhood facilities. Per the PPCP, regional facilities manage large flow and volumes that may be passed through Tier 1 and Tier 2 facilities. The plan does not require only one approach to managing stormwater. As the plan states, "Moreover, they [i.e. regional ponds] provide additional water quality benefits prior to discharging stormwater to existing creeks. These stormwater facilities are typically to be located adjacent to the existing streams and should take on a more naturalistic form such as a wetland pond ..."

With respect to the approach to stormwater generally, roadside planters are proposed for stormwater management on most of the streets in the development and all stormwater facilities will be designed for management, detention, and treatment of stormwater to remove sediment and other pollutants in compliance with the stormwater standards and the manual at the time of future DDP review, as required by the conditions of approval. Regarding the location of the stormwater facility, the applicant argued that the steep sloping topography required locating a single, on-site stormwater facility on the southeast corner of the GDP plan area, the lowest point on the property. Appellant Nicita does not

¹⁰ It is not clear why these amendments did not serve as the amendments contemplated within this PPCP that would result in the creation of a "vibrant neighborhood center."

¹¹ It is important to point out that in addition to retail / commercial, the PPCP map does include a designation for "mixed use commercial" that runs the full length of Livesay Road to the west but none of that land is within the GDP boundary.

explain why he believes that what is proposed does not qualify as “on-site treatment,” nor why these approaches are not sufficiently “integrated” with the development to improve water quality.

The Applicant’s preliminary stormwater report provided a high-level stormwater treatment plan for the site which is consistent with the City’s Stormwater and Grading Design Standards. As each DDP is further refined a more detailed stormwater management plan will be required with each phase. The Applicant noted that the site’s preliminary soil tests showed that infiltration rates are poor within the area. However, each DDP will be required to further review the Hydrology of the site. The feasibility of additional stormwater treatment (i.e. raingardens or additional ponds) shall be reviewed with each DDP’s stormwater plan.

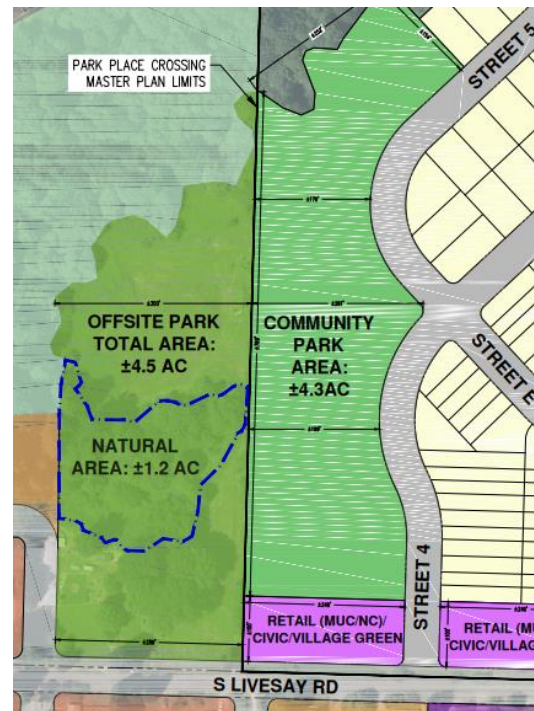
Community Parks and Trails – Raised by Nicita, Huang, Mansouri, and the Petersons

Appellant Nicita argues that “the GDP wrongfully allows the applicant to count already-designated open space as part of its acreage requirements for community park adopted by Ordinance 07-1007, Attachment C, and the Park Place concept plan.” The PPCP map legend identifies 8 acres of park land within the North Village. Attachment C and the “key priorities” listed within the PPCP identify a community park in the North Village that is “8 to 10” acres in size.

The GDP proposes to dedicate 4.3 acres of land within the GDP to accommodate a community park. As explained above with respect to the overall development density, in order to ensure proportionality between amenities and development impacts, the rough calculation was that the applicant proposed approximately 50 percent of the residential density, which triggered a requirement to dedicate half of the land necessary to accommodate the park. 4.3 acres of land dedicated from within the GDP boundaries coupled with a dedication of nearly the same amount outside of the boundaries, as shown on the shadow plan provided by the applicant would result is a community park that satisfied the PPCP required 8-10 acre community park land requirements.

It is not clear what Appellant means by the “already-designated open space” that he claims is being double counted. All of the land that is subject to the 4.3 acre park dedication is zoned R-5. None of this land is “designated open space.” If Appellant’s concern is that some of these lands may also be subject to the Natural Resource Overlay District, parks are allowed subject to certain development standards under OCMC 17.49.090 and as such an NROD designation does not preclude the use of land for park purposes.

Continuing the theme set forth in his other objections, Mr. Nicita may be concerned that the location of the park in the GDP does not match the same location as the PPCP map. Instead, the applicant has shifted the park further to the west. The effect is that the park is located on land mapped for open space outside of the GDP boundaries. This is best illustrated from excerpts taken from the applicant’s plan set dated June 29, 2022. The image on the left shows the proposed development overlaid on top of the PPCP map. See Ex 13. The image on the right shows the proposed park land with some portion of the park extended beyond the PPCP mapped park area. See Ex 15.



Again, it bears repeating that the PPCP map disclaimer provides: “The specific locations of natural resource boundaries, open space, parks... may change.” This change is exactly what the applicant proposed. With respect to the raw numbers of acreage, the table in Exhibit 13 indicates that the GDP proposal includes 15.7 acres of open space and the same area under the PPCP plan map includes 11.4 acres of open space. This is evidence the Commission could rely on to conclude that the proposed park will not result in loss of open space and that certainly a 4.3 excess of open space would make up for any loss of open space in the area beyond the GDP boundaries.

There is also a more practical problem with the Appellant’s concern. The City cannot obligate the applicant to dedicate any more park land than the demands triggered by its residential development. Moving the community park further to the southeast to more closely match what is depicted on the PPCP map would require elimination of housing units thereby reducing the amount of park land directly needed to serve future residents. Although this loss could be made up by reducing the lot sizes elsewhere, the maximum amount of land the City can exact as necessary to serve 426 units is 4.3 acres, based on the rough 50% of land / housing / park demand as set forth in the PPCP. Assuming without calculating that the PPCP map shows the park on 6 or 7 acres of land within the GDP boundaries, in order for the City to locate the park there, it would need to buy the excess 1.7 or 2.7 acres from the applicant. In essence, the extent to which the applicant can be required to provide park land, regardless of what the plan says, is the extent to which the development impacts demand and/or the City is willing to pay to acquire it. Here the applicant has identified a proposal whereby the size of the park is roughly proportional to the impact of the development. The City’s Parks Director Kendall Reid has reviewed and agreed with this approach.

Also with respect to recreation facilities, Appellants Huang et al have identified another PPCP “key component” provision that they believe has been violated. The PPCP identifies “an extensive system of off-street and on-street trails and pedestrian/bicycle connections.” In the slide presentation prepared by AKS Engineering dated May 9, 2022, the Applicant’s planning consultant, including the following image:



It is not clear in what ways the Appellants believe that these trails and connections are insufficient.

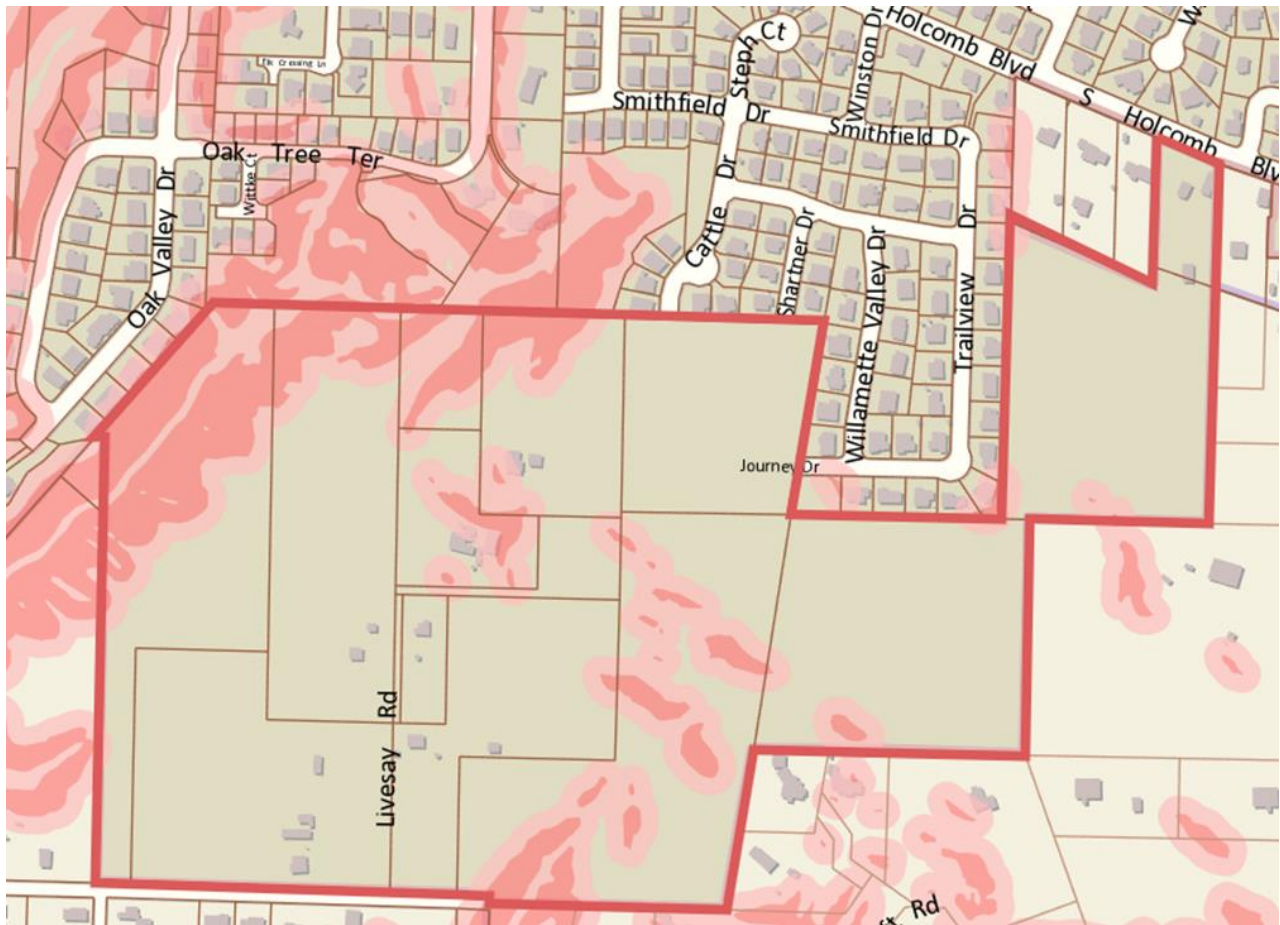
Landslide Concerns – Raised by Kosinski, Huang, Mansouri, the Petersons and Dalseme

Appellants have raised concerns that the proposed development authorized through the GDP will increase the risk of landslides. The appeals note that the Comprehensive Plan references that adding fill material to a slope, removing vegetation, altering drainage or runoff patterns, and undercutting of slopes, heavy rains, ground shaking from earthquakes and heavy traffic can trigger landslides. They argue that approval of this GDP will violate Statewide Land Use Goals 1, 7, 12 and 13 & ORS 105.465, relating to a seller’s obligation to disclose the existence of landslides or geologic hazard zone designations. They claim that the GDP fails to meet the requirements of FEMA’s National Hazards Mitigation Plan pp 46-58, the DLCD – DOGAM Landslide Hazard Guidelines pp 68-79 and pp 43,44. Finally, they challenge the assertions set forth in the Applicant’s Geotechnical Engineer’s Report. Appellants argue that the increased landslide risk fails to “reduce the risk of private and public losses” and “to prevent undue hazards to property, the environment and public health, welfare, and safety,” as those policies are set forth in OCMC 17.44.010.

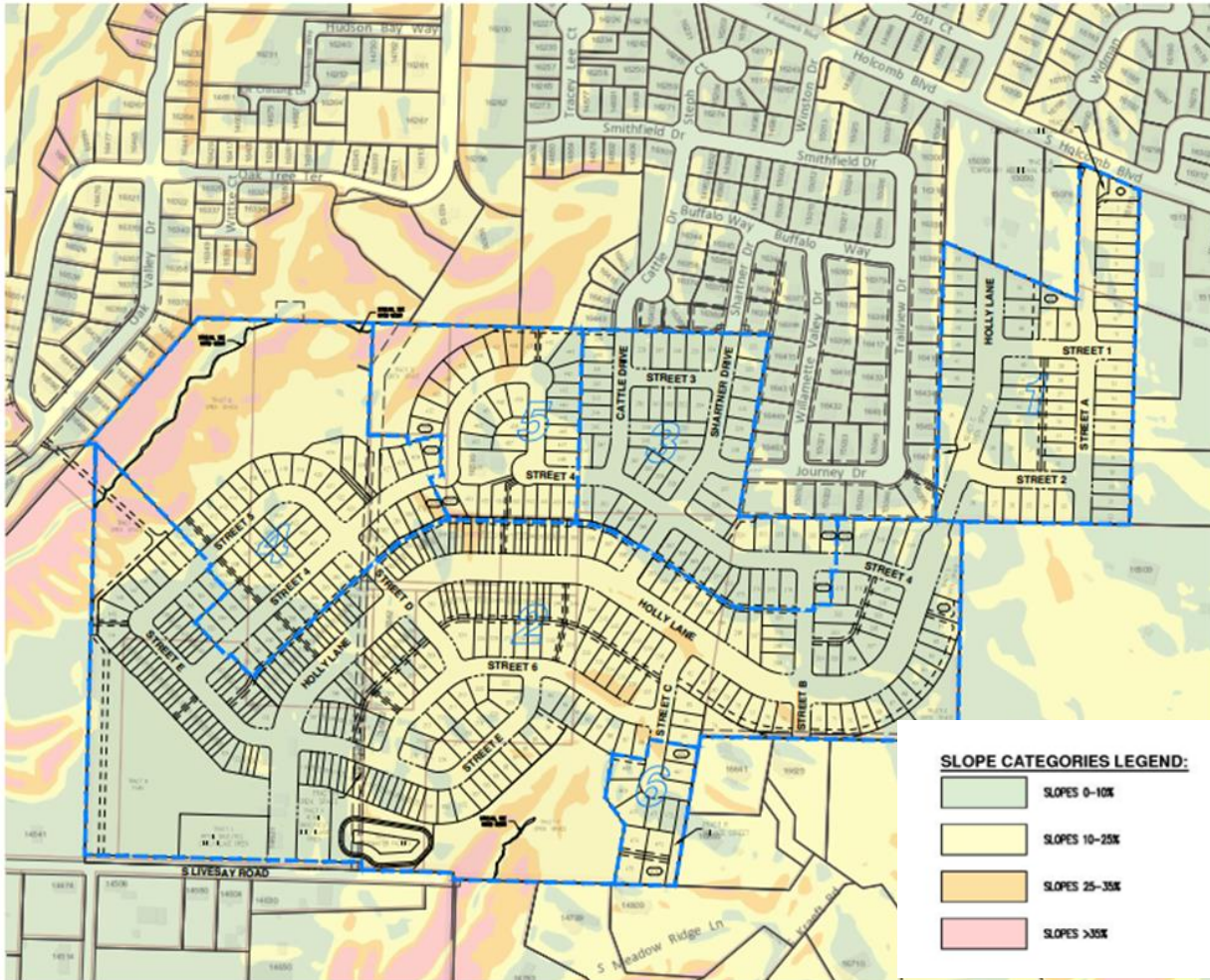
Appellants begin by arguing that the GDP application did not include evidence sufficient to satisfy the application requirements for a geologic hazards overlay review under OCMC 17.44.050. These submittal requirements include information and data evaluating the existing geology, soils, groundwater, and what effect development will have on these conditions, based on the list of sources identified in OCMC 17.44.050.A.1. In addition, an application must include an evaluation of the impact development will have on overall slope stability of the lot and adjacent lots coupled with scaled drawings calculating the net increase or loss of soil. These geological assessments and drawings are to be reviewed by an

independent, qualified geologic engineering consultant. Appellants argue that the applicant's submittals fail to meet this identified level of detail and include factual errors and inconsistencies with other geologic boundary maps.

The Planning Commission's decision includes two maps dealing with the Geologic Hazards. The first one set forth below appears to match the one offered by Appellants, but it shows only the slopes which exceed 25% with the GDP boundaries outlined in red. OCMC 17.44.060 does not regulate slopes of less than 25%.



The second map depicts the proposed development overlaid on top of the City's steep slope map. This is the map of the development before it was revised in June 2022 reducing the number of lots. The outside development boundaries were not changed by these revisions.



The Planning Commission findings address the geologic hazards issues as follows:

“Portions in the northwest corner of the property contain both steep slopes and landslide deposits. Most of the northwest area is not proposed for development but instead for greenspace to avoid the geohazards and landslide materials. No other existing landslide deposit areas are currently identified in the City’s mapping system.

The proposed preliminary layout has streets (Holly Lane, Street C, Street 6 and Street 4) running through geologic hazard areas within the site (steep slopes). Per the City’s code (OCMC 17.44) these geological hazard areas are to be avoided. The applicant has provided preliminary alternatives for shifting the alignment of Holly Lane away from the geohazard areas, but they state that these alternatives would create view tunnels, streetscapes inconsistent with the Park Place Master Plan, walkability, aesthetic, and cost concerns.

The applicant has submitted a preliminary geologic assessment for the General Development Plan per OCMC 17.4. A Detailed Development Plan has not been submitted yet. When the applicant applies for a DDP, additional review for compliance

with OCMC 17.44 shall be required that includes a detailed description of the impacts of the proposed street layout, any traffic safety concerns and conflicts regarding view tunnels, alternative road locations, street design modifications and other concerns associated with the specific road designs shall be identified.

The applicant will need to show that constructing streets within Geologic Hazard areas is unavoidable and that the design of the roads will comply with OCMC 17.44. The street layouts and alternatives shall be further reviewed with each DDP as more detailed plans and geotechnical analyses are provided and plans are revised to comply with the City's steep slope requirements.

The GDP has also identified several lots within geological hazard areas that could exceed the City's density requirements within the hazard areas. As a result, the total number of buildable lots may need to be reduced. See City's comments on OCMC 17.44.060.H later in this staff report." Pp 48-49. Additional findings address OCMC 17.44.060 at pp 178-184.

The applicant has consistently maintained that it has made every effort to direct development away from steep slopes and to avoid natural hazards where possible. It is true that there are some isolated steep slopes that appear near the middle of the GDP plan area that, as evidence in the second map, appear to have been removed rather than avoided. However, there is no geologic hazard review included as part of this GDP proposal. Rather, the conditions of approval provide:

"42. Street layouts and public improvements shall be re-reviewed with each phase of development during DDP review and shall follow the standards of OCMC 16.12 and 17.44 avoiding Geologic Hazard areas where necessary, creating a grid system, provide future connection points to neighboring properties, and providing a street layout acceptable to the City Engineer. (DS)

55. The applicant shall provide a hydrology report that addresses the effect of the stormwater outfall upon the local watershed with each DDP. The hydrology report must address the discharges, erosion and landslide effect on the downhill slope, the stabilization of the uphill slope, and the environmental impact on the downhill slope, as well as how the infiltration rates before and after development would affect groundwater supply. (DS)

56. The final alignment of the proposed streets and the number of buildable lots located in the geological hazard areas shall be further reviewed as part each phase's DDP to ensure minimal impact to the geological hazard areas. (DS)

57. As part the DDP review, the applicant shall further refine the number of lots proposed within the geologic hazard areas to meet the City's density requirements. This may include identifying lots as unbuildable as green space or modifying the size of the lots to reduce the density. (DS)" pp 13.

Appellants do not identify how these conditions of approval are defective in failing to adequately protect against landslide risks. Rather, instead of explaining how the decision erred, the appellants

direct their focus at geologic hazard purpose statements and submittal requirements for an application that is not part of this request.

With respect to narrative portions of the Comprehensive Plan, various Statewide Land Use Goals, statutes governing real property transactions, FEMA mitigation plans and DLCD DOGAMI Landslide Hazard guidelines, these materials do not contain “standards and criteria” codified within the City’s code or Comprehensive Plan that are applicable to this review. The list of 3rd party references to be consulted when identifying geologic conditions in OCMC 17.44.050.A.1, does include the “Landslide Hazards Land Use Guide for Oregon Communities” (October 2019), prepared by DLCD and DOGAMI but this list of third-party reference materials was not codified as part of OCMC 17.44 until the passage of new code amendments effective July 21, 2021 by Ord. 21-1012, after the subject application was filed.¹² Therefore, it is inapplicable for this reason as well.

Conditions Related to Natural Resources – Raised by Huang, Mansouri and the Petersons

Appellants have included an anticipatory defense in favor of conditions relating to natural resource-related protections that they anticipated the applicant would challenge. Since the applicant did not appeal the decision further, Conditions of Approval 16, 17 and 21 were not identified as a basis for challenge and they should not be considered by the City Commission on review.

CONCLUSION

Over the past six months, the applicant, the opponents, City staff and the Planning Commission have engaged in a constructive dialogue about how to move urbanization of this area from the written planning page and onto the ground. Those discussions resulted in a reduction in and rearrangement of lots providing greater diversity and better cohesion with adjacent existing development, phased and coordinated access routes that limited impacts from pass-through trips, and largely internally served by alley access. Road intersection adequacy study and mitigation, and geologic hazard review that will avoid and protect against landslides will be reviewed anew as part of the DDP review for each of every phase, allowing for a cumulative and real time evaluation. Additional conditions that the Commission might consider responsive to the Appellants’ concerns:

¹² A copy of OCMC 17.44 that was applicable when this application was filed and could control subsequent DDP reviews, at the applicant so chooses, is attached. For ease of reference, the following items were included as part of the 2021 amendments to served to:

- The 2021 code update simplified Section 17.44.25 Permit & Approval Requirements from a list of specific types of projects (i.e. accessory structures, building expansions, building or land use permits, tree removal thresholds, etc.) to any kind of land disturbance within the mapped geological hazard overlay zone.
- Section 17.44.35 identified additional exemptions
- Retaining wall standards were further refined
- Density requirements for existing landslide areas was limited to not exceed 2 dwelling units per acre.
- Infiltration within geohazard areas was further regulated.

- Prior to issuance of building permits for any lots abutting the south and east edge of Phase 1 of the development, the applicant shall provide landscaping plans for review by the Planning Division that indicate screening with trees and shrubs along the rear of the properties to provide a buffer between Phase 1 and adjacent properties. A restrictive covenant shall be recorded with the final plat for Phase 1 that runs with the land to preserve the landscaping buffer and require replacement with appropriate plantings in the event that plantings are removed by the property owner.
- The applicant shall assure that any development along the north side of Livesay Road or along Holly Lane be no less than two stories tall.

With or without these additional conditions, the City Commission could find that the approval criteria necessary to grant a GDP approval, including consideration of the PPCP and other Comprehensive Plan policies, as well as the adjustment, modification and variance criteria are satisfied.

The options before the City Commission include:

- 1) Uphold the appeal(s) and make a tentative decision to deny the consolidated applications.
- 2) Uphold in part and deny in part the appeal(s), and make a tentative decision to modify the conditions of approval and approve the consolidated applications.
- 3) Deny the appeals and make a tentative decision to approve the application with no change to the Planning Commission's conditions of approval.

City staff will revise the written decision consistent with the City Commission's deliberation and present it for City Commission adoption on October 17th, 2021.

CITY OF OREGON CITY

Community Development Department, 320 Warner Milne Road,
P.O. Box 3040, Oregon City, OR 97045, (503) 657-0891
www.ci.oregon-city.or.us

APPEAL OF A LAND USE DECISION

FILE # AP 22-00003 (of File #) GLUA-21-00045
MAS-21-00006 DATE: 9/28/22
NAME: Stephen VanHaverbeke TELEPHONE #: 503.806.6631
ADDRESS: PO Box 2526 Oregon City, OR 97045
ADDRESS OR PROPERTY DESCRIPTION (T/R/S) OF SUBJECT PROPERTY:
14 tax lots located on South Side of Holcomb
SUBJECT OF APPEAL: NOTICE OF DECISION DATE: 9/12/22 For File #:
GLUA-21-00045 / MAS-21-00006 / VAR-22-00001
The undersigned hereby appeal(s) the decision of the Planning Commission

concerning the subject case. The decision to approve _____ deny X the application was made
at the meeting held on 9/12/2022.

REASONS FOR APPEAL: Please include a statement identifying which approval criteria are
violated by the decision and an explanation of how those criteria are violated, or stating how the
decision is otherwise in violation of applicable law. Please see Chapter 17.50 of Oregon City
Municipal Code for Administration & Procedures concerning Appeals.

see attached

FILING FEE PAID: n/a DATE PAID: _____ RECEIPT NO.: _____

Tom Geil 16470 TRAIL VIEW DRIVE, OC
Property Owner Signature Appellant, PPNA Address
Stephen VanHaverbeke 16477 Oak Tree Terr, O.C.
Park Place Neighborhood Chair Address

PLANNING

****SIGNATURES REQUIRED IF APPLICABLE****

Signature _____ Address _____
_____ Contract Purchaser _____ Lessee _____ Prospective Purchaser

SEP28 2:30PM

The Park Place Neighborhood Association is here to formally appeal AP 22-00005 Park Place Crossing Master Plan.
Planning Files GLUA-21-00045/MAS-21-00006/MAS-22-00001

The Park Place Crossing Master Plan does not comply with the Park Place Concept Plan that was adopted by Oregon City Ordinance 07-1007 on 10/10/2008. The guidelines for these concept plans have not been followed, and we find several provisions of the Park Place Crossing Master Plan to be deficient with primary focus on the three City of Oregon City Municipal Codes listed below:

- 1- 16.12.095A Lack of Connectivity
- 2- 16.08.025B Traffic Count Inaccuracies
- 3- 17.65.050 Livability

Appeal of AP 22-00003 22-00005 Park Place Crossing Master Plan

Planning Files GLUA-21-00045 / MAS-21-00006 / VAR-22-00001

Park Place Neighborhood Association

The Park Place Concept Plan was adopted by Oregon City Ordinance 07-1007 on 10/10/2008. In one of the paragraphs the ordinance states

WHEREAS, further amendments to the Oregon City Comprehensive Plan and Map and Zoning Code and Map will be necessary in order to implement the Park Place Concept Plan, and these Amendments will be considered and reviewed in a duly noticed Public Hearing which will be mailed to all Oregon City residents and interested parties in compliance with Measure 56e.

As there has been no notice or meeting that specifically amends the Park Place Concept Plan (PPCP), all of the provisions of that plan are currently in force. The current Park Place Crossing General Development Plan is deficient in meeting several of the provisions.

1. The PPCP includes two north south connectors through the North Village -Swan Ave and Holly Lane. These are identified in the plan to alleviate traffic issues throughout Park Place and the surrounding city and unincorporated Clackamas County. As most of the connections for these lies outside of the current development, Oregon City would be responsible for development of these roadways. There is mention of the Holly Lane connection in the current plan, the developer does acknowledge that it is part of the required infrastructure, but only if certain traffic conditions are found following the buildout of the new neighborhood. This would mean that traffic would be forced through the existing neighborhood until such time as the connector between Holcomb and Redland could be built. In the PPCP document it states (Pg 67)

Require that needed improvements to transportation facilities necessitated by new development be made or funded as part of the development process; condition development approval on construction of or financial commitments for improvements.

This would require the plan for construction of the Holly Lane extension be part of the initial process.

2. OCMC Chapter 16.08.025B states

A traffic impact study – that assesses the traffic impacts of the proposed development on the existing transportation system and analyzes the adequacy of the existing system to accommodate the traffic from the proposed development

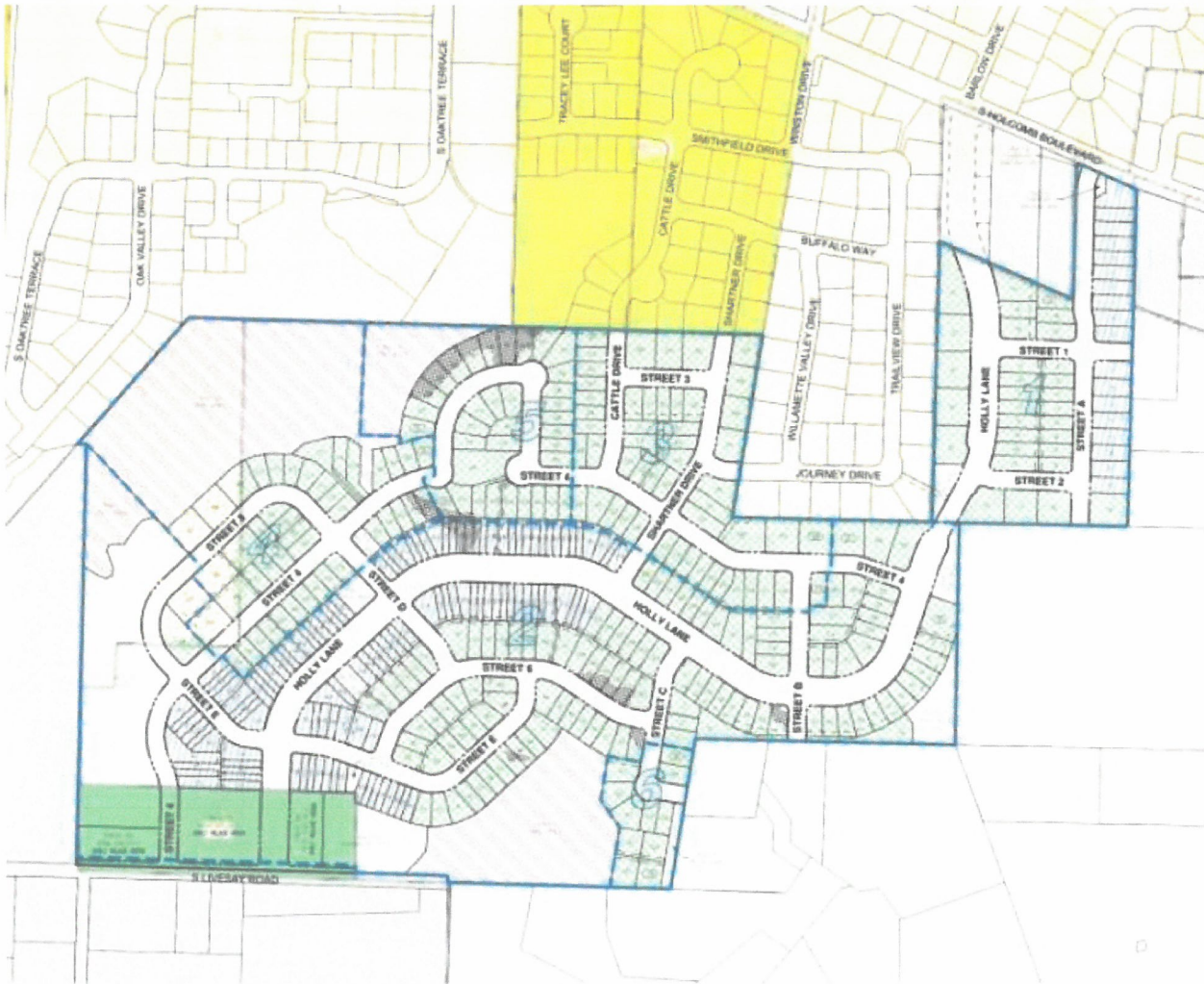
The traffic study is skewed in favor of the developer and does not paint a true picture of the affects outside of the development area, especially Holcomb Blvd and the intersections of Holcomb / Abernethy / Redland and Redland / Hwy 213. It also seriously understates the impact on livability in the adjoining neighborhoods.

3. The PPCP states (Pg 66 Transportation Item 2)

A network of local and higher-order streets that provides redundancy for emergency access, appropriate ventilation to neighborhoods and commercial nodes of activity, and efficient connections to minimize travel distances.

The key in this paragraph is the redundancy for emergency access. Without the southbound connectors to Redland there is no redundancy and emergency access would be severely impacted. Putting all of the traffic from this area onto Holcomb would seriously impact emergency evacuation. In the current plan, Livesay Rd would be limited to use by emergency vehicles, and a block would be placed to prohibit all residential use of Livesay out of the new subdivision.

A secondary aspect of this would be putting additional traffic through an existing neighborhood (Trail View). This livability impact on this neighborhood is unconscionable. Even with traffic calming remedies, this area would be subject to a serious increase in the number of vehicles on streets that were not built to include this additional flow. Holcomb Blvd would also be impacted by this increased traffic – the additional vehicles would impact the ability of vehicles entering Holcomb down stream of this subdivision.





Item 4a.

Linda Smith <ocgal5700@gmail.com>

Park Place Neighborhood Association Steering Committee Meeting

10 messages

Linda Smith <ocgal5700@gmail.com>

Wed, Sep 14, 2022 at 5:08 PM

Bcc: John Anderson <rlajka@comcast.net>, ultramangaya@yahoo.com, "SSG Armondo Borboa, USA Ret." <armondob@aol.com>, chris_borisch@msn.com, debweller@aol.com, zzfisher@aol.com, Geni Butterfield <genibutterfield@hotmail.com>, joybells31@hotmail.com, jlcharriere@comcast.net, clouserw@gmail.com, csergei78@yahoo.com, dmac925@yahoo.com, Rdenim48@aol.com, 19maryann.15@gmail.com, Nick Dierckman <ndierckman@gmail.com>, Sebastian Dirringer <sebastian.dirringer@gmail.com>, carolyn.draeger@gmail.com, durkee4@gmail.com, bryce@bryceelder.com, drellder@tokdoc.net, bgfraley@gmail.com, gramzx3@gmail.com, Trailview@comcast.net, Heidi Gorton-Rigazzi <hgrigazzi@gmail.com>, MIKE Grady <mjg1976@msn.com>, ABCGreenfamily@gmail.com, Ice Richard Guerrero <richard@odintech.net>, Jackie Hammond-Williams <Jackiespins@gmail.com>, harbin27@comcast.net, jenniferakirk@hotmail.com, skhaydon@comcast.net, J.Herrington@comcast.net, jlimholt44@gmail.com, dippndotz@gmail.com, mikej.hd@gmail.com, richardjensen4@comcast.net, 97coug@gmail.com, klauslois@gmail.com, britenshin@aol.com, berniebarry@hotmail.com, torey.lam@live.com, uncledaddy2@msn.com, Bob LaSalle <jeanbob06@comcast.net>, Troylavoie@gmail.com, luragord@gmail.com, Gary Martin <martingl@comcast.net>, martin.vonnie@gmail.com, ecm66@comcast.net, Marti Moody <Martil97223@gmail.com>, oregonhomeowner@gmail.com, carrol.hoeye@iamwho.com, L&J Novak <novak0929@gmail.com>, jayoveren@comcast.net, Bill Park <wmcpark@gmail.com>, taphat@aol.com, drewpers@gmail.com, lindapj@comcast.net, bassrc@comcast.net, "Diane Plesset, CMKBD, NCIDQ, C.A.P.S." <diane@dp-design.com>, clarandelly@hotmail.com, jiffistuzie@comcast.net, alan.redbourn@gmail.com, juliestevenreed@comcast.net, spanky3474@gmail.com, jdreit@gmail.com, Barbara Renken <miniflower@comcast.net>, Ray Renken <rbrenken@comcast.net>, Ryan Richards <ryn79@hotmail.com>, michelleriddle2@comcast.net, dellariggs2@outlook.com, Megaclaude@juno.com, RohrerKJ@comcast.net, Steve Sagi <sagmanaur@yahoo.com>, juliesched@comcast.net, jlschryvers@yahoo.com, duanewanda@hotmail.com, Joshua Shelton <josh@parkplace.church>, ishoup4@yahoo.com, Masha Shubin <mashashubin@gmail.com>, Smithra32@comcast.net, Linda Smith <ocgal5700@gmail.com>, maria solaita <solama@msn.com>, craigstahl@yahoo.com, travisstone@comcast.net, David Stults <david@stults.com>, bobtershel@comcast.net, Kirk Tolstrup <kirktolstrup@gmail.com>, dorietoman@gmail.com, marktoman@gmail.com, janice troxler <djtroxler1@outlook.com>, mvadney@comcast.net, stardmv@yahoo.com, RON&JANICE VANDOMELEN <vandomelen6966@comcast.net>, Linda VanHaverbeke <linda@vanhaverbeke.org>, Steve VanHaverbeke <steve@vanhaverbeke.org>, Jane Varley <fullmoonfarm@bctonline.com>, pdqboxerrescue@yahoo.com, dianew67@comcast.net, bingham3rd@me.com, maryjanewhalley@gmail.com, fwienberg@yahoo.com, Joe@ajwright.net, szioiko@comcast.net, lavector@aol.com, leftytim@aol.com, mmke@comcast.net

Hello Neighbors,

Please join us via Zoom for our monthly PPNA meeting.

Monday 9/19@6:30PM Agenda attached.

<https://us02web.zoom.us/j/87028004206?pwd=VW0wRINEU3oyREdmUmlsUEI2bVpoUT09>

This month we will be talking about the planning commission's decision on the Park Place Crossing project and our options as a neighborhood association to appeal the decision.

Best,

Linda Smith, PPNA Secretary

Below is copied the content of an email sent out from the City Community Development Department regarding the above mentioned decision on the Park Place Crossing. And attached are the Planning Commission's decision as well as the potential appeal notice.

Page 40

Good afternoon,

Item 4a.

Pursuant to OCMC [17.50.130](#), the attached Notice of Decision for GLUA-21-00045 / MAS-21-00006 / VAR-22-00001 has been sent today, by first class mail, to all persons with standing, i.e., the applicant, all others who participated either orally or in writing before the close of the public record and those who specifically requested notice of the decision. Persons with standing who testified include those who participated in the public hearing process on April 25, May 9, May 23, July 11, July 25, August 22, and September 12, 2022 by phone call, video, written or verbal testimony. This includes persons who provided an email address or mailing address.

This email is provided in addition to the mailed notice of decision.

Attached separately to this Notice of Decision is a Precautionary Notice of an Appeal hearing before the City Commission on October 11, 2022.

The City believes that this decision may be appealed to the City Commission for review, although notices of appeal have yet to be filed. Given the limited timeline for the City to take final action on this application, it is issuing this Precautionary Notice of an Appeal hearing, a copy of which is also being mailed with the Notice of Decision to persons with standing.

Thank you,

Pete Walter

he/him/his

Planning Manager

Community Development Department, City of Oregon City

695 Warner Parrott Rd, Oregon City, OR 97045

pwalter@orc.org

Desk: (503) 496-1562

Mobile: (503) 509-4154

Main: (503) 722-3789

[Website](#)

[Interactive Maps and Apps](#)

[On-Line Submittal of Land Use Applications](#)

3 attachments

 **GLUA-21-00045 MAS-21-00006 VAR-22-00001 NOD 9.14.2022.pdf**
172K

 **AP 22-00003 and AP-22-00005 Precautionary Notice of Appeals.pdf**
371K

 **PPNA SC Agenda 2022-09-19.docx**
65K

Mail Delivery Subsystem <mailer-daemon@googlemail.com>
To: ocgai5700@gmail.com

Wed, Sep 14, 2022 at 5:08 PM



Address not found

Your message wasn't delivered to **lindapj@comcast.net** because the address couldn't be found, or is unable to receive mail.

The response from the remote server was:

550 5.1.1 Not our Customer

Final-Recipient: rfc822; lindapj@comcast.net

Action: failed

Status: 5.1.1

Remote-MTA: dns; mx1a1.comcast.net. (2001:558:fd01:2bad::5, the server for the domain comcast.net.)

Diagnostic-Code: smtp; 550 5.1.1 Not our Customer

Last-Attempt-Date: Wed, 14 Sep 2022 17:08:27 -0700 (PDT)

----- Forwarded message -----

From: Linda Smith <ocgal5700@gmail.com>

To: undisclosed-recipients::;

Cc:

Bcc: lindapj@comcast.net

Date: Wed, 14 Sep 2022 17:08:13 -0700

Subject: Park Place Neighborhood Association Steering Committee Meeting

----- Message truncated -----

Jackie Hammond-Williams <jackiespins@gmail.com>

Wed, Sep 14, 2022 at 6:09 PM

To: Linda Smith <ocgal5700@gmail.com>

Thank you Linda.

I do hope many show up for the meeting that do not like the decisions made on the development, as the developer could likely tip off people and we could have the meeting 'packed' to deliver a 'no appeal' vote.

It has happened before!

[Quoted text hidden]

Trailview@comcast.net <Trailview@comcast.net>

Thu, Sep 15, 2022 at 11:41 AM

To: Linda Smith <ocgal5700@gmail.com>

While I can not be present at this meeting due to a funeral on Monday at 5pm, I am there in spirit. I am hoping that all citizens will participate with their opinions and that our Steering Committee will fight this to the bitter end. Please note that a Neighborhood Association can request an appeal at no charge, while a common citizen has to pay a sizeable fee. Our best bet

is to support our Neighborhood with the strongest voices with the strongest arguments. I am prepared to support this effort with every part of my being, and offer my voice and public articles in the Oregon City News. Please read my thoughts on our three strongest points on our Park Place Facebook page.

Thank you,
Tom Geil

[Quoted text hidden]

Item 4a.

janice troxler <djtroxler1@outlook.com>

Sun, Sep 18, 2022 at 9:53 AM

To: Linda Smith <ocgal5700@gmail.com>

Good morning, Linda:

I have another meeting I need to go to tomorrow night, but my daughter said she would hook up to the zoom. Question: Can this be recorded?

Jan Troxler

From: Linda Smith <ocgal5700@gmail.com>

Sent: Wednesday, September 14, 2022 5:08 PM

Subject: Park Place Neighborhood Association Steering Committee Meeting

[Quoted text hidden]

Linda Smith <ocgal5700@gmail.com>

Sun, Sep 18, 2022 at 2:05 PM

To: janice troxler <djtroxler1@outlook.com>

It will be recorded. Reminded me later to send you the link.

On Sep 18, 2022, at 9:53 AM, janice troxler <djtroxler1@outlook.com> wrote:

[Quoted text hidden]

janice troxler <djtroxler1@outlook.com>

Sun, Sep 18, 2022 at 2:43 PM

To: Linda Smith <ocgal5700@gmail.com>

Thank you.

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From: Linda Smith <ocgal5700@gmail.com>

Sent: Sunday, September 18, 2022 2:05:05 PM

To: janice troxler <djtroxler1@outlook.com>

Subject: Re: Park Place Neighborhood Association Steering Committee Meeting

[Quoted text hidden]

janice troxler <djtroxler1@outlook.com>

Tue, Sep 20, 2022 at 6:19 AM

To: Linda Smith <ocgal5700@gmail.com>

Item 4a.

Good morning, Linda. May I have the web site so I can review last night's meeting?

Thank you, Jan

Get [Outlook for Android](#)

From: Linda Smith <ocgal5700@gmail.com>

Sent: Wednesday, September 14, 2022 5:08:13 PM

Subject: Park Place Neighborhood Association Steering Committee Meeting

[Quoted text hidden]

Linda Smith <ocgal5700@gmail.com>
To: janice troxler <djtroxler1@outlook.com>

Tue, Sep 20, 2022 at 8:40 AM

Hello,

Hoping this works. Please let me know if it does not.

https://us02web.zoom.us/rec/share/laXgX9deZgprsfTyWy2SRwD81co9jZyDG4Yisd_Pgsa2L2xUH13K3CrKNbwEx0.G5M-iEZhzkwFz8jN

Passcode: +\$F\$&0EC

[Quoted text hidden]

janice troxler <djtroxler1@outlook.com>
To: Linda Smith <ocgal5700@gmail.com>

Tue, Sep 20, 2022 at 6:25 PM

Linda, I was able to view. Thank you.

Jan Troxler

From: Linda Smith <ocgal5700@gmail.com>

Sent: Tuesday, September 20, 2022 8:40 AM

To: janice troxler <djtroxler1@outlook.com>

Subject: Re: Park Place Neighborhood Association Steering Committee Meeting

[Quoted text hidden]



**Oregon City Park Place Neighborhood Association
Steering Committee Meeting Minutes**

Date: September 19, 2022, 6:30PM

Location: Virtual Meeting (Zoom)

Present: Linda Smith, Richard Guerrero, Jackie Hammond-Williams, Steve VanHaverbeke, Linda VanHaverbeke, Nick Dierckman, Paulette Merrill, Annie Sakaguchi, Steve Sagi, Lieven, Barbara Renken, Dan Berge, Bob Lasalle, Kirk Tolstrup, Liz King, Kayla Flikkema, Jackie Dalseme, Jeany, Jeff Carter, Mike, Jan Grady, Tom Geil, Jen Hecht, Freya Carpenter, Travis Stone, Jennifer

1. Called to order: 6:32PM
2. Treasurer report: No report this month
3. The only topic for this month was to discuss the appeal of the September 12th planning commission decision of the Park Place Crossing Development. Two resolutions were presented after a generous discussion with all present. The vote was restricted to steering committee members only, was called out by name for a verbal response, the session was recorded.
 - a. Resolution 1: To make an appeal to the City Commission of Oregon City against the planning commission decision of the Park Place Crossing Development on September 12, 2022.
 - Moved by Linda VanHaverbeke
 - Seconded by Barbara Renken
 - b. Resolution 2: To ask for a fee waiver as provided for any neighborhood association making a formal appeal to the city commission.
 - Moved by Jackie Hammond-Williams
 - Seconded by Jan Grady
 - c. Both resolutions are approved unanimously

Member Name	1-Appeal	2-Fee Waiver Request
Steve VanHaverbeke-Chair	Yes	Yes
Nick Dierckman-Vice Chair	Yes	Yes
Ray Renken-Treasurer	Yes	Yes
Linda Smith-Secretary	Yes	Yes
Linda VanHaverbeke	Yes	Yes
Barbara Renken	Yes	Yes
Bob Lasalle	Recused	Recused
Ryan Richards	Absent	Absent
Jackie Hammond-Williams	Yes	Yes
Jan Grady	Yes	Yes

4. October 17 is a General Meeting. It will be held at the Park Place Church in the meeting hall (side entrance door).
 - a. We will be inviting candidates running for city offices to come introduce themselves and tell us why they are running for office.
5. Member Reports

CIC: Bob shared that at their next meeting they will be having a presentation about the neighborhood association funds designated for postcard meeting notices to be used to pay for the newly required city parks fees that are now being charged for NA's to use parks in their own neighborhoods.

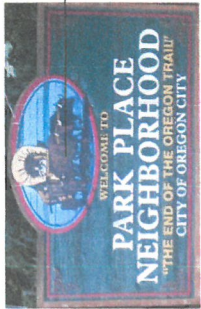
Service: Linda V. reported that the proposed clean up day in October is delayed

Item 4a.

6. Meeting Adjourned: 7:37PM

Next meeting will be a General Meeting on October 17, 2022@6:30 in person at Park Place Church

Addendum: These minutes were sent via email on 9/20/22 to the members of the steering committee for approval and were approved by Steve VanHaverbeke, Nick Dierckman, Ray Renken, Linda Smith, Linda VanHaverbeke, Barbara Renken, Bob LaSalle, Jackie Hammond-Williams.



Park Place Neighborhood – Steering Committee Meeting

Monday, Sept 19, 2022, at 6:30pm

Meeting Link: <https://us02web.zoom.us/j/87028004206?pwd=VW0wRINEU3oyREdmUmIsUEl2bVpoUT09>

Agenda

1. Call to Order
2. Treasurer Report
3. Planning Commission decision on Park Place Crossing and potential PPNA filing for appeal of decision to full City Commission on October 11, 2022 meeting.
4. Adjournment

Upcoming Meetings: General Meeting on October 17, 2022
Steering Committee Meeting on November 21, 2022

2022 Steering Committee Meetings: Jan 17, Mar 21, Apr 18, June 20, (no July), Aug 15, Sep 19, Nov 21, (no Dec)
2022 General Meetings: Feb 28, May 16, Oct 17

CITY OF OREGON CITY

Community Development Department, 320 Warner Milne Road,
P.O. Box 3040, Oregon City, OR 97045, (503) 657-0891
www.ci.oregon-city.or.us

APPEAL OF A LAND USE DECISION

FILE # AP GLUA-21-00045 / MAS-21-00006 / VAR-22-00001 (of File #) DATE: September 27, 2022

NAME: Jacqueline "Jackie" Dalseme TELEPHONE #: 760-690-7550

ADDRESS: 16369 Kitty Hawk Ave, Oregon City OR 97045

ADDRESS OR PROPERTY DESCRIPTION (T/R/S) OF SUBJECT PROPERTY:

Park Place Crossing Development Plan - 14 tax lots located to the south side of Holcomb + north of Livesey

SUBJECT OF APPEAL: NOTICE OF DECISION DATE: 9/12/22 For File #:

GLUA-21-00045 / MAS-21-00006 / VAR-22-00001

The undersigned hereby appeal(s) the decision of the Oregon City Planning Commission

concerning the subject case. The decision to approve ☒ deny ☐ the application was made at the meeting held on September 12, 2022.

REASONS FOR APPEAL: Please include a statement identifying which approval criteria are violated by the decision and an explanation of how those criteria are violated, or stating how the decision is otherwise in violation of applicable law. Please see Chapter 17.50 of Oregon City Municipal Code for Administration & Procedures concerning Appeals.

See Attached

FILING FEE PAID: Waived DATE PAID: RECEIPT NO.:

Jacqueline Dalseme
Property Owner Signature

16369 Kitty Hawk Ave
Address Oregon City OR 97045

Property Owner Signature

Address

****SIGNATURES REQUIRED IF APPLICABLE****

Signature

Address

 Contract Purchaser

 Lessee

 Prospective Purchaser

APPEAL OF A LAND USE DECISION

STATEMENT OF REASONS FOR APPEAL:

I, Jacqueline Dalseme, previously stated my concerns about Icon's Park Place Crossing Development Plan application in an email to the Oregon City Planning Commissioners dated May 12, 2022. That email was put on record for the Oregon City Planning meeting which took place on May 22, 2022. (See Exhibit #1)

My primary reason for appeal is due to unfair practices and bias coming from the Oregon City Planning staff and commission members. This is in violation of Chapter 17.50.160 parts B and C of the Oregon City Municipal Code. Below are four supporting examples:

- 1) As reported by Pamplin Media on July 23, 2021, the Oregon City Community Development Director, Laura Terway, called Icon Construction to alert the developers of upcoming emergency development code amendments, which were unanimously approved by the Oregon City Commission. This phone call relaying non-public information enabled Icon to submit their application ahead of the effective date and be grandfathered-in under the old codes. (See Exhibit #2)
- 2) The Oregon City Public Works website states at the top of its list of key components for the Park Place Concept Plan, that the development will include "two (2) primary north-south connections between Holcomb Boulevard and Redland Road". (See Exhibit #3) Icon's Park Place Crossing General Development Plan does not include any primary north-south connector roads due to lack of property ownership rights. This omission of a proper traffic solution has been one the major subjects of written complaints and oral testimonies from Park Place residents because it does not address their emergency evacuation concerns. It is unfair for the City Planning Commissioners to not put safety of the residents first.
- 3) Icon's Park Place Crossing Development Plan application has been viewed as unacceptable by most residents of the Park Place neighborhood. There has been an overwhelming number of written complaints and oral testimonies from Park Place residents at the City Planning meetings begging for better protection from landslides. The presentations and evidence submitted at the meetings clearly showed that the proposed development land area and Icon's development plan are not a suitable match. Yet, the City Planning Commissioners and their staff want to push the project forward without first resolving the problematic land issues first. Since safety and the concerns of the residents have not been a priority for a majority of the City Planning Commissioners, this suggests that bias to the developer is taking precedence over the welfare of the residents of the Park Place neighborhood.
- 4) No other developers submitted applications for this project, and to the best of my knowledge the City Planning Commission has not solicited applications from other developers. This is very suspicious because it is public knowledge that at least two of the current Planning

Commissioners, Daphene Wuest and Mike Mitchell, have accepted campaign contributions from Icon in the past. I question the lack of apparent competition and the integrity of the City Planning Commissioners, who have failed to encourage higher standards for our city.

Therefore, I appeal the September 12, 2022 Planning Commission approval with conditions of Planning Files GLUA-21-00045 / MAS-21-00006 / VAR-22-0001, because of unfair and biased decisions made on behalf of city planning officials and staff. I request that Icon be required to adhere to the new emergency land use development codes and include the two primary connector roads to their development plan.

The original concept plan for Park Place Crossing is an excellent and well-designed plan that will greatly enhance the city of Oregon City. I encourage the Oregon City Commissioners to make the necessary decisions during the appeal process that will turn this project into a win-win situation and ensure the success of this project for all future generations. Let's learn from the mistakes of the past and not repeat what happened in 2015 when Oregon City residents were evacuated from their homes when landslides damaged apartment buildings all because city officials rushed the approval and building process.

Jacqueline Dalseme

Dated 9/27/22

Park Place Crossing General Development Plan - Meeting May 23

1 message

Jackie Dalseme <jcdalseme@gmail.com>

To: kreid@orccity.org, planning@orccity.org

Thu, May 12, 2022 at 7:06 PM

Dear Oregon City Planning Commissioners,

The Park Place Crossing Concept Plan is quite an impressive and well-planned project and I believe it would be a tremendous improvement to Oregon City.

HOWEVER, to allow the developer to:

- Cut corners to save money
- Reduce minimum lot sizes to increase revenue
- Side-swipe new public safety codes based on "inside" information
- Change the aesthetics of the original concept vision
- Not have a solid plan to extend BOTH Holly and Swan streets
- Use outdated geological maps for a hazardous landslide area
- Delay the building of crucial evacuation streets, especially after what happened during the 2020 wildfires

IS DEAD WRONG!

I encourage the City Planning Commission to show that they are able to hold a neutral position, despite the existing conflicts of interest of a few of the Commissioners and the Community Development Director, by denying the proposed Master Project Plan and demand the developer fix the deviations from the original Park Place Concept Plan.

Thank you.

Jackie Dalseme
16369 Kitty Hawk Ave
Oregon City, OR 97045
760-690-7550



Facebook Twitter (/#twitter) Google+
(/#google_plus) Email (/#email) LinkedIn (/#linkedin)

Assisted by planners, Oregon City developers skirt new code

Raymond Rendleman July 23 2021

Staff alerts homebuilders of emergency code amendments so subdivisions won't be subject to new requirements

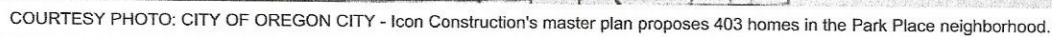
* Oregon City's mayor and city commissioners took city planning staff to task this week for alerting developers about forthcoming emergency code amendments so homebuilders could propose subdivisions without being subject to new requirements intended to promote public safety.

Oregon City Commissioner Denyse McGriff said she was "dismayed" by the situation. Expedited development brought to mind landslides forcing the evacuation of apartment buildings in late 2015, at a 125-unit, low-income project that city officials believe never should have been approved for construction in the 1990s.

"My concern is not only for the current residents who have been asking us to try to resolve this particular issue and make changes, and also our future residents so they are in a position that they are protected," McGriff said.

Mayor Rachel Lyles Smith said the city staff took the commission by surprise, since commissioners had intended to provide higher standards for new development, only to have city staff members encourage developers to rush in applications that will skirt the new codes.

The city commission unanimously passed emergency development code revisions July 21 requiring underground utilities, sewer standards and policies relating to sidewalk obstructions. Code now references the new landslide guide, while setting new construction specifications and retaining wall standards.



Icon's master plan has proposed 403 homes in OC's Park Place neighborhood, where the development will have only two outlets, a half-block street called Winston, and the new extension road.

(<https://reach.adspmg.com/cl.php?>

"Is Icon and Oregon City willing to be responsible for loss of life by knowingly proceeding with development without proper egress first?" Pastore asked. "Loss of life would be inevitable if a high-level evacuation were issued at this point in time. Why increase the odds? Some of our neighbors gave up when the exit time increased to an hour or more."

City Commissioner Frank O'Donnell pointed out a tension between the developer "client base" and the "citizens of our community," the latter felt should have priority. Item 4a.

"I was unaware that it was our practice to call up applicants and make them aware of a forthcoming change," O'Donnell said. "We undertook this in the interest of what we felt was protecting the community."

O'Donnell asked whether it was possible to call for a moratorium on development when the city is considering future emergency code changes. Oregon City's attorney responded that moratoriums are possible, but not easy.

O'Donnell asked whether it was necessary for the planning department to alert developers about pending code changes. While neither necessary nor illegal to alert developers, OC's attorney said it might look bad in court for the city if a developer upset over code changes sued. O'Donnell responded that he was willing to risk that possibility, saying it looked a lot worse for the city's own staff to be hamstringing the commission's efforts.

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bannerid=13058&zoneid=739&sig=f3d12cc2c1518fff92ccf51960fdbcb8cbcb439103a77b47f66e323039936bd99&oadeest=https%3A%2F%2Fcli.re%

Icon developers and their engineers recently met with the Park Place Neighborhood Association, but the meeting ended in controversy when several of the Trail View neighbors argued over traffic and safety concerns.

Bob La Salle, Park Place neighborhood land-use chair, was concerned that a proposed "emergency road" with a gate across it at Livesay Road would mean that all residents of the new development can only exit by going up and around residential streets through winding roads or a shortcut through Trail View.

Park Place developments have been controversial for decades. The 92-acre Park Place annexation, the largest addition to city limits in the history of Oregon City's ballot box, went down in defeat all three attempts, by 67% in 2008, 56% in 2010 and 62% in 2012.

In 2016, Gov. Kate Brown signed into law a bypass of city requirements for voter approval of property annexations in 34 cities, including Oregon City. Although the city of Corvallis and the League of Oregon Cities challenged the constitutionality of the law in court, Oregon City's elected officials at the time decided to stay out of the lawsuit and begin to approve annexations without voter approval.

Icon's proposal will face future Oregon City Planning Commission hearings to determine whether the development meets the previous city codes in place before July 21.

This updated online version of this story corrects the date that applications were submitted to July 20, not July 21. Responding to Pamplin Media Group's July 23 public-records request on Aug. 2, Oregon City also released a master plan submission from Icon Construction showing a proposal for 403 homes, an increase from the number of homes previously proposed.

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Public Works

Park Place Concept Plan

In 2002, nearly 500 acres of rural land located just east of Oregon City was brought into the Portland Metropolitan Urban Growth Boundary (UGB) to accommodate future growth. The Park Place Concept Plan was developed to help the City of Oregon City prepare for this growth by working with local citizens, area stakeholders, and local and regional jurisdictions to develop a common vision for the area. This vision provides a framework for growth that respects and augments the area's context, history, and natural systems. The Park Place Concept Plan emphasizes good urban design, multi-modal connectivity, opportunities for place-making and cultivating community, diversity, and, above all, a way to provide for future growth in a sustainable manner. Ultimately, the Park Place Concept Plan will ensure that the land brought in is planned in an efficient and sustainable manner that will maximize the use of the available lands while protecting the natural resources in the study area.



* Key components of the Park Place Concept Plan include: Two primary north-south connections between Holcomb Boulevard and Redland Road (Swan Avenue and Holly Lane)

- Two distinct mixed-use neighborhoods (North Village and South Village) that accommodate 1,459 new dwelling units
- Neighborhood-oriented commercial nodes that integrate commercial land uses, residential land uses, and public open space
- An area for a new civic institution, like a library or community center
- An 8-10 acre community park and a 3-5 acre neighborhood park
- A mix of housing types and ranges of affordability
- An extensive system of off-street and on-street trails and pedestrian/bicycle connections
- Innovative, green on-site stormwater treatment methods
- Protected sensitive areas, including drainages and steep slopes
- Streets and buildings oriented for solar access
- The use of green edges to define neighborhoods and buffer developments
- Integration of parks and open spaces into existing and future neighborhoods

Read the full report by clicking the link below:

CITY OF OREGON CITY

Community Development Department, 320 Warner Milne Road,
P.O. Box 3040, Oregon City, OR 97045, (503) 657-0891
www.ci.oregon-city.or.us

APPEAL OF A LAND USE DECISION

FILE # **AP** 22-00003 (of File #) AP 22-00005 DATE: 9/28/22

NAME: Jackie Hammond-Williams TELEPHONE #: 503 753-5321

ADDRESS: 16303 Wayne Dr Oregon City 97045

ADDRESS OR PROPERTY DESCRIPTION (T/R/S) OF SUBJECT PROPERTY:

15110 Holcomb blvd, 16530, 16644, 16582, 16644, 16582, 14631, 16472 Livsay

SUBJECT OF APPEAL: NOTICE OF DECISION DATE: 9 / 12 / 22 For File #:

GLUA-21-00045/MAS-21-00006/VAR-22-00001

Planning Commission

The undersigned hereby appeal(s) the decision of the _____

concerning the subject case. The decision to approve X deny _____ the application was made at the meeting held on 9/12/22.

REASONS FOR APPEAL: Please include a statement identifying which approval criteria are violated by the decision and an explanation of how those criteria are violated, or stating how the decision is otherwise in violation of applicable law. Please see Chapter 17.50 of Oregon City Municipal Code for Administration & Procedures concerning Appeals.

The decision to approve the plan violates the Park Place Concept Plan as the GDP does not contain the No1 KEY

ELEMENT which is the two north/south connector streets (Holly Lane and Swan Ave extension)

See page 1 of the PPCP.

Please see attached sheet

|

FILING FEE PAID: N/A DATE PAID: N/A RECEIPT NO.: N/A

Jackie Hammond-Williams 16303, Wayne Dr Oregon City OR 97045
Property Owner Signature Address

Property Owner Signature Address

****SIGNATURES REQUIRED IF APPLICABLE****

Signature Address
____ Contract Purchaser ____ Lessee ____ Prospective Purchaser

INSTRUCTIONS FOR COMPLETING LAND USE APPLICATIONS

- 1. All applications must be either typed or printed (black ink). Please make the words easily readable.**
- 2. The application must be submitted with the correct fee**
- 3. If you mail in the application, please check with the Planning Division to ensure that it was received and that all necessary fees and information are with the application form.**
- 4. If you wish to modify or withdraw the application, you must notify the Planning division in writing. Additional fees may be charged if the changes require new public notice and/or if additional staff work is necessary. Any refund will reflect the amount of time staff worked up until the date a letter of withdrawal is received.**
- 5. With the application form, please attach all the information you have available that pertains to the application you are submitting. All applicable standards and criteria must be addressed prior to acceptance of the application. Detailed descriptions, maps, and other relevant information should be attached and will be available for public review.**
- 6. Incomplete applications will be returned.**

Jackie Hammond-Williams

9/28/22

16303, Wayne Dr. Oregon City.

In reference to the PC approval of GLUA-21-00045/MAS-21-00006/VAR-22-00001

The decision to approve the Park Place Crossing has violated the Park Place Concept Plan (PPCP) as no north/south connector streets will be constructed, these were the **number 1 KEY COMPONENT** of the PPCP!(see Summary, page 1 of PPCP)

PPCP Page 5: **Transportation Streets sized to handle future growth: A network of local, collector, and arterial streets provide the area with sufficient capacity and connectivity to meet anticipated travel demands, well into the future.** Access to HWY 213 and I-205 will be provided by an improved 5-lane Redland Road corridor, (unless a smaller cross section is proven adequate) designated as a Minor Arterial. Holcomb Boulevard will serve the area as a 2- to 3-lane Minor Arterial. **Holly Lane and Swan Avenue, designated as Collectors, will both be extended and improved to provide pedestrian, bicycle, and auto/transit facilities from Holcomb Boulevard to south of Donovan Road.**

The current plan puts an undue burden on Holcomb Blvd, which is why the N/S Collectors are so important and should have been mandated to be built as a condition of approval.

PPCP Page 5: Opportunities for all modes of travel: The Park Place Concept Plan identifies facilities that provide for a full range of travel modes, **including an adequate road system for automobiles,** bicycle lanes, sidewalks and trails that provide multiple opportunities for bicycle and pedestrian travel, and a looped transit system that will enhance public transit travel opportunities. **The network of streets is designed to easily disperse vehicular traffic, readily accommodate transit, and fully integrate pedestrian and bicycle travel.**

With no N/S Connectors there is not an adequate road system and ALL traffic enters and exits from Holcomb . Holcomb was NEVER intended to carry all the traffic as per the Concept Plan.

PPCP page 5:Connectivity within and outside study area: **The Park Place Concept Plan incorporates a well-connected transportation system with two primary north/ south travel routes (Holly and Swan corridors) providing connectivity both within and outside of the planning area.** Similarly, Redland Road serves the same purpose for east/west travel through the area, complemented by Holcomb Boulevard. Local streets in a grid pattern will provide strong connectivity within individual sub-areas of neighborhoods.

The current plan approved by the Planning Commission does NOT provide “a well-connected transportation system” In fact it provides a dangerously confined entry and exit into the development and in the event of an evacuation of the neighborhood could prove to be catastrophic for residents

PPCP page 33: **The Swan Avenue extension will include bridges across the Livesay Creek canyon and Abernethy Creek, creating much needed connections between adjacent neighborhoods and providing adequate capacity and system redundancy critically needed during times of emergency. In addition, Holly Lane would be extended north from Redland Road to connect with Holcomb Boulevard, providing good access, connectivity, and system redundancy to the area.**

None of this is taken into consideration in the current plan yet these connector streets (Swan and Holly) were a large part of the PPCP!

PPCP Page 36: **A network of streets is necessary to satisfy the core values of the Plan and meet the needs of the traveling public.** In the approved current plan there is NO “network of streets” as intended in the PPCP.

PPCP Page 43: **Transit. Figure 3-7 shows proposed transit routes within the planning area.** How can transit be accomplished without the connector streets?

PPCP Page 18: **The area has limited access points, making it an unlikely candidate for more regional-serving retail services. From a market perspective, a commercial center that can capitalize on through traffic from existing arterials will increase the viability of retail space, particularly during the study area’s build-out period.**

Without the proposed N/S Connector streets built how can any retail along the Livesey be viable? In a development that is a deep pocket on a slop with very limited access at the north end be attractive to retail businesses?

The commercial needs of the planning area can be met outside of the concept planning area by existing and planned developments. However, commercial development can serve to organize the Park Place Concept Plan by providing a “center” to the community. **In addition, commercial development can meet some of the needs of the community, providing a marketable amenity for residential development while reducing trips out of the neighborhood.**

The PPCP provided a blueprint for a development that created a vibrant neighborhood, with a viable thriving commercial district which was intended to limit trips to and from the neighborhood. The lack of the key component of the PPCP (the two connector streets Holly and Swan) will severely impact this commercial area.

CITY OF OREGON CITY

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P.O. Box 3040, Oregon City, OR 97045, (503) 657-0891
www.ci.oregon-city.or.us

APPEAL OF A LAND USE DECISION

FILE # **AP** 22-00003 (of File #) 22-00005 GLUA-21-00045 MAS-21-00006 VAR-22-00001 DATE: 9/28/22
NAME: Enoch Huang TELEPHONE #: 503-553-9983
ADDRESS: 16509 S Edenwild Lane, Oregon City, OR 97045

ADDRESS OR PROPERTY DESCRIPTION (T/R/S) OF SUBJECT PROPERTY:
Park Place Crossing

SUBJECT OF APPEAL: NOTICE OF DECISION DATE: 9/12/22 For File #:
GLUA-21-00045 MAS-21-00006 VAR-22-00001

The undersigned hereby appeal(s) the decision of the Oregon City Planning Commission

concerning the subject case. The decision to approve X deny the application was made
at the meeting held on 9/12/22.

REASONS FOR APPEAL: Please include a statement identifying which approval criteria are
violated by the decision and an explanation of how those criteria are violated, or stating how the
decision is otherwise in violation of applicable law. Please see Chapter 17.50 of Oregon City
Municipal Code for Administration & Procedures concerning Appeals.

Please see attached

FILING FEE PAID: Waived DATE PAID: N/A RECEIPT NO.: N/A


Property Owner Signature

16509 S Edenwild Lane, Oregon City, OR 97045

Address



16509 S Edenwild Lane, Oregon City, OR 97045

Address

Property Owner Signature

****SIGNATURES REQUIRED IF APPLICABLE****

Signature

Address

 Contract Purchaser

 Lessee

 Prospective Purchaser

INSTRUCTIONS FOR COMPLETING LAND USE APPLICATIONS

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- 3. If you mail in the application, please check with the Planning Division to ensure that it was received and that all necessary fees and information are with the application form.**
- 4. If you wish to modify or withdraw the application, you must notify the Planning division in writing. Additional fees may be charged if the changes require new public notice and/or if additional staff work is necessary. Any refund will reflect the amount of time staff worked up until the date a letter of withdrawal is received.**
- 5. With the application form, please attach all the information you have available that pertains to the application you are submitting. All applicable standards and criteria must be addressed prior to acceptance of the application. Detailed descriptions, maps, and other relevant information should be attached and will be available for public review.**
- 6. Incomplete applications will be returned.**

Reasons for Appeal 22-00003/22-00005
GLUA-21-00045 MAS-21-00006 VAR-22-00001

Submitted jointly by:

Enoch Huang
 Roya Mansouri
 Jed Peterson
 Elisabeth Peterson

Item 1

Procedural Issue: At the Sept 12, 2022 OC Planning Commission meeting, when facing a 3-3 tie, City Attorney Bill Kabeiseman should have offered a third option to the commissioners that the proposal could be rejected. OCMC 2.24.080 states that “If a quorum is present, all matters shall be decided by a vote of the majority.” There is no provision that votes can end in a tie.

Reason for Appeal: The Planning Commission was not properly advised of all of their options.

Item 2

Procedural Issue: At the Sept 12, 2022 OC Planning commission meeting, commissioner Chris Staggs was called by a person who was at the meeting to cast a tie-breaking vote. Commissioner Staggs did not undergo disclosure of *ex parte* contact or verification of identity before being allowed to cast his vote. He was not part of the earlier discussion about Clackamas County Ordinance 07-1007 and was uninformed of the issues pertaining to the vote - especially the discussion about Clackamas County Ordinance 07-1007. The phone call was not initiated by anyone on the City Staff. It is alleged that the person who contacted Commissioner Staggs is named Derek Metson, principal architect of Greenbox Architecture, LLC. The fact that a developer had a planning commissioner’s personal cell phone number – and said commissioner was ready to cast an uninformed vote – raises the question of the partiality of that planning commissioner.

Reason for Appeal: The city staff should not have allowed this vote to be taken without following proper protocol. The vote should have remained deadlocked and the Park Place Crossing General Development Plan (GDP) should never have been approved.

Item 3

Procedural Issue: Ordinance 07-1007 requires that an amendment to the Park Place Concept Plan (CP) be made if there are changes to the Concept Plan. These changes need to be reviewed by the public and accepted before the Concept Plan can be changed. The GDP varies considerably from the CP, and

therefore Ordinance 07-1007 requires that the CP be amended and reviewed before a Development Plan is accepted.

Planning Commission Response: The planning commission was deadlocked in a 3-3 tie before the above mentioned tie-breaker vote was cast.

Reason for Appeal: The GDP is significantly different from the CP in a few key ways that an amended concept plan is required. The GDP cannot be accepted before the concept plan is amended per county ordinance.

Key components of the Park Place Concept Plan include:

- Two primary north-south connections between Holcomb Boulevard and Redland Road (Swan Avenue and Holly Lane)
- Two distinct mixed-use neighborhoods (North Village and South Village) that accommodate 1,459 new dwelling units
- Neighborhood-oriented commercial nodes that integrate commercial land uses, residential land uses, and public open space
- An area for a new civic institution, like a library or community center
- An 8-10 acre community park and a 3-5 acre neighborhood park
- A mix of housing types and ranges of affordability
- An extensive system of off-street and on-street trails and pedestrian/bicycle connections
- Innovative, green on-site stormwater treatment methods
- Protected sensitive areas, including drainages and steep slopes
- Streets and buildings oriented for solar access
- The use of green edges to define neighborhoods and buffer developments
- Integration of parks and open spaces into existing and future neighborhoods

Executive Summary from Concept Plan: <https://www.orcity.org/publicworks/park-place-concept-plan>



The proposed GDP lacks many of these key concepts.

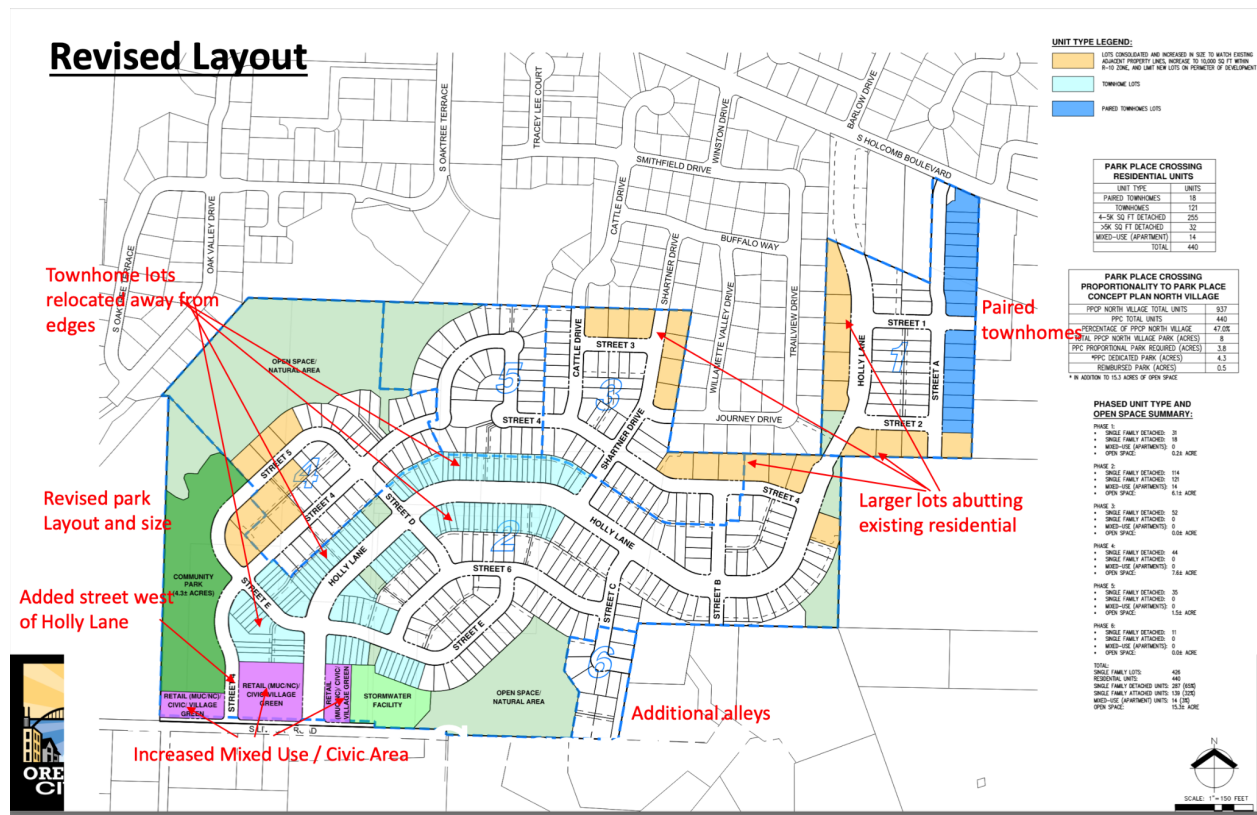
- There are ZERO north-south connections between Holcomb Blvd and Redland Rd, which is a major concern for citizens with regard to emergency services access, daily traffic volume, and evacuation routes. The applicant is unable to provide this north-south connection because they

do not own the land. **This single criteria is enough to require an amendment to the Concept Plan.**

- There is no green edge to buffer Phase 1 homes from surrounding neighborhoods
- There is no extensive system of off-street and on-street trails
- The community park is only 4.3 acres instead of the 8-10 acres in the Concept Plan
- The density along Holly Lane is in direct contrast to the Concept Plan (excerpt from page 3 of Executive Summary)

Existing low-density clusters: Properties along Lower Livesay Road and Holly Lane are expected to remain as low-density clusters in the foreseeable future. They will have the potential to transition to medium-density residential uses over time. However, in the near term they are expected to retain the lowest densities within the planning area.

- The number of lots required by the Concept Plan is being forced into smaller areas of developable land, resulting in requests for lot sizes of 1,800 square feet, which is much smaller than the R-5 and R-10 lots in the neighborhood.



In addition the original Park Place Concept Plan suggested low-density housing (R-10s) with green near other neighborhoods which is currently not occurring in the Phase I portion of the development.

Attached townhomes abut the eastern corner of the development, and there are no green edges to buffer the development from the adjacent residential lot. It is important to note that the City anticipated further rezoning of at least some of the land to achieve the required Concept Plan densities, expecting that some of the R-5 zone would need to be rezoned to R-3.5, and some of the R-10 zone to R-8 or R-6. The applicant has not proposed such a zone change, but has instead included attached single family uses in the R-5 zone, which have a higher maximum density standard, along with a variance to reduce the minimum lot size allowing for more attached units to fit within the proposed attached dwelling area. Again, this is significantly different from the original Concept Plan and would require an amendment and a vote by all Oregon City citizens.

The applicant has proposed a density of 9.1 units per net developable acre, resulting in 476 total units. The Park Place Concept Plan includes 1,459 total residential units, with 937 in the North Village area. The Park Place Crossing Master Plan area encompasses approximately 50% of the acreage of the North Village area. It is the applicant's responsibility to show that the number of units proposed will be consistent with the Park Place Concept Plan density assumptions as well as within the minimum and maximum densities of the zone. The applicant has proposed 476 units, which is 50.8% of the total number of units planned in the North Village. Based on zoning alone, applying the minimum density standard would result in 318 units in the project area. This would only provide 34% of the total 937 units required in the North Village, and would put a burden on the remaining properties in the North Village to develop at densities that may be infeasible and/or inconsistent with the Concept Plan itself.

However, is it necessary to have so many units in the North Village? The Park Place Concept Plan does not break down the units according to geographical location, but according to the included plan below, it appears that the residual southern region of the North Village is larger and flatter with likely more usable acreage which would potentially mean it could sustain more housing than the current Park Place Crossing. There should be more evaluation of the percentage of buildable acreage of each area of the North Village as it may directly impact the developer's explanation for the increased density it proposes.

The original Park Place Concept Plan also states that plan to "Preserve and maintain existing trees and tree canopy coverage, and plant trees, where appropriate, to maximize future tree canopy coverage." (FCP, pg. 69) The developer has not provided an accurate and enforceable plan on the preservation and maintenance of existing trees and tree canopy coverage, particularly in regions that abut neighboring properties and would also be able to fulfill one of the key components to use green edges. Again, the proposed plan is distinctly different from the PPCP. Indeed, when looking at their revised layout, it appears that a very weak effort was made to revise the layout, given a few expansion of lots, (with attached townhomes as a result in Phase I) as well as no green boundaries or buffer zones or maintenance of tree canopies.

Conclusion: The Park Place Crossing General Development Plan is a square peg being forced into a round hole. The Park Place Concept Plan needs to be amended and adapted to the realities of the site, presented and reviewed by the public, and then presented for general development plan review. An approval of a GDP now circumvents Clackamas County Ordinance 07-1007 and deprives its citizens of their significant rights.

Item 4
OCMC 17.49 Natural Resource Overlay District

Situation: After listening to testimony regarding the Natural Resource Overlay District (NROD) governed by OCMC 17.49, the Planning Commission instituted three Conditions of Approval:

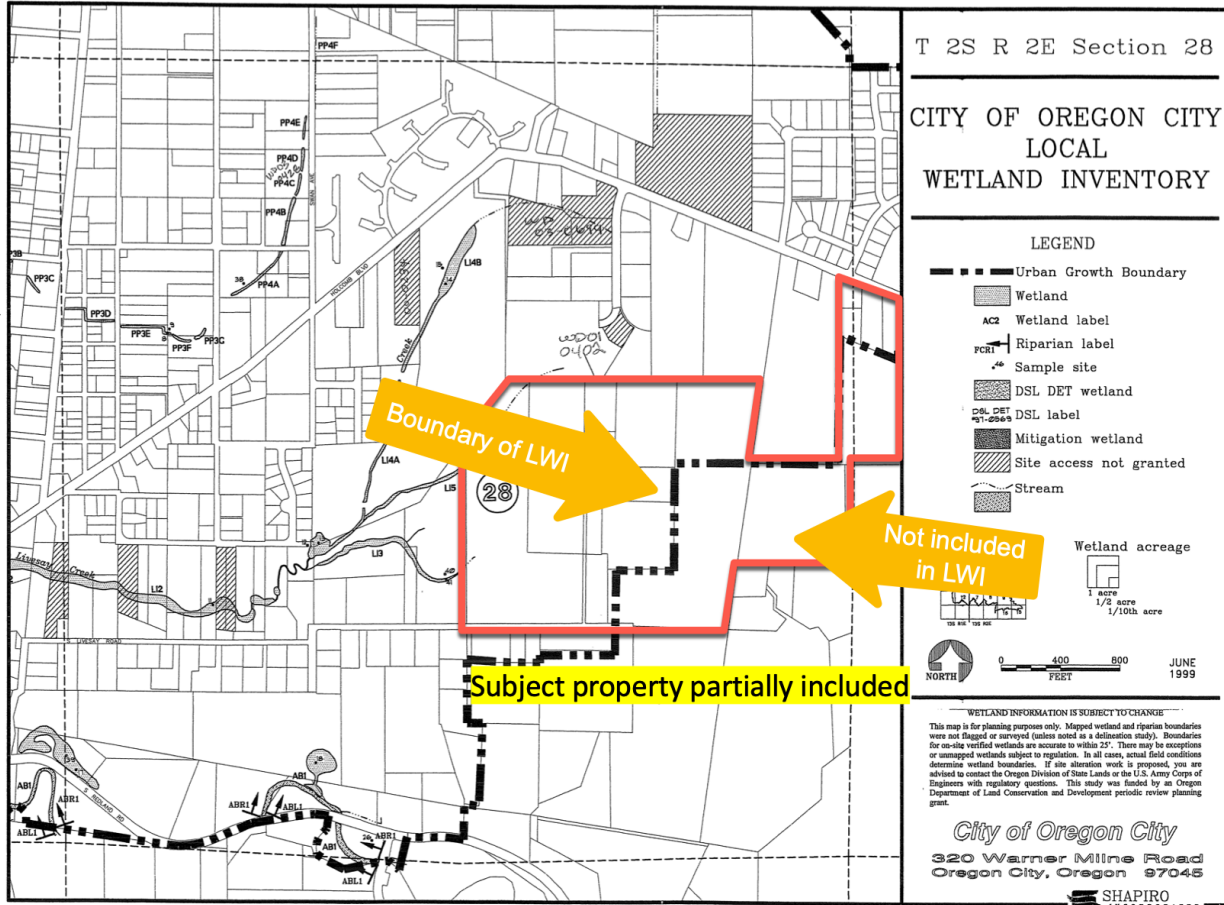
16. Any development phases that include mapped Natural Resources Overlay District areas shall be reviewed for compliance with criteria in OCMC 17.49 either before or at the time of first DDP application. Development within areas not included in the applicant's preliminary NROD report are required to be delineated in accordance with standards in OCMC 17.49 and reviewed as part of DDP review.
17. Formal NROD verification of Charman Creek shall be required before or as part of the Phase 1 DDP, with third party review required. The NROD study should include field analysis along the entire shared property line with tax lot 400 near the mapped Charman Creek headwaters, as depicted in Exhibit 8.
21. All NROD Verifications required for detailed development plan review shall be reviewed through the Type II process described in OCMC 17.49.250 unless a Type III review is otherwise required by OCMC 17.49. Third party NROD verification review shall be required for all NROD areas, at the applicant's expense. The Planning Division will manage the third-party review from an outside consultant during NROD application review.

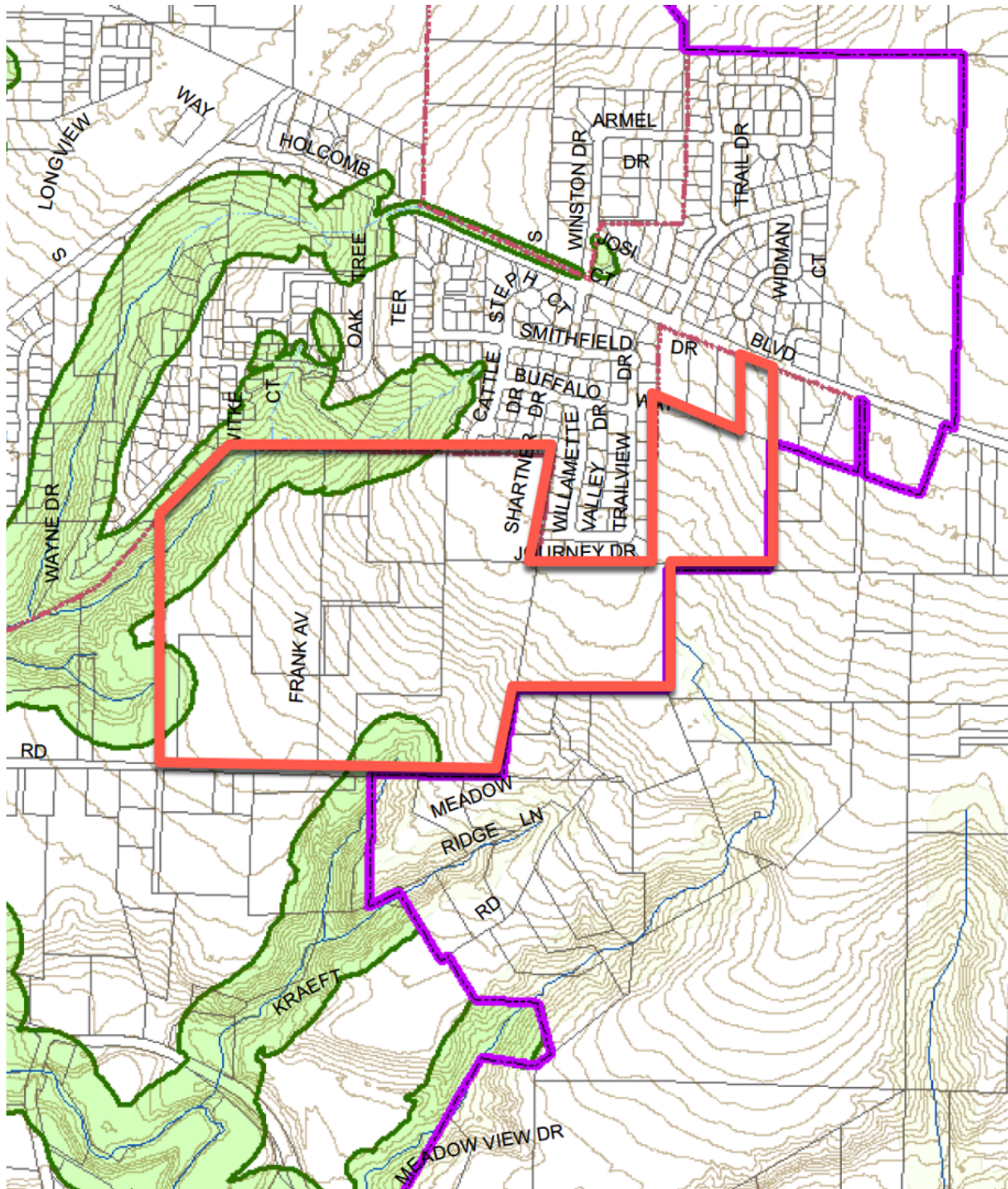
We anticipate that the developer will appeal these COA as they state in their letter of May 23, 2022:

First, a revision to the NROD boundary is not proposed in the Application. Second, none of wetland [sic] identified in the Applicant's wetland delineation about the NROD boundary. Finally, substantial evidence in the record supports a conclusion that all wetlands and streams were correctly identified in the Applicant's wetland delineation, which has received concurrence by the Oregon Department of State Lands ("DSL")...

...the City is neither required nor permitted to change the NROD boundary as it relates to the Application. The Application is subject to the "Fixed Goal-Post Rules" in ORS 227.178(3), which precludes amendment of the NROD map as applicable to the Application. And, under OCMC 17.49.030.2, the Applicant has the discretion whether or not to request a change in the NROD map boundary in a quasi-judicial review.

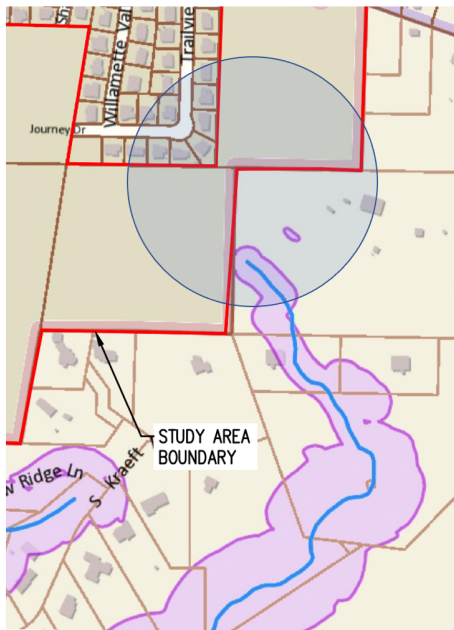
Request to the City Commission: It is imperative that the commission keep Conditions of Approval 16, 17, and 21. It is obviously in the applicant's best interest *not* to revise the NROD boundary as the NROD identifying documents (17.49.020.A1 - 17.49.020.A8) are inaccurate and out of date (e.g., 1999 Local Wetland Inventory does not include the eastern half of the subject property).



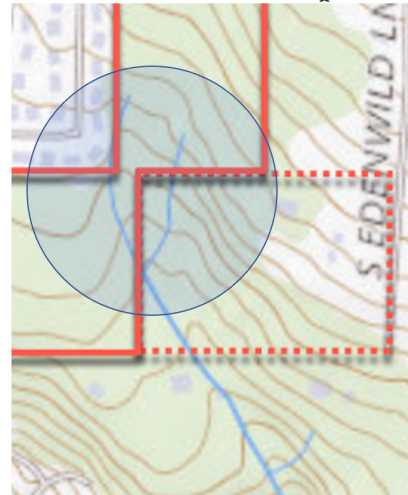


The fact that none of the wetlands identified in their wetland delineation about the NROD boundary is a given because the NROD boundaries stop abruptly at the Urban Growth Boundary (even though the waterways continue) and do not include the most proximal headwaters of Charman creek identified in the USGS map (a map that the applicant entered into evidence).

Map provided by AKS/ICON

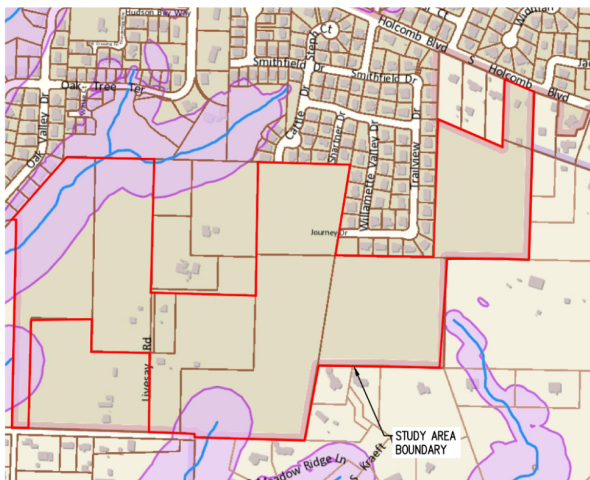


USGS Map Quadrangle Oregon City 2020

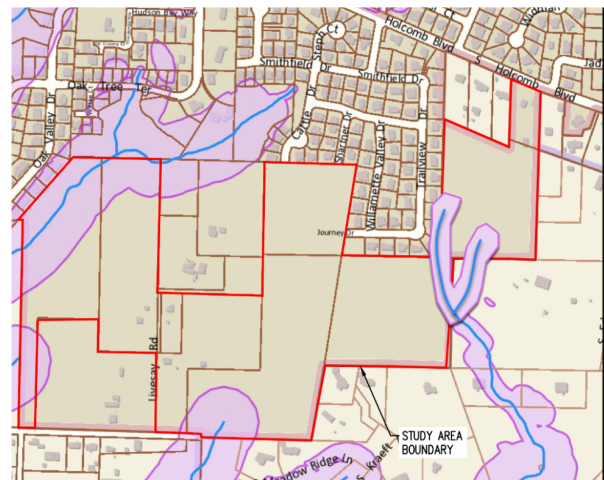


Two tributaries of Charman Creek are missing from the NROD map

OREGON CITY GIS MAPPING
NATURAL RESOURCE OVERLAY DISTRICT



Existing NROD Boundary Map



Potential revised NROD Boundary Map

The applicant states that the Department of State Lands concurs with their wetland and waterway boundaries in the AKS delineation report. However, the DSL report specifically states “this concurrence is for purposes of the state Removal-Fill Law only.”

It is therefore right and just that COA 16 requires delineation of areas not included in the applicant’s preliminary NROD report. The requirement of COA 17 to map the headwaters of Charman creek and the field analysis along tax lot 400 is the only way to ensure compliance with OCMC 17.49. Finally, the requirement of COA 21 to have independent third-party review of NROD verifications is the only way to ensure impartiality.

Finally, with regard to the applicant's argument that under OCMC 17.49.030.2 they are allowed to choose whether to request a change in the NROD map boundary, a complete citation of the code shows this is not the case:

17.49.030.2 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.

OCMC 17.49.250 (Verification of NROD boundary) states:

The NROD boundary may have to be verified occasionally to determine the true location of a resource and its functional values on a site.

Conclusion: The City does have the ability and responsibility to ensure that the NROD boundary is accurate, particularly as almost 50% of the proposed development site has no NROD verification as was annexed after the last update of the NROD map.

Item 5

Procedural issue: Oregon City Community Development - Planning Requirement

"Submittal of a Land Use Application The application will be deemed complete or incomplete within 30 days. If the application is incomplete, the applicant is responsible for re-submitting the required information within 180 days of the original submittal date."

The submitted plan was shown to be incomplete and was found to have a number of factual errors and omissions. As such, the application should have been deemed incomplete and the applicant should have re-submitted the required information within 180 days of the original submittal date. Several public hearings occurred despite the application not meeting the requirements. The developer continued to modify the application over the course of those hearings but has not met the requirement for a "Submittal of a Land Use Application."

Item 6

Code issue: 12.04.025 180 Street Design--Minimum Right-of-Way.

All development shall provide adequate right-of-way and pavement width. Adequate right-of-way and pavement width shall be provided by: A. Complying with the Street Design Standards contained in the table provided in chapter 12.04. The Street Design Standards are based on the classification of streets that occurred in the Oregon City Transportation System Plan (TSP), in

particular, the following TSP figures provide the appropriate classification for each street in Oregon City: Figure 5-1: Functional Classification System and New Roadway Connections; Figure 5-3: Pedestrian System Plan; Figure 5.6: Bicycle System Plan; and Figure 5.7: Public Transit System Plan. These TSP figures from the Oregon City Transportation System Plan are incorporated herein by reference in order to determine the classification of particular streets.

Response: Developers requested a significant variance as there is a requirement that a minor arterial type of street requires 88 feet pavement width.

This requirement is essential for making the streets safe for pedestrians, bicyclists, cars, emergency vehicles, etc. Furthermore, the required park is not in phase 1 and to travel to the park from phase 1 housing will require transversing a minor arterial street that does not meet the Municipal Code. As such, this proposal fails to address on multiple levels the needs and requirements of the Park Place Plan and the Municipal Code.

Item 7

Code issue: 16.08.025 Preliminary Subdivision Plat--Required Plans.

Traffic/Transportation Plan. The applicant's traffic/transportation information shall include two elements: (1) A detailed site circulation plan showing proposed vehicular, bicycle, transit and pedestrian access points and connections to the existing system, circulation patterns and connectivity to existing rights-of-way or adjacent tracts, parking and loading areas and any other transportation facilities in relation to the features illustrated on the site plan; and (2) a traffic impact study prepared by a qualified professional transportation engineer, licensed in the state of Oregon, that assesses the traffic impacts of the proposed development on the existing transportation system and analyzes the adequacy of the proposed internal transportation network to handle the anticipated traffic and the adequacy of the existing system to accommodate the traffic from the proposed development. The City Engineer may waive any of the foregoing requirements if determined that the requirement is unnecessary in the particular case.

Response: The flawed traffic impact study presented was performed during COVID closures when many businesses and schools were not "in-person." Even with that flawed study, it was noted that the Redland/OR-213 intersection will not be able to handle the predicted increase in traffic by 2026 even without this new development.

Item 8

Code issue: 17.21.090 - Garages and accessory structures.

"Garages must be detached, side entry or rear entry. For side entry garages: The garage area shall not be located in front of the living area. Accessory structures shall be designed consistent

with the primary residence. Consistency of design includes the use of similar roofing, siding, and trim. For the purposes of this section, detached garages may be connected by a breezeway but consequently, will be subject to the setbacks of the underlying zone.”

Response: The developer never submitted a plan that was compliant with this municipal code. The plans have been revised numerous times since the initial submission. Initial plans were even less compliant than current plans. Nevertheless, the developer needs to submit a plan that is entirely compliant as it is clearly possible to be compliant if they revise their plans further into the plan that should have been originally submitted.

Item 9

Code issue: 17.16.040 Driveway access and parking

A. Garages on the front façade, off-street parking areas in the front yard, and driveway accesses in front of a dwelling are permitted in compliance with the following standards:

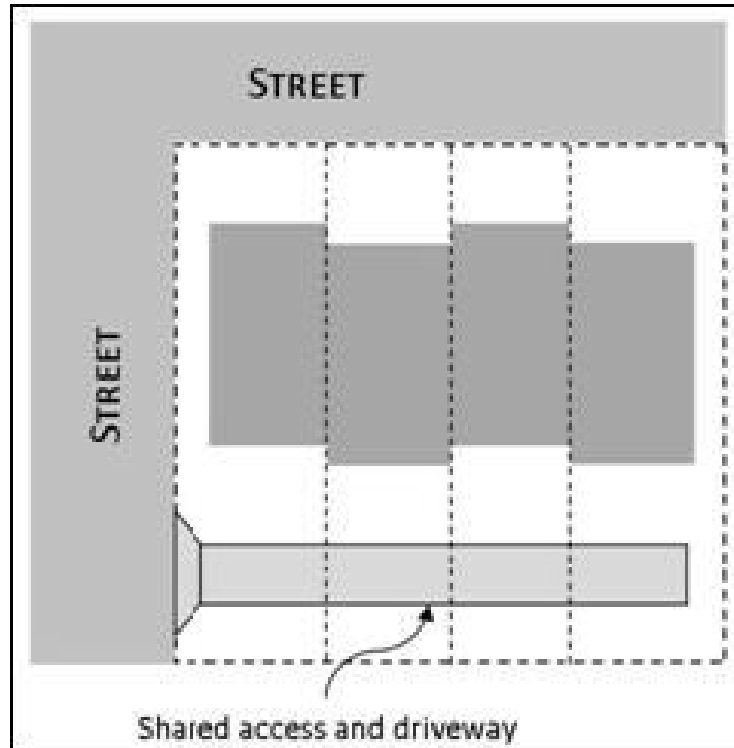
1. All driveways shall comply with OCMC [16.12.035](#).
2. Outdoor on-site parking and maneuvering areas shall not exceed twelve feet wide on any lot; and
3. The garage width shall not exceed twelve feet.

B. Garages not on the front façade and single-family attached dwellings which do not include off-street parking in the front yard are permitted in compliance with the following standards:

1. Off-street parking areas shall be accessed on the back façade or located in the rear yard. No off-street parking shall be allowed in the front yard or side yard.
2. Development that includes a corner lot shall take access from a single driveway on the side of the corner lot. The city engineer may alter this requirement based on street classifications, access spacing, or other provisions. See Figure 17.16.040.B.2.

Figure 17.16.040.B.2

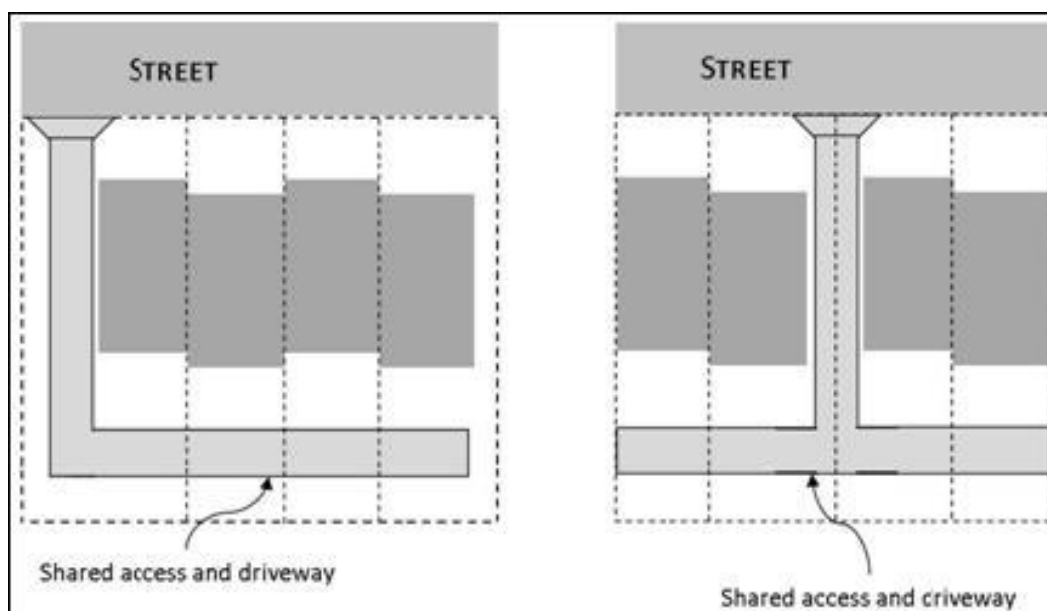
Development with Corner Lot Access



3. Development that does not include a corner lot shall consolidate access for all lots into a single driveway. The access and driveway are not allowed in the area directly between the front façade and front lot line of any of the single-family attached dwellings. See Figure 17.16.040.B.3.

Figure 17.16.040.B.3

Development with Consolidated Access



4. A development that includes consolidated access or shared driveways shall record access easements to allow normal vehicular access and emergency access.

C. Developments served by an alley providing access to the rear yard are exempt from compliance with OCMC 17.16.040.A and 17.16.040.B.

D. Driveways shall comply with the standards of OCMC [16.12.035](#).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)”

Response: The developer never submitted a plan that was compliant with this municipal code. The plans have been revised numerous times since the initial submission. Initial plans were even less compliant than current plans. Nevertheless, the developer needs to submit a plan that is entirely compliant as it is clearly possible to be compliant if they revise their plans further into the plan that should have been originally submitted.

Item 10

Code issue: 17.44.010 - Intent and purpose

“The intent and purpose of the provisions of this chapter are:

- A. To ensure that activities in geologic hazard areas are designed based on detailed knowledge of site conditions in order to reduce the risk of private and public losses;
- B. To establish standards and requirements for the use of lands within geologic hazard areas;
- C. To provide safeguards to prevent undue hazards to property, the environment, and public health, welfare, and safety in connection with use of lands within geologic hazard areas;
- D. To mitigate risk associated with geologic hazard areas, not to act as a guarantee that the hazard risk will be eliminated, nor as a guarantee that there is a higher hazard risk at any location. Unless otherwise provided, the geologic hazards regulations are in addition to generally applicable standards provided elsewhere in the Oregon City Municipal Code.”

Response: This has been discussed ad nauseum by the public and several commissioners during the hearings. The plan clearly puts the public and the new development at risk with a variety of known geologic hazards including but not limited to: flooding, fires, and landslides. Rightfully, there was public outcry and the proposed plan fails to address these issues in a meaningful way.

Item 11

Code issue: 17.44.050 - Development - Application requirements and review procedures and approvals

“Except as provided by subsection C of this section, an application for a geologic hazards overlay review shall include the following:

- A. A geological assessment and geotechnical report that specifically includes, but is not limited to:
 1. Comprehensive information and data regarding the nature and distribution of underlying geology, the physical and chemical properties of existing soils and groundwater; an opinion of site geologic stability, and conclusions regarding the effect of geologic conditions on the proposed development. In addition to any field reconnaissance or subsurface investigation performed for the site, the following resources, as a minimum, shall be reviewed to obtain this information and data:
 - a. The State of Oregon Department of Geology and Mineral Industries (DOGAMI) in Bulletin 99, Geology and Geological Hazards of North Clackamas County, Oregon (1979), or in any subsequent DOGAMI mapping for the Oregon City area;
 - b. Portland State University study entitled "Environmental Assessment of Newell Creek Canyon, Oregon City, Oregon" (1992);
 - c. Portland State University study, "Landslides in the Portland, Oregon, Metropolitan Area Resulting from the Storm of February 1996: Inventory Map, Database and Evaluation" (Burns and others, 1998);
 - d. DOGAMI Open File Report O-06-27, "Map of Landslide Geomorphology of Oregon City, Oregon, and Vicinity Interpreted from LIDAR Imagery and Aerial Photographs" (Madin and Burns, 2006);
 - e. "Preliminary Geologic Map of the Oregon City Quadrangle, Clackamas County, Oregon" (Madin, in press);
 - f. Landslide Hazards Land Use Guide for Oregon Communities (October 2019), prepared by the State of Oregon Department of Geology and Mineral Industries (DOGAMI) and the Oregon Department of Land Conservation and Development (DLCD);
 - g. Landslide hazard and risk study of northwestern Clackamas County, Oregon: Oregon Department of Geology and Mineral Industries, Open-File Report O-13-08, 74 map plates; Burns, W.J., Mickelson, K.A., Jones, C.B., Pickner, S.G., Hughes, K.L., Sleeter, R., 2013.
 - h. Mapped landslide data shall be from the city's maps as a minimum but may be supplemented with maps from items a through f above.
 2. Information and recommendations regarding existing local drainage, proposed permit activity impacts on local drainage, and mitigation to address adverse impacts;
 3. Comprehensive information about site topography;
 4. Opinion as to the adequacy of the proposed development from an engineering standpoint;
 5. Opinion as to the extent that instability on adjacent properties may adversely affect the project;
 6. Description of the field investigation and findings, including logs of subsurface conditions and laboratory testing results;
 7. Conclusions regarding the effect of geologic conditions on the proposed development, tree removal, or grading activity;
 8. Specific requirements and recommendations for plan modification, corrective grading, and special techniques and systems to facilitate a safe and stable site;
 9. Recommendations and types of considerations as appropriate for the type of proposed development:
 - a. General earthwork considerations, including recommendations for temporary and permanent cut and fill slopes and placement of structural fill;
 - b. Location of residence on lot;

- c. Building setbacks from slopes;
- d. Erosion control techniques applicable to the site;
- e. Surface drainage control to mitigate existing and potential geologic hazards;
- f. Subsurface and/or management of groundwater seepage;
- g. Foundations;
- h. Embedded/retaining walls;
- i. Management of surface water and irrigation water; and
- j. Impact of the development on the slope stability of the lot and the adjacent properties.
- k. Construction phasing and implementation schedule as it relates to foundation excavation, allowance for stockpiles, imported backfill, site subsurface drainage or dewatering, provision for off season site protections;
- l. Stormwater management; and
- m. Construction methods.

10. Scaled drawings that describe topography and proposed site work, including:

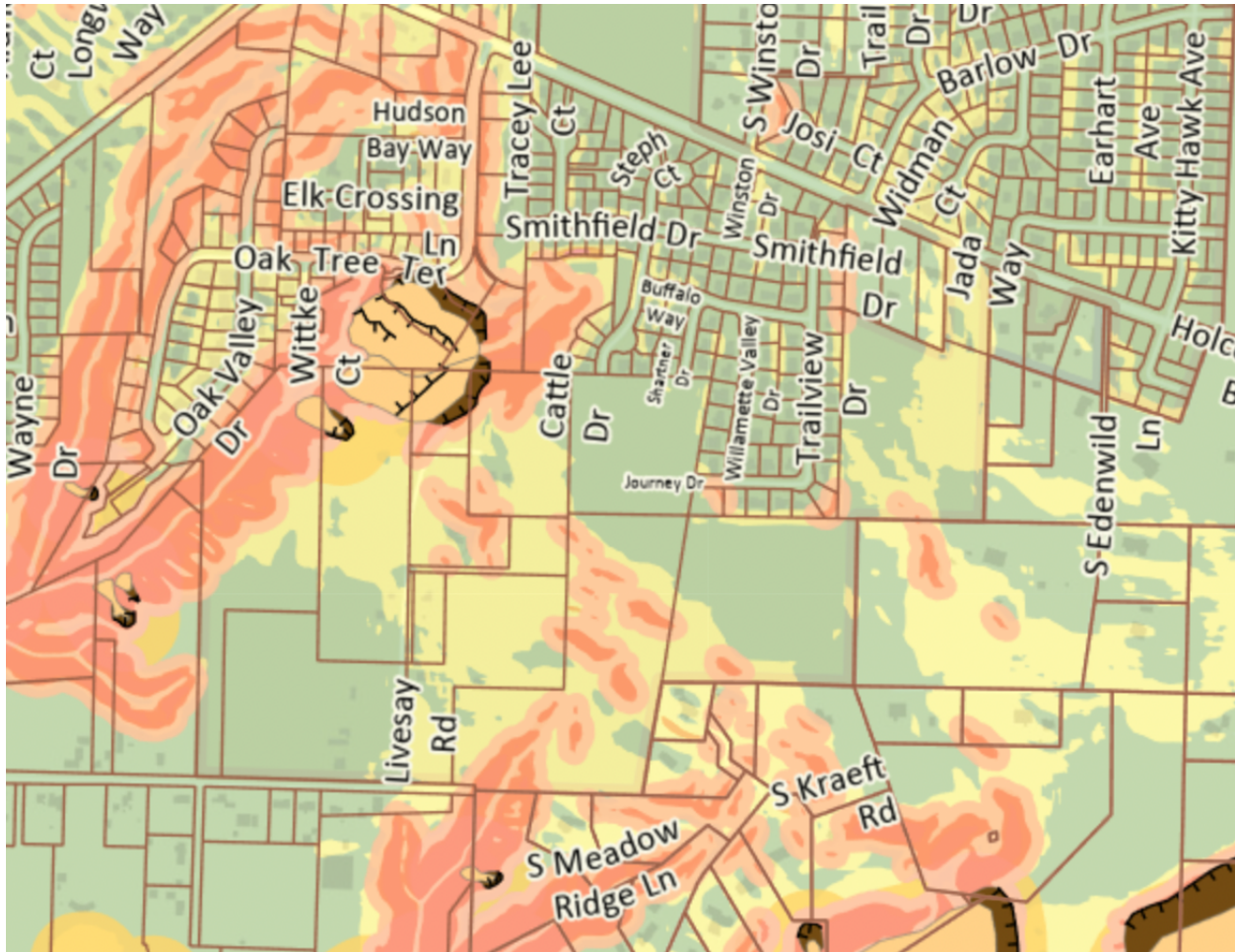
- a. Natural physical features, topography at two or ten-foot contour intervals locations of all test excavations or borings, watercourses both perennial and intermittent, ravines and all existing and man-made structures or features all fully dimensioned, trees six-inch caliper or greater measured four feet from ground level, rock outcroppings and drainage facilities;
- b. All of the features and detail required for the site plan above, but reflecting preliminary finished grades and indicating in cubic yards whether and to what extent there will be a net increase or loss of soil.
- c. A cross-section diagram, indicating depth, extent and approximate volume of all excavation and fills.

11. For properties greater than one acre and any property that has any portion of its property existing within a mapped landslide, where the activity is not exempted by [Section 17.44.035](#), a preliminary hydrology report, prepared by a suitably qualified and experienced hydrology expert, addressing the effect upon the watershed in which the proposed development is located; the effect upon the immediate area's stormwater drainage pattern of flow, the impact of the proposed development upon downstream areas and upon wetlands and water resources; and the effect upon the groundwater supply.

B. Review procedures and approvals require the following:

- 1. Examination to ensure that:
 - a. Required application requirements are completed;
 - b. Geologic assessment and geotechnical report procedures and assumptions are generally accepted; and
 - c. All conclusions and recommendations are supported and reasonable.
- 2. Conclusions and recommendations stated in an approved assessment or report shall then be directly incorporated as permit conditions or provide the basis for conditions of approval for the regulated activity.
- 3. All geologic assessments and geotechnical reports shall be reviewed by an engineer certified for expertise in geology or ::geologic engineering and geotechnical engineering, respectively, as determined by the city. The city will prepare a list of prequalified consultants for this purpose. The cost of review by independent review shall be paid by the applicant.

C. The city engineer may waive one or more requirements of subsections A and B of this section if the city engineer determines that site conditions, size or type or development of grading requirements do not warrant such detailed information. If one or more requirements are waived, the city engineer shall, in the staff report or decision, identify the waived provision(s), explain the reasons for the waiver, and state that the waiver may be challenged on appeal and may be denied by a subsequent review authority.”



https://maps.oregoncity.org/Html5Viewer_4_14_2/index.html?viewer=OCWebMaps.OCWebMaps

Response: The level of detail required to fulfill this municipal code has not been met. Furthermore, the submitted application contained factual errors and maps were shown to be discordant with readily available geologic boundary maps. This attached map depicts “Hazards and Flood info” and clearly conflicts with the submitted application.

CITY OF OREGON CITY

Community Development Department, 320 Warner Milne Road,
P.O. Box 3040, Oregon City, OR 97045, (503) 657-0891
www.ci.oregon-city.or.us

APPEAL OF A LAND USE DECISION

FILE # AP 000061/VAR-22-0000 ^{GLUA-21-00045/MAS-21-} (of File #) DATE: 9-28-22
NAME: CHRISTINE KOSINSKI TELEPHONE #: 503-656-1029
ADDRESS: 18370 S. HOLLY LN OREGON CITY, OR 97045
ADDRESS OR PROPERTY DESCRIPTION (T/R/S) OF SUBJECT PROPERTY:

SUBJECT OF APPEAL: NOTICE OF DECISION DATE: 9/12/22 For File #:

GLUA-21-00045 MAS-21-00006 - VAR 22-00001 VARIANCE

The undersigned hereby appeal(s) the decision of the _____

concerning the subject case. The decision to approve ☒ deny _____ the application was made at the meeting held on 9-12-22.

REASONS FOR APPEAL: Please include a statement identifying which approval criteria are violated by the decision and an explanation of how those criteria are violated, or stating how the decision is otherwise in violation of applicable law. Please see Chapter 17.50 of Oregon City Municipal Code for Administration & Procedures concerning Appeals.

DOES NOT MEET REQUIREMENTS OF CITY COMPREHENSIVE PLAN, NOR OREGON STATEWIDE LAND USE GOALS 1, 7, 12, 13 & 25. 105.465 DISCLOSURE STATEMENT FAILS TO MEET REQUIREMENTS OF FEMA NATURAL HAZARDS MITIGATION PLAN PG 46-58 FAILS TO MEET DCD-DOGAMI LANDSLIDE HAZARD GUIDELINES PG 68-79 + PG 43, 44 ROAD COUNTS - PRELIMINARY GEOTECH ENGINEER REPORT - TWO AFFIDAVITS SCOTT BURNS
FILING FEE PAID: _____ DATE PAID: _____ RECEIPT NO.: _____

Christine Kosinski
Property Owner Signature

18370 S. HOLLY LN OREGON CITY, OR 97045
Address

Property Owner Signature

Address

PLANNING

****SIGNATURES REQUIRED IF APPLICABLE****

SEP28 3:38PM

Signature

Address

____ Contract Purchaser

____ Lessee

____ Prospective Purchaser

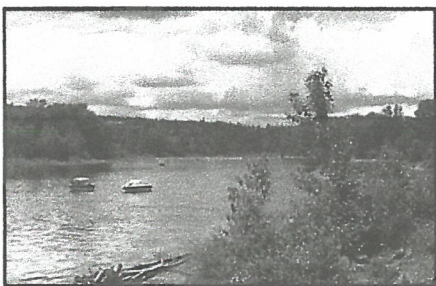
INSTRUCTIONS FOR COMPLETING LAND USE APPLICATIONS

1. **All applications must be either typed or printed (black ink). Please make the words easily readable.**
2. **The application must be submitted with the correct fee**
3. **If you mail in the application, please check with the Planning Division to ensure that it was received and that all necessary fees and information are with the application form.**
4. **If you wish to modify or withdraw the application, you must notify the Planning division in writing. Additional fees may be charged if the changes require new public notice and/or if additional staff work is necessary. Any refund will reflect the amount of time staff worked up until the date a letter of withdrawal is received.**
5. **With the application form, please attach all the information you have available that pertains to the application you are submitting. All applicable standards and criteria must be addressed prior to acceptance of the application. Detailed descriptions, maps, and other relevant information should be attached and will be available for public review.**
6. **Incomplete applications will be returned.**

Section 7: Natural Hazards

storms. A *Drainage Master Plan* (1988), updated in 1999 as the *City of Oregon City Public Works Stormwater and Grading Design Standards*, contains an inventory of areas with drainage and localized flooding problems. A number of structures in these areas are subject to flooding, including key public facilities such as the wastewater treatment plant for Oregon City, West Linn, and Gladstone, the intake on the Clackamas River for the City's water treatment plant, the sub-regional solid waste transfer station, an electrical substation, and a site with hazardous waste.

In 1999, Oregon City adopted a Flood Management Overlay District as part of the *City of Oregon City Municipal Code*. An overlay district is an area that contains a specific resource or potential hazard and is subject to regulations related



to the resource or hazard. Examples are historic areas and floodplains. The purpose of a Flood Management Overlay District is to minimize public and private losses due to flooding through a variety of means.

Areas in the Flood Management Overlay District are within the 100-year floodplain, flood areas, and floodways as shown on the Federal Emergency Management Agency flood insurance maps including areas of special flood hazard delineated in 1979 and the area inundated by the 1996 flood, and have physical or documented evidence of flooding based on aerial photographs of the 1996 flooding and/or the water quality and flood management areas maps.

Unstable Soils

Unstable soils are types of soils or soils in locations, such as on steep slopes, that are not stable enough to support development, and may be hazardous to surrounding uses. Unstable soils are subject to slumping or earth flow on slopes, high groundwater level, landslide or erosion, or identified by field investigation performed by a geotechnical engineer or engineering geologist. Areas of unstable foundation soils have been mapped for Oregon City and are on file at the Oregon City Planning Department. In 1994, the City adopted an Unstable Soils and Hillside Constraint Overlay District to provide "safeguards in connection with development on or adjacent to steep hillside and landslide areas and other identified known or potential hazard areas, thereby preventing undue hazards to public health, welfare and safety." The hazardous areas in the overlay district were identified by the State of Oregon Department of Geology and Mineral Industries (DOGAMI) in 1979 and in subsequent mappings of Oregon City and by Portland State University in 1992. DOGAMI published its findings in *Geology and Geological Hazards of North Clackamas County, Oregon, Bulletin 99* (1979), and Portland State University published its findings in *Environmental Assessment of Newell Creek Canyon, Oregon City, Oregon* (1992). Other

areas of concern are shown on other city, county, state and federal maps. These publications are available at the Oregon City Planning Department.

Development and construction in areas with unstable soils require that special development standards be met on a site-specific basis to prevent or minimize damage caused by unstable soils. Maintaining existing vegetation or revegetating may be required for excavation and road slopes in areas designated as landslide-prone.

Landslides. Landslides include rockslides, mudslides, debris flows, earthflows, and slumping. These phenomena are natural geologic processes that occur principally when soils and rock in steep areas become saturated with water, increasing weight and lubricating the mass. Gravity pulls the affected areas downhill. Landslides can be exacerbated by adding fill material to a slope, removing vegetation, altering drainage and runoff patterns, and undercutting a slope. Landslides can be triggered by heavy rains, groundshaking from earthquakes and heavy traffic, and undercutting the lower edge of a slope, which can be caused by erosion along stream banks, and by development, such as cuts in road construction.

Areas most susceptible to landslides in Oregon City are those with slopes of greater than 25 percent. These areas have been mapped by DOGAMI and are shown in the *Oregon City Hazard Mitigation Plan* (1998). The Unstable Soils and Hillside Constraint Overlay District requires geotechnical surveys of other potential hazard areas and provides standards that are used to determine the potential risk of landslides on slopes with various degrees of steepness in relation to the development.

Seismic Activity

Although predicting seismic events is extremely difficult, some prediction is possible by looking at the history of a particular region. Oregon is in a region with a history of intense seismic activity, generated by the subduction of the Juan de Fuca Plate under the North American Plate and by the collision of the Pacific Plate with the North American Plate along the San Andreas Fault and associated faults in California. Known catastrophic subduction-zone seismic events in the Pacific Northwest, which have occurred every 300 to 800 years, have caused a down-drop of land, generated enormous tsunamis along the coast, and triggered major landslides throughout the region. The last such event took place in 1700.

Tectonic uplift of the entire Pacific Northwest region, driven by subduction of the Juan de Fuca Plate far offshore, has spawned many faults throughout the region, including the West Hills Fault along the axis of the toe of Portland's West Hills. An earthquake in March of 1993 near Molalla just south of Oregon City, dubbed the "Spring Break Quake," had a magnitude of 5.6 on the Richter

Oregon's Statewide Planning Goals & Guidelines

GOAL 1: CITIZEN INVOLVEMENT

OAR 660-015-0000(1)

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

The governing body charged with preparing and adopting a comprehensive plan shall adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the on-going land-use planning process.

The citizen involvement program shall be appropriate to the scale of the planning effort. The program shall provide for continuity of citizen participation and of information that enables citizens to identify and comprehend the issues.

Federal, state and regional agencies and special-purpose districts shall coordinate their planning efforts with the affected governing bodies and make use of existing local citizen involvement programs established by counties and cities.

The citizen involvement program shall incorporate the following components:

1. Citizen Involvement -- To provide for widespread citizen involvement.

The citizen involvement program shall involve a cross-section of affected citizens in all phases of the planning process. As a component, the program for citizen involvement shall include an officially recognized committee for citizen involvement (CCI) broadly

representative of geographic areas and interests related to land use and land-use decisions. Committee members shall be selected by an open, well-publicized public process.

The committee for citizen involvement shall be responsible for assisting the governing body with the development of a program that promotes and enhances citizen involvement in land-use planning, assisting in the implementation of the citizen involvement program, and evaluating the process being used for citizen involvement.

If the governing body wishes to assume the responsibility for, development as well as adoption and implementation of the citizen involvement program or to assign such responsibilities to a planning commission, a letter shall be submitted to the Land Conservation and Development Commission for the state Citizen Involvement Advisory Committee's review and recommendation stating the rationale for selecting this option, as well as indicating the mechanism to be used for an evaluation of the citizen involvement program. If the planning commission is to be used in lieu of an independent CCI, its members shall be selected by an open, well-publicized public process.

2. Communication -- To assure effective two-way communication with citizens.

Mechanisms shall be established which provide for effective communication between citizens and elected and appointed officials.

3. Citizen Influence -- To provide the opportunity for citizens to be involved in all phases of the planning process.

Citizens shall have the opportunity to be involved in the phases of the planning process as set forth and defined in the goals and guidelines for Land Use Planning, including Preparation of Plans and Implementation Measures, Plan Content, Plan Adoption, Minor Changes and Major Revisions in the Plan, and Implementation Measures.

4. Technical Information -- To assure that technical information is available in an understandable form.

Information necessary to reach policy decisions shall be available in a simplified, understandable form. Assistance shall be provided to interpret and effectively use technical information. A copy of all technical information shall be available at a local public library or other location open to the public.

5. Feedback Mechanisms -- To assure that citizens will receive a response from policy-makers.

Recommendations resulting from the citizen involvement program shall be retained and made available for public assessment. Citizens who have participated in this program shall receive a response from policy-makers. The

rationale used to reach land-use policy decisions shall be available in the form of a written record.

6. Financial Support -- To insure funding for the citizen involvement program.

Adequate human, financial, and informational resources shall be allocated for the citizen involvement program. These allocations shall be an integral component of the planning budget. The governing body shall be responsible for obtaining and providing these resources.

GUIDELINES

A. CITIZEN INVOLVEMENT

1. A program for stimulating citizen involvement should be developed using a range of available media (including television, radio, newspapers, mailings and meetings).

2. Universities, colleges, community colleges, secondary and primary educational institutions and other agencies and institutions with interests in land-use planning should provide information on land-use education to citizens, as well as develop and offer courses in land-use education which provide for a diversity of educational backgrounds in land-use planning.

3. In the selection of members for the committee for citizen involvement, the following selection process should be observed: citizens should receive notice they can understand of the opportunity to serve on the CCI; committee appointees should receive official notification of their selection; and

Oregon's Statewide Planning Goals and Guidelines

GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

To protect people and property from natural hazards.

A. NATURAL HAZARD PLANNING

1. Local governments shall adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards.

2. Natural hazards for purposes of this goal are: floods (coastal and riverine), landslides,¹ earthquakes and related hazards, tsunamis, coastal erosion, and wildfires. Local governments may identify and plan for other natural hazards.

B. RESPONSE TO NEW HAZARD INFORMATION

1. New hazard inventory information provided by federal and state agencies shall be reviewed by the Department in consultation with affected state and local government representatives.

2. After such consultation, the Department shall notify local governments if the new hazard information requires a local response.

3. Local governments shall respond to new inventory information on natural hazards within 36 months after being notified by the Department of Land Conservation and Development, unless extended by the Department.

C. IMPLEMENTATION

Upon receiving notice from the Department, a local government shall:

1. Evaluate the risk to people and

property based on the new inventory information and an assessment of:

- a. the frequency, severity and location of the hazard;
- b. the effects of the hazard on existing and future development;
- c. the potential for development in the hazard area to increase the frequency and severity of the hazard; and
- d. the types and intensities of land uses to be allowed in the hazard area.

2. Allow an opportunity for citizen review and comment on the new inventory information and the results of the evaluation and incorporate such information into the comprehensive plan, as necessary.

3. Adopt or amend, as necessary, based on the evaluation of risk, plan policies and implementing measures consistent with the following principles:

a. avoiding development in hazard areas where the risk to people and property cannot be mitigated; and

b. prohibiting the siting of essential facilities, major structures, hazardous facilities and special occupancy structures, as defined in the state building code (ORS 455.447(1) (a)(b)(c) and (e)), in identified hazard areas, where the risk to public safety cannot be mitigated, unless an essential facility is needed within a hazard area in order to provide essential emergency response services in a timely manner.²

4. Local governments will be deemed to comply with Goal 7 for coastal and riverine flood hazards by adopting and

¹ For "rapidly moving landslides," the requirements of ORS 195.250-195.275 (1999 edition) apply.

² For purposes of constructing essential facilities, and special occupancy structures in tsunami inundation zones, the requirements of the state building code - ORS 455.446 and 455.447 (1999 edition) and OAR chapter 632, division 5 apply.

implementing local floodplain regulations that meet the minimum National Flood Insurance Program (NFIP) requirements.

D. COORDINATION

1. In accordance with ORS 197.180 and Goal 2, state agencies shall coordinate their natural hazard plans and programs with local governments and provide local governments with hazard inventory information and technical assistance including development of model ordinances and risk evaluation methodologies.

2. Local governments and state agencies shall follow such procedures, standards and definitions as may be contained in statewide planning goals and commission rules in developing programs to achieve this goal.

GUIDELINES

A. PLANNING

1. In adopting plan policies and implementing measures to protect people and property from natural hazards, local governments should consider:

- a. the benefits of maintaining natural hazard areas as open space, recreation and other low density uses;
- b. the beneficial effects that natural hazards can have on natural resources and the environment; and
- c. the effects of development and mitigation measures in identified hazard areas on the management of natural resources.

2. Local governments should coordinate their land use plans and decisions with emergency preparedness, response, recovery and mitigation programs.

B. IMPLEMENTATION

1. Local governments should give special attention to emergency access when considering development in identified hazard areas.

2. Local governments should consider programs to manage stormwater runoff as a means to help address flood and landslide hazards.

3. Local governments should consider nonregulatory approaches to help implement this goal, including but not limited to:

- a. providing financial incentives and disincentives;
- b. providing public information and education materials;
- c. establishing or making use of existing programs to retrofit, relocate, or acquire existing dwellings and structures at risk from natural disasters.

4. When reviewing development requests in high hazard areas, local governments should require site-specific reports, appropriate for the level and type of hazard (e.g., hydrologic reports, geotechnical reports or other scientific or engineering reports) prepared by a licensed professional. Such reports should evaluate the risk to the site as well as the risk the proposed development may pose to other properties.

5. Local governments should consider measures that exceed the National Flood Insurance Program (NFIP) such as:

- a. limiting placement of fill in floodplains;
- b. prohibiting the storage of hazardous materials in floodplains or providing for safe storage of such materials; and
- c. elevating structures to a level higher than that required by the NFIP and the state building code.

Flood insurance policy holders may be eligible for reduced insurance rates through the NFIP's Community Rating System Program when local governments adopt these and other flood protection measures.

Multi-Hazard #2

Proposed Action Item:		Alignment with Plan Goals:	
Integrate the goals and action items from the Oregon City Natural Hazards Mitigation Plan into existing regulatory documents and programs, where appropriate.		Protect Life and Property; Enhance Natural Systems; Augment Emergency Services; Encourage Partnerships for Implementation; Promote Public Awareness	
Alignment with Existing Plans/Policies:			
Comprehensive Plan, Zoning Ordinance, Emergency Operations Plan			
2018 Status/Rationale for Proposed Action Item:			
- The Disaster Mitigation Act of 2000 requires communities to identify actions and projects that reduce the effects of hazards on the community [201.6(c)(3)(ii)]. Incorporating natural hazards plans into comprehensive plans, local ordinances, and land-use regulations will ensure that communities implement the proper mitigation measures for their community. 2018 Status: The City last amended their development code in 2017. The floodplain ordinance was last updated in 2002 (new FIRMs are preliminary and effective maps are expected January 2019). The City updated their comprehensive plan in April 2012.			
Ideas for Implementation:			
- Use the mitigation plan to help the City's Comprehensive Land Use Plan meet State Land Use Planning Goal 7, designed to protect life and property from natural disasters and hazards through planning strategies that restrict development in areas of known hazards; - Use zoning codes to regulate development in hazard-prone areas; - Integrate the city's mitigation actions into the current emergency operations plan and capital improvement plans (where appropriate); - Partner with other organizations and agencies with similar goals to promote building codes that are more disaster resistant at the state level; - Use citizen input for the creation of appropriate ordinances; and - Use the natural hazard mitigation planning to learn how to better integrate the NHMP into existing documents and programs.			
Coordinating Organization:		Community Development	
Internal Partners:		External Partners:	
Public Works, City Commission		Department of Land Conservation and Development, Department of Geology and Mineral Industries, Oregon Department of Transportation, Department of Environmental Quality	
Potential Funding Sources:		Estimated cost:	Timeline:
General Fund, DLCD Technical Assistance Grant		Low to Moderate	☐ Short Term (0-2 years) ☐ Long Term (2-4+ years) ☒ Ongoing
Form Submitted by:	Existing action item		
Priority:	Medium		

Proposed Action Item		Alignment with Plan Goals:	
Develop, enhance, and implement education programs aimed at mitigating natural hazards, and reducing risk.		Protect Life and Property; Augment Emergency Services; Encourage Partnerships for Implementation; Promote Public Awareness	
Alignment with Existing Plans/Policies:			
2018 Status/Rationale for Proposed Action Item:			
- Conducting public outreach campaigns raises awareness about natural hazards and helps illustrate what residents and businesses can do to reduce the impact of a natural disaster on their properties, thereby reducing the impact of natural hazards on Oregon City. - The Disaster Mitigation Act of 2000 requires that communities continue to involve the public beyond the original planning process [201.6(c)(4)(iii)]. Developing public education programs for hazard risk mitigation would be a way to keep the public informed of, and involved in, the county's actions to mitigate hazards. 2018 Status: The City maintains a CERT, and utilizes the city's website to provide information on natural hazards: https://www.oregocity.org/community/emergency-preparedness-and-hazards-mitigation-plan			
Ideas for Implementation:			
- Maintain hazard related information and public information materials and disseminate to public through existing resources (newsletter, Trail News, website, social media, etc.); - Conduct public education as hazard seasons approach; - Target neighborhood associations to sponsor CERT teams; - Add emergency preparedness and response curriculum to school programs; - Partner with Clackamas County and other jurisdictions to develop public education flyers for all hazards; - Utilize Community Rating System publications for guidance on preparing effective public information; - Include hazard information on the city website; and - Include insurance information in public outreach and education materials.			
Coordinating Organization:		Community Development	
Internal Partners:		External Partners:	
Public Works		Clackamas County, Community Organizations Active in Disaster (COAD), Clackamas Fire District #1	
Potential Funding Sources:		Estimated cost:	
Potential Funding Sources:		Sources:	
General Fund		Low	
Form Submitted by:		Existing action item	
Priority:		Medium	

Multi-Hazard #3

Multi-Hazard #4

Proposed Action Item:		Alignment with Plan Goals:	
Improve vegetation management throughout Oregon City.		Augment Emergency Services; Promote Public Awareness	
Alignment with Existing Plans/Policies:			
Parks Master Plan			
2018 Status/Rationale for Proposed Action Item:			
- Landscaping and vegetation make a difference in mitigating the impacts of natural hazards. Trees break the force of the wind and stabilize the soil. Wetlands absorb much of the overflow from stream channels. Fire-resistant vegetation can retard the spread of wildfires toward vulnerable buildings. Limiting or regulating the amount of vegetation cleared off a hillside lot reduces the risk of increasing the number of landslide-prone areas in a community. Planting vegetation or maintaining slope terraces can also reduce slope-runoff. Planners can use landscaping requirements to preserve or enhance the protection such natural features afford. These requirements may be part of site plan reviews or a separate set of zoning regulations and environmental performance standards. <u>2018 Status</u>: City properties actively managed, have a tree mitigation program (used for Friends of Trees), enforce requirements.			
Ideas for Implementation:			
- Partner with Union Pacific and ODOT to control vegetation along transportation corridors; - Identify appropriate practices for eliminating English ivy and other invasive species; - Maintain healthy urban canopy; - Maintain vegetation coverage for slope stability; - Identify hazardous trees for remediation or removal; - Develop a written set of procedures to minimize damage from wildfires erosion, and downed power lines; and - Coordinate with Greater Oregon City Watershed Council and others.			
Coordinating Organization:		Community Services	
Internal Partners:		External Partners:	
Community Development, Public Works, Parks and Recreation, Code Enforcement		Clackamas Fire District #1, Oregon Department of Forestry, US Forestry Service, Clackamas County, Great Oregon City Watershed Council, Union Pacific Railroad, Oregon Department of Transportation	
Potential Funding Sources:		Estimated cost:	Timeline:
General Fund, Parks SDC		Low to Moderate	☐ Short Term (0-2 years) ☐ Long Term (2-4+ years) ☒ Ongoing
Form Submitted by:	Existing action item		
Priority:	Medium		

Wildfire #3

Proposed Action Item:		Alignment with Plan Goals:	
Promote fire resistant strategies and the use of non-combustible roofing materials by evaluating and making recommendations to current code to encourage noncombustible roofing standards in high fire-hazard areas.		Protect Life and Property; Enhance Natural Systems; Encourage Partnerships for Implementation; Promote Public Awareness	
Alignment with Existing Plans/Policies:			
2018 Status/Rationale for Proposed Action Item:			
- The City and Clackamas Fire District #1 already encourage the use of non-combustible roofing materials. They also encourage neighborhood associations to stop requiring cedar shake roofs. - Programs focus on fuel reduction and defensible space. 2018 Status: The Oregon City building code continues to be updated every 3 years in alignment with the State Building Code updates.			
Ideas for Implementation:			
- Require fuel breaks in site plans; describe the procedures for ongoing maintenance, and place information on the Oregon City website for public view; - Review street designs that facilitate the movement of fire fighting equipment; - Review roofing standards and develop recommendations for promoting non-combustible roofing; - Promote use of sprinkler systems in residential construction; and - Maintain awareness of potential City growth into the wildland urban interface.			
Coordinating Organization:		Community Development	
Internal Partners:		External Partners:	
Public Works		Clackamas Fire District #1	
Potential Funding Sources:		Estimated cost:	Timeline:
General Fund		Low	☐ Short Term (0-2 years) ☐ Long Term (2-4+ years) ☒ Ongoing
Form Submitted by:	Existing Action Item		
Priority:	Medium		

ROAD COUNTS

PARK PLACE PLAN, BRCP, MAPLELANE, REDLAND RD, MEMORY CENTER

PLAN OR STREET	APPROX. PROPOSED ADT'S/DAY
*Beavercreek Rd Concept Plan residential, large commercial + jobs	40,000 plus is proposed by the City
*Park Place Concept Plan residential, small commercial	30,000 plus is proposed by the City
Maplelane, West of Holly	9,675 – 2021 current count
Maplelane, East of Holly	7,700 – 2021 current count
Redland Rd, West of Holly	12,445 – 2021 current count
Redland Rd, East of Holly	10,380 – 2021 current count
Memory Care, Apts, Hotel Maplelane & Beavercreek Rd.	179 Trip Cap per day
Holly Ln, North of Maplelane	3,205 – 2021 current count
Holly Ln, South of Redland	3,425 – 2021 current count

*At full build-out, it appears Holly Ln could receive added trips of approx. 92,299 trips per day!

This amount was calculated by taking the total proposed ADT's per day from both the Beavercreek and Park Place Concept Plans, adding the Memory Care, adding only the Maplelane, West of Holly, and adding only the Redland, West of Holly proposed daily ADT's. Therefore, the 92,299 trips per day is a conservative figure, since the Maplelane, East of Holly and Redland Rd, East of Holly counts were not added into this trip count. As well, as the City continues to develop, these trips per day down Holly Ln will only increase further.

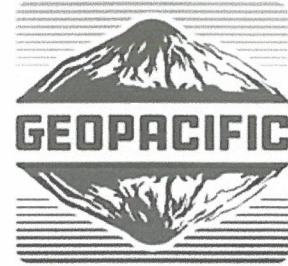
I compared these proposed ADT's per day with Sunnyside Road in Clackamas because Sunnyside is an extremely large Major Arterial road where Redland Rd may be a major arterial as well, but is only one lane in each direction (with Sunnyside being many lanes). Also, Holly Ln may be classified as a Minor Arterial, however, it also is only one lane in each direction and the street is lined with landslides on both sides. Here are the counts for Sunnyside.

Sunnyside, West of 122 nd	44,635 – 2021 current count
Sunnyside, East of 122 nd	36,690 – 2021 current count

The amount of ADT's per day the City is proposing for the Holly Ln, Maplelane, Redland Rd corridor, far exceeds those of Sunnyside Rd, a highly major arterial. More local and Major Arterials are needed for this Holly Ln, Park Place community.

Christine Kosinski August 22, 2022

cc: Mike Bezner, Clackamas County



Real-World Geotechnical Solutions
Investigation • Design • Construction Support

March 18, 2022
Project No. 20-5600

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**SUBJECT: PRELIMINARY GEOTECHNICAL ENGINEERING REPORT
PARK PLACE CROSSING GENERAL DEVELOPMENT PLAN / MASTER PLAN
TERMINUS OF SOUTH LIVESAY ROAD
OREGON CITY, OREGON**

This report presents the results of a geotechnical engineering study conducted by GeoPacific Engineering, Inc. (GeoPacific) for the above-referenced project. The purpose of our investigation was to evaluate subsurface conditions at the site and to provide geotechnical recommendations for site development. This geotechnical study was performed in accordance with GeoPacific Proposal No. P-7453C, dated September 17, 2020, and your subsequent authorization of our proposal and *General Conditions for Geotechnical Services*. The site is mapped by Oregon City as being within a designated Geologic Hazard Zone. This preliminary geotechnical engineering report is intended to address the current overall master plan. Further investigations and reports will likely be provided at the time of each respective detailed development plan, as necessary.

SITE DESCRIPTION AND PROPOSED DEVELOPMENT

The subject site is located at the terminus of South Livesay Road in Oregon City, Clackamas County, Oregon (Figure 1). The site is located north of the portion of South Livesay Road which runs east-west and south of Holcomb Boulevard. The site consists of 13 tax lots that total approximately 92 acres in size. While GeoPacific has not yet performed geotechnical explorations on Tax Lots 200, 300, 301, 303, or 502, they are considered part of the master plan. Vegetation on the site is highly variable. Overall, vegetation in the western portion the site consists of grass, vegetation in the central portion of the site consists of grass, shrubs, and trees, and vegetation in the eastern portion of the site consists of small to large trees. The site is currently occupied by a number of residences and several outbuildings.

Overall, topography on the site slopes down to the west at grades of 25 percent or less. However, Oregon City Webmaps identifies several isolated areas in the middle of the site with steeper than 25 percent. There is a drainage in the northwest portion of the site which runs northeast to

Park Place Crossing General Development Plan
Project No. 20-5600

informally divided into an upper and a lower member (Phillips, 1987). Lithologies in the upper member include lenticular layers of volcanoclastic (vitric) sand, quartzite-bearing gravel, fine-grained sand, silt and clay, micaceous quartz-rich sand, and conglomerate with a cumulative average thickness of 100 to 150 feet. The lower member consists primarily of laminated silty clay and sand with reported thicknesses in water well logs of up to 880 feet and is the equivalent of the Sandy River Mudstone.

REGIONAL SEISMIC SETTING

At least four potential source zones capable of generating damaging earthquakes are thought to exist in the region. These include the Portland Hills Fault Zone, the Grant Butte and Damascus-Tickle Creek Fault Zones, the Gales Creek-Newberg-Mt. Angel Structural Zone, and the Cascadia Subduction Zone, as discussed below.

Portland Hills Fault Zone

The Portland Hills Fault Zone is a series of NW-trending faults that include the central Portland Hills Fault, the western Oatfield Fault, and the eastern East Bank Fault. These faults occur in a northwest-trending zone that varies in width between 3.5 and 5.0 miles. The combined three faults vertically displace the Columbia River Basalt by 1,130 feet and appear to control thickness changes in late Pleistocene (approx. 780,000 years) sediment (Madin, 1990). The Portland Hills Fault occurs along the Willamette River at the base of the Portland Hills and is approximately 1 mile northeast of the site. The East Bank Fault occurs along the eastern margin of the Willamette River, and is located approximately 10.8 miles north of the site. The Oatfield Fault occurs along the western side of the Portland Hills and is approximately 0.5 miles southwest of the site. The accuracy of the fault mapping is stated to be within 500 meters (Wong, et al., 2000). No historical seismicity is correlated with the mapped portion of the Portland Hills Fault Zone, but in 1991 a M3.5 earthquake occurred on a NW-trending shear plane located 1.3 miles east of the fault (Yelin, 1992). Although there is no definitive evidence of recent activity, the Portland Hills Fault Zone is assumed to be potentially active (Geomatrix Consultants, 1995).

Grant Butte and Damascus-Tickle Creek Fault Zones

The Grant Butte fault zone was mapped along the north side of Mt. Scott and Powell Butte by Madin (1990). It was also extended eastward to Grant Butte on the basis of mapping by CH2M Hill and others (1991) and informally named the Grant Butte fault (Cornforth and Geomatrix, 1992). The Damascus-Tickle Creek fault zone displaces Pliocene and possibly Pleistocene sediments in the vicinity of Boring, Oregon (Madin, 1992; Lite, 1992). Relatively short faults define a 17-km-long fault zone that is apparently linked to the Grant Butte fault on the basis of stratigraphic relationships showing middle and late Pleistocene activity. Geomatrix (1995) assigns a probability of 0.5 for activity on structures within these fault zones. The nearest portion of the Grant Butte and Damascus-Tickle Creek Fault Zone is approximately 2.3 miles east of the subject site.

Gales Creek-Newberg-Mt. Angel Structural Zone

The Gales Creek-Newberg-Mt. Angel Structural Zone is a 50-mile-long zone of discontinuous, NW-trending faults that lies approximately 19.9 miles southwest of the subject site. These faults are recognized in the subsurface by vertical separation of the Columbia River Basalt and offset seismic reflectors in the overlying basin sediment (Yeats et al., 1996; Werner et al., 1992). A geologic reconnaissance and photogeologic analysis study conducted for the Scoggins Dam site in the Tualatin Basin revealed no evidence of deformed geomorphic surfaces along the structural zone

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Table 3. Summary of Infiltration Test Results

Test Pit	Depth (feet)	Soil Type	Infiltration Rate (in/hr)	Hydraulic Head Range (inches)
TP-1	20	Sandy SILT (ML)	0	27-28
TP-3	20	Sandy SILT (ML), trace clay	0	28-29
TP-7	19	Weathered BASALT, trace silt to clay matrix	0	15
TP-9	15	Weathered BASALT, trace silt to clay matrix	0	9

Slope Stability

The subject site is designated as being within a Geohazard Zone by the City of Oregon City (OCWebMaps, 2022). Slopes exceeding 25% grade are mapped along the southwest facing central portion of the site and along the tributary drainages in the southern and western portions of the site. Landslide areas are mapped in the northwestern portion of the site.

For the purpose of evaluating slope stability, we reviewed 1:24,000 scale topographic mapping by the U.S. Geological Survey (Figure 1), Lidar based high resolution digital elevation maps (Figure 2), and 1:720 scale topographic mapping provided by AKS Engineering and Forestry, LLC. (Figure 3), reviewed published geologic mapping and the Oregon Department of Geology and Mineral Industries (DOGAMI) Landslide Database (Figure 2), performed a field reconnaissance, and explored subsurface conditions at the site with twenty four exploratory test pits and five exploratory borings, the locations of which are presented on Figure 3.

Landslide inventory mapping of the Oregon City Quadrangle and the statewide landslide database indicate three mapped landslides are present at the site (Madin and Burns, 2006; Burns and Madin, 2009; Madin, 2009; Burns and Mickelson, 2010; DOGAMI Slido, 2022). Two prehistoric (greater than 150 years old) landslides are mapped along a tributary drainage of Tour Creek in the western portion of the site, as presented on Figure 2 (Madin and Burns, 2006; Burns and Madin, 2009; Madin, 2009; Burns and Mickelson, 2010; DOGAMI Slido, 2022). This landslide complex is identified as Oregon_City_272 and 290 and are both classified as being earth slide rotational slides with an earth flow component, and having a failure depth of 25 and 35 feet (DOGAMI Slido, 2022). Another smaller earth flow type slide (identified as Oregon_City_274) that is considered to be historic in age (with movement in the last 150 years) is present along the Tour Creek tributary drainage to the southwest of the larger landslide (DOGAMI Slido, 2022). DOGAMI estimates the slide to be shallow with a failure depth of 7 feet; however, our explorations indicate a failure depth of 20 feet. We observed that the downslope portion of this landslide has experienced relatively recent reactivation, as evidenced by a scarp about 4 feet tall and approximately 40 feet across near the bottom of the east side of the drainage (Figure 3). Our observations indicate that erosion has been occurring at the toe of this landslide and that the landslide is marginally stable at best.

On the slopes of the northwest drainage, we observed many signs of slope creep and instability even outside of the areas of existing landslides. We observed many leaning and bowed trees. We also observed that several of the drainages leading down the western slopes to the bottom of the larger drainage were incised by erosion.

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Our reconnaissance and review of Lidar based high resolution digital elevation maps (DOGAMI, 2022) indicate slopes on either side of the Tour Creek tributary drainage exhibit geomorphology indicative of prior, shallow instability and slope creep. We observed the presence of a previously unmapped landslide on the west side of the drainage. This landslide appears to extend all the way down to the bottom of the drainage. The approximate location of this previously unmapped landslide is shown on Figure 3. A small tributary drainage to Abernethy Creek is located in the southern portion of the site and some evidence of shallow slope creep was observed along the drainage. Elsewhere on the property, away from the drainages, topography is smooth and uniform. In these areas, away from the drainages, no evidence of recent movement (ground cracks, scarps, or hummocky topography) was observed during our reconnaissance.

Subsurface exploration indicates that the ground surface in the portions of the site above an elevation of 360 feet mean sea level is underlain by residual soil and basalt rock of the Boring Lava Formation. Topography in Boring Lava areas is flat to moderately sloping with grades up to 20 percent. Pocket penetrometer measurements of the residual soil of the Boring Lava Formation indicate an approximate unconfined compressive strength of 1.5 to 4.5 tons/ft² which correlates to a stiff to very stiff consistency. The residual soil of the Boring Lava was underlain by weathered, basalt bedrock in test pits TP-4 through TP-14 to the maximum depth of exploration (15 to 25 feet). Boring Lava Formation materials are considered to have moderate to high shear strength and a moderate to high resistance to slope instability along moderately steep slopes.

The moderately sloping, southwest facing slope in the central portion of the site is underlain by soils belonging to the Springwater Formation. Slope areas exceeding 25% grade are present in the central portion of the site (OCWebMaps, 2022). The fluvial depositional nature of this formation result in variable soil types consisting of silt, clay, gravel conglomerate, highly weathered volcanic rock, and sand. Fine grained soils encountered in explorations were medium stiff to very stiff with some soft to medium stiff soil zones encountered at depth. Granular materials were medium dense to dense. Two wetland areas were observed to the south of test pit TP-24 indicating the presence of perched groundwater conditions. The Springwater Formation is considered to have a moderate shear strength and moderate resistance to slope instability along moderate slopes.

The Troutdale Formation, which underlies the site at depth, includes a thick sequence of weak sedimentary strata that are prone to instability on moderate to steep slopes. Regionally, many large landslides are mapped within the Troutdale Formation primarily on the side slopes of drainages where stream erosion has deeply incised the formation and created oversteepened slopes (Schlicker and Finlayson, 1979; Madin, 1994; Madin and Burns, 2006). In areas where the Troutdale Formation is capped by Boring Lava, these landslides are known to propagate upslope by undermining large blocks of Boring Lava Formation. At the Park Place Subdivision, the Troutdale and Boring Lava Formations are separated by an intermediary Springwater Formation material; however the large landslide mass in the along the northwestern tributary drainage likely resulted from failure of steeply sloping exposures of the Troutdale Formation.

Surficial soils in the southwestern portion of the site are underlain by silt belonging to the Willamette Formation. These materials are moisture sensitive and become medium stiff as moisture levels increase and soft soils were encountered in several explorations adjacent to the tributary drainages (test pit TP-1 and soil borings B-1, B-3, and B-5). Willamette Formation soils are considered moderately resistant to slope instability on gentle slopes.

In our opinion, the slope instability hazard at the majority of the subject site, away from incised drainages, is low. Underlying geologic conditions are suitable for development providing our recommendations in this report are followed. Existing Boring Lava and Springwater Formation

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materials underlying sloping areas are stiff to very stiff or medium dense to dense. Willamette Formation materials on gently sloping areas are medium stiff to very stiff. No evidence of recent landslide movement was observed outside drainage areas. It is our opinion that the potential instability from neighboring properties will have a low probability to negatively impact the proposed development.

CONCLUSIONS AND RECOMMENDATIONS

Our investigation indicates that the proposed development is geotechnically feasible, provided that the recommendations of this report are incorporated into the design and construction phases of the project. Noteworthy geotechnical issues associated with this site include:

- 1) It is our understanding that some relatively small, isolated areas with slopes steeper than 25 percent have been identified on OCWebmaps. One of these areas is located in the central portion of the site and the others are located in the southeast portion of the site. Soil conditions near the slope area in the central portion of the site will be investigated at a later date. Mass grading in these portions of the site will generally involve the construction of engineered fill slopes in these areas, although a few cut slopes are also proposed. Fill slopes will likely be constructed of native soils and will be graded no steeper than 2H:1V (Horizontal to Vertical). Cut slopes will be excavated into native soils and will be graded no steeper than 2H:1V. At these gradients, constructed of the appropriate materials, keyed, benched, and with proper drainage measures installed, cut and fill slopes should remain grossly and surficially stable. Based on our understanding of the proposed grading in the vicinities of the subject slope areas, which are currently steeper than 25 percent, it is our opinion that the proposed cuts and fills are generally practicable and adequate factors of safety will be maintained. We anticipate that stability of these areas of existing slopes will be adequate to support the proposed design/layout.
- 2) The presence of existing landslides and soft soils, and evidence of slope creep, in the drainage in the northwest portion of the site. We confirmed the presence of mapped landslide Oregon_City_272, 290, and 274 and landslide debris was encountered in test pits TP-20 and TP-21 to depths of 20 and 24 feet. Recent reactivation was observed at the toe of Oregon_City_274 and a previously unmapped landslide was observed on the west side of the drainage. Signs of soil creep and instability including leaning and bowed trees were observed along the northwest drainage outside previously mapped slide areas. Active erosion is occurring along the western slope of the drainage, which may be caused by soft soils underlying the slope. Very soft to soft soils were encountered in borings B-3 and B-5 located adjacent to the drainage.

Our quantitative slope stability analysis indicates adequate factors of safety can be maintained with slope setbacks for residences and fill placement adjacent to the northwest drainage. As shown on Figure 3, the slope setback line for the northwest drainage can be shifted to accommodate the proposed design/layout, provided that a slope stabilization system is installed for the relevant lots. For preliminary planning purpose, the slope stabilization system is to include soldier pile walls with tiebacks.

The planned design/layout appears to meet the slope setback requirements, provided that the slope stabilization system is installed along the relevant portion of the northwest drainage.

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- 3) Slopes in the drainage in the southeast portion of the site are marginally stable in their existing condition. Unless remedial measures are implemented, setback distances for fill placement and for residences should be maintained. The planned design/layout appears to meet the slope setback requirements for the drainage in the southeast portion of the site.
- 4) The presence of soft soils near the drainage in the southeast portion of the site.
- 5) The presence of large boulders in the native Boring Lava Formation in the central and northeastern portions of the site. Weathered basalt bedrock was encountered throughout the site at elevations above 350 feet msl. Basalt was first encountered at depths of 3 to 5 feet and practical refusal was achieved with a large excavator on medium hard (R3) to hard (R4) basalt boulders at depths of 19 and 21 feet in test pits TP-7 and TP-14, respectively. Difficult excavating conditions should be expected at depth.
- 6) Low permeability soils. The results of our infiltration testing indicate on site soils exhibit low permeability with a high probability of silting up over time.
- 7) The potential to encounter highly expansive, fat clay soils. Fat clay soils were encountered in test pits TP-2, TP-20, TP-21, TP-23, and TP-24. Laboratory testing of the fat clay from test pit TP-2 indicates the soil has a very high expansion potential; however, areas of highly expansive soils may be encountered in other areas of the site. If encountered, the recommendations for fat clay soils determined to be highly expansive in structural areas are as follows: (1) remove the material and replace it with low to medium expansivity soil/engineered fill, (2) separate footings from the expansive soils by ensuring there is at least 5 feet of engineered fill and/or native, low to medium expansivity soil overlying the highly expansive clay, (3) chemically stabilize the soils with hydrated lime or alternate chemical additives such as Condor SS, or (4) blend with low expansivity soils. Expansive soils can remain beneath flexible pavement areas and backyards where expansion will have a minor impact on improvements.

While some areas of the site may require additional study to evaluate proposed grading, stormwater ponds, retaining walls, etc., it is our opinion that the proposed cuts and fills are generally practicable.

Slope Stability

A reconnaissance of the site was performed on October 6-8, 2020. The subject site generally slopes to the southwest, towards a tributary drainage to Tour Creek, which is located along the western property line (Figures 1 and 2). A tributary drainage to Abernethy Creek is located in the southern portion of the site. Slope geomorphology is characterized by gently to moderately sloping topography with grades of about 5 to 25 percent with short slopes up to approximately 50 percent grade adjacent to the drainages. A wetland area indicating the potential presence of a spring was observed in the central portion of the site to the south of test pit TP-24.

Three landslides are mapped by DOGAMI in the northwestern portion of the site (Figure 2). Subsurface explorations indicate that the landslides have failure depths of 20 to 24 feet where explored in test pits TP-20 and TP-21. Slope geomorphology observed in the tributary drainage included arcuate shaped scarps, subtle benches, and slightly hummocky topography indicative of prior slope movement that had not been previously mapped.

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Explorations conducted in the northeastern portion of the site above an elevation of 360 feet msl encountered weathered basalt rock belonging to the Boring Lava Formation, which have a moderate to high resistance to slope instability (Figure 2). The moderately sloping central portion of the site is underlain by Springwater Formation material, which has a moderate resistance to slope instability along moderately sloping topography. The low lying western portion of the site is underlain by Willamette Formation soils that are moderately resistant to slope instability along gentle slopes. Visual reconnaissance and review of Lidar based high resolution digital elevation maps (Figure 2) of the areas of the site away from drainages indicate slopes are generally smooth and uniform (DOGAMI, 2022).

It is our opinion that areas mapped as slope hazard zones can safely be graded, provided that our recommendations are implemented. Our slope stability analysis indicates adequate factors of safety can be maintained around landslide areas by maintaining a setback for structures and fill placement.

Quantitative Slope Stability Modeling

Quantitative slope stability modeling and analyses were performed to evaluate slope stability on the sides of the drainages in the northwest and southwest portions of the site using the SLOPE/W computer program developed by Geo-Slope International of Calgary, Canada. This numerical analysis program utilizes a two-dimensional limiting equilibrium method to calculate the factor of safety of a potential slip surface and incorporates search routines to identify the most critical potential failure surfaces for the cases analyzed. Factors of safety were calculated using Morgenstern-Price method of analysis.

Slope topography, subsurface geometry, and other conditions modeled in the analyses are based on our subsurface explorations, geologic cross sections A-A', B-B', C-C', and D-D' and results of laboratory testing. Shear strength parameters used in the models were selected based on SPT N-value correlations, laboratory testing, and our local experience with similar soil and geologic conditions. The parameters assumed in the stability calculations including parameters for engineered fill are summarized in Table 4.

Table 4. Summary of Estimated Soil Strength Parameters

Geologic Unit	Unit Weight (pcf)	Friction Angle	Cohesion (psf)
Stiff Willamette Formation	120	28°	0
Willamette Formation	125	22°	0
Soft-Medium Stiff Springwater Formation	125	24°	0
Stiff Springwater Formation	125	36°	300
Loose Troutdale Formation	120	30°	150
Medium Dense – Very Dense Troutdale Formation	125	36°	200

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Based on the results of our slopes stability analyses, our recommended setback distances for the existing conditions (without remediation) are summarized on Table 5 and shown on Figures 3 and 4.

Table 5. Recommended Setback Distances for Existing Conditions

Area of Site	Minimum Setback Distance for Residences and/or Fill Placement (ft)
Section B-B' Vicinity of Soil Boring B-3	100
Section C-C' Vicinity of Soil Boring B-4 and Landslide Oregon_City_274	80
Section D-D' Vicinity of Soil Boring B-5	60
Vicinity of Landslides Oregon_City_272 and _290	100

With the implementation of slope stabilizations measures, the setback distances can be decreased. It is our understanding that soldier pile retaining walls with tiebacks are proposed on the side of the northwest drainage in the vicinity of section B-B'. At this time, it is our understanding that no slope stabilization measures are proposed in the vicinities of sections A-A', C-C', or D-D'. The reduced setback distance for section B-B' after the implementation of slope stabilization measures is presented on Table 6 and is shown on Figure 3.

Table 6. Recommended Setback Distances for Existing Conditions

Area of Site	Minimum Setback Distance for Residences and/or Fill Placement after Implementation of Slope Stabilization Measures (ft)
Section B-B' Vicinity of Soil Boring B-3	40

Slope Stabilization Systems Lots Near B-3

Based on consultation with the project civil engineer, AKS Engineering & Forestry, it is our understanding that a trail and sewer utility line are proposed across the drainage in the northwest portion of the site in the same alignment, and will connect to an existing development to the east of the drainage.

Since the slopes of the drainage in the northwest portion of the site do not have adequate factors of safety for slope stability in their existing condition, slope stabilization systems are necessary to support the construction of the trail and the installation of the sewer utility line. Permanent soldier pile retaining walls are recommended to provide adequate factors of safety for the proposed sewer line.

The utilization of slope stabilization systems to support the construction of the trail and the installation of the sewer utility line would also sufficiently increase the factor of safety for slope stability on many lots in the vicinity of soil boring B-3. The adjusted slope setback line is shown on Figure 3.

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retaining walls, water-proofing, underslab drainage and wall subdrains. After site development, a Final Soil Engineer's Report should either confirm or modify the above recommendations.

Concrete Slabs-on-Grade

Preparation of areas beneath concrete slab-on-grade floors should be performed as recommended in the *Site Preparation and Undocumented Fill Removal* section. Care should be taken during excavation for foundations and floor slabs, to avoid disturbing subgrade soils. If subgrade soils have been adversely impacted by wet weather or otherwise disturbed, the surficial soils should be scarified to a minimum depth of 8 inches, moisture conditioned to within about 3 percent of optimum moisture content, and compacted to engineered fill specifications. Alternatively, disturbed soils may be removed and the removal zone backfilled with additional crushed rock.

For evaluation of the concrete slab-on-grade floors using the beam on elastic foundation method, a modulus of subgrade reaction of 150 kcf (87 pci) should be assumed for the medium stiff native silt soils anticipated at subgrade depth. This value assumes the concrete slab system is designed and constructed as recommended herein, with a minimum thickness of crushed rock of 8 inches beneath the slab.

Interior slab-on-grade floors should be provided with an adequate moisture break. The capillary break material should consist of ODOT open graded aggregate per ODOT Standard Specifications 02630-2. The minimum recommended thickness of capillary break materials on re-compacted soil subgrade is 8 inches. The total thickness of crushed aggregate will be dependent on the subgrade conditions at the time of construction, and should be verified visually by proof-rolling. Under-slab aggregate should be compacted to at least 90% of its maximum dry density as determined by ASTM D1557 or equivalent.

In areas where moisture will be detrimental to floor coverings or equipment inside the proposed structure, appropriate vapor barrier and damp-proofing measures should be implemented. Appropriate design professionals should be consulted regarding vapor barrier and damp proofing systems, ventilation, building material selection and mold prevention issues, which are outside GeoPacific's area of expertise.

Permanent Below-Grade Walls

Lateral earth pressures against below-grade retaining walls will depend upon the inclination of any adjacent slopes, type of backfill, degree of wall restraint, method of backfill placement, degree of backfill compaction, drainage provisions, and magnitude and location of any adjacent surcharge loads. At-rest soil pressure is exerted on a retaining wall when it is restrained against rotation. In contrast, active soil pressure will be exerted on a wall if its top is allowed to rotate or yield a distance of roughly 0.001 times its height or greater.

If the subject retaining walls will be free to rotate at the top, they should be designed for an active earth pressure equivalent to that generated by a fluid weighing 35 pcf for level backfill against the wall. For restrained wall, an at-rest equivalent fluid pressure of 55 pcf should be used in design, again assuming level backfill against the wall. These values assume that drainage provisions are incorporated, free draining gravel backfill is used, and hydrostatic or expansive soil pressures are not allowed to develop against the wall.

During a seismic event, lateral earth pressures acting on below-grade structural walls will increase by an incremental amount that corresponds to the earthquake loading. Based on the Mononobe-Okabe equation and peak horizontal accelerations appropriate for the site location,

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Project No. 20-5600

seismic loading should be modeled using the active or at-rest earth pressures recommended above, plus an incremental rectangular-shaped seismic load of magnitude $6.5H$, where H is the total height of the wall.

We assume relatively level ground surface below the base of the walls. As such, we recommend passive earth pressure of 320 pcf for use in design, assuming wall footings are cast against competent native soils or engineered fill. If the ground surface slopes down and away from the base of any of the walls, a lower passive earth pressure should be used and GeoPacific should be contacted for additional recommendations.

A coefficient of friction of 0.42 may be assumed along the interface between the base of the wall footing and subgrade soils. The recommended coefficient of friction and passive earth pressure values do not include a safety factor, and an appropriate safety factor should be included in design. The upper 12 inches of soil should be neglected in passive pressure computations unless it is protected by pavement or slabs on grade.

The above recommendations for lateral earth pressures assume that the backfill behind the subsurface walls will consist of properly compacted structural fill, and no adjacent surcharge loading. If the walls will be subjected to the influence of surcharge loading within a horizontal distance equal to or less than the height of the wall, the walls should be designed for the additional horizontal pressure. For uniform surcharge pressures, a uniformly distributed lateral pressure of 0.3 times the surcharge pressure should be added. Traffic surcharges may be estimated using an additional vertical load of 250 psf (2 feet of additional fill), in accordance with local practice.

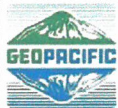
The recommended equivalent fluid densities assume a free-draining condition behind the walls so that hydrostatic pressures do not build-up. This can be accomplished by placing a 12 to 18-inch wide zone of sand and gravel containing less than 5 percent passing the No. 200 sieve against the walls. A 3-inch minimum diameter perforated, plastic drain pipe should be installed at the base of the walls and connected to a suitable discharge point to remove water in this zone of sand and gravel. The drain pipe should be wrapped in filter fabric (Mirafi 140N or other as approved by the geotechnical engineer) to minimize clogging.

Wall drains are recommended to prevent detrimental effects of surface water runoff on foundations – not to dewater groundwater. Drains should not be expected to eliminate all potential sources of water entering a basement or beneath a slab-on-grade. An adequate grade to a low point outlet drain in the crawlspace is required by code. Underslab drains are sometimes added beneath the slab when placed over soils of low permeability and shallow, perched groundwater.

Water collected from the wall drains should be directed into the local storm drain system or other suitable outlet. A minimum 0.5 percent fall should be maintained throughout the drain and non-perforated pipe outlet. Down spouts and roof drains should not be connected to the wall drains in order to reduce the potential for clogging. The drains should include clean-outs to allow periodic maintenance and inspection. Grades around the proposed structure should be sloped such that surface water drains away from the building.

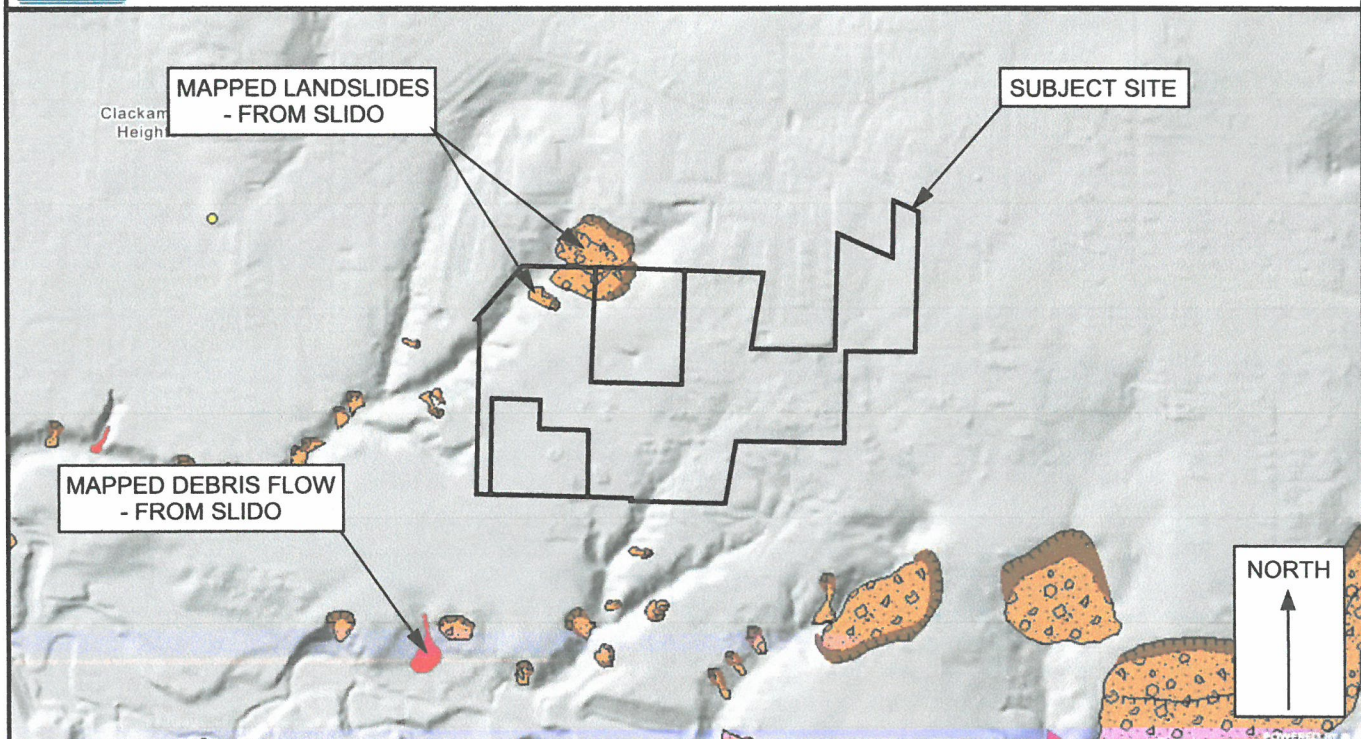
GeoPacific should be contacted during construction to verify subgrade strength in wall keyway excavations, to verify that backslope soils are in accordance with our assumptions, and to take density tests on the wall backfill materials.

Structures should be located a horizontal distance of at least $1.5H$ away from the back of the retaining wall, where H is the total height of the wall. GeoPacific should be contacted for additional foundation recommendations where structures are located closer than $1.5H$ to the top of any wall.



14835 SW 72nd Avenue
Portland, Oregon 97224
Tel: (503) 598-8445 Fax: (503) 941-9281

LIDAR BASED VICINITY MAP - WITH MAPPED LANDSLIDES



Legend

Approximate Scale 1 in = 1,000 ft

Date: 5/28/2021

Drawn by: EKR

Base map: Oregon Department of Geology and Mineral Industries, 2021, Statewide Landslide Information Database for Oregon (SLIDO): <https://gis.dogami.oregon.gov/maps/slido/>

Project: Park Place Crossing General Development Plan
Oregon City, Oregon

Project No. 20-5600

FIGURE 2

Oregon City Planning Commission Meeting of May 23rd, 2022

OCT 3 1:22PM

RE: GLUA-21-00045/MAS-21-00006/VAR 22-00001 Park Place Crossing Development

Message from Scott Burns, Professor of Geology, PSU, to the Planning Commissioners, as given to Christine Kosinski

My Testimony (Christine Kosinski) being submitted today to the Planning Commissioners for tonight's meeting, addresses concerns for building a Swan Rd Extension that would parallel Holly Ln and connect to Morton Road. I attached, to my testimony, the Thesis written by Bill Burns of DOGAMI in 1999, which directly speaks to his concerns for any construction in the area of Morton Rd. His Thesis highlights the building of Hwy 213 at the Morton Rd Landslide and the dangerous landslide conditions which exist here. While I was reading the Thesis, I became very concerned over the magnitude of this landslide and whether the soils here were capable, and stable enough, to adequately transport traffic that is being proposed by the City for this development. I therefore called Professor Scott Burns to get a better understanding of the Morton Rd area and to discuss my concerns.

Here is the Message Professor Scott Burns asked me to deliver to the Planning Commissioners at tonight's meeting where the proposed Park Place Development will be discussed.

"Mrs. Kosinski called me on Saturday, May 21st, 2022 regarding Oregon City's proposal to build a Swan Road extension connecting into Morton Rd, near Holly Ln. After discussing her concerns, I asked Mrs. Kosinski to give the Planning Commission my following message, "Oregon City should call Professor Bill Burns of DOGAMI and discuss the proposed plans for construction of the Swan Road extension which will connect into Morton Road. The City should go by recommendations made by Professor Bill Burns. Then, Professor Scott Burns added, that all recommended work performed at the Morton Road connection, be done only by Certified Geotechnical Engineers." End of Message

(and Certified Engineering Geologist). *DB*

cc: Professor Scott Burns
Professor Bill Burns

I did say the above quote -

Scott Burns

Scott Burns, Professor of Geology, Portland State University

Signed on 9/27/22

State of Oregon Notarial Certificate (ORS Ch. 194.280, 194.285)

Verification on Oath or Affirmation

State of OREGON

County of Multnomah

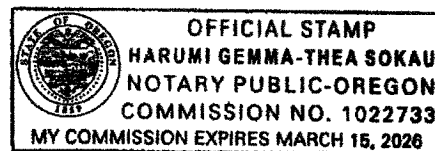
Signed and sworn to (~~or affirmed~~) before me on (date) September 27th, 2022

Scott Fawcett Burns swears and/or affirms that he made the bracketed statements as reflected on the document entitled "Oregon City Planning Commission Meeting of May 23, 2022."

[Signature]

Harumi Gemma-Thea Sokau

Notary Public - State of Oregon



Official Stamp

Document Description

This certificate is attached as page 2 of Oregon City Planning Commission Meeting of May 23, 2022 (title or type of document), dated May 23, 20 22, consisting of 2 pages.

CITY OF OREGON CITY

Community Development Department, 320 Warner Milne Road,
P.O. Box 3040, Oregon City, OR 97045, (503) 657-0891
www.ci.oregon-city.or.us

APPEAL OF A LAND USE DECISION

FILE # **AP** 22-00003 22-00005 (of File #) GLUA-21-00045 MAS-21-00006 VAR-22-00001 DATE: 9/28/22
NAME: Roya Mansouri TELEPHONE #: 503-916-9139
ADDRESS: 16509 S Edenwild Lane, Oregon City, OR 97045

ADDRESS OR PROPERTY DESCRIPTION (T/R/S) OF SUBJECT PROPERTY:
Park Place Crossing

SUBJECT OF APPEAL: NOTICE OF DECISION DATE: 9/12/22 For File #:
GLUA-21-00045 MAS-21-00006 VAR-22-00001

The undersigned hereby appeal(s) the decision of the Oregon City Planning Commission

concerning the subject case. The decision to approve X deny the application was made
at the meeting held on 9/12/22.

REASONS FOR APPEAL: Please include a statement identifying which approval criteria are
violated by the decision and an explanation of how those criteria are violated, or stating how the
decision is otherwise in violation of applicable law. Please see Chapter 17.50 of Oregon City
Municipal Code for Administration & Procedures concerning Appeals.

Please see attached

FILING FEE PAID: Waived DATE PAID: N/A RECEIPT NO.: N/A

 16509 S Edenwild Lane, Oregon City, OR 97045
Property Owner Signature Address

Property Owner Signature Address

SIGNATURES REQUIRED IF APPLICABLE

Signature Address
 Contract Purchaser Lessee Prospective Purchaser

INSTRUCTIONS FOR COMPLETING LAND USE APPLICATIONS

- 1. All applications must be either typed or printed (black ink). Please make the words easily readable.**
- 2. The application must be submitted with the correct fee**
- 3. If you mail in the application, please check with the Planning Division to ensure that it was received and that all necessary fees and information are with the application form.**
- 4. If you wish to modify or withdraw the application, you must notify the Planning division in writing. Additional fees may be charged if the changes require new public notice and/or if additional staff work is necessary. Any refund will reflect the amount of time staff worked up until the date a letter of withdrawal is received.**
- 5. With the application form, please attach all the information you have available that pertains to the application you are submitting. All applicable standards and criteria must be addressed prior to acceptance of the application. Detailed descriptions, maps, and other relevant information should be attached and will be available for public review.**
- 6. Incomplete applications will be returned.**

Reasons for Appeal 22-00003/22-00005
GLUA-21-00045 MAS-21-00006 VAR-22-00001

Submitted jointly by:

Enoch Huang
 Roya Mansouri
 Jed Peterson
 Elisabeth Peterson

Item 1

Procedural Issue: At the Sept 12, 2022 OC Planning Commission meeting, when facing a 3-3 tie, City Attorney Bill Kabeiseman should have offered a third option to the commissioners that the proposal could be rejected. OCMC 2.24.080 states that “If a quorum is present, all matters shall be decided by a vote of the majority.” There is no provision that votes can end in a tie.

Reason for Appeal: The Planning Commission was not properly advised of all of their options.

Item 2

Procedural Issue: At the Sept 12, 2022 OC Planning commission meeting, commissioner Chris Staggs was called by a person who was at the meeting to cast a tie-breaking vote. Commissioner Staggs did not undergo disclosure of *ex parte* contact or verification of identity before being allowed to cast his vote. He was not part of the earlier discussion about Clackamas County Ordinance 07-1007 and was uninformed of the issues pertaining to the vote - especially the discussion about Clackamas County Ordinance 07-1007. The phone call was not initiated by anyone on the City Staff. It is alleged that the person who contacted Commissioner Staggs is named Derek Metson, principal architect of Greenbox Architecture, LLC. The fact that a developer had a planning commissioner’s personal cell phone number – and said commissioner was ready to cast an uninformed vote – raises the question of the partiality of that planning commissioner.

Reason for Appeal: The city staff should not have allowed this vote to be taken without following proper protocol. The vote should have remained deadlocked and the Park Place Crossing General Development Plan (GDP) should never have been approved.

Item 3

Procedural Issue: Ordinance 07-1007 requires that an amendment to the Park Place Concept Plan (CP) be made if there are changes to the Concept Plan. These changes need to be reviewed by the public and accepted before the Concept Plan can be changed. The GDP varies considerably from the CP, and

therefore Ordinance 07-1007 requires that the CP be amended and reviewed before a Development Plan is accepted.

Planning Commission Response: The planning commission was deadlocked in a 3-3 tie before the above mentioned tie-breaker vote was cast.

Reason for Appeal: The GDP is significantly different from the CP in a few key ways that an amended concept plan is required. The GDP cannot be accepted before the concept plan is amended per county ordinance.

Key components of the Park Place Concept Plan include:

- Two primary north-south connections between Holcomb Boulevard and Redland Road (Swan Avenue and Holly Lane)
- Two distinct mixed-use neighborhoods (North Village and South Village) that accommodate 1,459 new dwelling units
- Neighborhood-oriented commercial nodes that integrate commercial land uses, residential land uses, and public open space
- An area for a new civic institution, like a library or community center
- An 8-10 acre community park and a 3-5 acre neighborhood park
- A mix of housing types and ranges of affordability
- An extensive system of off-street and on-street trails and pedestrian/bicycle connections
- Innovative, green on-site stormwater treatment methods
- Protected sensitive areas, including drainages and steep slopes
- Streets and buildings oriented for solar access
- The use of green edges to define neighborhoods and buffer developments
- Integration of parks and open spaces into existing and future neighborhoods

Executive Summary from Concept Plan: <https://www.orcity.org/publicworks/park-place-concept-plan>



The proposed GDP lacks many of these key concepts.

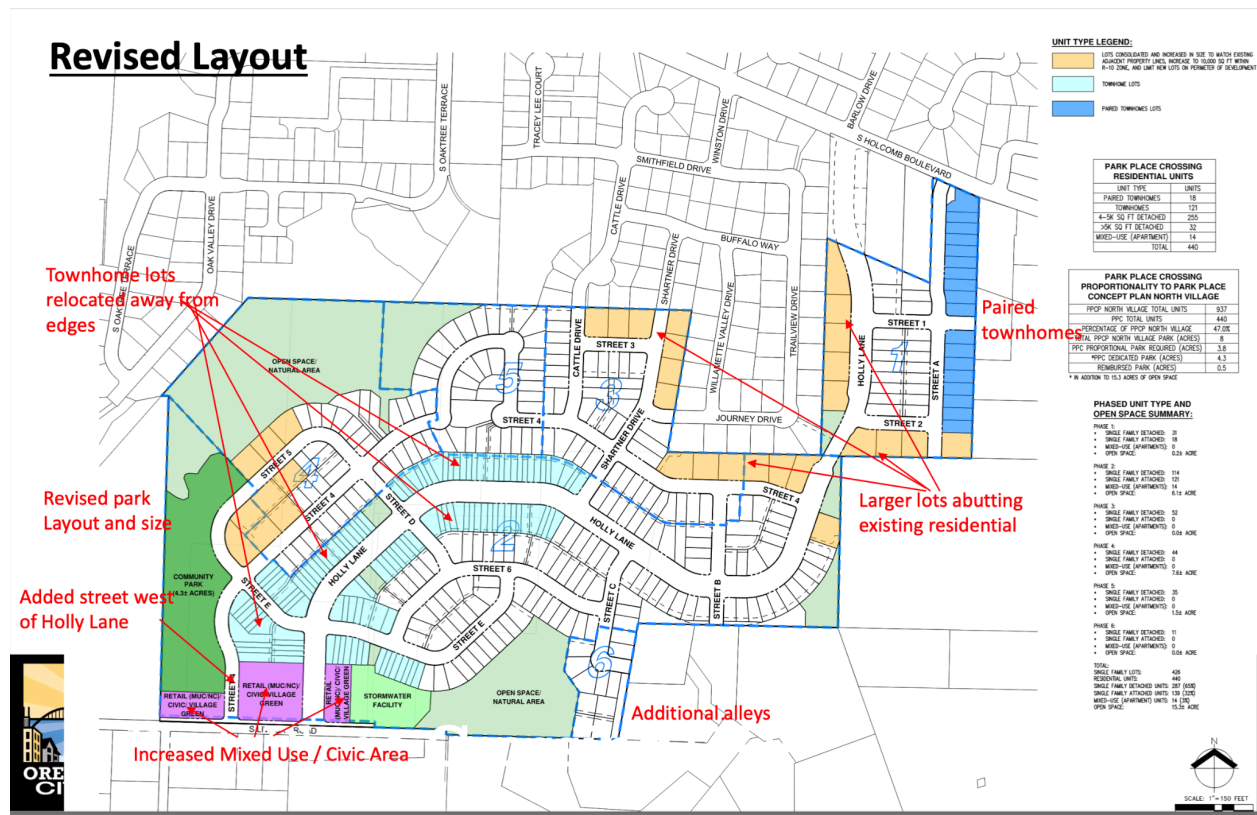
- There are ZERO north-south connections between Holcomb Blvd and Redland Rd, which is a major concern for citizens with regard to emergency services access, daily traffic volume, and evacuation routes. The applicant is unable to provide this north-south connection because they

do not own the land. **This single criteria is enough to require an amendment to the Concept Plan.**

- There is no green edge to buffer Phase 1 homes from surrounding neighborhoods
- There is no extensive system of off-street and on-street trails
- The community park is only 4.3 acres instead of the 8-10 acres in the Concept Plan
- The density along Holly Lane is in direct contrast to the Concept Plan (excerpt from page 3 of Executive Summary)

Existing low-density clusters: Properties along Lower Livesay Road and Holly Lane are expected to remain as low-density clusters in the foreseeable future. They will have the potential to transition to medium-density residential uses over time. However, in the near term they are expected to retain the lowest densities within the planning area.

- The number of lots required by the Concept Plan is being forced into smaller areas of developable land, resulting in requests for lot sizes of 1,800 square feet, which is much smaller than the R-5 and R-10 lots in the neighborhood.



In addition the original Park Place Concept Plan suggested low-density housing (R-10s) with green near other neighborhoods which is currently not occurring in the Phase I portion of the development.

Attached townhomes abut the eastern corner of the development, and there are no green edges to buffer the development from the adjacent residential lot. It is important to note that the City anticipated further rezoning of at least some of the land to achieve the required Concept Plan densities, expecting that some of the R-5 zone would need to be rezoned to R-3.5, and some of the R-10 zone to R-8 or R-6. The applicant has not proposed such a zone change, but has instead included attached single family uses in the R-5 zone, which have a higher maximum density standard, along with a variance to reduce the minimum lot size allowing for more attached units to fit within the proposed attached dwelling area. Again, this is significantly different from the original Concept Plan and would require an amendment and a vote by all Oregon City citizens.

The applicant has proposed a density of 9.1 units per net developable acre, resulting in 476 total units. The Park Place Concept Plan includes 1,459 total residential units, with 937 in the North Village area. The Park Place Crossing Master Plan area encompasses approximately 50% of the acreage of the North Village area. It is the applicant's responsibility to show that the number of units proposed will be consistent with the Park Place Concept Plan density assumptions as well as within the minimum and maximum densities of the zone. The applicant has proposed 476 units, which is 50.8% of the total number of units planned in the North Village. Based on zoning alone, applying the minimum density standard would result in 318 units in the project area. This would only provide 34% of the total 937 units required in the North Village, and would put a burden on the remaining properties in the North Village to develop at densities that may be infeasible and/or inconsistent with the Concept Plan itself.

However, is it necessary to have so many units in the North Village? The Park Place Concept Plan does not break down the units according to geographical location, but according to the included plan below, it appears that the residual southern region of the North Village is larger and flatter with likely more usable acreage which would potentially mean it could sustain more housing than the current Park Place Crossing. There should be more evaluation of the percentage of buildable acreage of each area of the North Village as it may directly impact the developer's explanation for the increased density it proposes.

The original Park Place Concept Plan also states that plan to "Preserve and maintain existing trees and tree canopy coverage, and plant trees, where appropriate, to maximize future tree canopy coverage." (FCP, pg. 69) The developer has not provided an accurate and enforceable plan on the preservation and maintenance of existing trees and tree canopy coverage, particularly in regions that abut neighboring properties and would also be able to fulfill one of the key components to use green edges. Again, the proposed plan is distinctly different from the PPCP. Indeed, when looking at their revised layout, it appears that a very weak effort was made to revise the layout, given a few expansion of lots, (with attached townhomes as a result in Phase I) as well as no green boundaries or buffer zones or maintenance of tree canopies.

Conclusion: The Park Place Crossing General Development Plan is a square peg being forced into a round hole. The Park Place Concept Plan needs to be amended and adapted to the realities of the site, presented and reviewed by the public, and then presented for general development plan review. An approval of a GDP now circumvents Clackamas County Ordinance 07-1007 and deprives its citizens of their significant rights.

Item 4
OCMC 17.49 Natural Resource Overlay District

Situation: After listening to testimony regarding the Natural Resource Overlay District (NROD) governed by OCMC 17.49, the Planning Commission instituted three Conditions of Approval:

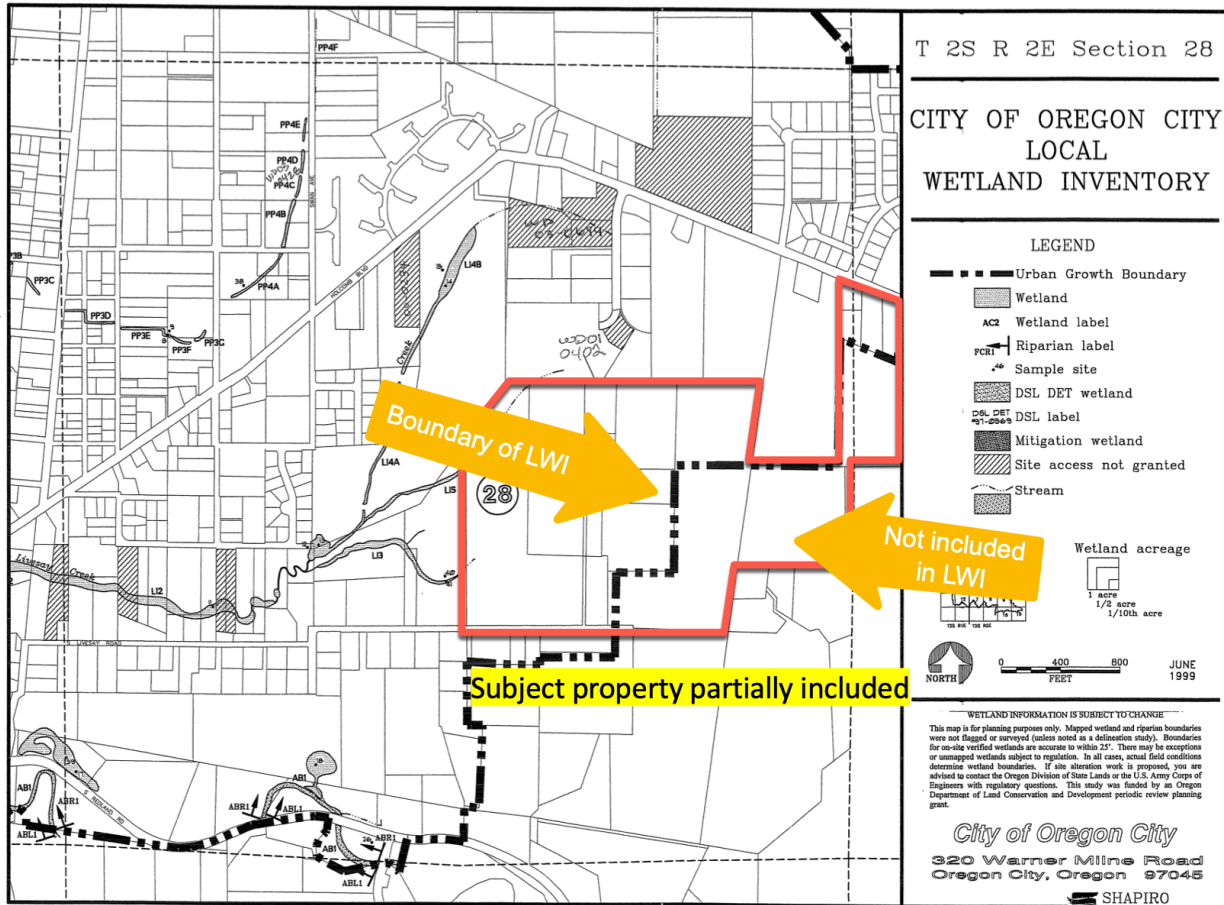
16. Any development phases that include mapped Natural Resources Overlay District areas shall be reviewed for compliance with criteria in OCMC 17.49 either before or at the time of first DDP application. Development within areas not included in the applicant's preliminary NROD report are required to be delineated in accordance with standards in OCMC 17.49 and reviewed as part of DDP review.
17. Formal NROD verification of Charman Creek shall be required before or as part of the Phase 1 DDP, with third party review required. The NROD study should include field analysis along the entire shared property line with tax lot 400 near the mapped Charman Creek headwaters, as depicted in Exhibit 8.
21. All NROD Verifications required for detailed development plan review shall be reviewed through the Type II process described in OCMC 17.49.250 unless a Type III review is otherwise required by OCMC 17.49. Third party NROD verification review shall be required for all NROD areas, at the applicant's expense. The Planning Division will manage the third-party review from an outside consultant during NROD application review.

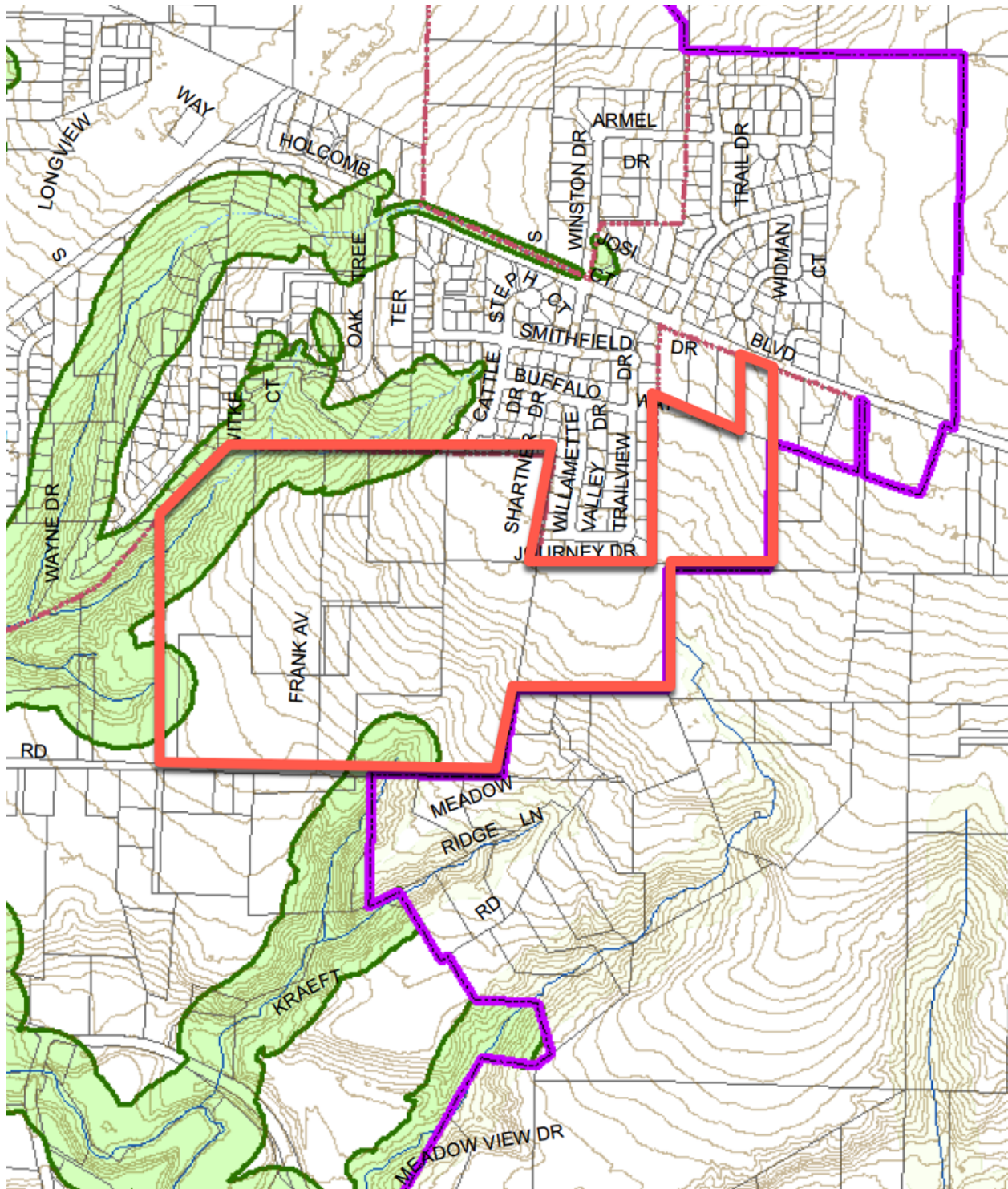
We anticipate that the developer will appeal these COA as they state in their letter of May 23, 2022:

First, a revision to the NROD boundary is not proposed in the Application. Second, none of wetland [sic] identified in the Applicant's wetland delineation about the NROD boundary. Finally, substantial evidence in the record supports a conclusion that all wetlands and streams were correctly identified in the Applicant's wetland delineation, which has received concurrence by the Oregon Department of State Lands ("DSL")...

...the City is neither required nor permitted to change the NROD boundary as it relates to the Application. The Application is subject to the "Fixed Goal-Post Rules" in ORS 227.178(3), which precludes amendment of the NROD map as applicable to the Application. And, under OCMC 17.49.030.2, the Applicant has the discretion whether or not to request a change in the NROD map boundary in a quasi-judicial review.

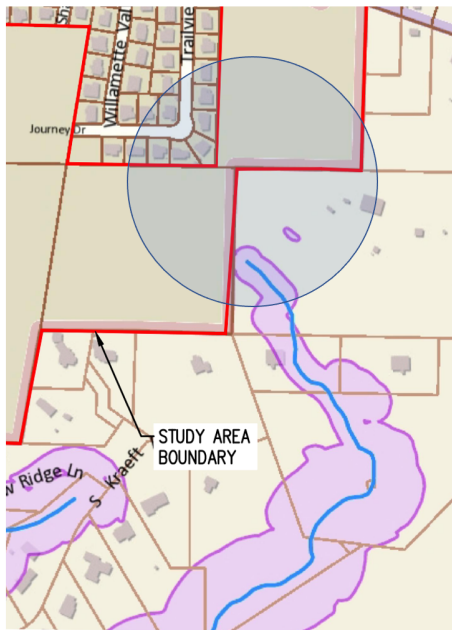
Request to the City Commission: It is imperative that the commission keep Conditions of Approval 16, 17, and 21. It is obviously in the applicant's best interest *not* to revise the NROD boundary as the NROD identifying documents (17.49.020.A1 - 17.49.020.A8) are inaccurate and out of date (e.g., 1999 Local Wetland Inventory does not include the eastern half of the subject property).



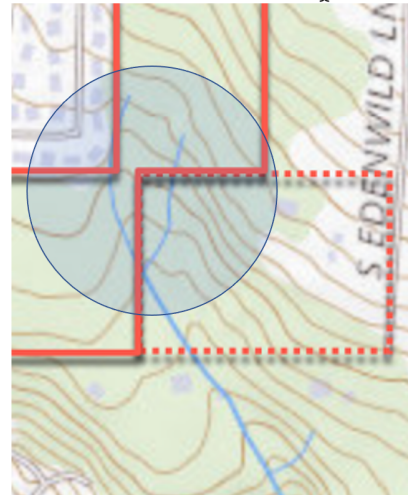


The fact that none of the wetlands identified in their wetland delineation about the NROD boundary is a given because the NROD boundaries stop abruptly at the Urban Growth Boundary (even though the waterways continue) and do not include the most proximal headwaters of Charman creek identified in the USGS map (a map that the applicant entered into evidence).

Map provided by AKS/ICON

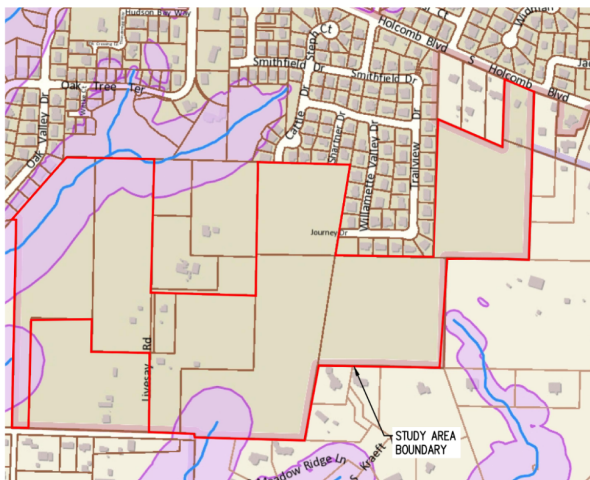


USGS Map Quadrangle Oregon City 2020

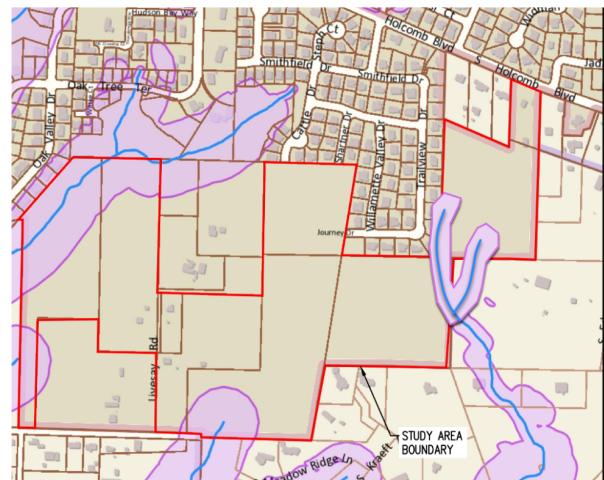


Two tributaries of Charman Creek are missing from the NROD map

OREGON CITY GIS MAPPING
NATURAL RESOURCE OVERLAY DISTRICT



Existing NROD Boundary Map



Potential revised NROD Boundary Map

The applicant states that the Department of State Lands concurs with their wetland and waterway boundaries in the AKS delineation report. However, the DSL report specifically states “this concurrence is for purposes of the state Removal-Fill Law only.”

It is therefore right and just that COA 16 requires delineation of areas not included in the applicant’s preliminary NROD report. The requirement of COA 17 to map the headwaters of Charman creek and the field analysis along tax lot 400 is the only way to ensure compliance with OCMC 17.49. Finally, the requirement of COA 21 to have independent third-party review of NROD verifications is the only way to ensure impartiality.

Finally, with regard to the applicant's argument that under OCMC 17.49.030.2 they are allowed to choose whether to request a change in the NROD map boundary, a complete citation of the code shows this is not the case:

17.49.030.2 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.

OCMC 17.49.250 (Verification of NROD boundary) states:

The NROD boundary may have to be verified occasionally to determine the true location of a resource and its functional values on a site.

Conclusion: The City does have the ability and responsibility to ensure that the NROD boundary is accurate, particularly as almost 50% of the proposed development site has no NROD verification as was annexed after the last update of the NROD map.

Item 5

Procedural issue: Oregon City Community Development - Planning Requirement

"Submittal of a Land Use Application The application will be deemed complete or incomplete within 30 days. If the application is incomplete, the applicant is responsible for re-submitting the required information within 180 days of the original submittal date."

The submitted plan was shown to be incomplete and was found to have a number of factual errors and omissions. As such, the application should have been deemed incomplete and the applicant should have re-submitted the required information within 180 days of the original submittal date. Several public hearings occurred despite the application not meeting the requirements. The developer continued to modify the application over the course of those hearings but has not met the requirement for a "Submittal of a Land Use Application."

Item 6

Code issue: 12.04.025 180 Street Design--Minimum Right-of-Way.

All development shall provide adequate right-of-way and pavement width. Adequate right-of-way and pavement width shall be provided by: A. Complying with the Street Design Standards contained in the table provided in chapter 12.04. The Street Design Standards are based on the classification of streets that occurred in the Oregon City Transportation System Plan (TSP), in

particular, the following TSP figures provide the appropriate classification for each street in Oregon City: Figure 5-1: Functional Classification System and New Roadway Connections; Figure 5-3: Pedestrian System Plan; Figure 5.6: Bicycle System Plan; and Figure 5.7: Public Transit System Plan. These TSP figures from the Oregon City Transportation System Plan are incorporated herein by reference in order to determine the classification of particular streets.

Response: Developers requested a significant variance as there is a requirement that a minor arterial type of street requires 88 feet pavement width.

This requirement is essential for making the streets safe for pedestrians, bicyclists, cars, emergency vehicles, etc. Furthermore, the required park is not in phase 1 and to travel to the park from phase 1 housing will require transversing a minor arterial street that does not meet the Municipal Code. As such, this proposal fails to address on multiple levels the needs and requirements of the Park Place Plan and the Municipal Code.

Item 7

Code issue: 16.08.025 Preliminary Subdivision Plat--Required Plans.

Traffic/Transportation Plan. The applicant's traffic/transportation information shall include two elements: (1) A detailed site circulation plan showing proposed vehicular, bicycle, transit and pedestrian access points and connections to the existing system, circulation patterns and connectivity to existing rights-of-way or adjacent tracts, parking and loading areas and any other transportation facilities in relation to the features illustrated on the site plan; and (2) a traffic impact study prepared by a qualified professional transportation engineer, licensed in the state of Oregon, that assesses the traffic impacts of the proposed development on the existing transportation system and analyzes the adequacy of the proposed internal transportation network to handle the anticipated traffic and the adequacy of the existing system to accommodate the traffic from the proposed development. The City Engineer may waive any of the foregoing requirements if determined that the requirement is unnecessary in the particular case.

Response: The flawed traffic impact study presented was performed during COVID closures when many businesses and schools were not "in-person." Even with that flawed study, it was noted that the Redland/OR-213 intersection will not be able to handle the predicted increase in traffic by 2026 even without this new development.

Item 8

Code issue: 17.21.090 - Garages and accessory structures.

"Garages must be detached, side entry or rear entry. For side entry garages: The garage area shall not be located in front of the living area. Accessory structures shall be designed consistent

with the primary residence. Consistency of design includes the use of similar roofing, siding, and trim. For the purposes of this section, detached garages may be connected by a breezeway but consequently, will be subject to the setbacks of the underlying zone.”

Response: The developer never submitted a plan that was compliant with this municipal code. The plans have been revised numerous times since the initial submission. Initial plans were even less compliant than current plans. Nevertheless, the developer needs to submit a plan that is entirely compliant as it is clearly possible to be compliant if they revise their plans further into the plan that should have been originally submitted.

Item 9

Code issue: 17.16.040 Driveway access and parking

A. Garages on the front façade, off-street parking areas in the front yard, and driveway accesses in front of a dwelling are permitted in compliance with the following standards:

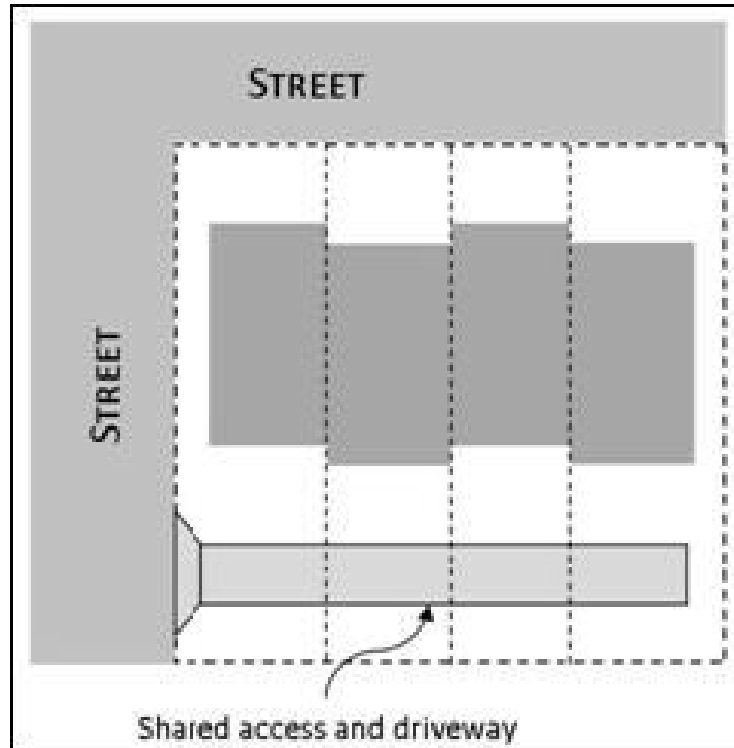
1. All driveways shall comply with OCMC [16.12.035](#).
2. Outdoor on-site parking and maneuvering areas shall not exceed twelve feet wide on any lot; and
3. The garage width shall not exceed twelve feet.

B. Garages not on the front façade and single-family attached dwellings which do not include off-street parking in the front yard are permitted in compliance with the following standards:

1. Off-street parking areas shall be accessed on the back façade or located in the rear yard. No off-street parking shall be allowed in the front yard or side yard.
2. Development that includes a corner lot shall take access from a single driveway on the side of the corner lot. The city engineer may alter this requirement based on street classifications, access spacing, or other provisions. See Figure 17.16.040.B.2.

Figure 17.16.040.B.2

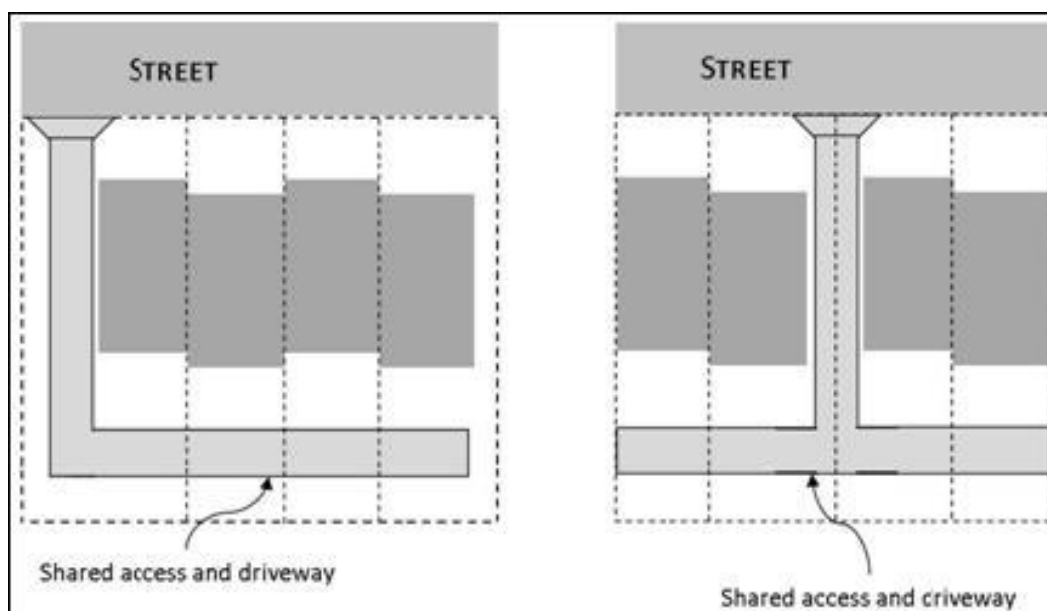
Development with Corner Lot Access



3. Development that does not include a corner lot shall consolidate access for all lots into a single driveway. The access and driveway are not allowed in the area directly between the front façade and front lot line of any of the single-family attached dwellings. See Figure 17.16.040.B.3.

Figure 17.16.040.B.3

Development with Consolidated Access



4. A development that includes consolidated access or shared driveways shall record access easements to allow normal vehicular access and emergency access.

C. Developments served by an alley providing access to the rear yard are exempt from compliance with OCMC 17.16.040.A and 17.16.040.B.

D. Driveways shall comply with the standards of OCMC [16.12.035](#).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)”

Response: The developer never submitted a plan that was compliant with this municipal code. The plans have been revised numerous times since the initial submission. Initial plans were even less compliant than current plans. Nevertheless, the developer needs to submit a plan that is entirely compliant as it is clearly possible to be compliant if they revise their plans further into the plan that should have been originally submitted.

Item 10

Code issue: 17.44.010 - Intent and purpose

“The intent and purpose of the provisions of this chapter are:

- A. To ensure that activities in geologic hazard areas are designed based on detailed knowledge of site conditions in order to reduce the risk of private and public losses;
- B. To establish standards and requirements for the use of lands within geologic hazard areas;
- C. To provide safeguards to prevent undue hazards to property, the environment, and public health, welfare, and safety in connection with use of lands within geologic hazard areas;
- D. To mitigate risk associated with geologic hazard areas, not to act as a guarantee that the hazard risk will be eliminated, nor as a guarantee that there is a higher hazard risk at any location. Unless otherwise provided, the geologic hazards regulations are in addition to generally applicable standards provided elsewhere in the Oregon City Municipal Code.”

Response: This has been discussed ad nauseum by the public and several commissioners during the hearings. The plan clearly puts the public and the new development at risk with a variety of known geologic hazards including but not limited to: flooding, fires, and landslides. Rightfully, there was public outcry and the proposed plan fails to address these issues in a meaningful way.

Item 11

Code issue: 17.44.050 - Development - Application requirements and review procedures and approvals

“Except as provided by subsection C of this section, an application for a geologic hazards overlay review shall include the following:

- A. A geological assessment and geotechnical report that specifically includes, but is not limited to:
 1. Comprehensive information and data regarding the nature and distribution of underlying geology, the physical and chemical properties of existing soils and groundwater; an opinion of site geologic stability, and conclusions regarding the effect of geologic conditions on the proposed development. In addition to any field reconnaissance or subsurface investigation performed for the site, the following resources, as a minimum, shall be reviewed to obtain this information and data:
 - a. The State of Oregon Department of Geology and Mineral Industries (DOGAMI) in Bulletin 99, Geology and Geological Hazards of North Clackamas County, Oregon (1979), or in any subsequent DOGAMI mapping for the Oregon City area;
 - b. Portland State University study entitled "Environmental Assessment of Newell Creek Canyon, Oregon City, Oregon" (1992);
 - c. Portland State University study, "Landslides in the Portland, Oregon, Metropolitan Area Resulting from the Storm of February 1996: Inventory Map, Database and Evaluation" (Burns and others, 1998);
 - d. DOGAMI Open File Report O-06-27, "Map of Landslide Geomorphology of Oregon City, Oregon, and Vicinity Interpreted from LIDAR Imagery and Aerial Photographs" (Madin and Burns, 2006);
 - e. "Preliminary Geologic Map of the Oregon City Quadrangle, Clackamas County, Oregon" (Madin, in press);
 - f. Landslide Hazards Land Use Guide for Oregon Communities (October 2019), prepared by the State of Oregon Department of Geology and Mineral Industries (DOGAMI) and the Oregon Department of Land Conservation and Development (DLCD);
 - g. Landslide hazard and risk study of northwestern Clackamas County, Oregon: Oregon Department of Geology and Mineral Industries, Open-File Report O-13-08, 74 map plates; Burns, W.J., Mickelson, K.A., Jones, C.B., Pickner, S.G., Hughes, K.L., Sleeter, R., 2013.
 - h. Mapped landslide data shall be from the city's maps as a minimum but may be supplemented with maps from items a through f above.
 2. Information and recommendations regarding existing local drainage, proposed permit activity impacts on local drainage, and mitigation to address adverse impacts;
 3. Comprehensive information about site topography;
 4. Opinion as to the adequacy of the proposed development from an engineering standpoint;
 5. Opinion as to the extent that instability on adjacent properties may adversely affect the project;
 6. Description of the field investigation and findings, including logs of subsurface conditions and laboratory testing results;
 7. Conclusions regarding the effect of geologic conditions on the proposed development, tree removal, or grading activity;
 8. Specific requirements and recommendations for plan modification, corrective grading, and special techniques and systems to facilitate a safe and stable site;
 9. Recommendations and types of considerations as appropriate for the type of proposed development:
 - a. General earthwork considerations, including recommendations for temporary and permanent cut and fill slopes and placement of structural fill;
 - b. Location of residence on lot;

- c. Building setbacks from slopes;
- d. Erosion control techniques applicable to the site;
- e. Surface drainage control to mitigate existing and potential geologic hazards;
- f. Subsurface and/or management of groundwater seepage;
- g. Foundations;
- h. Embedded/retaining walls;
- i. Management of surface water and irrigation water; and
- j. Impact of the development on the slope stability of the lot and the adjacent properties.
- k. Construction phasing and implementation schedule as it relates to foundation excavation, allowance for stockpiles, imported backfill, site subsurface drainage or dewatering, provision for off season site protections;
- l. Stormwater management; and
- m. Construction methods.

10. Scaled drawings that describe topography and proposed site work, including:

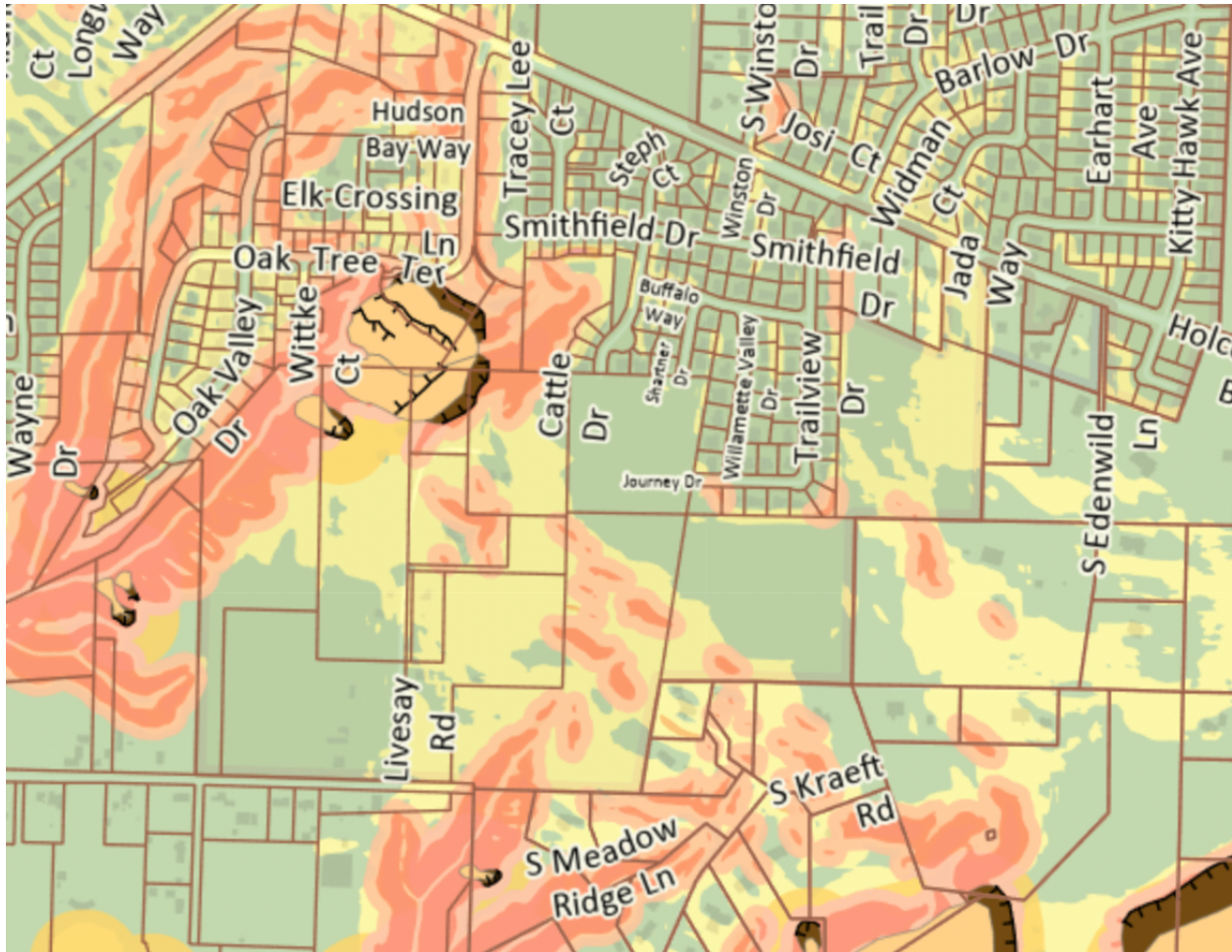
- a. Natural physical features, topography at two or ten-foot contour intervals locations of all test excavations or borings, watercourses both perennial and intermittent, ravines and all existing and man-made structures or features all fully dimensioned, trees six-inch caliper or greater measured four feet from ground level, rock outcroppings and drainage facilities;
- b. All of the features and detail required for the site plan above, but reflecting preliminary finished grades and indicating in cubic yards whether and to what extent there will be a net increase or loss of soil.
- c. A cross-section diagram, indicating depth, extent and approximate volume of all excavation and fills.

11. For properties greater than one acre and any property that has any portion of its property existing within a mapped landslide, where the activity is not exempted by [Section 17.44.035](#), a preliminary hydrology report, prepared by a suitably qualified and experienced hydrology expert, addressing the effect upon the watershed in which the proposed development is located; the effect upon the immediate area's stormwater drainage pattern of flow, the impact of the proposed development upon downstream areas and upon wetlands and water resources; and the effect upon the groundwater supply.

B. Review procedures and approvals require the following:

- 1. Examination to ensure that:
 - a. Required application requirements are completed;
 - b. Geologic assessment and geotechnical report procedures and assumptions are generally accepted; and
 - c. All conclusions and recommendations are supported and reasonable.
- 2. Conclusions and recommendations stated in an approved assessment or report shall then be directly incorporated as permit conditions or provide the basis for conditions of approval for the regulated activity.
- 3. All geologic assessments and geotechnical reports shall be reviewed by an engineer certified for expertise in geology or ::geologic engineering and geotechnical engineering, respectively, as determined by the city. The city will prepare a list of prequalified consultants for this purpose. The cost of review by independent review shall be paid by the applicant.

C. The city engineer may waive one or more requirements of subsections A and B of this section if the city engineer determines that site conditions, size or type or development of grading requirements do not warrant such detailed information. If one or more requirements are waived, the city engineer shall, in the staff report or decision, identify the waived provision(s), explain the reasons for the waiver, and state that the waiver may be challenged on appeal and may be denied by a subsequent review authority.”



https://maps.orcity.org/Html5Viewer_4_14_2/index.html?viewer=OCWebMaps.OCWebMaps

Response: The level of detail required to fulfill this municipal code has not been met. Furthermore, the submitted application contained factual errors and maps were shown to be discordant with readily available geologic boundary maps. This attached map depicts “Hazards and Flood info” and clearly conflicts with the submitted application.

OCT 3 1:22PM

Oregon City Planning Commission

Meeting of August 22nd, 2022

RE: Message from Scott Burns, Professor of Geology, PSU to the Oregon City Planning Commission.
This is an attachment to Testimony from Christine Kosinski, Holly Ln, Unincorporated Clackamas Co

For:: Agenda Item GLUA-21-00045/MAS-21-000061/VAR-22-00001
Park Place Crossing Development

After researching soil conditions existing in the proposed Park Place Crossing, and especially the soils at the Holly Ln/Redland Rd intersection, I reached out to Professor Scott Burns regarding my serious concerns for the Troutdale Formation and Alluvium soils which are found for this intersection on the Bulletin 99 "Geologic map of the Canby and Oregon City Quadrangle. Bulletin 99 speaks to the Clay in Troutdale Formation, which is unstable and causes overlying competent units to fail by landslide. The Alluvium soils have hazards of flooding, near-surface water table, weak compressible soils; development not normally recommended.

Scott Burns Message to the Planning Commission of Oregon City

"I am extremely concerned for the soil conditions existing at the intersection of Holly Ln and Redland Rd. In a worst-case scenario, the roads could just cave in and "collapse" altogether under a heavy rainfall. I have stated to Christine Kosinski that the intersection is highly complicated and that the city needs detailed maps, and to remember, that only a Preliminary study and report have been done."

Scott Burns was unable to contact me until this past Friday, when he returned home from a geology trip out of country, unfortunately he contracted Covid and now is quarantined to home. He requested that I bring this important information to the Oregon City Planning Commission.

→ I did say the above quote -

Scott Burns
Scott Burns, professor of Geology
Portland State University

Note: Professor Burns first brought these serious concerns to the attention of the City in 2007. Here we are today, with development being proposed, and still no in-depth studies have been done to validate the safety for using the intersection of Holly Ln and Redland Rd.

Signed on 9/27/22

cc: Mike Bezner, Clackamas County, Transportation Engineering Manager

State of Oregon Notarial Certificate (ORS Ch. 194.280, 194.285)

Verification on Oath or Affirmation

State of OREGON

County of Multnomah

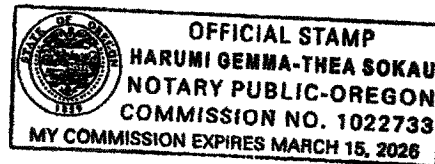
Signed and sworn to (or affirmed) before me on (date) September 27th, 20 22

Scott Frantz Burns swears and/or affirms that he made the bracketed statements as reflected on the document entitled "Oregon City Planning Commission Meeting of August 22, 2022."

H Sokau

Harumi Gemma-Thea Sokau

Notary Public - State of Oregon



Official Stamp

Document Description

This certificate is attached as page 2 of Oregon City Planning Commission Meeting of August 22, 2022 (title or type of document), dated August 22, 20 22, consisting of 2 pages.

CITY OF OREGON CITY

Community Development Department, 320 Warner Milne Road,
P.O. Box 3040, Oregon City, OR 97045, (503) 657-0891
www.ci.oregon-city.or.us

APPEAL OF A LAND USE DECISION

FILE # **AP** 22-00003 (of File #) GLUA-21-00045 DATE: 09-28-2022
22-00005 MAS-21-00006
VAR-22-00001
 NAME: James Nicita TELEPHONE #: 503-799-0725
 ADDRESS: 302 Bluff Street, Oregon City, OR 97045

ADDRESS OR PROPERTY DESCRIPTION (T/R/S) OF SUBJECT PROPERTY:

Extensive. See City Precautionary Notice of Appeal

SUBJECT OF APPEAL: NOTICE OF DECISION DATE: 09 / 14 / 22 For File #: See above
 Noncompliance with state law, charter, concept plan, and codes.

The undersigned hereby appeal(s) the decision of the Planning Commission

concerning the subject case. The decision to approve x deny the application was made
 at the meeting held on September 12, 2022.

REASONS FOR APPEAL: Please include a statement identifying which approval criteria are
 violated by the decision and an explanation of how those criteria are violated, or stating how the
 decision is otherwise in violation of applicable law. Please see Chapter 17.50 of Oregon City
 Municipal Code for Administration & Procedures concerning Appeals.
 See attached.

I have standing to appeal because I commented via both written and oral testimony to the Planning
 Commission. I am an interested party because I am concerned about livability, urban design, and
 compliance with laws, the charter, planes, codes, ordinances and procedures.

FILING FEE PAID: Waived DATE PAID: RECEIPT NO.:

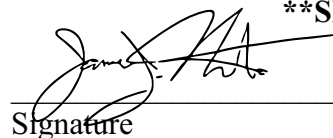
Property Owner Signature

Address

Property Owner Signature

Address

SIGNATURES REQUIRED IF APPLICABLE


 Signature

302 Bluff Street, Oregon City, OR 97045

Address

 Contract Purchaser

 Lessee

 Prospective Purchaser

 X Appellant

STATEMENT OF APPEAL

Preliminary Matter: The legislature, LUBA and the Courts of Appeal have granted the City Commission deference in interpreting the City's own land use planning documents. If the City Commission makes an interpretation, and that interpretation is "plausible," it will be given deference upheld. *Siporen v. City of Medford*, 349 Or. 247 (2010).

I ask the City Commission to beware.

Please do not allow city staff, the city attorneys, or the applicant to try to convince the City Commission that such deference means that the City HAS TO interpret the City's plans and codes loosely.

In other words, if the City Commission makes an interpretation that it is going to interpret the development codes and the Park Place Concept Plan strictly, that strict interpretation is certainly "plausible," and such a strict interpretation will be upheld.

There is ample grounds for such a strict interpretation, including not only the public interest, but the findings and determinations in Ordinance 07-1007, including the text of the ordinance itself, and pursuant to Section 1, "the findings contained in the Staff Report and Record for Planning File L 07-01."

- I. Failure to Add Conditional of Approval Prohibiting Issuance of Building Permits for the Park Place Crossing General Development Plan and subsequent Detailed Development Plans Until the Holly Lane Connector from Redland Road to Holcomb Road is Completed.

The City Commission should add such a condition of approval. Ordinance 07-1007, Attachment C lists this connector as part of the ordinance-authorized Park Place Concept Plan, as a required transportation need, at \$17.4 million. The 2013 Transportation Systems Plan, Vol 2, pdf p. 54 allocates the full required amount to this project.

I raised a point below that state law allows the City of Oregon City to construct a road or a segment of a road outside the city limits.

ORS 223.930 Streets along city boundaries or partly within and without city. (1) Any city may construct, improve, maintain and repair any street the roadway of which, as defined in the Oregon Vehicle Code, is along or along and partly without, or **partly within and partly without the boundaries of the city** and may acquire, **within and without the boundaries of such city**, such rights of way as may be required for such street by donation or purchase or by

condemnation in the same manner as provided in ORS 223.005 to 223.105, except as provided in subsection (2) of this section.

(2) In any condemnation proceeding pursuant to subsection (1) of this section, a city shall not have any right of occupancy or possession until the condemnation judgment is paid. [1955 c.551 §1; 1985 c.16 §453]

II. The Decision Purports to Approve a General Development Plan Does Does Not Comply with the Park Place Concept Plan in Regards to the Main Street Village and the Location and Size of the Community Park.

A Criteria:

OCMC 17.65.050(C)(7): The proposed general development plan is consistent with the underlying zoning district(s) and any applicable...concept plans.

Park Place Concept Plan, Appendix, and Attachment C, adopted via Ordinance 07-1007.

Park Place Concept Plan Requirements:

Integrate stormwater management. By treating or detaining stormwater on site, there is less need for costly infrastructure. On site treatment also improves overall water quality. p. 23

Park Place Concept Plan Conceptual Map, p. 24

Graphic Descriptions of Main Street Village and Village Green Concepts, showing two-story buildings along Main Street Village and Village Green, p. 25.

As part of the implementation measures proposed for Park Place, the City's existing Neighborhood Commercial (NC) zone will be modified to include "main street" standards for use in creating vibrant neighborhood centers in the North and South Villages. p.25.

Dwelling units above ground floor (if in conjunction with a permitted or conditional use). p. 28.

B. Assignment of Error: The General Development Plan Does not Comply with the Concept Plan.

The clear import of the use of the term "and" instead of "or" in *OCMC 17.65.050(C)(7)*, is that the general development plan must comply with both the zoning code and the concept plan. In other words, even if the GDP complies with the zoning code, if it does not also comply

with the concept plan, the GDP may not be approved, unless conditions requiring compliance are attached.¹

Therefore, these comments focus exclusively on noncompliance with the Park Place Concept Plan.

The “main street” standards required by the Park Place Concept Plan have never been adopted. The City Commission should include a condition of approval that no building permit should issue for detailed development plans until such main street design standards are adopted.

The general development plan includes a regional stormwater pond where the east end of the main street village should go. That is in conflict with the plan, both in terms of the main street village design, and in terms of the concept plan requirement that stormwater be treated on-site, which obviates the need for regional stormwater ponds.

The GDP allows the civic center to be on the north side of the Livesay main street. The plan places it at the east end of Livesay.

The GDP allows the village green to be on the north side of the Livesay Main Street. It also goes on the east end.

The GDP allows the community park to abut Livesay. The concept plan does not permit this.

The GDP wrongfully allows the applicant to count already-designated open space as part of its acreage requirement for community park adopted by Ordinance 07-1007, Attachment C, and the Park Place concept plan.

The GDP does not include residential on the second and/or third floors of the buildings along the Livesay main street. The GDP does not include the required upper floor residential units in the overall density calculation for the GDP. If it did, then some of the lots to the north could be removed to allow the community park to be located in the area that the Park Place concept plan says it should be.

III. Procedural Violations

A. Criteria:

¹ Also, in case of conflicts between a zoning code and a plan, the plan controls and supersedes the plan. *Baker v. City of Milwaukie*, 271 Or 500, 533 P.2d 772 (1975); *Fasano v. Washington County Commission*, 264 Or 574, 507 P.2d 23 (1973).

1. *OCMC 17.50.180 - Objections to Procedure. Any party who objects to the procedure followed in any particular matter, including bias, conflict of interest and undisclosed ex parte contacts, shall make a procedural objection prior to the city rendering a final decision. Procedural objections may be raised at any time prior to a final decision, after which they are deemed waived. In making a procedural objection, the objecting party shall identify the procedural requirement that was not properly followed and identify how the alleged procedural error harmed that person's substantial rights.*

OCMC 17.50.030.C: for a Type III decision, “The city commission decision on appeal from (sic) is the city's final decision...”

Procedural violations that occurred during the proceedings of the Planning Commission, even after the close of the record, and after the close of the public hearing, may still be raised prior to the final decision of the city commission on appeal to the city commission.

The procedural violations described below prejudiced my substantial rights to a full and fair hearing, as well as the same rights of everyone who participated in the Park Place Crossing proceedings before the Planning Commission. The decisional result turned out to be precisely the opposite of what it should have been under proper procedures: approval instead of denial. It was a biased decision, and an unfair decision.

B. Assignment of Errors:

1. The Planning Commission erred in taking a second vote to approve the Park Place Crossing during its September 12, 2022 meeting. The motion to approve the development proposal ended first in a tie vote. Therefore, it failed. There was no required and/or legally effective vote to reconsider the motion to approve. Therefore the final effective decision of the Planning Commission was denial.

Procedural rule violated: City Commission Rules of Procedure, effective February 3, 2021 and/or Robert's Rules of Order.

The Planning Commission was required first to pass a motion to reconsider the denial (i.e., the tie vote) prior to a second vote to approve the Park Place Crossing proposal. That did not happen.

City Commission Rules Procedure Section 1 states: “The rules are designed to apply to all City boards, committees, and commissions where appropriate.” This of course would include the Planning Commission.

City Commission Rules of Procedure Section VII.A - Reconsideration of Actions Taken, states: "Unless specifically governed by other provisions of the Codes, ordinances, or other regulations of the City, any Commissioner who voted with the majority may move for reconsideration of an action at the same or the next following regular meeting of the Commission. No additional testimony or evidence from the public shall be taken as part of reconsideration unless the record is re-opened and notice provided. Once a matter has been reconsidered, no motion for further reconsideration shall be made without unanimous consent of the Commissioners present at the meeting."

Section VII.A only permits a vote to reconsider an action if the original decision resulted from a majority vote. The rule provides no authority for reconsideration of a decision resulting from a tie vote. Therefore, the second vote on September 12 was a legal nullity. Only the initial tie vote was legally effective. Since it did not garner a majority, the motion to approve the development failed. Denial was the final Planning Commission decision, not approval.

Although the analysis differs slightly, the result is the same under Robert's Rules of Order.

Section II.H of the Commission Rules of Procedure, adopted pursuant to Section 14 of the City Charter, prescribe the use of "Robert's Rules of Order" in meetings. So do the Planning Commission bylaws dated August 22, 2022, at Section V.F,

Pursuant to § 36 of Robert's Rules, a decision may be reconsidered only upon the motion of someone who was on the "prevailing" side of the vote.

Since a motion is lost on a tie vote, the "prevailing" side of the vote on the Park Place Crossing motion to approve were the three planning commissioners who voted "no": LaSalle, Mitchell, and Schlagenhauser. None of these planning commissioners moved to reconsider the denial of the Park Place Crossing proposal.

Therefore, the Planning Commission could not take the second vote that it took. That vote was a legal nullity.

In sum, by any measure, the Planning Commission denied the Park Place Crossing proposal. It was error for the Planning Commission to record that it had approved the proposal.

2. Planning Commissioner Staggs, if he was even present,² did not declare ex parte contacts, bias, or conflict of interest before he voted at the September 12, 2022 meeting.

Procedural rules violated: ORS 227.180(3), OCMC 17.50.120(E)(5), OCMC 17.50.160,

Simply put, Planning Commissioner Staggs' failure to make the appropriate declarations during the September 12 meeting nullifying his (purported) vote, the second (already legally-ineffective) vote to approve the Park Place Crossing proposal was again a tie, 3-3, and therefore also failed.

3. The city attorney erred in failing to ensure that the Planning Commission adhered to proper procedures during the September 12, 2022 Planning Commission proceedings on Park Place Crossing.

Procedural rules violated:

City Charter Section 21(c)(2): the city manager has the affirmative duty to "see that all ordinances are enforced." The city attorney is the employee of the city manager pursuant to City Charter Section 21(c)(3) and OCMC 2.08.010.

OCMC 2.08.040 states in pertinent part that the city attorney "shall perform such...duties as may be prescribed by the provisions of this code or order of the commission." One such "order," signed by the current city attorney himself as to legal sufficiency, is Resolution 21-09 adopting the current Commission Rules of Procedure, which at Section II.H designates the city attorney as the parliamentarian.

As the city manager's employee, the city attorney is the city manager's agent, and the duties of the city manager accrue and attach to the city attorney. The latter has an affirmative duty to see to it that the laws and ordinances are enforced. That should go without saying. She or he cannot wait until asked something.

In the case of the tie vote, however, the chair did indeed seek the city attorney's counsel and advice regarding what to do, but the city attorney's response did not include reference to § 36 of Robert's Rules.

² There is a likely additional procedural violation here. During the meeting, the community development director was handed a private third-party cell phone, and announced that Planning Commissioner Staggs was on the cell phone. Whoever was on the cell phone did not announce that person's own identity. Furthermore, at no time during the meeting did the city recorder ever ask officially for Planning Commissioner Staggs' presence as during a roll call, Planning Commissioner Staggs therefore never responded officially that he was in attendance at the meeting.

The city attorney erred in failing to ensure that no illegal vote was taken at the September 12 meeting when no eligible member of the Planning Commission moved to reconsider the failed initial tie vote. Likewise, the city attorney erred in not ensuring that Planning Commissioner Staggs made the required declarations.

On this last assignment of error, both the city attorney and the deputy city attorney, as members of the same law firm, arguably have a conflict of interest under Oregon Rules of Professional Conduct 1.7(a)(2), when the lawyer has a “personal interest” in the matter. In this case they have an interest in convincing the City Commission that the city attorney committed no error or that the error was harmless.

The City Commission should consider its powers under City Charter Section 6 to retain independent, alternative, or supplemental counsel for the appeal of the Planning Commission decision on the Park Place Crossing proposal.

CITY OF OREGON CITY

Community Development Department, 320 Warner Milne Road,
P.O. Box 3040, Oregon City, OR 97045, (503) 657-0891
www.ci.oregon-city.or.us

APPEAL OF A LAND USE DECISION

AP 22-06005
FILE # AP 22-06003 (of File #) _____ DATE: Sept 27, 2022
NAME: Elisabeth Peterson, Ted Peterson TELEPHONE #: 503-358-4533
ADDRESS: 16586 S Edenswild Ln Oregon City, OR 97045
ADDRESS OR PROPERTY DESCRIPTION (T/R/S) OF SUBJECT PROPERTY:
Parkplace Crossing Master Plan: General Development Plan
SUBJECT OF APPEAL: NOTICE OF DECISION DATE: 9/12/22 For File #:
GLUA-21-00045, MAS-21-00006, VAR-22-00001
The undersigned hereby appeal(s) the decision of the Planning Commission

concerning the subject case. The decision to approve ☒ deny _____ the application was made
at the meeting held on Sept 12, 2022.

REASONS FOR APPEAL: Please include a statement identifying which approval criteria are
violated by the decision and an explanation of how those criteria are violated, or stating how the
decision is otherwise in violation of applicable law. Please see Chapter 17.50 of Oregon City
Municipal Code for Administration & Procedures concerning Appeals.

See attached

FILING FEE PAID: waived DATE PAID: _____ RECEIPT NO.: _____

Elisabeth Peterson
Property Owner Signature

Property Owner Signature

16586 S Edenswild Ln, Oregon City
Address
16586 S Edenswild Ln, Oregon City, OR
97045

Address

****SIGNATURES REQUIRED IF APPLICABLE****

Signature
____ Contract Purchaser

Address
____ Lessee ____ Prospective Purchaser

**Reasons for Appeal 22-00003/22-00005
GLUA-21-00045 MAS-21-00006 VAR-22-00001**

Submitted jointly by:

Enoch Huang

Roya Mansouri

Jed Peterson

Elisabeth Peterson

Item 1

Procedural Issue: At the Sept 12, 2022 OC Planning Commission meeting, when facing a 3-3 tie, City Attorney Bill Kabeiseman should have offered a third option to the commissioners that the proposal could be rejected. OCMC 2.24.080 states that “If a quorum is present, all matters shall be decided by a vote of the majority.” There is no provision that votes can end in a tie.

Reason for Appeal: The Planning Commission was not properly advised of all of their options.

Item 2

Procedural Issue: At the Sept 12, 2022 OC Planning commission meeting, commissioner Chris Staggs was called by a person who was at the meeting to cast a tie-breaking vote. Commissioner Staggs did not undergo disclosure of *ex parte* contact or verification of identity before being allowed to cast his vote. He was not part of the earlier discussion about Clackamas County Ordinance 07-1007 and was uninformed of the issues pertaining to the vote - especially the discussion about Clackamas County Ordinance 07-1007. The phone call was not initiated by anyone on the City Staff. It is alleged that the person who contacted Commissioner Staggs is named Derek Metson, principal architect of Greenbox Architecture, LLC. The fact that a developer had a planning commissioner’s personal cell phone number – and said commissioner was ready to cast an uninformed vote – raises the question of the partiality of that planning commissioner.

Reason for Appeal: The city staff should not have allowed this vote to be taken without following proper protocol. The vote should have remained deadlocked and the Park Place Crossing General Development Plan (GDP) should never have been approved.

Item 3

Procedural Issue: Ordinance 07-1007 requires that an amendment to the Park Place Concept Plan (CP) be made if there are changes to the Concept Plan. These changes need to be reviewed by the public and accepted before the Concept Plan can be changed. The GDP varies considerably from the CP, and

therefore Ordinance 07-1007 requires that the CP be amended and reviewed before a Development Plan is accepted.

Planning Commission Response: The planning commission was deadlocked in a 3-3 tie before the above mentioned tie-breaker vote was cast.

Reason for Appeal: The GDP is significantly different from the CP in a few key ways that an amended concept plan is required. The GDP cannot be accepted before the concept plan is amended per county ordinance.

Key components of the Park Place Concept Plan include:

- Two primary north-south connections between Holcomb Boulevard and Redland Road (Swan Avenue and Holly Lane)
- Two distinct mixed-use neighborhoods (North Village and South Village) that accommodate 1,459 new dwelling units
- Neighborhood-oriented commercial nodes that integrate commercial land uses, residential land uses, and public open space
- An area for a new civic institution, like a library or community center
- An 8-10 acre community park and a 3-5 acre neighborhood park
- A mix of housing types and ranges of affordability
- An extensive system of off-street and on-street trails and pedestrian/bicycle connections
- Innovative, green on-site stormwater treatment methods
- Protected sensitive areas, including drainages and steep slopes
- Streets and buildings oriented for solar access
- The use of green edges to define neighborhoods and buffer developments
- Integration of parks and open spaces into existing and future neighborhoods

Executive Summary from Concept Plan: <https://www.orcity.org/publicworks/park-place-concept-plan>



The proposed GDP lacks many of these key concepts.

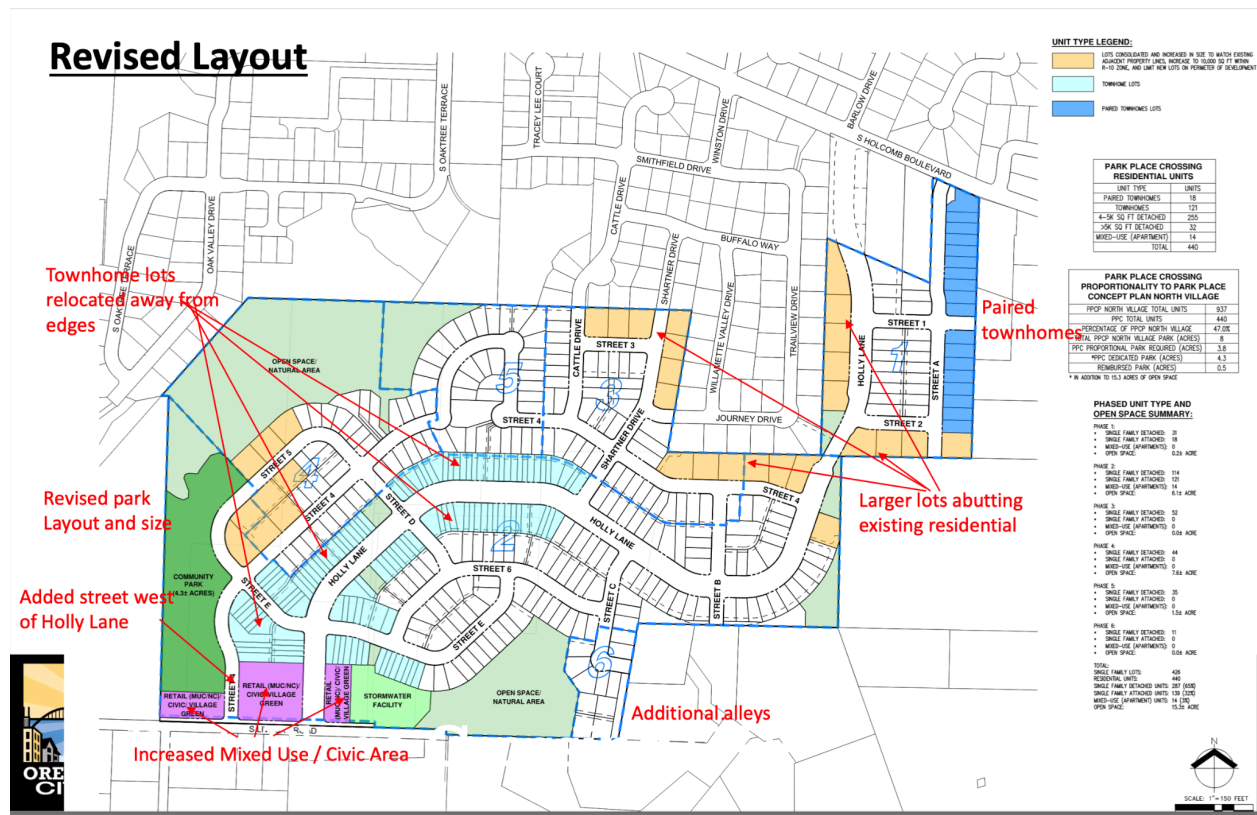
- There are ZERO north-south connections between Holcomb Blvd and Redland Rd, which is a major concern for citizens with regard to emergency services access, daily traffic volume, and evacuation routes. The applicant is unable to provide this north-south connection because they

do not own the land. **This single criteria is enough to require an amendment to the Concept Plan.**

- There is no green edge to buffer Phase 1 homes from surrounding neighborhoods
- There is no extensive system of off-street and on-street trails
- The community park is only 4.3 acres instead of the 8-10 acres in the Concept Plan
- The density along Holly Lane is in direct contrast to the Concept Plan (excerpt from page 3 of Executive Summary)

Existing low-density clusters: Properties along Lower Livesay Road and Holly Lane are expected to remain as low-density clusters in the foreseeable future. They will have the potential to transition to medium-density residential uses over time. However, in the near term they are expected to retain the lowest densities within the planning area.

- The number of lots required by the Concept Plan is being forced into smaller areas of developable land, resulting in requests for lot sizes of 1,800 square feet, which is much smaller than the R-5 and R-10 lots in the neighborhood.



In addition the original Park Place Concept Plan suggested low-density housing (R-10s) with green near other neighborhoods which is currently not occurring in the Phase I portion of the development.

Attached townhomes abut the eastern corner of the development, and there are no green edges to buffer the development from the adjacent residential lot. It is important to note that the City anticipated further rezoning of at least some of the land to achieve the required Concept Plan densities, expecting that some of the R-5 zone would need to be rezoned to R-3.5, and some of the R-10 zone to R-8 or R-6. The applicant has not proposed such a zone change, but has instead included attached single family uses in the R-5 zone, which have a higher maximum density standard, along with a variance to reduce the minimum lot size allowing for more attached units to fit within the proposed attached dwelling area. Again, this is significantly different from the original Concept Plan and would require an amendment and a vote by all Oregon City citizens.

The applicant has proposed a density of 9.1 units per net developable acre, resulting in 476 total units. The Park Place Concept Plan includes 1,459 total residential units, with 937 in the North Village area. The Park Place Crossing Master Plan area encompasses approximately 50% of the acreage of the North Village area. It is the applicant's responsibility to show that the number of units proposed will be consistent with the Park Place Concept Plan density assumptions as well as within the minimum and maximum densities of the zone. The applicant has proposed 476 units, which is 50.8% of the total number of units planned in the North Village. Based on zoning alone, applying the minimum density standard would result in 318 units in the project area. This would only provide 34% of the total 937 units required in the North Village, and would put a burden on the remaining properties in the North Village to develop at densities that may be infeasible and/or inconsistent with the Concept Plan itself.

However, is it necessary to have so many units in the North Village? The Park Place Concept Plan does not break down the units according to geographical location, but according to the included plan below, it appears that the residual southern region of the North Village is larger and flatter with likely more usable acreage which would potentially mean it could sustain more housing than the current Park Place Crossing. There should be more evaluation of the percentage of buildable acreage of each area of the North Village as it may directly impact the developer's explanation for the increased density it proposes.

The original Park Place Concept Plan also states that plan to "Preserve and maintain existing trees and tree canopy coverage, and plant trees, where appropriate, to maximize future tree canopy coverage." (FCP, pg. 69) The developer has not provided an accurate and enforceable plan on the preservation and maintenance of existing trees and tree canopy coverage, particularly in regions that abut neighboring properties and would also be able to fulfill one of the key components to use green edges. Again, the proposed plan is distinctly different from the PPCP. Indeed, when looking at their revised layout, it appears that a very weak effort was made to revise the layout, given a few expansion of lots, (with attached townhomes as a result in Phase I) as well as no green boundaries or buffer zones or maintenance of tree canopies.

Conclusion: The Park Place Crossing General Development Plan is a square peg being forced into a round hole. The Park Place Concept Plan needs to be amended and adapted to the realities of the site, presented and reviewed by the public, and then presented for general development plan review. An approval of a GDP now circumvents Clackamas County Ordinance 07-1007 and deprives its citizens of their significant rights.

Item 4
OCMC 17.49 Natural Resource Overlay District

Situation: After listening to testimony regarding the Natural Resource Overlay District (NROD) governed by OCMC 17.49, the Planning Commission instituted three Conditions of Approval:

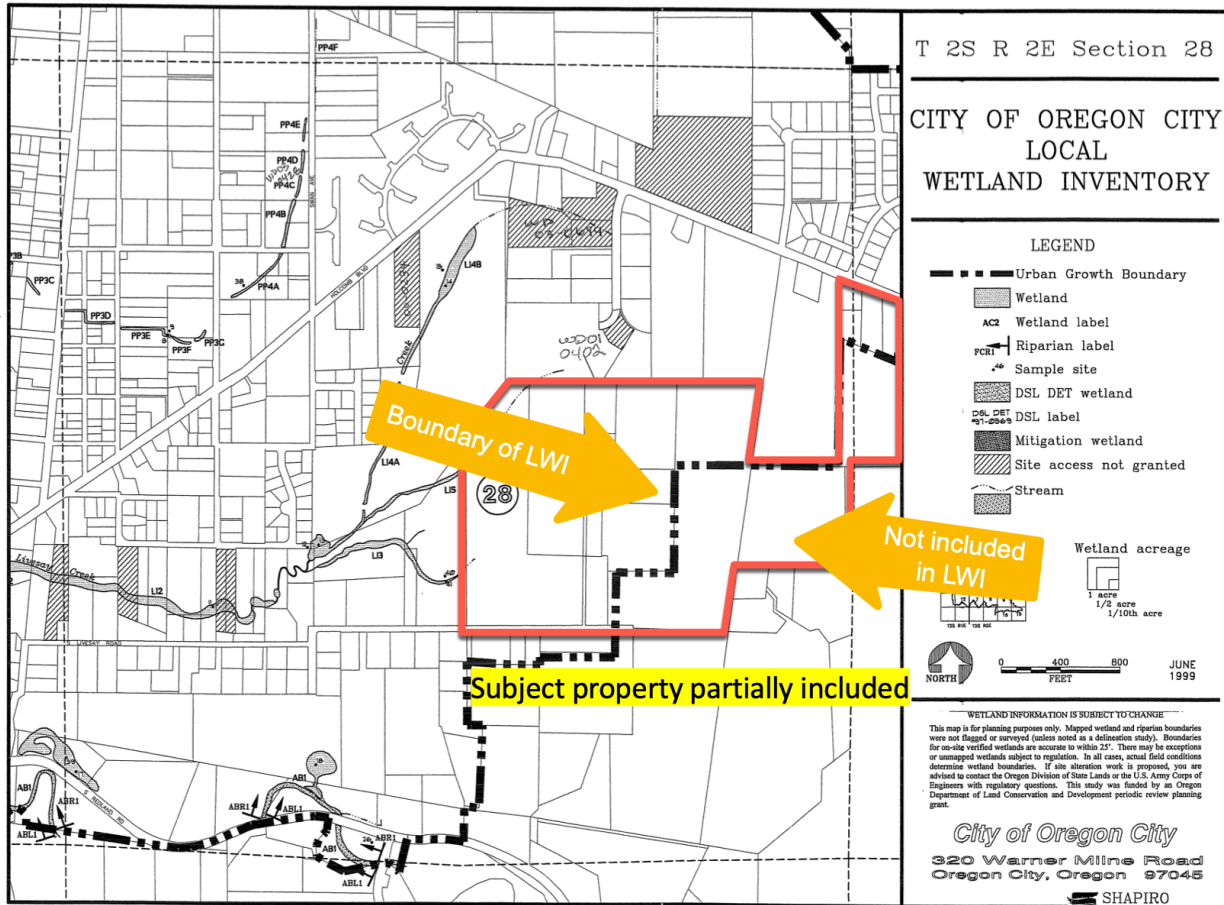
16. Any development phases that include mapped Natural Resources Overlay District areas shall be reviewed for compliance with criteria in OCMC 17.49 either before or at the time of first DDP application. Development within areas not included in the applicant's preliminary NROD report are required to be delineated in accordance with standards in OCMC 17.49 and reviewed as part of DDP review.
17. Formal NROD verification of Charman Creek shall be required before or as part of the Phase 1 DDP, with third party review required. The NROD study should include field analysis along the entire shared property line with tax lot 400 near the mapped Charman Creek headwaters, as depicted in Exhibit 8.
21. All NROD Verifications required for detailed development plan review shall be reviewed through the Type II process described in OCMC 17.49.250 unless a Type III review is otherwise required by OCMC 17.49. Third party NROD verification review shall be required for all NROD areas, at the applicant's expense. The Planning Division will manage the third-party review from an outside consultant during NROD application review.

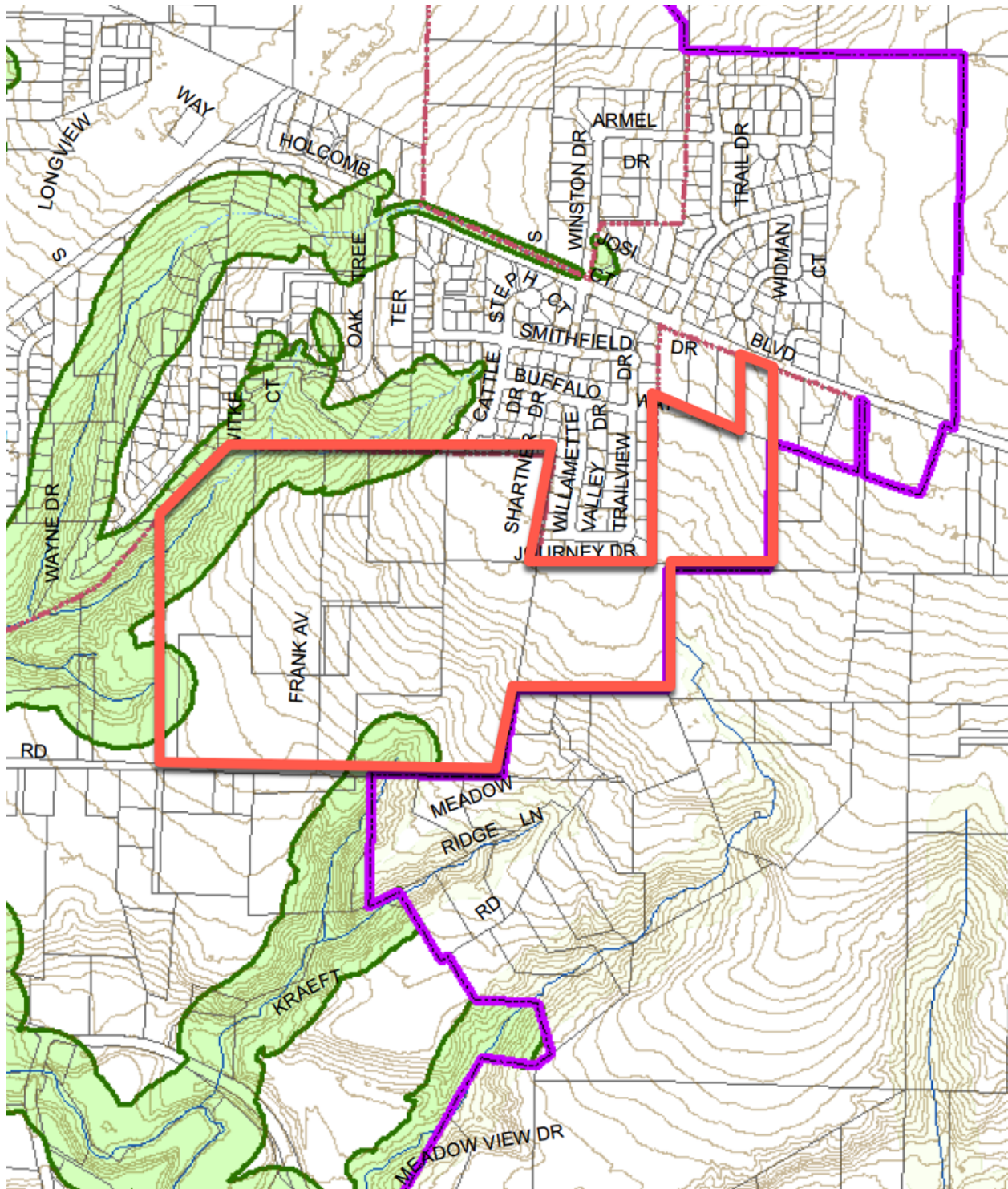
We anticipate that the developer will appeal these COA as they state in their letter of May 23, 2022:

First, a revision to the NROD boundary is not proposed in the Application. Second, none of wetland [sic] identified in the Applicant's wetland delineation about the NROD boundary. Finally, substantial evidence in the record supports a conclusion that all wetlands and streams were correctly identified in the Applicant's wetland delineation, which has received concurrence by the Oregon Department of State Lands ("DSL")...

...the City is neither required nor permitted to change the NROD boundary as it relates to the Application. The Application is subject to the "Fixed Goal-Post Rules" in ORS 227.178(3), which precludes amendment of the NROD map as applicable to the Application. And, under OCMC 17.49.030.2, the Applicant has the discretion whether or not to request a change in the NROD map boundary in a quasi-judicial review.

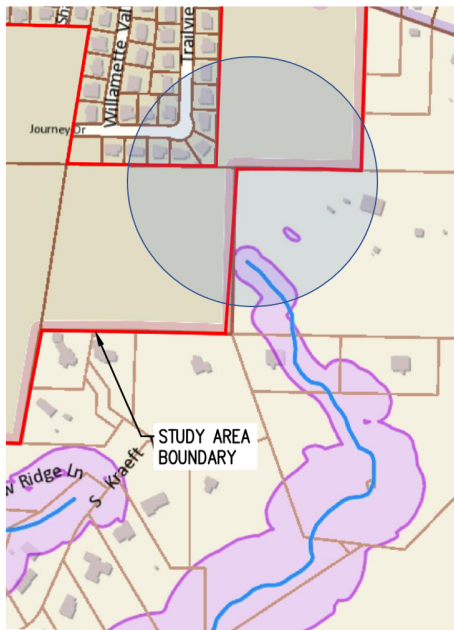
Request to the City Commission: It is imperative that the commission keep Conditions of Approval 16, 17, and 21. It is obviously in the applicant's best interest *not* to revise the NROD boundary as the NROD identifying documents (17.49.020.A1 - 17.49.020.A8) are inaccurate and out of date (e.g., 1999 Local Wetland Inventory does not include the eastern half of the subject property).



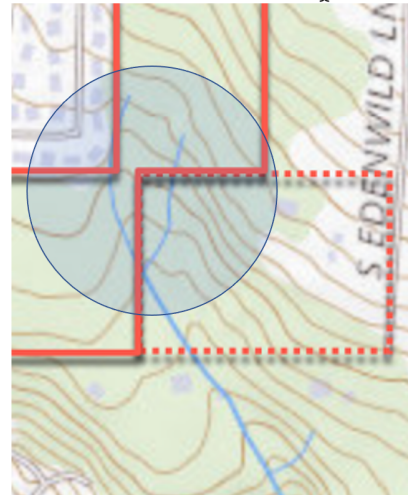


The fact that none of the wetlands identified in their wetland delineation about the NROD boundary is a given because the NROD boundaries stop abruptly at the Urban Growth Boundary (even though the waterways continue) and do not include the most proximal headwaters of Charman creek identified in the USGS map (a map that the applicant entered into evidence).

Map provided by AKS/ICON

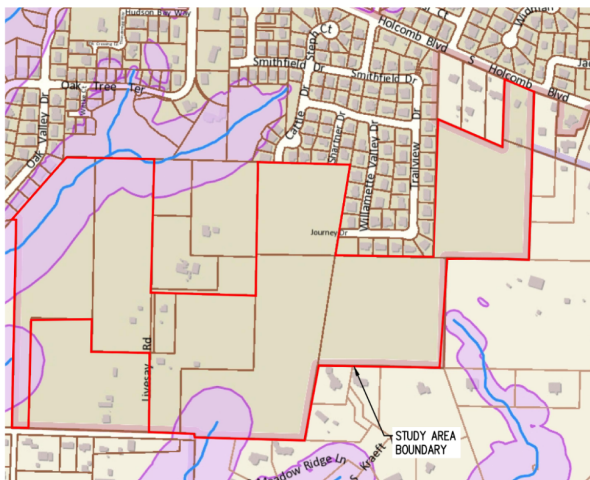


USGS Map Quadrangle Oregon City 2020

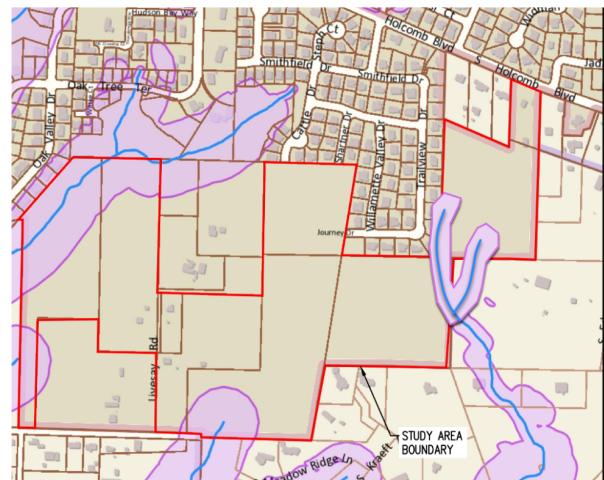


Two tributaries of Charman Creek are missing from the NROD map

OREGON CITY GIS MAPPING
NATURAL RESOURCE OVERLAY DISTRICT



Existing NROD Boundary Map



Potential revised NROD Boundary Map

The applicant states that the Department of State Lands concurs with their wetland and waterway boundaries in the AKS delineation report. However, the DSL report specifically states “this concurrence is for purposes of the state Removal-Fill Law only.”

It is therefore right and just that COA 16 requires delineation of areas not included in the applicant’s preliminary NROD report. The requirement of COA 17 to map the headwaters of Charman creek and the field analysis along tax lot 400 is the only way to ensure compliance with OCMC 17.49. Finally, the requirement of COA 21 to have independent third-party review of NROD verifications is the only way to ensure impartiality.

Finally, with regard to the applicant's argument that under OCMC 17.49.030.2 they are allowed to choose whether to request a change in the NROD map boundary, a complete citation of the code shows this is not the case:

17.49.030.2 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.

OCMC 17.49.250 (Verification of NROD boundary) states:

The NROD boundary may have to be verified occasionally to determine the true location of a resource and its functional values on a site.

Conclusion: The City does have the ability and responsibility to ensure that the NROD boundary is accurate, particularly as almost 50% of the proposed development site has no NROD verification as was annexed after the last update of the NROD map.

Item 5

Procedural issue: Oregon City Community Development - Planning Requirement

"Submittal of a Land Use Application The application will be deemed complete or incomplete within 30 days. If the application is incomplete, the applicant is responsible for re-submitting the required information within 180 days of the original submittal date."

The submitted plan was shown to be incomplete and was found to have a number of factual errors and omissions. As such, the application should have been deemed incomplete and the applicant should have re-submitted the required information within 180 days of the original submittal date. Several public hearings occurred despite the application not meeting the requirements. The developer continued to modify the application over the course of those hearings but has not met the requirement for a "Submittal of a Land Use Application."

Item 6

Code issue: 12.04.025 180 Street Design--Minimum Right-of-Way.

All development shall provide adequate right-of-way and pavement width. Adequate right-of-way and pavement width shall be provided by: A. Complying with the Street Design Standards contained in the table provided in chapter 12.04. The Street Design Standards are based on the classification of streets that occurred in the Oregon City Transportation System Plan (TSP), in

particular, the following TSP figures provide the appropriate classification for each street in Oregon City: Figure 5-1: Functional Classification System and New Roadway Connections; Figure 5-3: Pedestrian System Plan; Figure 5.6: Bicycle System Plan; and Figure 5.7: Public Transit System Plan. These TSP figures from the Oregon City Transportation System Plan are incorporated herein by reference in order to determine the classification of particular streets.

Response: Developers requested a significant variance as there is a requirement that a minor arterial type of street requires 88 feet pavement width.

This requirement is essential for making the streets safe for pedestrians, bicyclists, cars, emergency vehicles, etc. Furthermore, the required park is not in phase 1 and to travel to the park from phase 1 housing will require transversing a minor arterial street that does not meet the Municipal Code. As such, this proposal fails to address on multiple levels the needs and requirements of the Park Place Plan and the Municipal Code.

Item 7

Code issue: 16.08.025 Preliminary Subdivision Plat--Required Plans.

Traffic/Transportation Plan. The applicant's traffic/transportation information shall include two elements: (1) A detailed site circulation plan showing proposed vehicular, bicycle, transit and pedestrian access points and connections to the existing system, circulation patterns and connectivity to existing rights-of-way or adjacent tracts, parking and loading areas and any other transportation facilities in relation to the features illustrated on the site plan; and (2) a traffic impact study prepared by a qualified professional transportation engineer, licensed in the state of Oregon, that assesses the traffic impacts of the proposed development on the existing transportation system and analyzes the adequacy of the proposed internal transportation network to handle the anticipated traffic and the adequacy of the existing system to accommodate the traffic from the proposed development. The City Engineer may waive any of the foregoing requirements if determined that the requirement is unnecessary in the particular case.

Response: The flawed traffic impact study presented was performed during COVID closures when many businesses and schools were not "in-person." Even with that flawed study, it was noted that the Redland/OR-213 intersection will not be able to handle the predicted increase in traffic by 2026 even without this new development.

Item 8

Code issue: 17.21.090 - Garages and accessory structures.

"Garages must be detached, side entry or rear entry. For side entry garages: The garage area shall not be located in front of the living area. Accessory structures shall be designed consistent

with the primary residence. Consistency of design includes the use of similar roofing, siding, and trim. For the purposes of this section, detached garages may be connected by a breezeway but consequently, will be subject to the setbacks of the underlying zone.”

Response: The developer never submitted a plan that was compliant with this municipal code. The plans have been revised numerous times since the initial submission. Initial plans were even less compliant than current plans. Nevertheless, the developer needs to submit a plan that is entirely compliant as it is clearly possible to be compliant if they revise their plans further into the plan that should have been originally submitted.

Item 9

Code issue: 17.16.040 Driveway access and parking

A. Garages on the front façade, off-street parking areas in the front yard, and driveway accesses in front of a dwelling are permitted in compliance with the following standards:

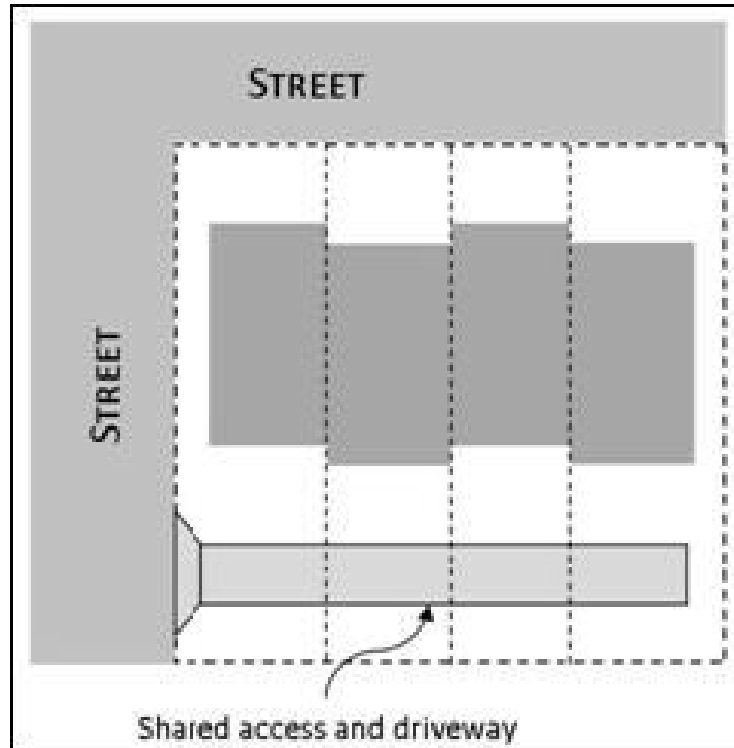
1. All driveways shall comply with OCMC [16.12.035](#).
2. Outdoor on-site parking and maneuvering areas shall not exceed twelve feet wide on any lot; and
3. The garage width shall not exceed twelve feet.

B. Garages not on the front façade and single-family attached dwellings which do not include off-street parking in the front yard are permitted in compliance with the following standards:

1. Off-street parking areas shall be accessed on the back façade or located in the rear yard. No off-street parking shall be allowed in the front yard or side yard.
2. Development that includes a corner lot shall take access from a single driveway on the side of the corner lot. The city engineer may alter this requirement based on street classifications, access spacing, or other provisions. See Figure 17.16.040.B.2.

Figure 17.16.040.B.2

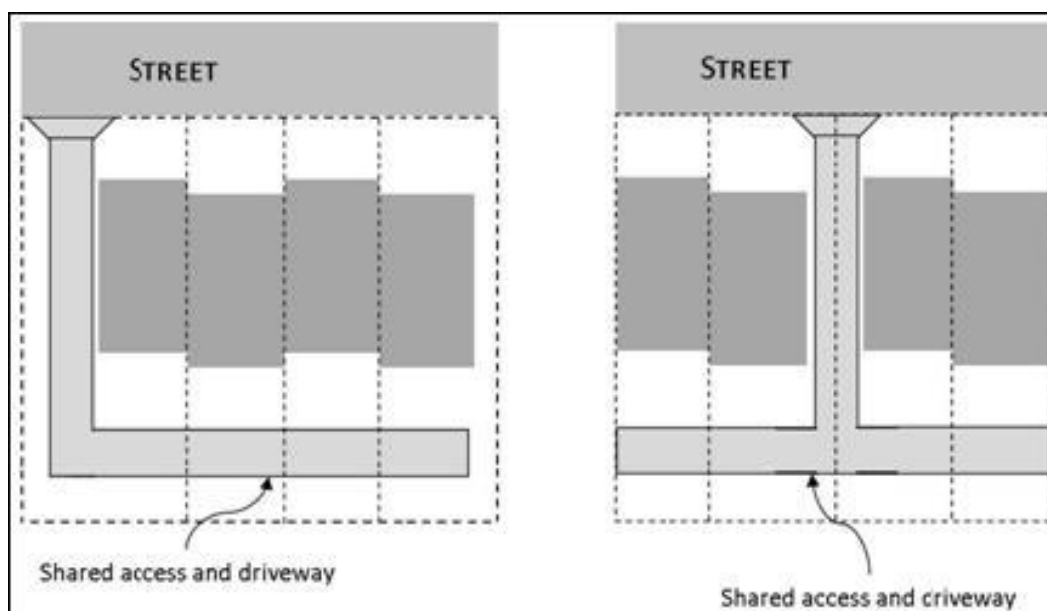
Development with Corner Lot Access



3. Development that does not include a corner lot shall consolidate access for all lots into a single driveway. The access and driveway are not allowed in the area directly between the front façade and front lot line of any of the single-family attached dwellings. See Figure 17.16.040.B.3.

Figure 17.16.040.B.3

Development with Consolidated Access



4. A development that includes consolidated access or shared driveways shall record access easements to allow normal vehicular access and emergency access.

C. Developments served by an alley providing access to the rear yard are exempt from compliance with OCMC 17.16.040.A and 17.16.040.B.

D. Driveways shall comply with the standards of OCMC [16.12.035](#).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)”

Response: The developer never submitted a plan that was compliant with this municipal code. The plans have been revised numerous times since the initial submission. Initial plans were even less compliant than current plans. Nevertheless, the developer needs to submit a plan that is entirely compliant as it is clearly possible to be compliant if they revise their plans further into the plan that should have been originally submitted.

Item 10

Code issue: 17.44.010 - Intent and purpose

“The intent and purpose of the provisions of this chapter are:

- A. To ensure that activities in geologic hazard areas are designed based on detailed knowledge of site conditions in order to reduce the risk of private and public losses;
- B. To establish standards and requirements for the use of lands within geologic hazard areas;
- C. To provide safeguards to prevent undue hazards to property, the environment, and public health, welfare, and safety in connection with use of lands within geologic hazard areas;
- D. To mitigate risk associated with geologic hazard areas, not to act as a guarantee that the hazard risk will be eliminated, nor as a guarantee that there is a higher hazard risk at any location. Unless otherwise provided, the geologic hazards regulations are in addition to generally applicable standards provided elsewhere in the Oregon City Municipal Code.”

Response: This has been discussed ad nauseum by the public and several commissioners during the hearings. The plan clearly puts the public and the new development at risk with a variety of known geologic hazards including but not limited to: flooding, fires, and landslides. Rightfully, there was public outcry and the proposed plan fails to address these issues in a meaningful way.

Item 11

Code issue: 17.44.050 - Development - Application requirements and review procedures and approvals

“Except as provided by subsection C of this section, an application for a geologic hazards overlay review shall include the following:

- A. A geological assessment and geotechnical report that specifically includes, but is not limited to:
 1. Comprehensive information and data regarding the nature and distribution of underlying geology, the physical and chemical properties of existing soils and groundwater; an opinion of site geologic stability, and conclusions regarding the effect of geologic conditions on the proposed development. In addition to any field reconnaissance or subsurface investigation performed for the site, the following resources, as a minimum, shall be reviewed to obtain this information and data:
 - a. The State of Oregon Department of Geology and Mineral Industries (DOGAMI) in Bulletin 99, Geology and Geological Hazards of North Clackamas County, Oregon (1979), or in any subsequent DOGAMI mapping for the Oregon City area;
 - b. Portland State University study entitled "Environmental Assessment of Newell Creek Canyon, Oregon City, Oregon" (1992);
 - c. Portland State University study, "Landslides in the Portland, Oregon, Metropolitan Area Resulting from the Storm of February 1996: Inventory Map, Database and Evaluation" (Burns and others, 1998);
 - d. DOGAMI Open File Report O-06-27, "Map of Landslide Geomorphology of Oregon City, Oregon, and Vicinity Interpreted from LIDAR Imagery and Aerial Photographs" (Madin and Burns, 2006);
 - e. "Preliminary Geologic Map of the Oregon City Quadrangle, Clackamas County, Oregon" (Madin, in press);
 - f. Landslide Hazards Land Use Guide for Oregon Communities (October 2019), prepared by the State of Oregon Department of Geology and Mineral Industries (DOGAMI) and the Oregon Department of Land Conservation and Development (DLCD);
 - g. Landslide hazard and risk study of northwestern Clackamas County, Oregon: Oregon Department of Geology and Mineral Industries, Open-File Report O-13-08, 74 map plates; Burns, W.J., Mickelson, K.A., Jones, C.B., Pickner, S.G., Hughes, K.L., Sleeter, R., 2013.
 - h. Mapped landslide data shall be from the city's maps as a minimum but may be supplemented with maps from items a through f above.
 2. Information and recommendations regarding existing local drainage, proposed permit activity impacts on local drainage, and mitigation to address adverse impacts;
 3. Comprehensive information about site topography;
 4. Opinion as to the adequacy of the proposed development from an engineering standpoint;
 5. Opinion as to the extent that instability on adjacent properties may adversely affect the project;
 6. Description of the field investigation and findings, including logs of subsurface conditions and laboratory testing results;
 7. Conclusions regarding the effect of geologic conditions on the proposed development, tree removal, or grading activity;
 8. Specific requirements and recommendations for plan modification, corrective grading, and special techniques and systems to facilitate a safe and stable site;
 9. Recommendations and types of considerations as appropriate for the type of proposed development:
 - a. General earthwork considerations, including recommendations for temporary and permanent cut and fill slopes and placement of structural fill;
 - b. Location of residence on lot;

- c. Building setbacks from slopes;
- d. Erosion control techniques applicable to the site;
- e. Surface drainage control to mitigate existing and potential geologic hazards;
- f. Subsurface and/or management of groundwater seepage;
- g. Foundations;
- h. Embedded/retaining walls;
- i. Management of surface water and irrigation water; and
- j. Impact of the development on the slope stability of the lot and the adjacent properties.
- k. Construction phasing and implementation schedule as it relates to foundation excavation, allowance for stockpiles, imported backfill, site subsurface drainage or dewatering, provision for off season site protections;
- l. Stormwater management; and
- m. Construction methods.

10. Scaled drawings that describe topography and proposed site work, including:

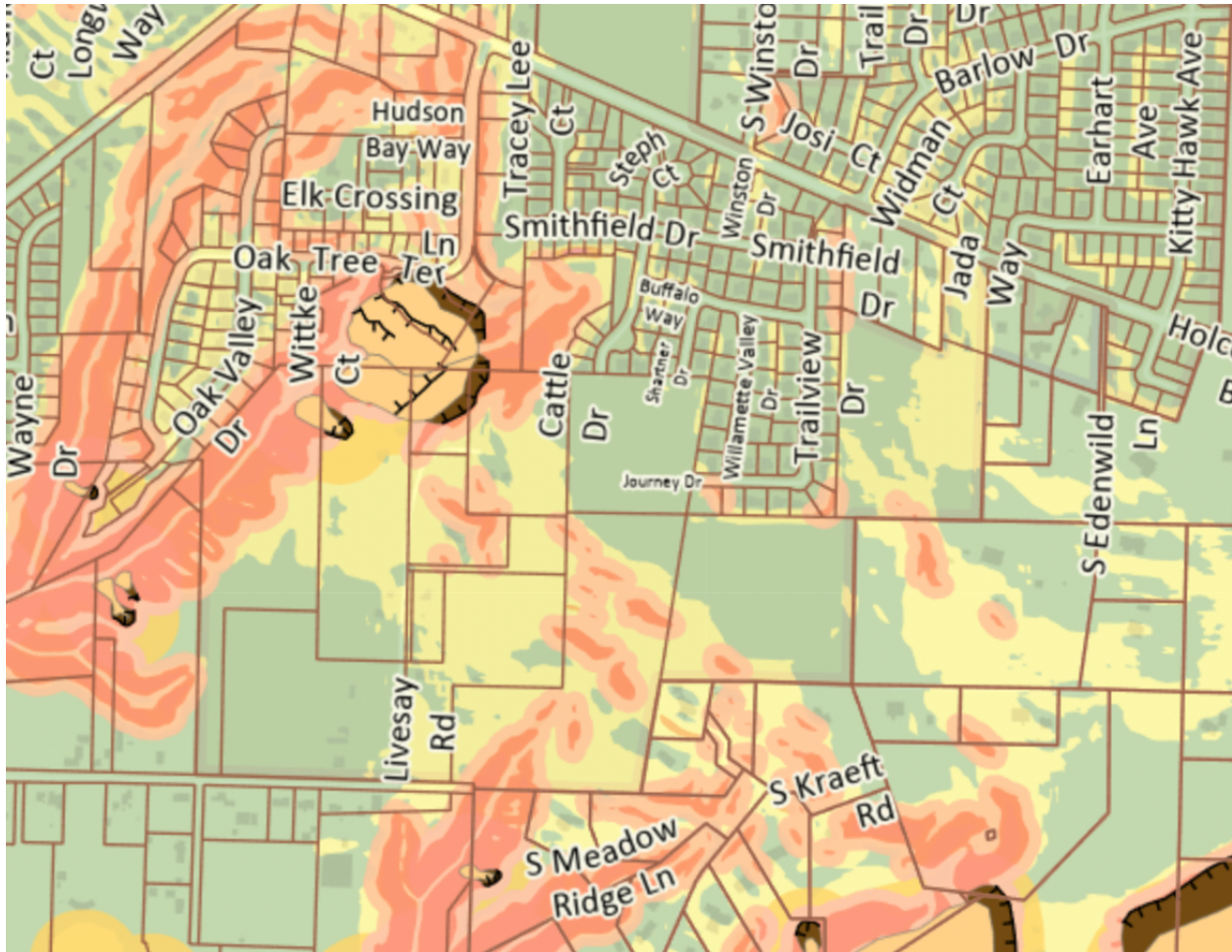
- a. Natural physical features, topography at two or ten-foot contour intervals locations of all test excavations or borings, watercourses both perennial and intermittent, ravines and all existing and man-made structures or features all fully dimensioned, trees six-inch caliper or greater measured four feet from ground level, rock outcroppings and drainage facilities;
- b. All of the features and detail required for the site plan above, but reflecting preliminary finished grades and indicating in cubic yards whether and to what extent there will be a net increase or loss of soil.
- c. A cross-section diagram, indicating depth, extent and approximate volume of all excavation and fills.

11. For properties greater than one acre and any property that has any portion of its property existing within a mapped landslide, where the activity is not exempted by [Section 17.44.035](#), a preliminary hydrology report, prepared by a suitably qualified and experienced hydrology expert, addressing the effect upon the watershed in which the proposed development is located; the effect upon the immediate area's stormwater drainage pattern of flow, the impact of the proposed development upon downstream areas and upon wetlands and water resources; and the effect upon the groundwater supply.

B. Review procedures and approvals require the following:

- 1. Examination to ensure that:
 - a. Required application requirements are completed;
 - b. Geologic assessment and geotechnical report procedures and assumptions are generally accepted; and
 - c. All conclusions and recommendations are supported and reasonable.
- 2. Conclusions and recommendations stated in an approved assessment or report shall then be directly incorporated as permit conditions or provide the basis for conditions of approval for the regulated activity.
- 3. All geologic assessments and geotechnical reports shall be reviewed by an engineer certified for expertise in geology or ::geologic engineering and geotechnical engineering, respectively, as determined by the city. The city will prepare a list of prequalified consultants for this purpose. The cost of review by independent review shall be paid by the applicant.

C. The city engineer may waive one or more requirements of subsections A and B of this section if the city engineer determines that site conditions, size or type or development of grading requirements do not warrant such detailed information. If one or more requirements are waived, the city engineer shall, in the staff report or decision, identify the waived provision(s), explain the reasons for the waiver, and state that the waiver may be challenged on appeal and may be denied by a subsequent review authority.”



https://maps.orcity.org/Html5Viewer_4_14_2/index.html?viewer=OCWebMaps.OCWebMaps

Response: The level of detail required to fulfill this municipal code has not been met. Furthermore, the submitted application contained factual errors and maps were shown to be discordant with readily available geologic boundary maps. This attached map depicts “Hazards and Flood info” and clearly conflicts with the submitted application.

CITY OF OREGON CITY

Community Development Department, 320 Warner Milne Road,
P.O. Box 3040, Oregon City, OR 97045, (503) 657-0891
www.ci.oregon-city.or.us

APPEAL OF A LAND USE DECISION

22-00005 GLUA-21-00045 / MAS-21-0006 / MAS 22/00061
FILE # AP (of File #) _____ DATE: 9/28/22
NAME: LINDA SMITH TELEPHONE #: 503-819-7099
ADDRESS: 13944 CLEVELAND ST., OC, OR 97045

ADDRESS OR PROPERTY DESCRIPTION (T/R/S) OF SUBJECT PROPERTY:

PARK PLACE CROSSING DEVELOPMENT

SUBJECT OF APPEAL: NOTICE OF DECISION DATE: 9/12/22 For File #:

TRAFFIC STUDY IN ACCURACIES

The undersigned hereby appeal(s) the decision of the OREGON CITY PLANNING COMMISSION

concerning the subject case. The decision to approve ☒ deny ☐ the application was made
at the meeting held on 9/12/22.

REASONS FOR APPEAL: Please include a statement identifying which approval criteria are
violated by the decision and an explanation of how those criteria are violated, or stating how the
decision is otherwise in violation of applicable law. Please see Chapter 17.50 of Oregon City
Municipal Code for Administration & Procedures concerning Appeals.

SEE ATTACHED

FILING FEE PAID: N/A DATE PAID: _____ RECEIPT NO.: _____

Linda Smith
Property Owner Signature

13944 CLEVELAND ST., OC, OR. 97045
Address

Property Owner Signature

Address

****SIGNATURES REQUIRED IF APPLICABLE****

Signature _____ Address _____
____ Contract Purchaser _____ Lessee _____ Prospective Purchaser

My name is Linda Smith, a resident of Park Place neighborhood for 46 years. I am here to formally appeal AP 22-00005 Park Place Crossing Master Plan.

Planning Files GLUA-21-00045/MAS-21-00006/MAS-22-00001

Traffic Study Inaccuracies

OCMC Chapter 16.08.025B Traffic/Transportation Plan

States: "...a traffic study...that assesses the traffic impacts of the proposed development on the existing transportation system and analyzes the adequacy of the existing system to accommodate the traffic from the proposed development."

The traffic study completed is skewed in favor of the developer and does not paint a true picture of the effects outside of the development area, especially Holcomb Blvd., Holcomb Blvd and the intersection of Holcomb/Abernathy/Redland Roads, and the intersection of Redland and Hwy 213. It also reduces the effect of livability in the adjoining local streets. The study also projected that the development would likely not reach 2000 trips per day until the final phase was completed.

One of the conditions of approval the developer would need to comply with is to construct the Holly Lane connector road once traffic new traffic levels increased by 2000 trips per day. In my testimony on 4/25/2022 I pointed out this allowing the developer to wait until the traffic system was already broken before requiring them to construct this connector road was ludicrous and that that take years longer. The road should be built at the start of the project, not at the end.

.....

Then on 8/22/2022 I returned to testify again about traffic two traffic studies I had found that would give a more realistic estimate of trips per day.



Federal Highway Administration 2014 Study

- The average U.S. household currently produces **9.5** trips a day, by all modes, about 82 percent of which are vehicle trips. The remaining trips include other modes of travel such as transit, bicycling, and walking.



<https://www.oregonmetro.gov/news/you-are-here-snapshot-how-portland-region-gets-around>

2016 Metro Study in the four-county area around Portland

- Showed our region to be closer to **9.2** trips/household/day
- Where Portland region's residents work- more Clackamas County residents are on the road to go to work.

County	Working Residents	Leave County	Stay
Clark	175,000	50%	50%
Washington	230,000	53%	48%
Multnomah	315,000	34%	66%
Clackamas	164,000	67%	33%

- 440 households X 9.2 trips/day = 4048/trips per day
- 4048/82% vehicle trips = **3319** new vehicle trips/day
- Planning Commission condition only requires road extension once 2000 trips/day is reached
- But this limit will be reached well before the final phase
- This must be included as requirement prior to reaching the breaking point



TYPE III PLANNING COMMISSION DECISION FINAL FINDINGS

Note: this report reflects the final findings and revised conditions of approval adopted by the Planning Commission on 9/12/2022.

FILE NUMBER: GLUA-21-00045 / MAS-21-00006 / VAR-22-00001
Park Place Crossing General Development Plan

DATE OF ADOPTION: September 12, 2022

HEARING DATE: *Planning Commission*
Continued from Public Hearing continued from August 22, 2022
Monday, August 22, 2022 - 7:00 p.m., Oregon City Commission Chambers
1234 Linn Avenue, Oregon City, OR 97045

REPRESENTATIVE: AKS Engineering & Forestry, LLC
12965 SW Herman Road, Suite 100
Tualatin, OR 97062

APPLICANT: ICON Construction & Development, LLC
1969 Willamette Falls Drive, Suite 260
West Linn, Oregon 97068

Submitted: 7/20/21
Complete: 1/4/22
120 Day Deadline: 7/25/22
Extension: 10/23/2022
NOD: 9/12/2022

OWNERS:

Address:	Tax Lot:	Owner
NO SITUS ADDRESS	2-2E-27BC -01000	Redland Rd LLC
15110 S HOLCOMB BLVD	2-2E-27BC -02000	Redland Rd LLC
NO SITUS ADDRESS	2-2E-28D -00100	Hidden Falls LLC
NO SITUS ADDRESS	2-2E-28D -00190	Hidden Falls LLC
16530 S LIVESAY RD	2-2E-28D -00200	Kirk and Michelle Tolstrup
16644 S LIVESAY RD	2-2E-28D -00300	George Thomas
NO SITUS ADDRESS	2-2E-28D -00301	George Thomas
NO SITUS ADDRESS	2-2E-28D -00302	Hidden Falls LLC
NO SITUS ADDRESS	2-2E-28D -00303	George Thomas
16582 S LIVESAY RD	2-2E-28D -00400	Hidden Falls LLC
14631 S LIVESAY RD	2-2E-28D -00500	Hidden Falls LLC
14631 S LIVESAY RD	2-2E-28D -00502	Robert Tershel
16472 S LIVESAY RD	2-2E-28D -03700	Hidden Falls LLC
NO SITUS ADDRESS	2-2E-28D -03701	Redland Rd LLC

REQUEST: The Park Place Crossing (PPC) Master Plan consists of ±440 residential units planned to be provided in six residential phases on 91.7 acres of land. The

project also includes a community park, open space, regional stormwater management facility, retail/civic, and trails components. The Park Place Crossing Master Plan area is within the northernmost portion of the Park Place Concept Area (PPCA) established in 2008 through the Park Place Concept Plan (PPCP). The applicant also requested approval of a variance to lot size for single-family attached residential units (townhomes).

LOCATION: North and East of S Livesay Road, South of S Holcomb Road, Oregon City, Oregon
 Map 2 2E 28D: Tax Lots 100, 190, 200, 300, 301, 302, 303, 400, 500, 502, 3700, 3701
 Map 2 2E 27BC: Tax Lots 1000, 2000

REVIEWER: Pete Walter, Planning Manager
 Erik Nichols, Public Works Engineering Development Services, Project Manager
 Aquilla Hurd-Ravich, AICP, Community Development Director

RECOMMENDATION: Approval with Conditions.

PROCESS: Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include master plan approvals. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet of the subject property. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission, all issues are addressed. The decision is final unless appealed and description of the requirements for perfecting an appeal is set forth in OCMC 17.50.190. The decision of the planning commission is appealable to the city commission within fourteen days of the issuance of the final decision. The city commission hearing on appeal is on the record and no new evidence shall be allowed. Only those persons or a city-recognized neighborhood association who have participated either orally or in writing have standing to appeal the decision of the planning commission. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. The city commission decision on appeal from the planning commission is the city's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

The Master Plan / PUD process allows for an initial discretionary (Type III) General Development Plan approval by the Planning Commission, which provides for more detailed implementation of the submitted plan through subsequent staff level (Type II) review of Detailed Development Plan applications over multiple phases as directed by the applicant. Each development will be reviewed for compliance against the adopted General Development Plan and the July 20, 2021 Municipal Code over the life of the General Development Plan, unless amended, or unless the applicant prefers to comply with the Municipal Code standards in place when the Detailed Development Permit is filed.

Type II applications require public notice and comment, however, they are not required to be reviewed by the Planning Commission and are subject to clear and objective standards in the code.

This approach allows staff, the applicant, and the public a clear road map for what is required, and more importantly, clearly specifies the range of development that may be authorized and the levels of public improvements necessary to serve that development. All permitted uses in the site's three zones: R-10, R-5, and NC, are allowed within the zoned areas subject to any limitation set forth in the Park Place Concept Plan, and based on the code in place when the General Development Plan was filed.

Illustrations, renderings, and demonstration photos found in the submitted General Development Plan application are considered background documentation and are not to become applicable approval criteria for the evaluation of a Detailed Development Plan review in the future. Future additions to or removal of permitted uses listed in the Applicant's submittal shall not in themselves constitute a need for an amendment to the General Development Plan unless the addition or revision makes changes to the master plan that triggers a need for an amendment as provided in OCMC 17.65.080 *Amendments to Plans*.



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RECOMMENDED CONDITIONS OF APPROVAL

Planning File GLUA-21-00045

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

(DS) = Verify that condition of approval has been met with the Development Services Division.

(B) = Verify that condition of approval has been met with the Building Division.

(F) = Verify that condition of approval has been met with Clackamas Fire Department.

Note :

DDP means “Detailed Development Plan.”

GDP means “General Development Plan.”

The terms “Master Plan” and “General Development Plan” are used interchangeably and are synonymous.

Planning Division - Conditions of Approval:

1. Unless subsequently amended by the Planning Commission, this Master Plan shall control development on the site for 12 years from the date of the initial adoption of this General Development Plan. All land within the Master Plan boundaries is subject to compliance despite any future lot line adjustments or land divisions.
2. For each Detailed Development Plan application, the applicant may choose to utilize the July 20, 2021 Oregon City Municipal Code, as adopted at the time of the Master Plan submittal or the Development Code that is applicable at the time a Detailed Development Plan (DDP) is applied for.
3. Detailed development plan phase boundaries are understood to be approximate and are subject to change in the future. Thus, mitigation shall be defined by the number of residential units proposed, coupled with those developed in previously approved phases, rather than by master plan phase boundary.
4. Unless otherwise specified in these conditions of approval, all permitted uses in each of the three zones (R-10, R-5, and NC) are allowed within the area subject to the Master Plan. Additions to or removal of uses listed in the Applicant’s submittal shall not in themselves constitute a need for an amendment to the Master Plan unless the addition or revision triggers a need for an amendment through a Condition of Approval or OCMC 17.65.080 Amendments to Plans.
5. The following adjustments to the Municipal Code are approved and subject to the conditions found in the Notice of Decision.

- a. OCMC 17.08.040 and 17.10.040 Dimensional Standards, including up to 20% reduction of lot sizes, widths, depths, and setbacks.
 - b. The requested adjustment to the garage orientation standards in OCMC 17.21.090.A is only approved for the lots indicated as topographically constrained on Exhibit 7, "Revised Alley-loaded and Topo Constrained Lot Exhibit" dated 8/17/2022. Corner lots shall use sideloaded garages wherever feasible. Since lot layouts and garage locations will be subject to further refinement with subsequent DDP submittals, the applicant shall provide narrative justification for granting the exception to the garage orientation standard to be reviewed with each DDP submittal.
 - c. Item (b) above notwithstanding, no more front-loaded lots shall be permitted on Holly Lane for any subsequent phases.
6. The recommended proportional share amounts in Exhibit 4 for Phase 1 shall be required at the time of final plat for Phase 1, unless amended by an updated transportation study provided by the applicant and reviewed by the City as part of the Phase I DDP review.

TSP Project	Estimated TSP Project Cost (\$000)	Total PM Peak Entering Volume (2035)	\$/trip	Phase 1 Trips	Phase 1 Share \$
Redland/Holly D36	\$1,040	688	\$545	1	\$545
Holcomb/Holly D43	\$1,040	1899	\$1512	61	\$92,232
I-205 SB Ramps/ OR 99E D75	\$2,990	5690	\$525	5	\$2,625
I-205 NB Ramps/ OR 99E D76	\$1,970	6155	\$320	5	\$1,600
Hwy213/Redland D97	\$10,105	6540	\$1545	22	\$33,990
Redland/ Holcomb/ Abernethy	na	2273	na	35	na
Hwy213/Beavercreek D94	\$2,800	6935	\$404	5	\$2,020
Holcomb Blvd Sidewalk Infill W11, W12, W13	\$3,035	1135*	\$2674	50	\$133,700
Holcomb Blvd Bike Lanes B12	\$560	1135*	\$493	50	\$24,650
Holcomb Blvd Pedestrian Crossings C3, C4, C5, C6	\$140	1135*	\$123	50	\$6,150
* Two-way PM peak volume on Holcomb Boulevard east of Redland Road/Holcomb Blvd/Abernethy Road intersection					

7. Any proposed development beyond Phase 1 or 60 units, whichever occurs first, shall provide an updated transportation study that measures impacts at HWY 213 and Redland Road as well as any other affected intersections as defined by the City's adopted Guidelines for Traffic Impact Analysis. New traffic studies shall be provided with each subsequent Detailed Development Plan and shall provide new counts for existing traffic volumes, and not rely on old data.
8. Detailed development plans for any phase beyond Phase 1, or 60 residential units, will require additional analysis and implementation of mitigation measures that demonstrate that the

transportation system is “capable of serving the proposed development, or will be made capable by the time each phase of the development is completed” in accordance with OCMC 17.65.050.C.3. Specifically, the applicant shall show that improvements have been made to OR-213 and Redland Road and at the intersection of Redland Road/Abernethy Road/Holcomb Boulevard such that v/c standards are met and adequate queue storage is provided before building permits are approved for half the units in Phase 2.

9. Mitigation for livability impacts to existing residential streets (Cattle Drive, Winston Drive, etc) and proposed Street A shall be as follows:
 - a. Implement the proposed phased barrier system on existing local streets Winston Drive, Cattle Drive and Shartner Drive and proposed Street A;
 - b. At the time street connections are made to Cattle Drive and Shartner Drive, the applicant shall add traffic calming elements within the new streets near the connecting points to Cattle Drive, Shartner Drive, Journey Drive, Smithfield Drive and Winston Drive including speed humps, traffic circles, or chicanes, to promote safe speeds. The applicant shall also provide traffic volume and speed data at up to three selected locations to the City to enable the City to evaluate the potential for a traffic calming and/or a speed limit change to 20 mph on the existing local streets. The data shall be provided with any DDP application that includes street connections to Cattle Drive, Shartner Drive, or Journey Drive.
 - c. In addition to implementation of the proposed phased barrier system in (a) above, the applicant shall measure average daily trip volume on Winston Drive, Cattle Drive and Shartner Drive and proposed Street A at the time of each DDP application that would route trips on these streets. If trips (total existing plus new) are projected to exceed 2,000 per day on any of these streets, the applicant shall implement one or more of the following transportation improvements:
 - i. Ensure a secondary street connection is provided to the south connecting to Redland Road, reducing northbound congestion and so that drivers have multiple route choices. The street connection to Redland Road shall be open and available before the units that would increase local street volumes beyond 2000 trips per day are occupied.
 - ii. Provide a full street connection to Livesay Road pursuant to Clackamas County standards outlined in Condition 49.
10. The applicant shall provide a timeline and plan to complete the Holly Lane to Redland Road connection with the submittal of Detailed Development Plans for phases 4-6, or concurrent with Clackamas County’s planned Transportation System Plan Projects 1109 and 1120 for improvements to Holly Lane Bridge and the Holly Lane / Redland Road intersection, whichever occurs first.
11. The applicant shall contribute a fee-in-lieu for parks to be calculated based on \$4,783.80 per unit for park land cost plus \$3,664 per unit for park improvement costs increased at 18% per annum, to be paid at the time of final plat recording of Phase I of the project. This amount shall be held by the City in the form of a surety until at least 4.3 acres of parkland in the location identified in the GDP exhibit is dedicated to the City. The 4.3 acres of park land shall be dedicated to the City at the time of final plat recording of Phase 2.

12. The open space provided in Tract C of the Phase 1 development area shall be sized at a minimum of 100 square feet per unit proposed in the Phase 1 DDP.
13. The applicant shall provide at least two of the following amenities or features in Open Space Tract C of Phase 1 as part of the detailed development plan: benches, picnic tables, playgrounds, nature play elements, wildlife habitat installations, or other similar elements approved by the Community Development Director. For future phases, the applicant shall provide amenities consistent with this condition in the proposed open space tracts if the public park remains undeveloped. Once the public park is developed, the open space amenities for the entire development will be considered met, and additional amenities on private land will be optional.
14. At the time a Detailed Development Plan is proposed that includes the properties designated as open space, the applicant shall submit, for city review and approval, all proposed deed restrictions or other legal instruments used to reserve open space and maintenance of open space and any related landscaping and facilities. The deed restrictions or other legal mechanisms shall provide for adequate maintenance of the facilities as well as public access easements for trails.
15. With submittal of each DDP, the applicant shall identify any existing eligible historic structures and cultural resources within 250 feet of the development boundary. Further refinement and review for potential impacts to natural, cultural and historical resources within the development boundary and within two hundred and fifty feet of the development boundary will occur at the time of DDP submittal.
16. Any development phases that include mapped Natural Resources Overlay District areas shall be reviewed for compliance with criteria in OCMC 17.49 either before or at the time of first DDP application. Development within areas not included in the applicant's preliminary NROD report are required to be delineated in accordance with standards in OCMC 17.49 and reviewed as part of DDP review.
17. Formal NROD verification of Charman Creek shall be required before or as part of the Phase 1 DDP, with third party review required. The NROD study should include field analysis along the entire shared property line with tax lot 400 near the mapped Charman Creek headwaters, as depicted in Exhibit 8.
18. For each individual DDP application, the applicant shall submit documentation demonstrating the following:
 - a. Overall density consistent with the proposal for 440 units;
 - b. how the overall development will achieve a ratio that provides for a mix of residential types such that no single residential use exceeds 75 percent of the total proposed units;
 - c. how the development is achieving a variety of dwelling types and sizes that are integrated throughout the site, rather than isolated from one another, with compatible transitions between residential types, including appropriate setbacks, landscaping and screening as necessary, while maintaining street and pedestrian connectivity between all residential uses;

- d. If the proposal cannot achieve a density of 9.1 units per acre and/or result in a total of 426 units through provision of single-family detached and single family-attached housing for the R-10 and R-5 zoned areas, the applicant and any subsequent owners shall be permitted to provide additional units through one of more of the following alternatives permitted under existing zoning or as permitted through subsequent master plan amendments;
 - i. Multi-family residential and 3—4 plex residential in the NC zone;
 - ii. One or two dwelling units in conjunction with a nonresidential use, provided that the residential use occupies no more than fifty percent of the total square footage of the development in the NC zone;
 - iii. Live-work dwellings in the NC zone;
 - iv. Middle housing permitted under state law and pursuant to the City's adopted Housing Choices Code Updates (LEG-22-00001).
 - e. None of the options above precludes the applicant from applying for additional zone changes or Master Plan amendments.
19. The applicant shall ensure that lots in the R-10 zone are 5,000 square feet or more in area for future detailed development plan applications that show compliance with OCMC 17.49.240 for NROD density transfer. If density transfer standards cannot be met in future detailed development plan applications, the minimum size for lots within the R-10 zone will be 8,000 square feet (assuming the requested 20% adjustment is approved).
20. The applicant may include additional areas in the NROD to be counted in the density transfer calculations if future DDP applications can demonstrate in a professional report that the land consists of one or more of the following:
 - NROD overlay as verified through 17.49.250
 - Upland habitat directly adjacent to the NROD boundary
 - Other land that provides ecological benefits or wildlife habitats and is directly adjacent to the NROD boundary
21. All NROD Verifications required for detailed development plan review shall be reviewed through the Type II process described in OCMC 17.49.250 unless a Type III review is otherwise required by OCMC 17.49. Third party NROD verification review shall be required for all NROD areas, at the applicant's expense. The Planning Division will manage the third-party review from an outside consultant during NROD application review.
22. Future development proposals for the commercial parcels in the GDP area may be reviewed through Type II DDP process unless a Type III review is otherwise required.
23. Flag lots will be reviewed against the criteria in OCMC 16.08.050 for each detailed development plan proposal and will not be permitted if the criteria are not met.
24. The proposed commercial/civic sites within the Neighborhood Commercial Zone shall be identified as parcels and not as "Tracts," in future DDP proposals and applications for development.

25. The applicant shall ensure that future detailed development plans maintain the residential lots outside of the NC-zoned area, unless the residential use is part of a mix of uses that are authorized within the NC zone.
26. Public infrastructure including, water, sewer, storm, and street improvements shall be brought to and through the public right-of-way frontage of the proposed public park and the proposed commercial/civic tracts before or as part of the detailed development plan phase application that represents 60% of the total proposed units and shall be constructed as part of public improvements for that phase.
27. To provide street connectivity and walkability to meet the intent of the Park Place Concept Plan, the applicant shall provide for the following in future DDP applications:
 - a. Wherever feasible, utilize traffic calming measures, low speed limits, and tight curb radii to promote slow vehicle speeds.
 - b. Marked crosswalks with curb extensions shall be provided at all Holly Lane intersections.
 - c. Meet the maximum block spacing of 530 feet throughout the development, except where topographic constraints prevent practicability.
 - d. If the maximum block length is exceeded, pedestrian accessways shall be provided no further than 330 feet from the nearest street intersection.
28. In order to ensure connectivity is provided at a reasonable stage in the development, the Tour Creek pedestrian bridge connection shall be included in the detailed development plan phase application that represents 60% of the total proposed units and shall be constructed as part of public improvements for that phase.
29. In future detailed development plan applications, the applicant shall include adequate space within the public right of way for a transit stop along Holly Lane near the park and commercial parcels.
30. The applicant shall annex taxlot 2-2E-28D -00190 to the Metro boundary prior to a final plat involving all or part of that taxlot.
31. Driveways shall be limited to provide for the following on all local streets:
 - a. No driveway approach, including wings, shall be more than 50% of the width of the lot.
 - b. Shared driveways may be utilized to meet these conditions
 - c. Alleys may be utilized as an alternative to driveways to meet these conditions
 - d. Alley width may be reduced to 12-foot one-way circulation, to reduce amount of impervious surface needed, if approved by the City Engineer.
32. At the time of DDP submittal for phase 1 the applicant shall propose landscape screening, retaining wall design, and sound buffering and / or sound walls to address vehicular light pollution and noise from proximity to Holly Lane for any existing lots in the Trailview subdivision within 50 feet of the new right-of-way of Holly Lane. For new lots in the proposed development, such measures may also include larger setbacks or reverse frontage lots and building designs.

33. To ensure public participation, public notice of future GDP or DDP applications shall be provided to properties and occupants within 300 feet of the Park Place Crossing master plan boundary. (P)
34. The Holly Lane alignment shall follow the alignment indicated in applicant's Exhibit 1 – Park Place Crossing Layout Revision dated 8/10/2022 that includes residential lots abutting the existing Trailview subdivision. (P)

Public Works Engineering Development Services Conditions of Approval:

35. The development plans shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies prior to receiving a permit and beginning construction for each DDP. (DS)
36. Each DDP will further refine the stormwater management plans and reports of each phase and can be met by meeting approval criteria outlined in section 13.12.090 of this report. (DS)
37. The development plans shall comply with all Oregon City Public Works design standards, specifications, codes, and policies prior to receiving a permit and beginning construction. (DS)
38. At such time, a phase of development envelops the stream area (e.g. Phases 2, 4, and 5), the applicant shall obtain an appropriate DSL or USACE permit or provide evidence that one is not required. (DS)
39. With each phase of development, the applicant shall obtain an appropriate ODFW permit or provide evidence that one is not required. (DS)
40. The City of Oregon City has jurisdiction over Holcomb Boulevard where this development ties in as well as the proposed new streets within this development; however, Livesay Road and future connections to neighboring properties outside of the Urban Growth Boundary are under the jurisdiction of Clackamas County. Coordination and approval with Clackamas County for connections to Livesay Road and properties under their jurisdiction shall be evaluated as part of each DDP review.
41. The developer shall provide an engineered grading plan prepared by a professional engineer in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards with each DDP. (DS)
42. Street layouts and public improvements shall be re-reviewed with each phase of development during DDP review and shall follow the standards of OCMC 16.12 and 17.44 avoiding Geologic Hazard areas where necessary, creating a grid system, provide future connection points to neighboring properties, and providing a street layout acceptable to the City Engineer. (DS)
43. All public improvements along the Holcomb Boulevard frontage (e.g. right of way dedication, sidewalk construction, street trees, etc.) shall be designed and constructed in Phase 1 and reviewed as part of that DDP (DS)
44. The street proposed to serve development within Phase 6 is proposed to be a private street. It shall be further reviewed as part of the corresponding DDP review to determine construction feasibility, ownership and potential future connectivity to neighboring properties. (DS)
45. Any temporary (or permanent) dead-end streets created as part of the phased development approval shall include sufficient space and improvements necessary to accommodate a vehicular turnaround. (DS)

46. The City and Clackamas Fire District No. 1 shall review each DDP proposal to ensure that life safety requirements, including pavement widths, slope and grading requirements for the proposed streets, are met.
47. With Holly Lane designated as collector street, new driveways there are to be avoided as much as possible and instead driveway access should be from local streets or alleys. Holcomb Boulevard as a minor arterial will have no new driveways. Instead access to properties shall be from rear alleys. Each phase shall identify proposed driveway locations for review of each DDP.
48. Where block lengths exceed 530 feet, each DDP shall provide updated plans for pedestrian accessway locations spaced at intervals not exceeding 330 feet from the nearest street intersection. (DS)
49. With the street layouts and number of buildable lots subject to change, the locations of the pedestrian crossing points shall be further reviewed with each DDP per OCMC 16.12.032. (DS)
50. If it is determined through individual DDP review that additional transit improvements are needed, accommodation for such transit or alternative transportation facilities within each phase shall be proposed. (DS)
51. Clackamas County has provided conditions of approval to be implemented with different phases of the development. Because the proposed layout is preliminary and subject to change with future DDPs, the applicant shall coordinate these conditions with the City and County with each DDP. The public improvements on Livesay Road shall be further reviewed in more detail with each DDP but at a minimum, the Applicant shall address the following:
 - A. All frontage improvements in, or adjacent to Clackamas County right-of-way, shall be in compliance with *Clackamas County Roadway Standards*.
 - B. The applicant shall dedicate an additional approximately 15 feet of right-of-way along the entire site frontage of S Livesay Road and shall verify by survey that a 35-foot wide, one-half right-of-way width exists, or shall dedicate additional right-of-way as necessary to provide it.
 - C. The following improvements will be required along the entire site frontage of S Livesay Road at the time of development of Phase 2, in accordance with Clackamas County Roadway Standards:
 - (a) A 25-foot wide half-street improvement is required, constructed from centerline of the right-of-way. The structural section for S Livesay Road improvements shall be constructed per Clackamas County Roadway Standards Standard Drawing C100 for a collector roadway. Where widening is required, saw-cut and grind and inlay may be needed based on road condition, per Roadway Standards Section 225.5.
 - (b) Standard curb, or curb and gutter if curblane slope is less than one percent, and pavement with the face of the new curb located 25 feet from the centerline of the right-of-way. Centerline of the right-of-way shall be established by a registered survey.
 - (c) A minimum 7-foot wide unobstructed setback sidewalk shall be constructed along the frontage of the commercial sites on Tracts L and K. The remainder of the frontage a minimum 5-foot wide sidewalk shall be constructed.
 - (d) A 5-foot wide landscape strip, including street trees shall be constructed along the entire site frontage.
 - (e) Drainage facilities in conformance Tri-City regulations and Clackamas Roadway Standards, Chapter 4.
 - (f) For the proposed public street intersection with S Livesay Road, construct dual curb ramps, per Oregon Standard Drawings.

- (g) The intersection of Holly Lane with S Livesay Road shall be limited to gated emergency vehicle access only, with the gate approved by the Clackamas Fire District.
- D. If full access to S Livesay Road from the Master Plan site is proposed at any one of the proposed phases, a supplemental TIS will be required evaluating the adequacy of the off-site portion of S Livesay Road and the intersection with S Redland Road. At a minimum, a paved road width of 20 feet will be required from the project site to Redland Road, and the roadway deemed adequate, or a determination that it can be made adequate through improvements to support traffic from the masterplan site. Approval of a Development Permit from Clackamas County Engineering will be required for access to S Livesay Road.
52. The applicant shall provide updated downstream capacity calculations with system capacity upgrades (if needed) at each DDP to confirm that the City's sanitary sewer system can safely handle each phase of the development.
 53. Like the sewer system, the water system will be built overtime. Each DDP will confirm that the existing water systems (City and CRW) have capacity and sufficient available fire flows for each phase of development. Coordination with CRW will be required when elevations exist at or above elevation 434.(DS)
 54. All new franchise utilities shall be placed underground and all existing overhead utilities adjacent to the property frontage, including the existing service lines crossing Holcomb Boulevard for 15110 S. Holcomb Blvd, shall be relocated underground unless deemed infeasible by the City and franchise utility provider(s) prior to platting for each DDP. (DS)
 55. The applicant shall provide a hydrology report that addresses the effect of the stormwater outfall upon the local watershed with each DDP. The hydrology report must address the discharges, erosion and landslide effect on the downhill slope, the stabilization of the uphill slope, and the environmental impact on the downhill slope, as well as how the infiltration rates before and after development would affect the groundwater supply.(DS)
 56. The final alignment of the proposed streets and the number of buildable lots located in the geological hazard areas shall be further reviewed as part each phase's DDP to ensure minimal impact to the geological hazard areas. (DS)
 57. As part the DDP review, the applicant shall further refine the number of lots proposed within the geologic hazard areas to meet the City's density requirements. This may include identifying lots as unbuildable as green space or modifying the size of the lots to reduce the density. (DS)
 58. Further traffic analysis shall be provided for the intersection of Holly Lane and Holcomb Boulevard to determine the appropriate amount of right-of-way at that intersection and its approach south into the site along Holly Lane. This shall be reviewed as part of the Phase 1 DDP. (DS)
 59. The applicant shall provide one of the following options as additional mitigation for the proposed density variance and dimensional adjustments:
 - a. Preserve one or more of the wetlands as open space (sized at least 7,000 square feet)
 - b. Expand the dedicated land for the public park site to at least 5 acres, from the currently-proposed 4.3 acres, and include wildlife habitat features such as ponds or native plant zones within that additional acreage
 - c. Design the proposed stormwater detention facility(ies) as a wetland, rather than a traditional fenced storm pond. At least half of the proposed water quantity proposed to be detained shall be detained in a wetland-style facility. (P)
 60. Although vehicular access to Livesay Road will be blocked by an emergency access gate, paved bike and pedestrian access from Holly Lane to Livesay Road shall be provided. (P)

PROCESS TO DATE:

The public hearing for this application first opened on April 25, 2022, with continuances to May 9, 2022, May 23, 2022, July 11, 2022, July 25, 2022 and August 22, 2022.

The applicant has granted a thirty-day extension of the decision deadline, which is currently September 23, 2022, to October 23, 2022.

At the each of the hearings listed above, additional questions and concerns were raised, many of which were voiced repeatedly. These concerns included:

- How the proposed General Development Plan complies with the density requirements of the Park Place Concept Plan and the minimum and maximum density requirement of the zoning code.
- The phasing and mechanism for when and how the Redland Road connection will be made.
- How the proposed park realignment and new layout for Neighborhood Commercial areas complies with the Park Place Concept Plan.
- The timing for the requirement for a new local road connection east of Holly Lane.
- The design of the cross section of Holly Lane at the pinch point and concerns regarding noise, grading and buffering from adjacent Trailview Estates residents.
- Engineering staff input regarding the geologic hazard slope stability and conditions and differences between in the North and South Village areas of the concept plan.
- Discussion of how lots will be sized to better blend with adjacent development and protect existing surrounding residents.
- Sight distance concerns for the Holly Lane extension to the north realignment and concerns over steep slopes and impeded vision along the “S” curve.
- An explanation from the City Attorney concerning *Baker v. City of Milwaukie* and the relevance to this land use review.
- Revised conditions of approval.

At the July 11, 2022, the applicant presented a revised proposal to address concerns expressed in prior hearings by members of the public, staff, and the Planning Commission. The applicant submitted a revised proposal that addresses four areas:

1. An extension of Holly Lane to Holcomb Blvd
2. Reconfiguration of the proposed portion of the Community Park located at the southwest corner of the Master Plan area.
3. A second street connection to provide additional connectivity to Livesay Rd.
4. A plan that would prevent 2,000 average daily trips (ADT) on Winston Drive, Cattle Drive, Shartner Drive, and Street A.

Summary of Revisions submitted 8/11/2022

With the revisions submitted on 8/11/2022, the applicant proposed several changes from the original proposal. This reduces the overall density of the Park Place Crossing project from the original proposal of 476 units:

- 426 total housing units.
 - 287 single-family detached dwelling - 65 %
 - 139 single-family attached dwellings – 32%
 - 14 units of Mixed Use – Apartments – 3%.
- The revision no longer includes a density increase permitted through General Development Plans per OCMC 17.65.070.C.4. The density of the project was adjusted by making the following considerations:
- Larger lots at least 10,000 square feet in area where the development abuts existing residential subdivisions and open space.
- The number of lots in phase 1 has been reduced from 59 to 49 units.
- Paired townhomes have been added to phase 1. To adjacent properties, these units would appear similar to a single family detached residence. This also brings diversity in housing types and the opportunity for more affordable homes to be provided in Phase 1.
- Alleys. Where feasible, the applicant has added alleys to allow additional homes to provide rear access. Perimeter lots, because they abut either natural areas or existing homes, and lots in areas with topographic constraints have not been planned with alley access. The addition of these alleys will reduce the number of driveways accessing local streets.
- The Mixed Use/Civic/Village Green area has been revised to three parcels of 0.51 acres, 0.56 acres and 1.26 acres (total 2.43 acres), bisected by an additional local street to provide a continuous corridor for the Livesay Main Street area, to provide additional transportation connectivity that better integrates this area with the Park Place Crossing neighborhood and future Park Place North Village areas.
- The opportunity for additional affordable attached single- family housing and other residential use types (e.g., those within Neighborhood Commercial areas).
- A future public park site of 4.3 acres. The park site has been reconfigured and although .1 acres smaller than originally proposed, provide sufficient land in proportion with the number of units proposed within the development.

I. BACKGROUND:

The subject site includes 92 acres of land identified as the “north village” in the Park Place Concept Plan. The property was annexed and assigned zoning in 2018 through AN-17-04 and ZC 17-05; this application for a General Development Plan is the next step in the development of this site. One of the conditions of approval imposed by the city on the approved annexation request was that the applicant obtain General Development Plan approval for the 92-acre area prior to any urban development on the site.

This land-use application is a request to approve the General Development Plan (GDP). The GDP will be subsequently implemented through future detailed developed plans that will be guided by this GDP. Once approved, the GDP guides future development within the master plan area to assure long-term regulatory certainty and a high level of predictability for future tenants and developers within the master plan area as well as the community. The GDP provides a framework for development within the master plan area over the next 20 years, although the applicant anticipates completion by 2030.

This application includes requests for the following approvals:

- **General Development Plan:** The overall long-term approach to development over 20 years for up to 426 residential units.
- Parks, trails, and neighborhood commercial and civic spaces. Included in the request for GDP approval is:
 - A modification to street width standards for a limited segment of Holly Lane
 - Adjustments to the following development standards:
 - OCMC Chapter 17.08.040 and 17.10.040 Dimensional Standards
 - OCMC Chapter 17.21.090.A for garage placement and design
 - OCMC Chapter 17.08.050 and 17.20.050 Density Standards
- **Variance:** Request to reduce the minimum lot size for attached single family lots to 1800 square feet.

REGIONAL PLANNING

The Park Place Concept Plan was adopted to comply with Title 11 of the Metro Urban Growth Functional Management Plan (Sections 3.07.1105 – 3.07.1140) – *Planning for New Urban Areas*. Oregon City is part of the Metro Urban Growth Boundary. Title 11 guides planning of areas brought into the urban growth boundary for conversion from rural to urban use. This is a principal component of Oregon’s Land Use Planning system, which protects rural land, farm and forest uses from development by requiring that land uses within urban growth boundaries develop at urban densities, rather than allowing growth to “Sprawl” into unincorporated areas.

The Park Place Concept Plan “PPCP” (Adopted March 12, 2008) integrates a multi-modal transportation system with a mixed-use development pattern to achieve a highly efficient and sustainable design. The PPCP identifies a network of internal and external pedestrian, bicycle, transit and street connections that serve the study area and connect it to the surrounding community and the broader region. The Concept Plan was developed through an extensive interactive public process, guided by a Project Advisory Committee comprised of neighbors, stakeholders, business owners and City residents. An extensive public hearing process before the Oregon City Planning Commission and City Commission occurred prior to final adoption of the Park Place Concept Plan.

The Park Place Concept Plan’s Figure 3-2 “North Village Neighborhood”, bears a note stating, “This map is for concept planning purposes only. The specific locations of natural resource boundaries, open space, parks, land uses, roads, trail, infrastructure and related improvements may change and is subject to on-site verification and design at the time of development.” The Park Place Concept Plan is an ancillary document to the City’s Comprehensive Plan.

1. Existing Conditions

The project site is within the northeast portion of Oregon City. The site is generally situated south of Holcomb Boulevard and north of S Livesay Road between the Park Place neighborhood and the City's eastern edge as well as the Metro Urban Growth Boundary (UGB). The site is currently made up of 14 properties that are expected to be included part of the Park Place Crossing development in the future. The fourteen properties included in this application comprise a total area of ± 91.7 acres.

Properties within Park Place Crossing are zoned Medium Density Residential (R-5), Low Density Residential (R-10), and Neighborhood Commercial (NC). The site, summarized below, contains six existing Single-Family Residences, some of which may be removed as their respective phases of the project are completed.

Properties to the south, but outside the Park Place Crossing Master Plan proposal, are located within the UGB as well as the Park Place Concept Plan. These properties have not yet been annexed but would be expected to annex and develop over time in accordance with the Park Place Concept Plan. These lands are designated with future land uses of Mixed Use Corridor (MUC) and Low Density Residential (LR). Properties to the southeast of the site are located within the Holcomb Urban Reserve outside of the UGB.

Existing uses within this area generally consist of rural single-family residences. Properties to the north of the project site are generally zoned Low Density Residential (LR) and are located within the Park Place Neighborhood Association.

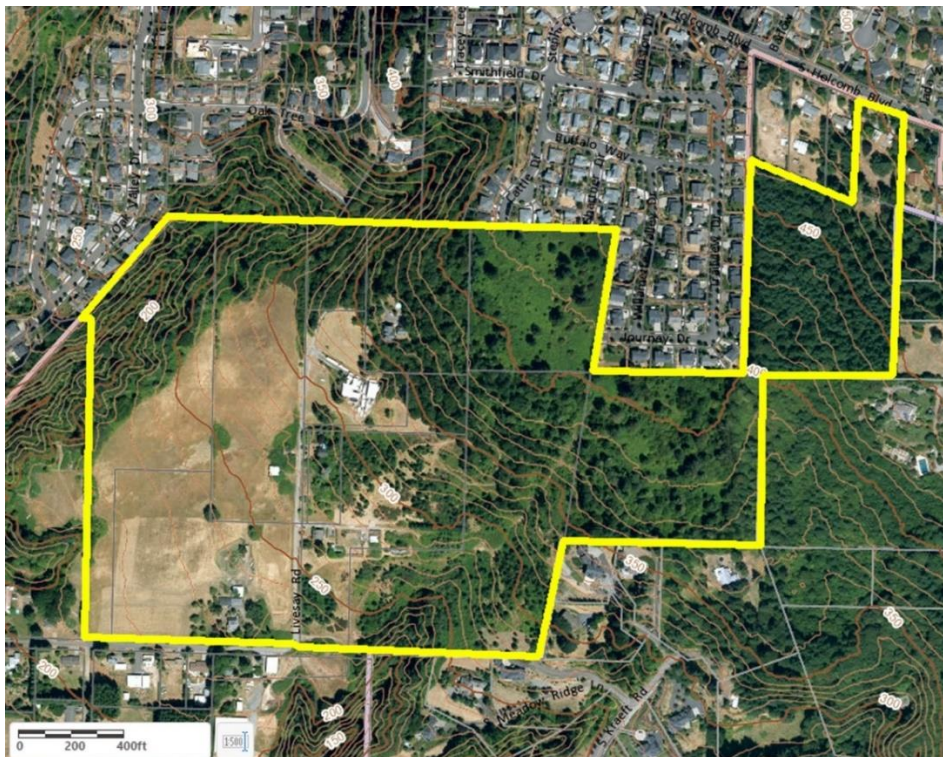


Figure 1. Vicinity Map

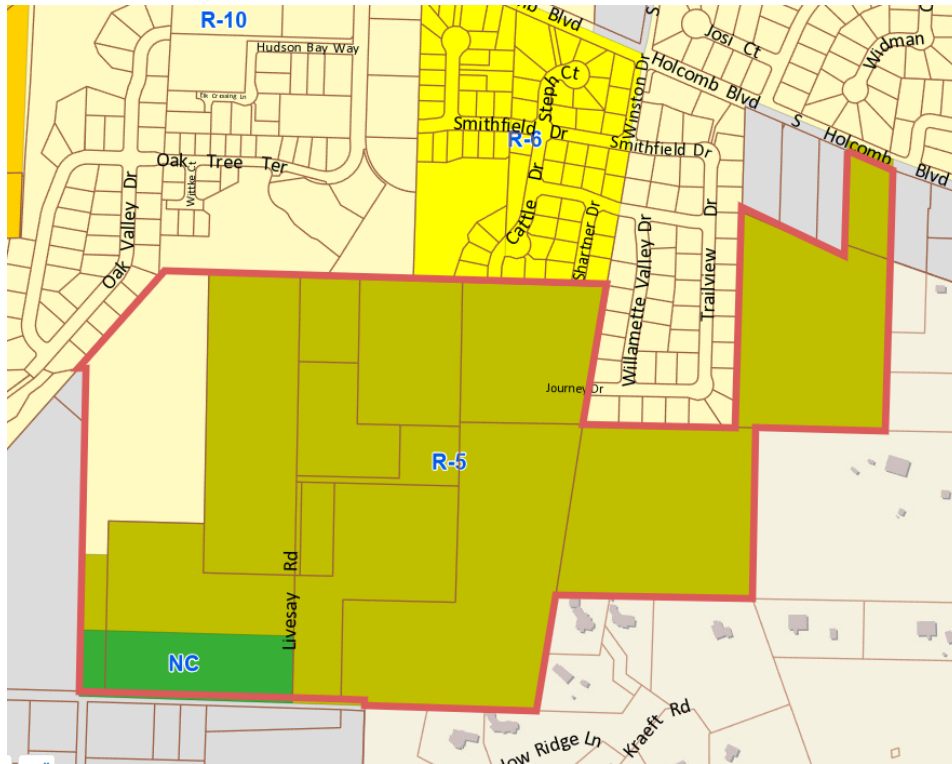


Figure 2: Zoning Map

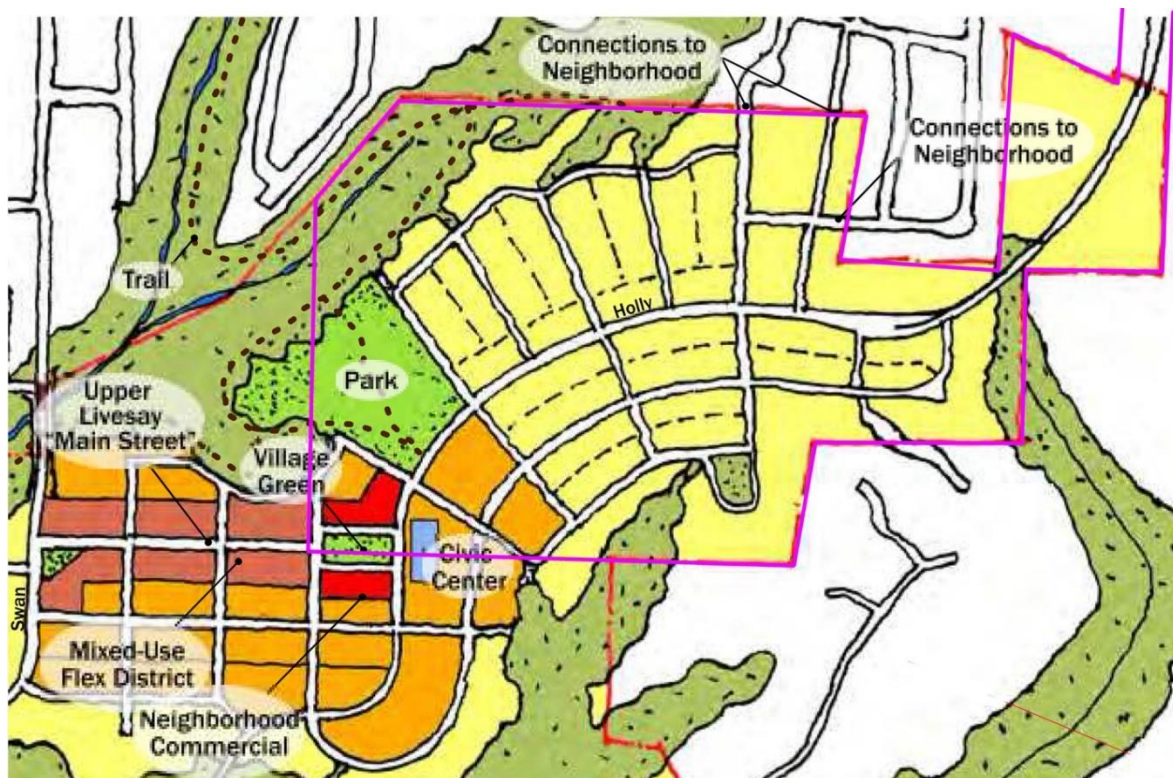


Figure 3. Park Place Concept Plan excerpt

2. Project Description

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Summary of Revisions submitted 8/11/2022

- With the revisions submitted on 8/11/2022, the applicant has proposed a General Development Plan for 92 acres of the Park Place Concept Plan area with the changes from the original proposal. 426 total housing units. Of these, single-family detached dwelling units represent 65 percent of homes within Park Place Crossing and 32 percent of homes are planned to be provided as single-family attached dwelling units. Because attached dwellings are considered with different density standards than single-family detached dwellings, the addition of paired townhomes and the consolidation of lots (described below) reduces the overall density of the Park Place Crossing project from the original proposal of 476 units.
- The remaining 3 percent of homes (14 multi-family units) have been shown as provided within the Neighborhood Commercial zoning area for a total of 440 residential dwelling units.
- Larger lots where the development abuts existing residential subdivision. The number of lots in phase 1 has been reduced to 59 units.
- Paired townhomes have been added to phase 1. These units have the added benefit of adding only one residential building with two units rather than two individual homes. To adjacent properties, these units would appear similar to a single residence. This also brings diversity in housing types and the opportunity for more affordable homes to be provided in Phase 1.
- Addition of Alleys. Where feasible, the applicant has added alleys to allow additional homes to provide rear access. Perimeter lots, because they abut either natural areas or existing homes, and lots in areas with topographic constraints have not been planned with alley access. The addition of these alleys will reduce the number of driveways accessing local streets, providing greater opportunities for planter strips and on-street parking while reducing the number of pedestrian/vehicle conflicts, meeting the intent of the Park Place Concept Plan.

Other Layout Changes with 8/11/2022 Revisions:

- The Mixed Use/Civic/Village Green area has been revised to three parcels of 0.51 acres, 0.56 acres and 1.26 acres (total 2.43 acres), bisected by an additional local street to provide a continuous corridor for the Livesay Main Street area, updated to include only uses permitted within the Neighborhood Commercial zone, and provide additional transportation connectivity that better integrates this area with the Park Place Crossing neighborhood and future Park Place North Village areas.
- The opportunity for additional affordable attached single-family housing and other residential use types (e.g., those within Neighborhood Commercial areas).
- A future public park site of 4.3 acres. The park site has been reconfigured and although .1 acres smaller than originally proposed, provide sufficient land in proportion with the number of units proposed within the development.

Items included with the original proposal:

- Construction of a segment of Holly Lane, a planned collector street
- Approximately 1.3 acres of commercial/civic space provided in two parcels
- An off-street trail system within protected natural areas
- A variance to 17.10.040.D for lot size for single family attached lots



Phasing Summary

The applicant's original phasing summary has not been revised to reflect the latest revision. The original submittal provided the following phasing summary:

Table 2: Park Place Crossing Anticipated Phasing

Phase	Dwelling Units / Anticipated Uses	Open Space (acres)	Amenities
1	±59 single-family detached homes	±0.14	Open Space and street connections to areas of future development
2	±133 single-family detached homes ±126 single-family attached homes Civic area Retail area Regional stormwater facility	±6.52	Park, civic space, retail area, trails & connection to existing neighborhoods, pedestrian pathways, Open Space Tracts
3	±59 single-family detached homes	±0.00	Street connections to existing neighborhoods
4	±53 single-family detached homes	±7.58	Pedestrian pathways, trails, Open Space
5	±35 single-family detached homes	±1.49	Pedestrian pathways, trails, Open Space
6	±11 single-family detached homes	±0.00	Trail connections & street connections to future UGB expansion area

Phase 1 is anticipated to be constructed in 2023, with completion of Phases 2 through 6 accomplished by 2030. Detailed Development Plan applications are anticipated to be submitted at a future date following approval of the General Development Plan.

The applicant's original project description is as follows:

"The Park Place Crossing Master Plan (PPCMP) sets up a framework consistent with the PPCP and builds on the following planned and natural elements:

• **Community Park:** The southwestern portion of the site is part of an envisioned Park Place North Village Community Park. This community park would provide ± 4.4 acres for the provision of potential sport fields/courts, open lawn areas, and trails. The park will connect to natural preservation areas to the north and to other neighborhoods through its proximity to Holly Lane and S Livesay Road and pedestrian connections to adjacent on and off-street trails. The land reserved for the Community Park is located on one of the flattest and most suitable portions of the site for a park. It is also located near other properties which can feasibly connect to and provide additional park area needed for the Park Place Concept Area. Per discussions with the City, the Park Place Crossing project is expected to provide a proportional percentage of park land envisioned in the Concept Plan for its residents. Approximately 51 percent of the planned dwelling units for the Park Place Concept Area North Village are included in this master plan (± 476 planned PPC units/937 total North Village units). The Community Park represents ± 8 acres; therefore, Park Place Crossing would be expected to contribute ± 51 percent of the needed area or ± 4.0 acres. This application for General Development Plan anticipates that ± 4.4 acres will be contributed for park land. Technical details for how the park land will be acquired/transferred are being coordinated with the City of Oregon City Parks Department.

• **Village Green:** A village green, with no specified size, was envisioned by the PPCP at the terminus of S Livesay Road and Holly Lane. This area is intended to anchor the intersection of Holly Lane and the future Livesay Road Main Street, providing the Park Place neighborhood with pedestrian scale lighting, street trees, and benches for the enjoyment of visitors. It is infeasible, however, to achieve the full intent of the PPCP Village Green due to the existing extension of S Livesay Road to serve existing, offsite properties to the southeast of the planned intersection between S Livesay Road and Holly Lane. Until such time those properties develop and S Livesay is vacated east of its intersection of Holly, the envisioned Village Green cannot be achieved. In the interim, Park Place Crossing will meet the amenity need that the Village Green is intended to provide by utilizing the existing terminus of S Livesay Road to serve as a trailhead for City trailways through the natural areas adjacent to the Tract G stormwater facility.

• **Mixed-Use/Neighborhood Commercial/Civic Areas:** The Park Place Concept Plan envisions retail areas to support both the North and South Villages. Within Park Place Crossing, these areas are anticipated to be needed for small-scale commercial businesses such as coffee shops, bookstores, dry cleaners, or cafés. These areas could also be used for services serving the immediate community such as local offices for medical offices, insurance brokerages, and realty companies.

The Mixed-Use Commercial (MUC)/Neighborhood Commercial (NC) Area is anticipated to provide an upper-story residential component as outlined within the Oregon City Municipal Code. The location of Park Place Crossing's commercial area was determined by the conceptual location of the Livesay Road Main Street Area within the Park Place Concept Plan. The Park Place Concept Plan imagines this area to be near the intersection of Holly Lane and S Livesay Road. The Civic area was envisioned to serve as the location of a library, community center, environmental interpretive center, or post office. The proximity of the area to the Village Green, local trailhead, regional stormwater facility, and natural areas, lends to this area being created as a plaza or interpretive center.

Open Space Preserving Natural Areas and Drainageways: The site is located between Tour Creek to the north and west of the site and Charman/Abernethy Creek to the south. These areas include sloped and vegetated areas associated with these drainage features. By incorporating progressive planning concepts such as flexible standards and varying lot sizes into the project design, a significant amount of land is being set aside as open space for resource protection, greater than the quantity shown and required by the Park Place Concept Plan.

Other internal open space areas provide for active and passive recreation for residents and visitors through pedestrian pathways, open areas, seating, and other similar amenities.

- **Trails Network:** The Applicant and PPCP seek to recognize these natural resources and the opportunity to connect residents, visitors, and new and existing neighborhoods to these resources through the inclusion of an interconnected network of trails within the open space areas. These trails, including local and community trails, are consistent with the City's adopted Trails Master Plan and help provide opportunities for residents and visitors to engage in active and passive recreational pursuits, surround homes with areas of green space, and preserve habitat for native flora and fauna.

- **Interconnected Transportation Network:** Consistent with the City of Oregon City's Transportation System Plan (TSP), Park Place Crossing will be served by a comprehensive transportation network connected to Holly Lane, which serves as the Park Place Crossing community backbone. The transportation system features a new City Collector Street (Holly Lane), a grid of Local Streets, and off-street trails and pedestrian pathways. Pedestrian pathways, off-, and on-street trails include both hard and soft-surfaced linkages within Park Place Crossing and between the community and those surrounding. Many of the homes along Holly Lane are anticipated to be served by alleys to aid in circulation and minimize vehicle conflicts. Holly Lane will eventually connect to S Holcomb Road via a roundabout, with temporary connection provided by "Street A."

Per the City's Transportation System Plan (TSP) and the attached Transportation Impact Study (TIS) (Exhibit E), the project will provide public improvements including the dedication and construction of a new Collector Street with interconnected Local Streets that, upon their extension, are able to enhance neighborhood circulation; provide needed/secondary access to the project and surrounding neighborhoods; and proportionate share payments to be directed towards future intersection improvements identified by the City's TSP. The system is designed to welcome pedestrians, bicyclists, motorists, and public/emergency services and provide safe and efficient connections to surrounding areas.

Regional Stormwater Management and Green Streets: The Park Place Concept Plan envisions stormwater infrastructure that mimics existing hydrology, provides innovative and green on-site stormwater treatment, and implements techniques to attenuate flow rates and provide for pollution control/reduction. Together with these features, a regional stormwater facility is planned for Park Place Crossing in order to manage stormwater.

Housing: *The Park Place Crossing Master Plan area includes ±476 lots intended for future single family homes. This represents ±51 percent (±476 GDP-planned units of the 936 intended units) of the units anticipated for the North Village by the PCCP. An additional lot may be possible following the connection of Holly Lane to S Holcomb Boulevard. A diverse range of lot sizes are planned that can accommodate a mix of home sizes and styles, as well as detached and attached housing types, appealing to a broad variety of people.*

Note: with the proposed 8/11/2022 revision, the proposal has been reduced to 426 units.

Approximately 4.3 additional acres, for a total of ±15.7 acres, of Park Place Crossing are planned to be reserved as open space for the conservation of sloped and vegetated areas, greater than the ±11.4 acres of open space envisioned by the Park Place Concept Plan. Space for a regional stormwater facility will be reserved as well, totaling almost two acres of area. Retail and Civic areas are generally consistent with what was originally envisioned, with opportunities for other properties south of S Livesay Road to contribute to the Livesay Road Main Street area. The planned Village Green contained within the bounds of the project site is also consistent with the area imagined with the Concept Plan.

This application for a General Development Plan, required by the City Commission as a condition of approval of the site's annexation, does not involve any physical site alterations. Information provided as part of this application is preliminary in nature and will be further refined as part of future Detailed Development Plan applications, where changes or improvements may occur. The Master Plan is consistent with the Park Place Concept Plan and Oregon City Municipal Code (OCMC). This application includes the City forms, written materials, and Preliminary Plans necessary for City staff to review and determine compliance with the applicable approval criteria. The evidence is substantial and supports the City's approval of the application."



Figure 4: Proposed General Development Plan as submitted.

Note: With the proposed 8/11/2022 revision, this layout has changed. See "Summary of Revisions submitted 8/11/2022" on pages 15 and "Project Description" on page 19.

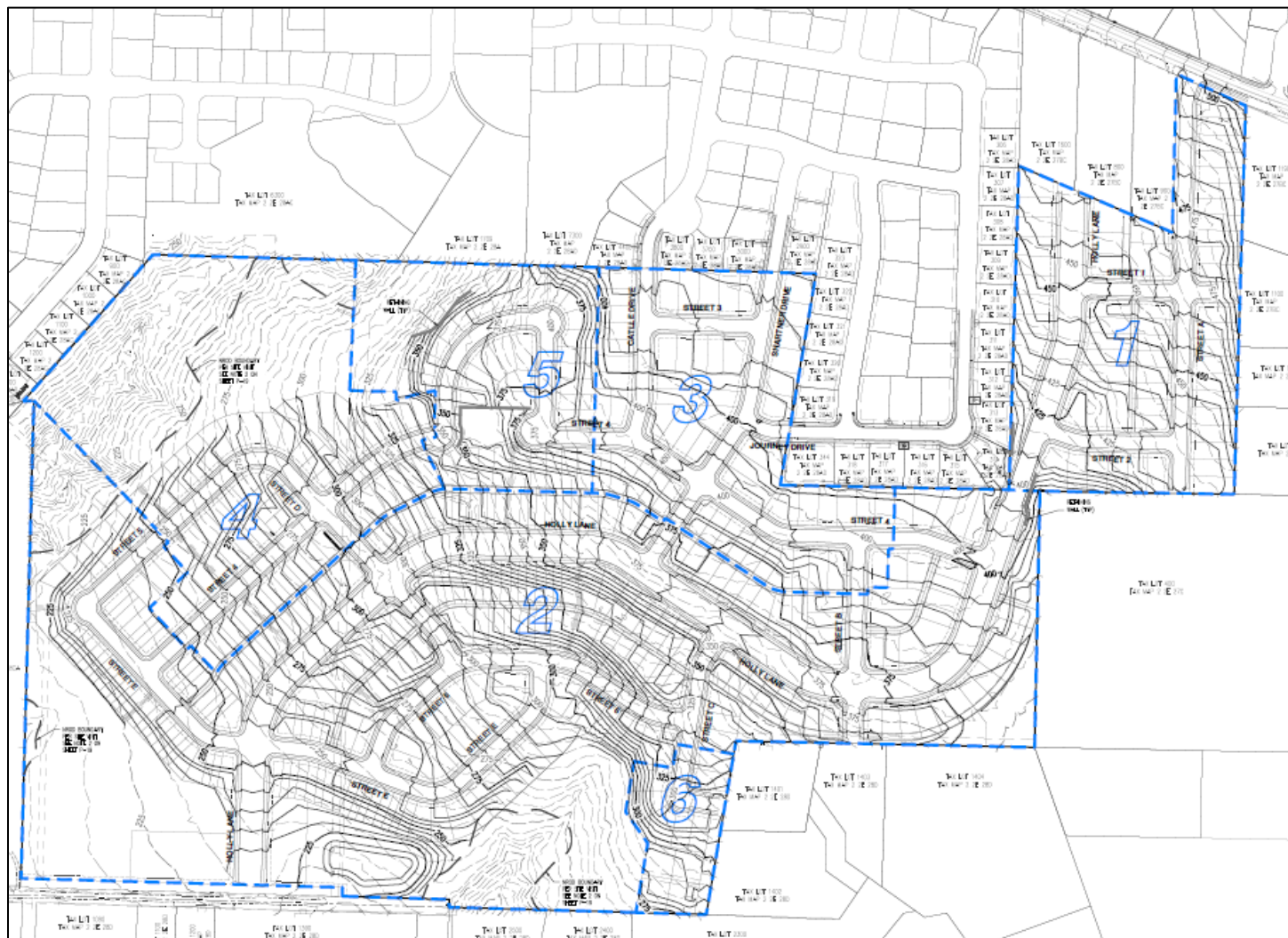


Figure 5. Proposed Phasing Plan as submitted

Note: With the proposed 8/11/2022 revision, this layout has changed. See "Summary of Revisions submitted 8/11/2022" on pages 15 and "Project Description" on page 19.

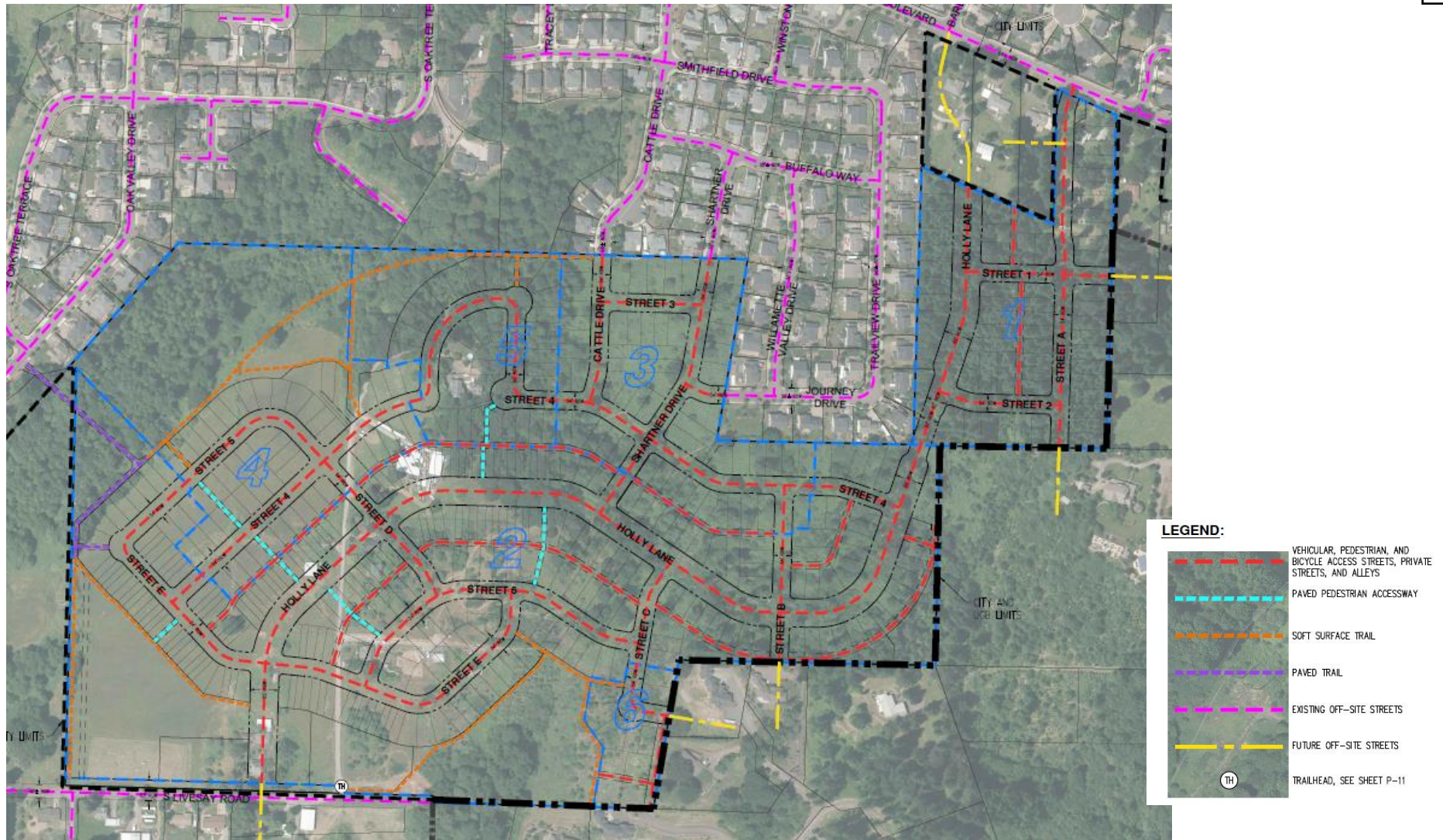


Figure 6. Proposed Circulation Plan as submitted

Note: With the proposed 8/11/2022 revision, this layout has changed. See "Summary of Revisions submitted 8/11/2022" on pages 15 and "Project Description" on page 19.

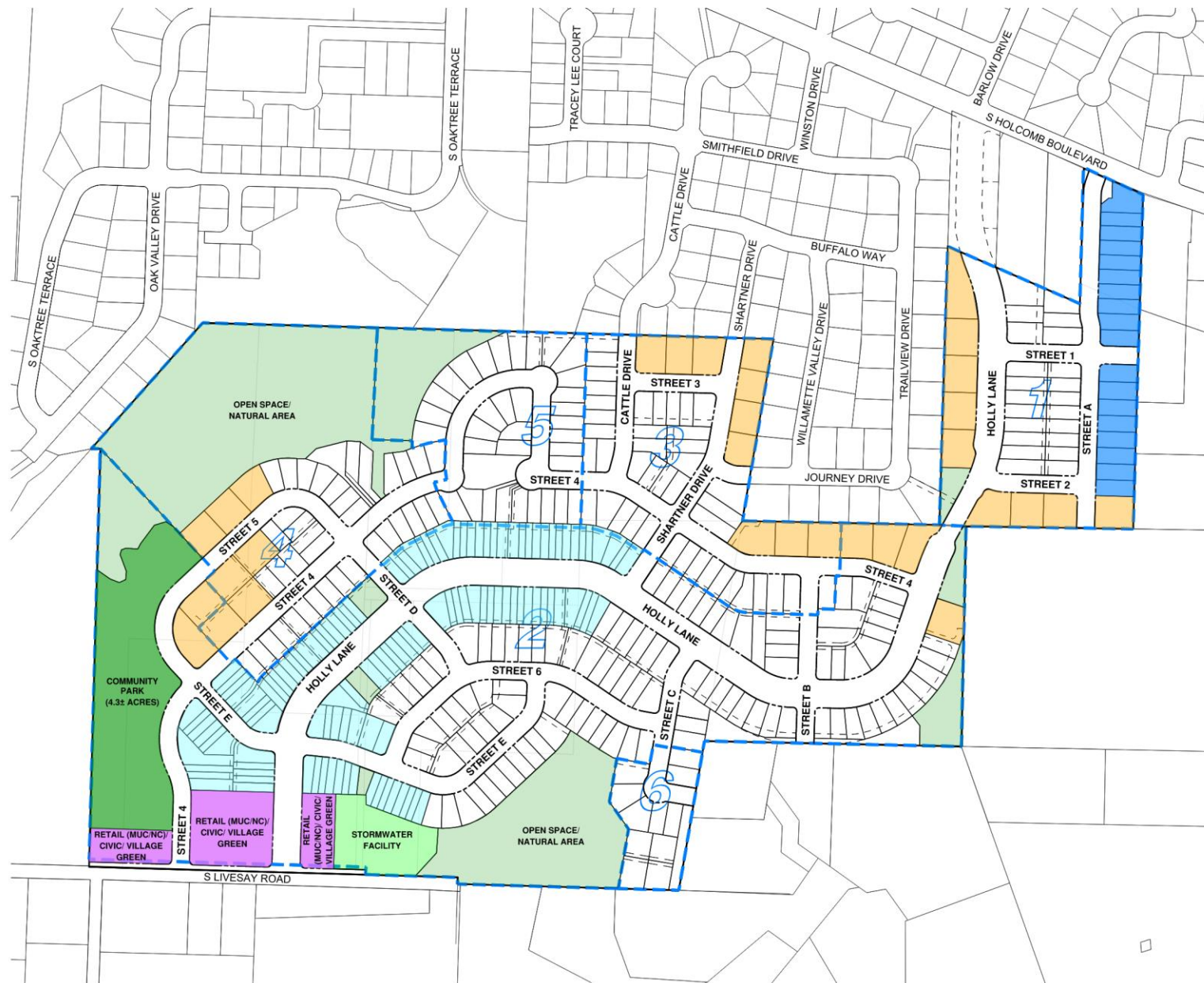


Figure 8. EXH-1 Park Place Crossing Layout Revision Exhibit. Submitted 8/11/2022.

Item 4a.

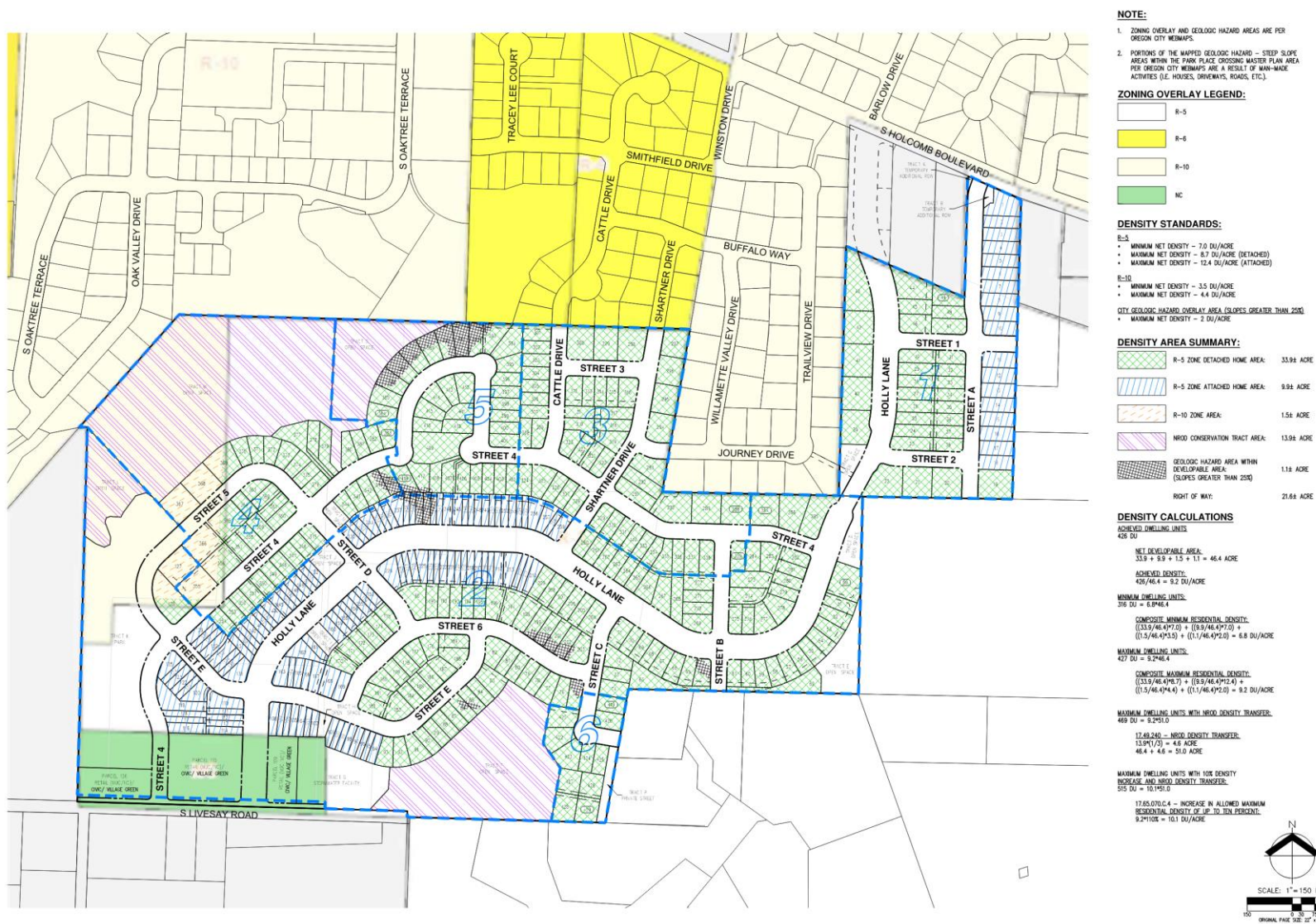


Figure 9. EXH-2. Revised Zone Overlay Map and Density Analysis. Submitted 8/11/2022

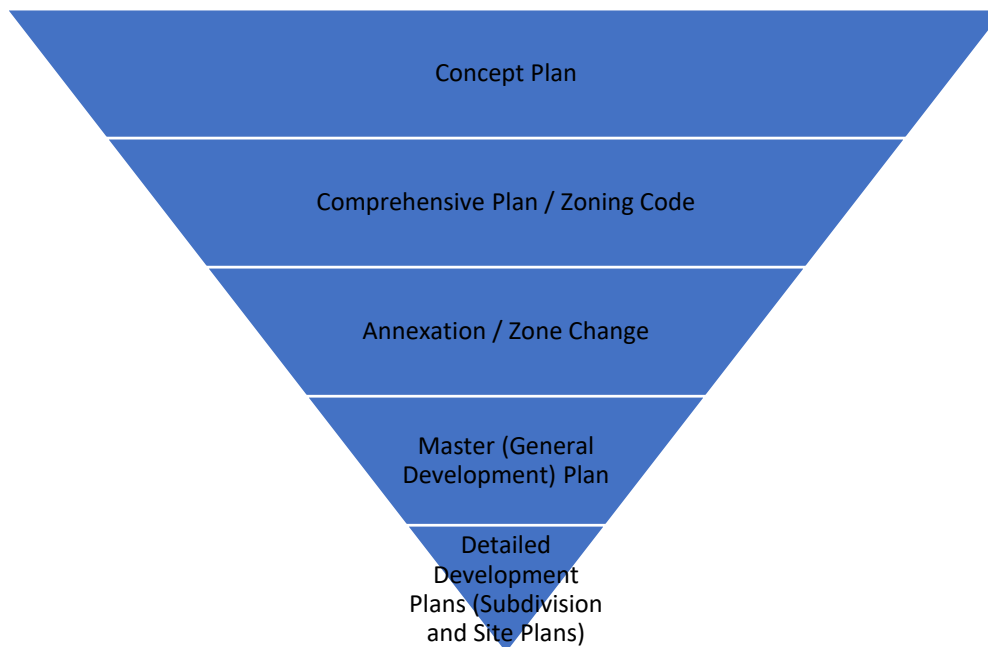
Staff Overview of Major Project Topics, Decisions

The applicant has submitted for a General Development Plan that will govern the development of the site over time through the approval and development of future Detailed Development Plans (DDP) onsite. No development is authorized as part of this application.

The applicant has submitted a proposal that generally meets the intent of the Park Place Concept Plan and the Oregon City Municipal Code. The applicant has requested three Master Plan adjustments onsite and variance review for attached housing lot sizes within the R-5 zone. Staff has reviewed the proposal for compliance with the applicable standards, goals and policies and has identified proportional mitigation and phasing conditions that enable the project to meet or exceed those standards and goals.

PROCESS

The development application reflects the efforts, policy, and zoning requirements of previous legislative decisions and in order talk about the current proposal it is necessary to start with the high-level planning and filter down to the specific code requirements. The order of planning efforts and decisions is as follows: Concept Plan, Comprehensive Plan, Annexation / Zoning designation, followed by Master Plan (aka General Development Plan), and Detailed Development Plans.



This approval sets a framework approach to implementation of the plan through future development applications at the Type II Detailed Development Plan (DDP) level through the use of clear and objective conditions of approval and the ability to use the July 20, 2021 Municipal Code at time future DDP land use submittal. This approach allows staff, the applicant, and the public a clear road map for what is required, and clearly specifies the level of review needed for design revisions.

The Master Plan approval is a land-use action that approves the General Development Plan uses and development approach based on the requirements set forth in OCMC 17.65 Master Plans and implemented through conditions of approval that are proportional to the proposal.

All permitted uses in each of the three zones (R-10, R-5, and NC) are allowed within the area subject to the Master Plan. Additions to or removal of uses listed in the Applicant's submittal shall not in themselves constitute a need for an amendment to the Master Plan unless the addition or revision triggers a need for an amendment through a Condition of Approval or OCMC 17.65.080 Amendments to Plans.

Detailed development plan phase boundaries are understood to be approximate and are subject to change in the future.

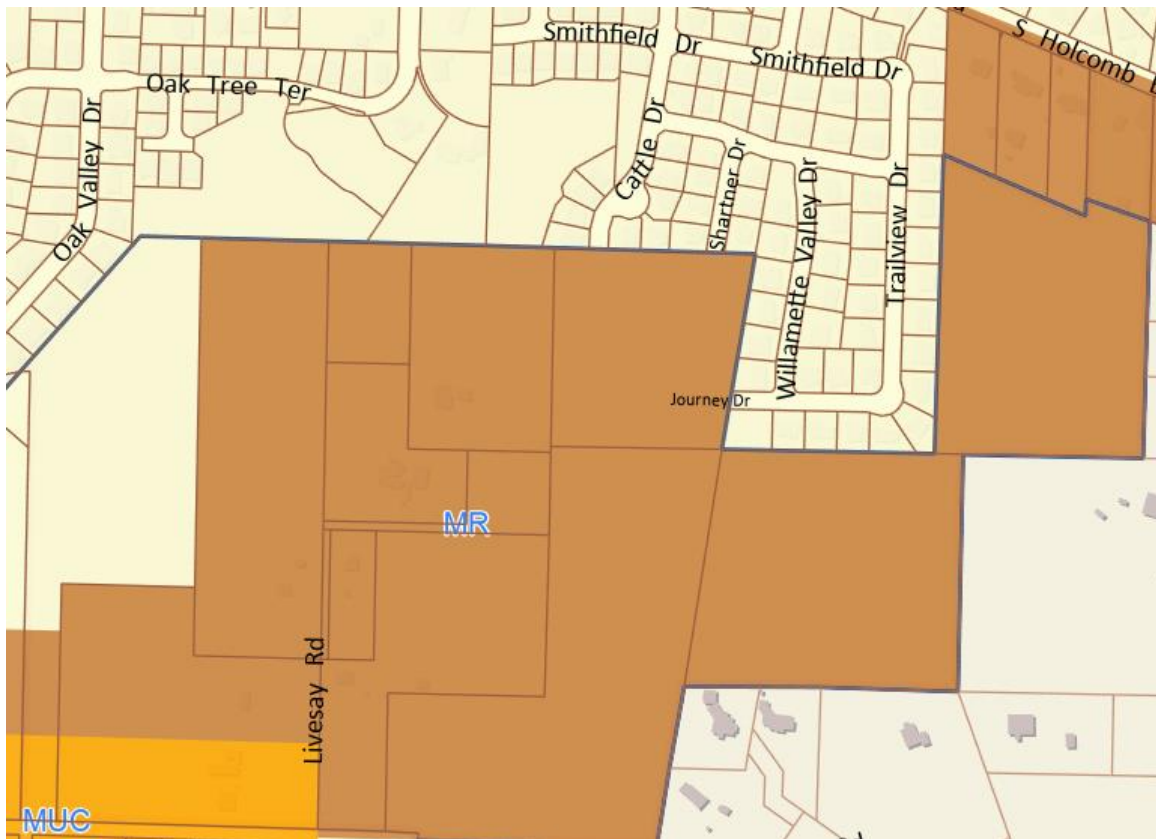
DENSITY

Comprehensive Plan

When the Park Place Concept Plan was adopted in 2008, comprehensive planning land use designations were applied to all properties within the concept plan study area. In the 92-acres comprising the applicant's proposal, this included a small amount of Low Density Residential (approximately 9.5 acres), Medium Density Residential (approximately 78 acres), and Mixed-Use Corridor (approximately 4.4 acres). The designations guided the subsequent rezoning of the property when it was annexed in 2016.

The designations are described in the 2004 Oregon City Comprehensive Plan as follows:

- Low Density Residential (LR) — primarily single-family detached homes.
- Medium Density Residential (MR) — residential developments with dwelling unit types such as attached single-family units, rowhouses, and townhouses... , and new single-family homes on existing lots. More intensive new and redeveloped residential construction can be built at medium densities under certain circumstances.
- Mixed Use Corridor (MUC) — higher density mixed uses that are supportive of transit and conducive to pedestrian traffic. Urban density residential and commercial goods and services are typical uses.



Comprehensive Plan Designations

Park Place Concept Plan

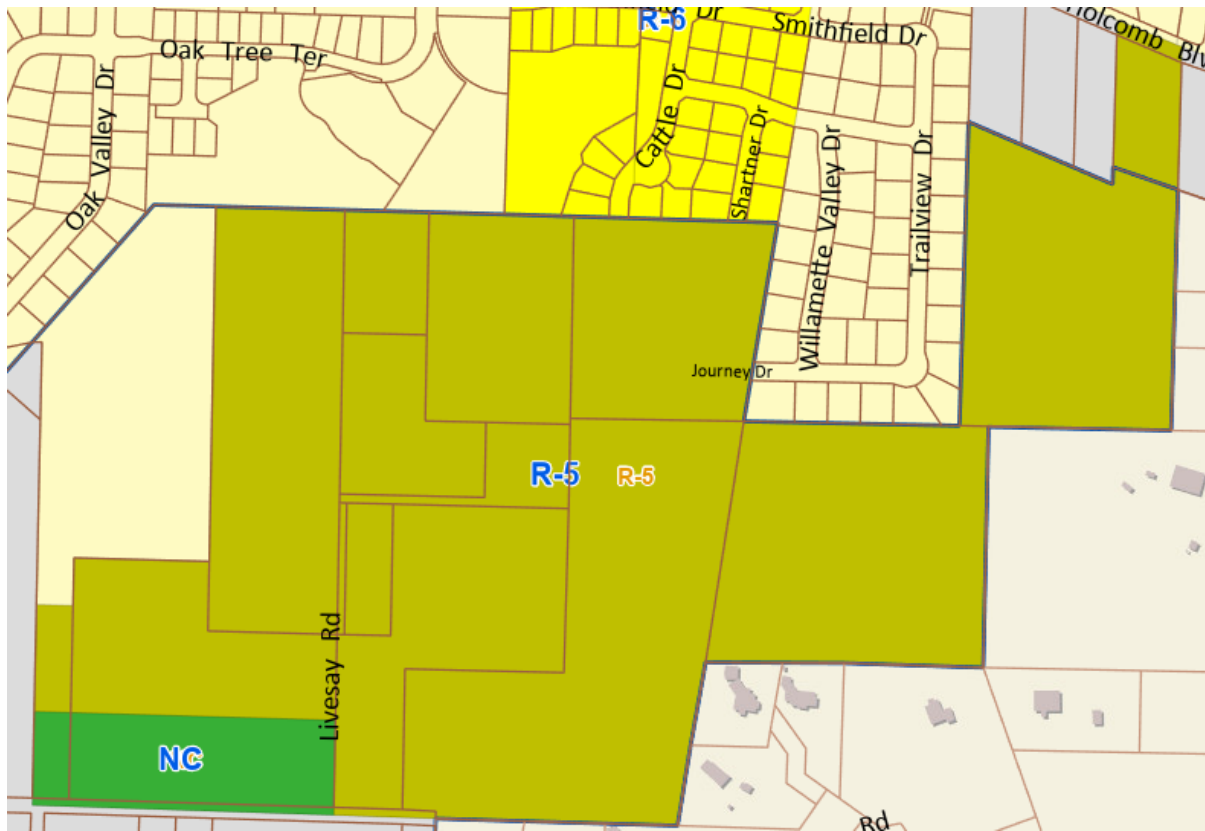
Essentially, the Park Place Concept Plan requires higher residential densities than the minimum densities required in the underlying zone districts. The reasons for this are explained below.

The Park Place Concept Plan was adopted as the Comprehensive Plan for this area and sets the framework for how the area will develop over time. The plan was required in order to comply with regional planning requirements for new urban growth areas (Metro Urban Growth Functional Management Plan – Title 11). Generally, concept plans identify the location and intensity of land uses, the provision of infrastructure such as transportation, utilities, and stormwater, and how environmental resources and sensitive habitats will be protected. The Park Place Concept Plan identifies a mix of residential, commercial, park and open space and civic land uses, and residential land accounting for approximately 52% of the gross acreage, with the remaining half of the land in the concept plan constrained by slopes and natural resources and not developable. Of the developable acreage, the concept plan identified 1,458 total units for development within the South and North Villages.

Metro Title 11 also requires that Cities within the Metro Urban Growth Boundary provide zoned capacity to support net densities of 10 units per acre to ensure efficient use of urban land and provide walkable communities with access to amenities. Oregon City “substantially complied” with this requirement through the adoption of the R-5 zone and NC zone districts to implement the concept plan at the time of annexation and zoning.

Zoning

Zoning designations were applied when the subject site was annexed in 2018. The three zoning designations that make up the site are R-10 (Low Density residential), R-5 (Medium Density residential) and NC (Neighborhood Commercial)



Zoning Districts

The concept plan anticipated a mix of low density (R-10) and medium density development and in fact, recommended adopting a new R-5 zone to achieve the desired density. The concept plan also anticipated the North Village would accommodate approximately **936 dwelling units**.¹ The North Village is bounded by Redland Road to the south and Holcomb to the North.

The residential zoning designations have minimum and maximum density requirements.

¹ The following language from the concept plan supports a finding that the number of dwelling units is conceptual:

"North Village

The majority of new growth (approximately 936 units) is proposed to be accommodated in the North Village neighborhood, north of Redland Road (Figure 3-2)." P 24.

"Table 3-2 identifies the potential number of housing units of different types that could be developed within the concept planning area based on proposed zoning. The low/medium-density zone is more likely to be the site of manufactured homes and ADUs than the medium/high-density zone. The distribution of housing types in Table 3-2 however, represents only one scenario for accommodating needed housing within zones proposed for Park Place. It is possible that housing types may develop in different ratios, including development of attached single-family housing in the low/medium density residential zone." P 28.

Zone	Minimum density	Maximum density
R-10	3.5 du/acre	4.4 du/acre
R-5	7.0 du/acre	8.7 du/acre (detached)
	7.0 du/ acre	12.4 du/acre (attached)

The Applicant's Proposed Density Relative to other Concept Plan Factors

The applicant determined that 46.4 acres of land are developable, and with a permitted density transfer from areas impacted by the Natural Resources Overlay District (NROD), there is an additional 4.6 acres of land resulting in 51 buildable acres.

Area	Acreage
Net Developable Area	46.4
NROD Density Transfer (1/3 of NROD Area 14.3 acres)	4.6
Total Developable area for Density	51

Using the acreage and base zoning density requirements, the calculated composite minimum density of is 6.8 dwelling units per acre and a composite maximum density of 9.2 dwelling units per acre.

Minimum density of 6.8 du/acre results in 316 dwelling units and maximum density of 9.2 du/acres results in 427 dwelling units.

With the updated layout, the residentially zoned portion of Park Place Crossing GDP plans to provide 426 residential dwelling units, not including any future mixed-use residential dwelling units in commercially zoned areas. The minimum composite density (calculated based on the net developable area and base zone density standards) permitted by the base zoning for the area is 6.8 dwelling units per acre (347 dwelling units with the NROD density transfer). The maximum composite density permitted by the base zoning for the area is 9.2 dwelling units an acre. Park Place Crossing is within the minimum/maximum density range established by the base zoning for the area, not including permitted density transfers and bonus density processes described below.

Previous plans utilized permitted NROD density transfer and a portion of the allowable GDP density increase. The NROD density transfer permits up to 469 dwelling units (9.2 dwelling units/acre over ±51.0 acres). The maximum number of dwelling units for the area with the allowed GDP density increase (10%) is 515 units or 10.1 dwelling units per acre. Therefore, the Park Place Crossing project is well within the established and accepted range of density.

In addition to falling within the minimum and maximum zoned density limits, any decisions on housing density must be driven by the language of the concept plan as well as any other applicable comprehensive plan policies. For example, Comprehensive Plan Goal 14.3, Orderly Provision of Services to Growth Areas, provides:

“Plan for public services to lands within the Urban Growth Boundary through adoption of a concept plan and related Capital Improvement Program, as amendments to the Comprehensive Plan.

Policy 14.3.1 Maximize new public facilities and services by encouraging new development within the Urban Growth Boundary at maximum densities allowed by the Comprehensive Plan.”

Development occurring at the mid-range or low point of the zoned density, could create additional pressures on future annexations and developments to have a higher density than what is proposed in this portion of the North Village. While the policies of the Park Place Concept Plan support a diversity of lot sizes and housing types, more intense development in the North Village and even in the South Village, could result in incompatible transitions from residential types instead of gradual transitions. Additionally, land use applicants are tasked with identifying specifically how much land is developable through more detailed analysis or “ground-truthing” versus the higher-level analysis done during concept planning. This “ground-truthing,” when coupled with an existing shortfall, could only exacerbate the need for more intense density to achieve the number of units identified in the concept plan.

Further, development at the higher end of the density range provides the City with an opportunity to acquire more park space because the extent of the City’s ask is constrained by the number of dwelling units proposed. Higher densities support the provision of infrastructure and amenities for existing and future residents. There may be more opportunities for flexibility with future annexations and zoning assignments because more units of the needed housing will be built.

On the other hand, the Concept Plan explains:

“Provide a gradual transition in zoning and allowed densities between existing residential development and new or future residential development and/or require larger setbacks between existing and new residential development.” P 63.

Development on the lower end of density could mean more compatible transitions between the existing neighborhoods zoned R-10 and R-6 with more similar lot sizes. The minimum lot size for single family detached units in the R-5 zone is 5,000 square feet which provides a gradual transition between R-6 lots (6,000 square feet). The applicant has requested a reduction of minimum lot size for single family detached lots as well as the attached lots. The applicant has proposed detached lots in the R-10 zone as small as 4,000 square feet through the Master Plan adjustment process in OCMC 17.65.070.

The intent of OCMC 17.65.070 is to allow for a 20% adjustment to the base zone dimensional standards, which means, an R-10 lot could be reduced from 10,000 square feet to 8,000 square feet. The adjustment cannot be applied to allow the 5,000 square foot lot to be reduced to 4,000 square feet. Thus, the applicant shall ensure that lots in the R-10 zone are 5,000 square feet or more in area for future detailed development plan applications that show compliance with OCMC 17.49.240 for NROD density transfer. If density transfer standards cannot be met in future detailed development plan applications, the minimum size for lots within the R-10 zone will be 8,000 square feet, (assuming the requested 20% adjustment is approved).

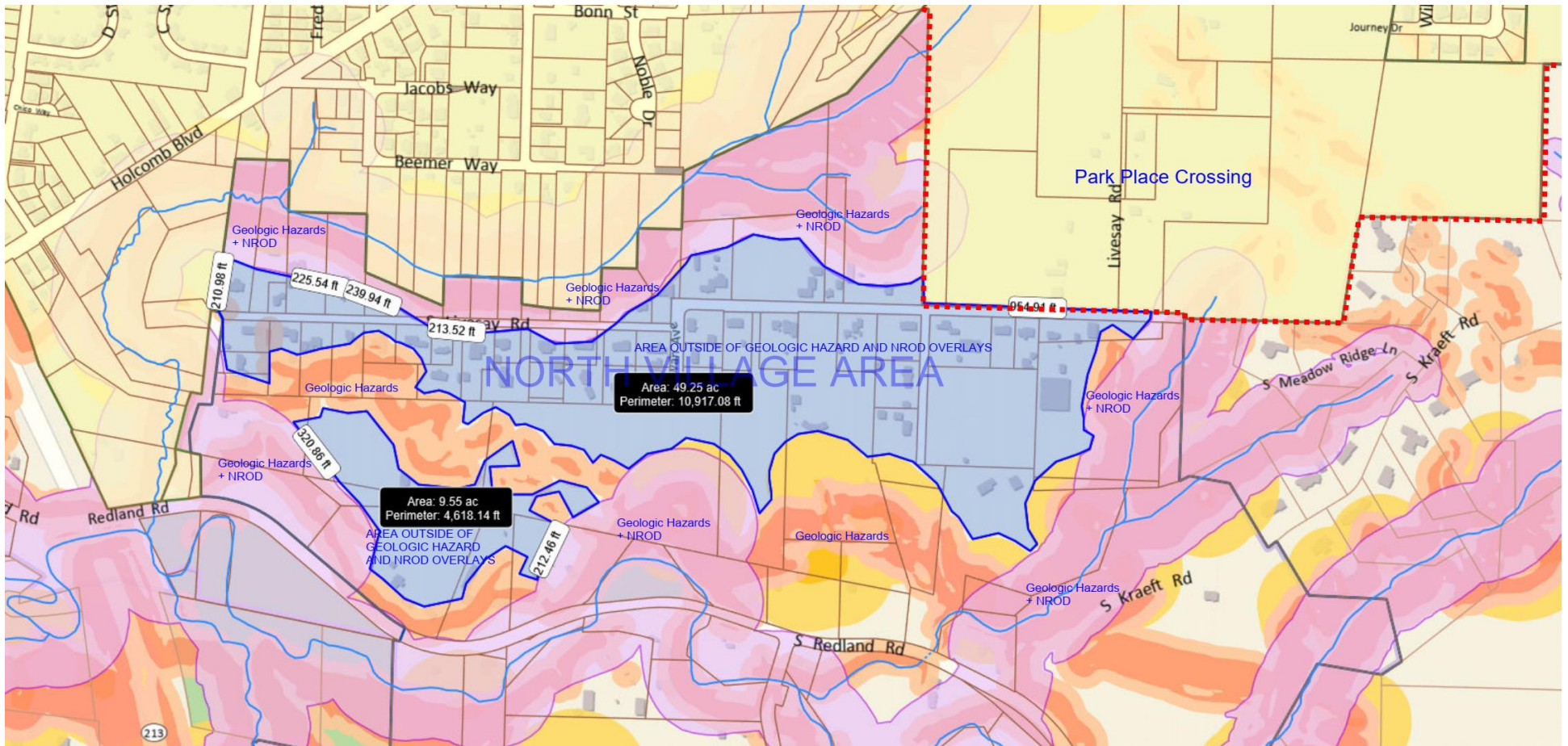
Transition of Lot Sizes

To promote a smoother transition between lot sizes the development, with the proposed 8/11/2022 revision, the applicant has provided larger lots abutting open space and existing R-10 zoned residential subdivisions such as Trail View Estates. This would reduce the overall lot count somewhat where the transition occurs, but the shortfall in the immediate single-family detached residential units may be made up for through the provision of attached single-family units, middle housing permitted under new

statewide housing laws, in the form of ADUs, or through mixed-use development and multi-family development within the Neighborhood Commercial-zoned area of the proposal.

Staff has recommended a condition of approval to assure the transition between lot sizes is provided as proposed.

Using the City's GIS mapping, staff estimates that there are approximately 60 acres of land remaining in the North Village area that are located outside of the Geologic Hazard Overlay and Natural Resources Overlay Districts (see figure below). As stated above, the concept plan anticipated 936 dwelling units in the North Village. The Park Place Crossing Master Plan is approximately 50% of the North Village leaving the remainder of the area for future annexation, zoning, and planned development. If the applicant builds 426 units as proposed with 14 units of multi-family making a total of 440 units, approximately 496 units would be required to be built on the remaining 60 acres. Note that additional property would be required for streets, roads and easements outside of the existing overlay districts. Assuming an additional 20% of land is required for streets, roads and easements, this would leave approximately 48 acres of "buildable land" remaining. At a maximum density of 9.1 units per acre, this sums to 436.8 units. Future applicants would be permitted to use NROD density transfer provisions and other provisions to make up the difference, however, this rough calculation helps illustrate the challenge of meeting the density needs and housing unit targets of the Park Place Concept Plan when more than half the land in the concept plan area is protected from development due to slopes, landslides, streams, wetlands and habitat areas. This fact was known and clearly stated when the Concept Plan was adopted in 2010 and is fundamental to understanding process of evaluating allowable density in this urbanizing area now that the General Development Plan is under review..



Planning Commission discretion regarding Density

There are several ways to design the development of the residential portion of the North Village and strike the appropriate balance necessary to find compliance with all of the applicable approval criteria, including the Park Plan Concept Plan policies. The Planning Commission will need to balance the need to provide a minimum number of housing units in this portion of the concept plan (440 units) with what is reasonably proportional for the applicant to dedicate for parkland and open space, taking into account the revised road layout, which provides greater connectivity and street frontage for the park, and the increase in Neighborhood Commercial land on Livesay Road. If density is going to be reduced, there needs to be some explanation about how this reduction is necessary to further other Concept Plan objectives such as providing smooth transitions to existing development or variation in lot size, which in turn, affects affordability. If the density is reduced, the Planning Commission should make some finding about how the shortfall in overall units will be made up in the future.

TRANSPORTATION

Transportation Impact Analysis of this area was initially conducted during the Park Place Concept Plan planning process in 2007-2010, and upon review of the annexation and rezoning of the property in 2016, planning files AN-17-04 and ZC 17-05. The approval of those applications required that the applicant submit a General Development Plan for the site and attached several conditions of approval for transportation improvements, as well as the requirement to submit updated Transportation Impact Analyses at the time of General Development Plan and with each subsequent Detailed Development Plan. See section entitled "COMPLIANCE WITH CONDITIONS OF APPROVAL ASSOCIATED WITH ANNEXATION AND ZONE CHANGE AN-17-04 and ZC 17-05.", under section II Analysis and Findings.

The applicant has proposed to provide additional traffic studies at the time of Detailed Development Plan application for each Phase. The traffic study submitted for this General Development Plan review identifies where the transportation system is expected to have adequate capacity, and where improvements will be needed to provide adequate capacity for the new development. The study identified that the intersection of HWY 213 and Redland Rd, an intersection providing connectivity for this development, is a key intersection will be over capacity at some point between proposed Phase 1 and Phase 2. This means that the applicant will likely not be able to demonstrate compliance with transportation mobility standards for Phase 2, as proposed, and beyond.

If and when the applicant or the City is able to fund and construct an improvement to this intersection to add the requisite capacity necessary to serve subsequent development phases, additional development may occur. The City's planned improvement for the intersection of HWY 213 and Redland Road is known as the Jughandle Phase II project, which has been designed but is not currently scheduled for construction due to a lack of funding.

The applicant's traffic study indicates that an extension of Holly Lane to Redland Road is not needed to comply with transportation mobility standards in OCMC 16.12.033. Thus, the proposal does not propose to construct this street connection within phases 1-3 and instead relies on Holcomb Blvd to provide access to the development.

While the mobility standards might technically be met, the proposal is not consistent with Goals and Policies of the Comprehensive Plan and Master Plan standards, which require mitigation of neighborhood livability impacts. The applicant's proposal directs all of the new development traffic onto local streets at levels that greatly exceed typical local street volumes.

The added traffic on existing local streets including Cattle Drive and Winston Drive and other streets within the subdivisions that use Winston Drive to reach Holcomb Blvd, which is currently the only road into the area, as well as the new proposed Street A, will create impacts on livability. While the City does not have standards for levels of traffic on local streets, it is clear that the levels of traffic are likely to add a substantial number of daily trips on these streets that would greatly exceed levels associated with local residential streets.

To mitigate these impacts, the applicant submitted a revised proposal on June 29, 2022 which was presented to the Planning Commission on July 11, 2022, that addresses four areas:

1. An extension of Holly Lane to Holcomb Blvd
2. Reconfiguration of the proposed portion of the Community Park located at the southwest corner of the Master Plan area.
3. A second street connection to provide additional connectivity to Livesay Rd.
4. A plan that would prevent 2,000 average daily trips (ADT) on Winston Drive, Cattle Drive, Shartner Drive, and Street A.

The applicant presented the transportation mitigation approach as a supplementary memorandum entitled "Park Place Crossing General Development Plan: Trip Generation & Daily Traffic Volume Analysis" prepared by Lancaster Mobley transportation engineers and dated June 29, 2022.

The analysis seeks to identify development scenarios that demonstrate how the site could build out without placing a significant traffic burden on local streets, keeping the average daily traffic volume (ADT) on local residential streets at or below 2,000 vehicles per day.

Proposal to limit traffic on existing local streets

The applicant submitted a rather elaborate proposal to temporarily block vehicle traffic from the development from using existing local streets in abutting subdivisions until greater connectivity can be achieved via the connection of Holly Lane to Holcomb and eventually down to Redland Road, as envisioned in the Park Place Concept Plan and the City's adopted Transportation System Plan. This approach would employ barriers curtailing access onto abutting existing streets and confine the majority of new vehicle trips to new roads and reduce traffic on existing local streets. The trip generation and local street traffic associated with this approach is detailed in the following table from the applicant's transportation engineer's memorandum.

Staff has recommended a Condition of Approval to assure the applicant's proposal is implemented.

Trip Generation & Local Street ADT

As with the original Transportation Impact Study¹, trip generation is calculated based on data available in the Trip Generation Manual². Table 1 below summarizes the findings of each phase.

Table 1: Trip Generation & Local Street ADT Summary

Scenario	Housing Type		ADT at Holcomb Boulevard		
	Detached Single-Family	Attached Single-Family	Street A	Winston Drive	Holly Lane (Collector)
Phase 1	59	0	622	878 ¹	-
Phases 1 & 2	182	36	1,974	878 ¹	-
Phases 1, 2, & 3	253	36	1,974	1,498 ²	-
Build Out	351	126	0 ³	1,509 ⁴	3,483

¹ Existing ADT on Winston Drive is 878 vehicles per day

² 620 new trips + 878 existing trips = 1,498 trips total

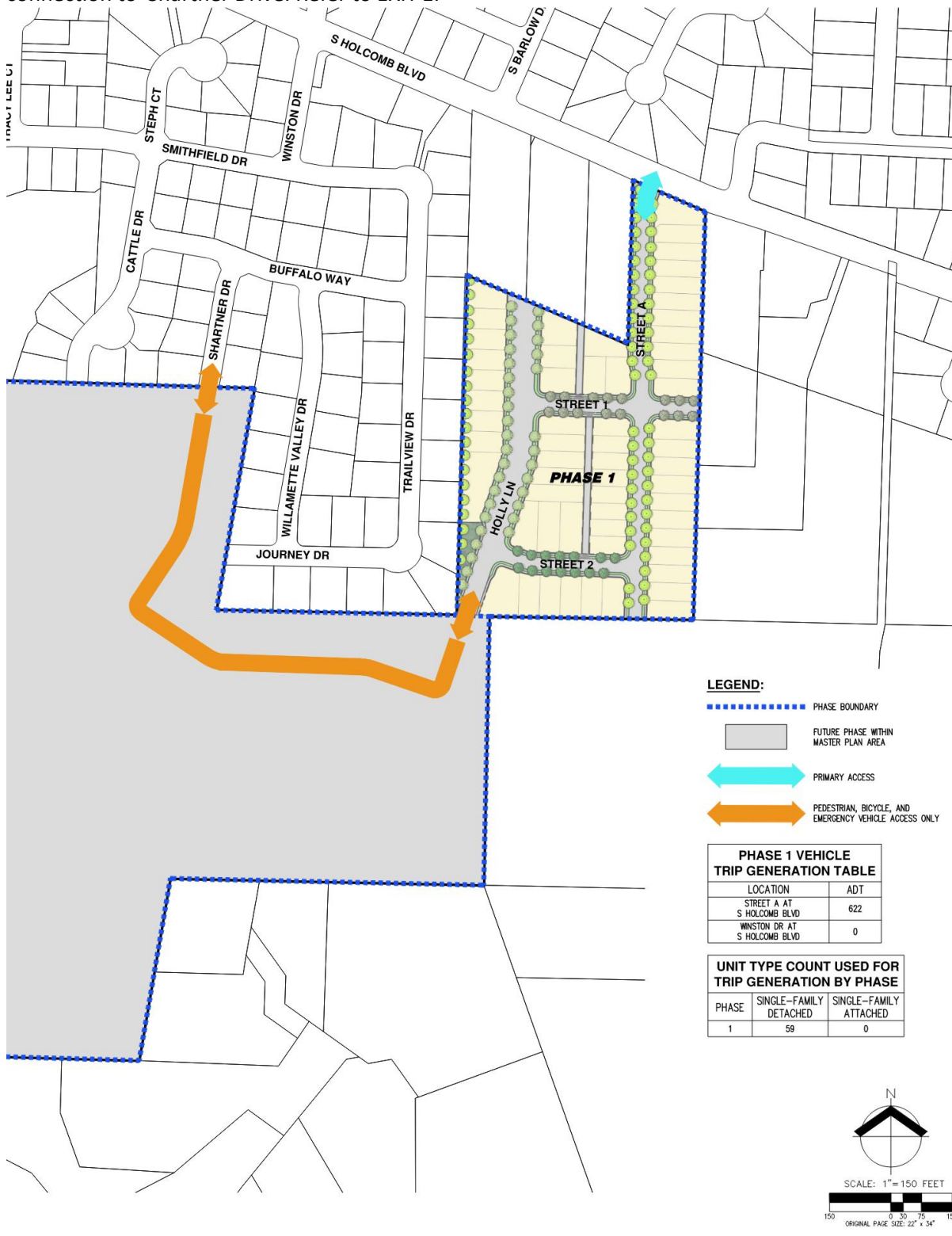
³ Street A at Holcomb Boulevard restricted to emergency vehicle access with connection of Holly Lane

⁴ 631 new trips + 878 existing trips = 1,509 trips total

Phase 1

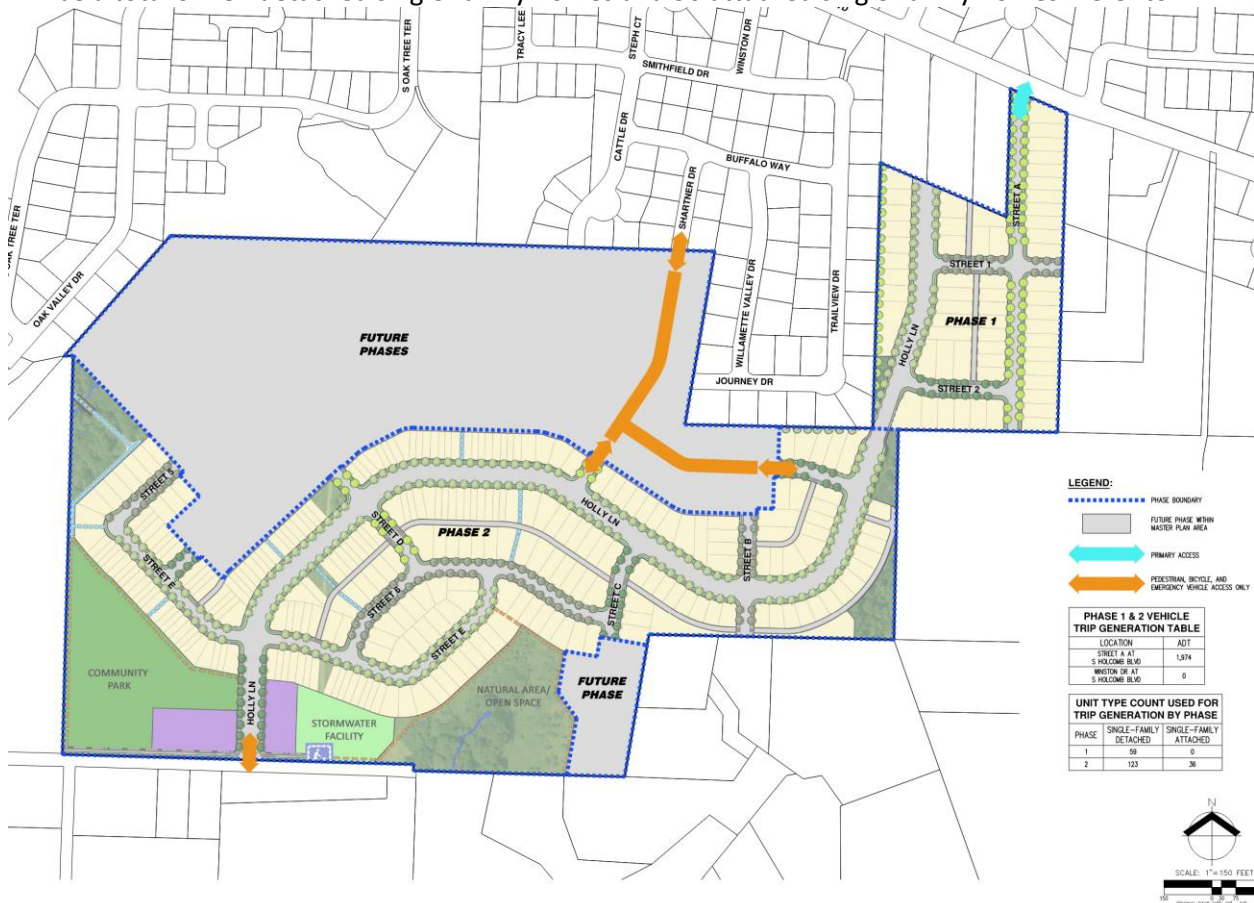
This is simply the first phase of development, consisting of a total of 59 detached single-family homes, all with access to Holcomb Boulevard via Street A. Emergency vehicle access will be available via a new street

connection to Shartner Drive. Refer to EXH-1.



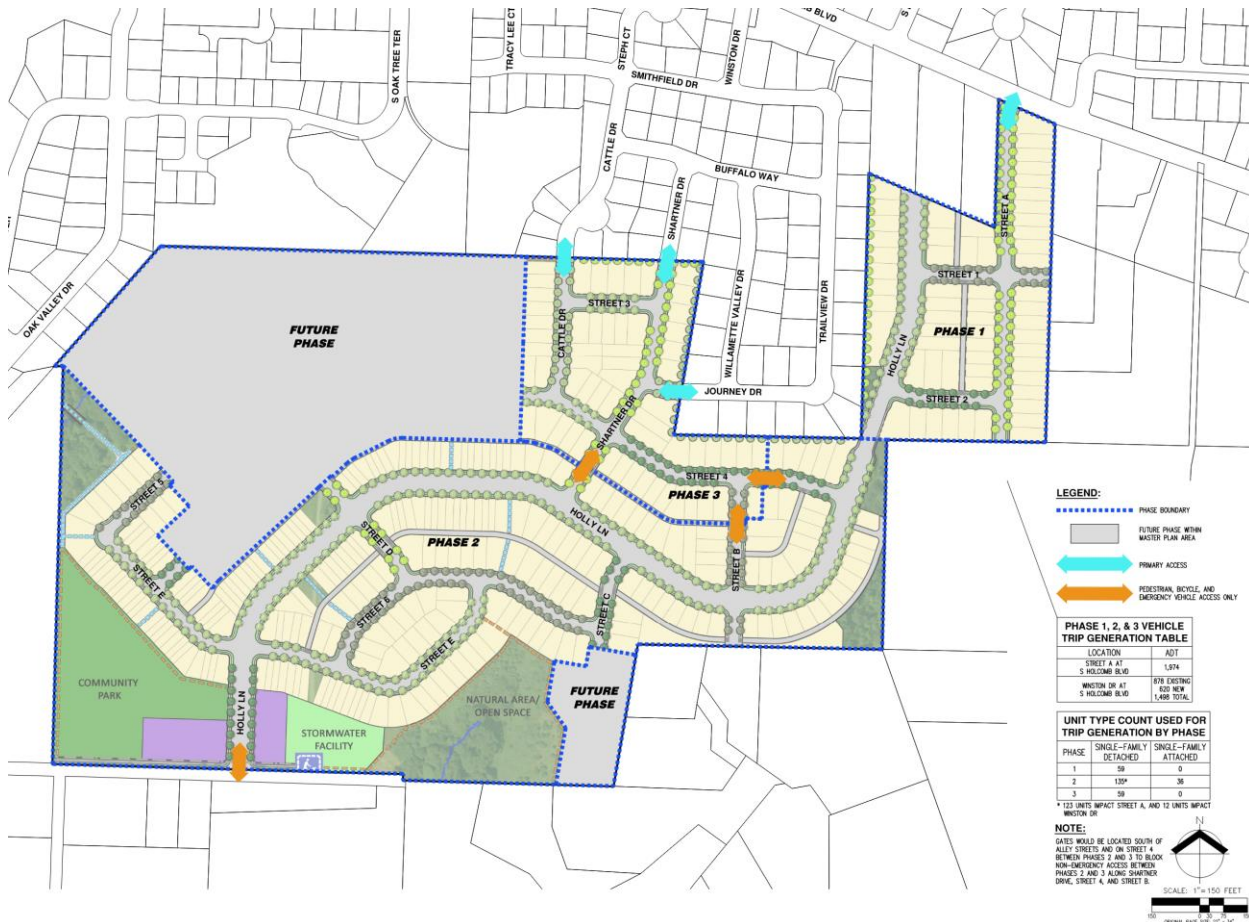
Phases 1 & 2

For this scenario, all vehicular access continues to occur along Street A to Holcomb Boulevard with emergency vehicle access available via Shartner Drive. With full buildout of Phase 1 and partial buildout of Phase 2, there will be a total of 182 detached single-family homes and 36 attached single-family homes. Refer to EXH-2.



Phases 1, 2, & 3

With three phases of development, additional street connections will be made to Cattle Drive, Shartner Drive, and Journey Drive. For this scenario, the ADT on Winston Drive is examined, since this is the single point of access to Holcomb Boulevard for the neighborhood and therefore has the highest traffic volume of any of the connecting local streets. It is important to note that volumes on Cattle Drive, Shartner Drive, and Journey Drive will be lower than what is shown here. The three phases, with partial buildout of Phase 2, have a total of 253 detached single-family homes and 36 attached single-family homes. It is important to note that in this scenario, all Phase 3 trips will utilize Winston Drive since connections to Phase 2 streets (Street 4, Street B, and Shartner Drive) will be limited to pedestrians, bicycles, and emergency vehicles. Refer to EXH-3.



The applicant anticipates that any additional development beyond Phase 3 would rely on the construction of the Holly Lane connection to Holcomb Boulevard, estimating conservatively that half of the trips from phases 3-5 would utilize the existing neighborhood to reach Holcomb Boulevard (via Winston Drive).

The applicant stated:

Under build-out conditions with Holly Lane connected to Holcomb Boulevard, the conservative worst-case assumption was made that half of the trips from phases 3-5 would utilize the existing neighborhood north of the site to reach Holcomb Boulevard. Drivers are better served by Holly Lane, which provides a more direct and higher-speed route. In practice, only the northern lots of phases 3 and 5 would be better served by the existing street network, particularly with traffic calming measures installed on existing streets, which the applicant will be conditioned to provide. However, to provide a worst-case analysis, more conservative assumptions regarding trip routing were made.

As demonstrated in this analysis, all local residential streets in the area including Winston Drive and all streets within the existing neighborhood north of the site will have under 2,000 vehicles per day with the phasing pattern shown and with the connection of Holly Lane to Holcomb Boulevard.

The applicant's memorandum describing the proposed phased barrier system was reviewed by the City's transportation consultant, Replinger and Associates, who concluded that the analysis performed by the engineer, and documented in their June 29 memorandum used appropriate calculations for trip generation and

logical traffic patterns. His calculations showed that Phases 1, 2, and 3 can be implemented, with access restrictions in Phases 2 and 3, that will assure that traffic volumes on local streets remain within allowable limits.

GEOLOGIC HAZARDS

The proposed development contains areas of Geologic Hazards, and the Applicant has provided a preliminary geotechnical report and geologic hazard overlay memo as part of the GDP. Below is a figure with geologic hazard areas and the locations of the proposed development:

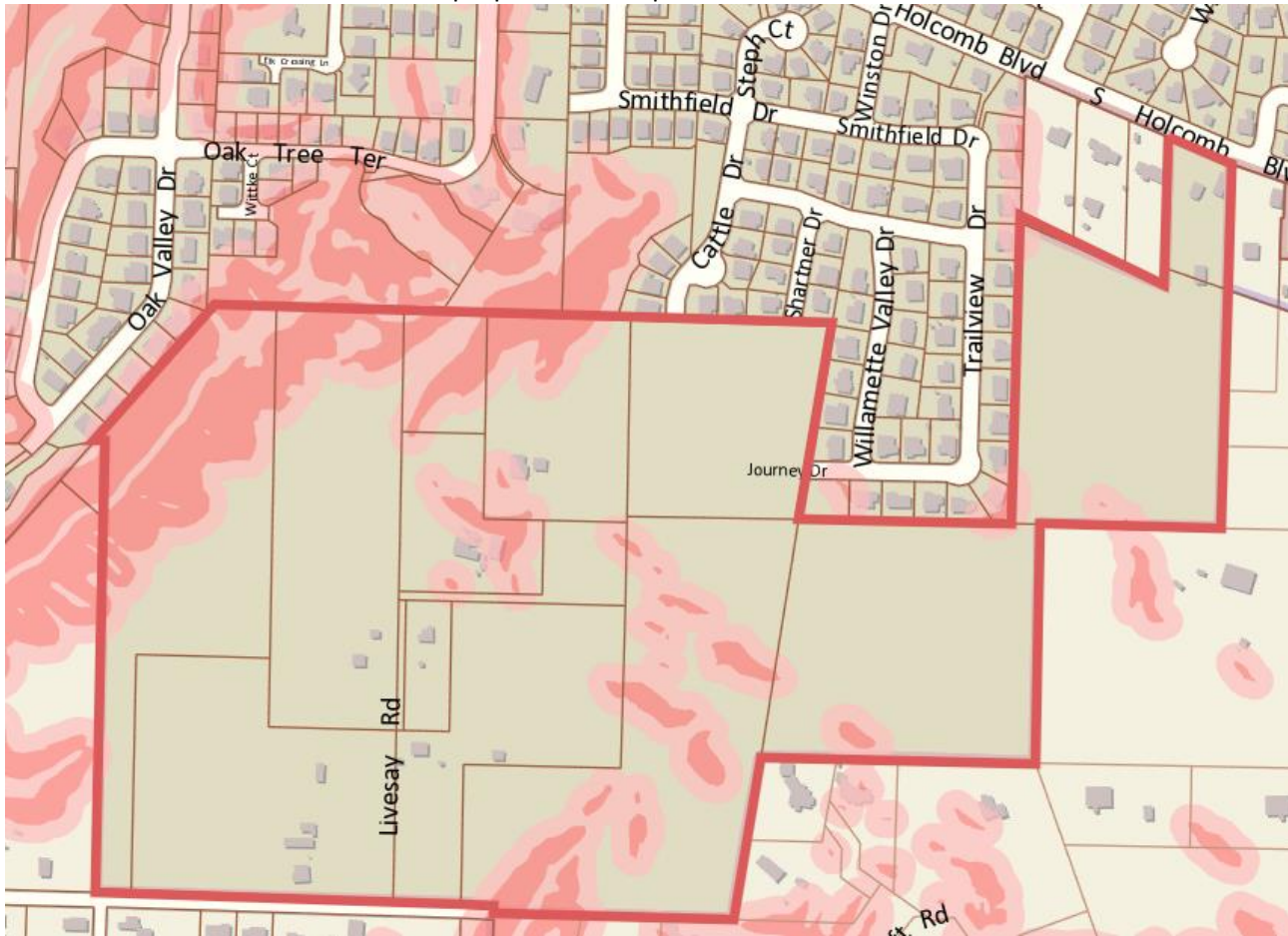


Figure 7. Geologic Hazard Areas of Slopes over 25% and buffer areas

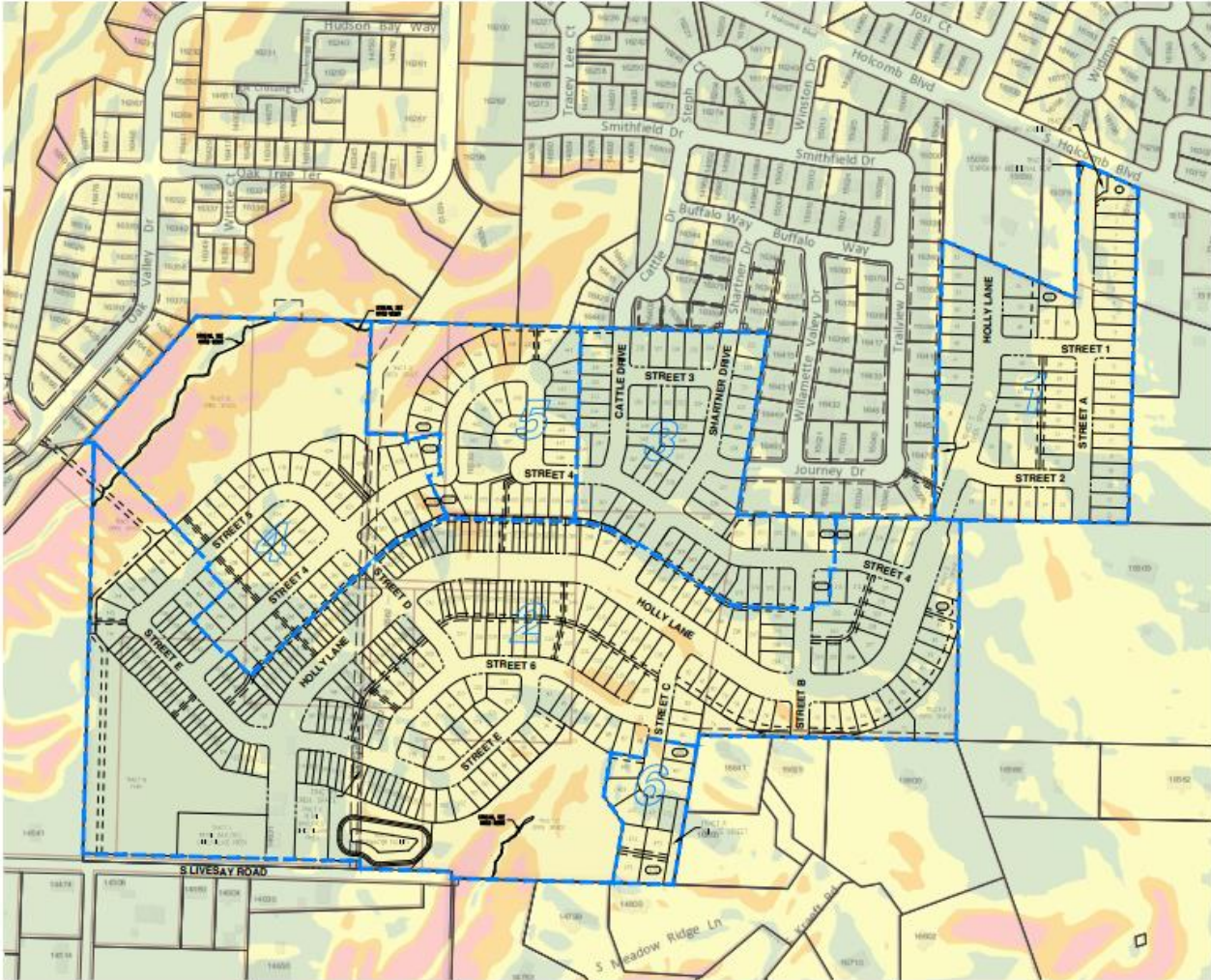
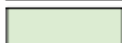
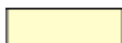


Figure 8. Geologic Hazard Areas with Steep Slopes and Proposed Development

SLOPE CATEGORIES LEGEND:

	SLOPES 0-10%
	SLOPES 10-25%
	SLOPES 25-35%
	SLOPES >35%

Portions in the northwest corner of the property contain both steep slopes and landslide deposits. Most of the northwest area is not proposed for development but instead for greenspace to avoid the geohazards and landslide materials. No other existing landslide deposit areas are currently identified in the City's mapping system.

The proposed preliminary layout has streets (Holly Lane, Street C, Street 6 and Street 4) running through geologic hazard areas within the site (steep slopes).

Per the City's code (OCMC 17.44) these geological hazard areas are to be avoided. The applicant has provided preliminary alternatives for shifting the alignment of Holly Lane away from the geohazard areas, but they state that these alternatives would create view tunnels, streetscapes inconsistent with the Park Place Master Plan, walkability, aesthetic, and cost concerns.

The applicant has submitted a preliminary geologic assessment for the General Development Plan per OCMC 17.4. A Detailed Development Plan has not been submitted yet. When the applicant applies for a DDP, additional review for compliance with OCMC 17.44 shall be required that includes a detailed description of the impacts of

the proposed street layout, any traffic safety concerns and conflicts regarding view tunnels, alternative road locations, street design modifications and other concerns associated with the specific road designs shall be identified.

The applicant will need to show that constructing streets within Geologic Hazard areas is unavoidable and that the design of the roads will comply with OCMC 17.44. The street layouts and alternatives shall be further reviewed with each DDP as more detailed plans and geotechnical analyses are provided and plans are revised to comply with the City's steep slope requirements.

The GDP has also identified several lots within geological hazard areas that could exceed the City's density requirements within the hazard areas. As a result, the total number of buildable lots may need to be reduced. See City's comments on OCMC 17.44.060.H later in this staff report.

This concludes the Project Description

3. Permits and Approvals: The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department at Oregon City including but not limited to the Engineering and Building Divisions.

4. Public Comment

Public comments submitted include (Exhibit 3):

A public comment summary table has been used to track public comment for this application. See Exhibit 3 for the table listing all comments and staff responses. Public comments have generally covered the topics of traffic, stormwater runoff impacts due to increased impervious surface, concerns with modifications to lot dimensions and density standards not in keeping with existing neighborhoods, potential noise and light pollution, concerns with the public notification process, concerns with potential impacts to well water, and several others.

None of the comments provided indicate that an approval criterion has not been met or cannot be met through the Conditions of Approval attached to this Staff Report.

II. ANALYSIS AND FINDINGS:

COMPLIANCE WITH CONDITIONS OF APPROVAL ASSOCIATED WITH ANNEXATION AND ZONE CHANGE AN-17-04 and ZC 17-05

Several conditions of approval were part of the City's decision for AN-17-04 and ZC 17-05. Findings are added beneath each of the conditions below:

1. Highway 213 at Beavercreek Road intersection (an Oregon Highway intersection) is forecasted to fall below adopted mobility standards prior to year 2035. As a result, the City has adopted a new Refinement Plan and amendments to OCMC Chapter 12.04 implementing the new Refinement Plan, that is not yet acknowledged. This re-zoning shall not be effective until the new Refinement Plan including alternative mobility measures is adopted and acknowledged.

Finding: Complies as Proposed. A final “Highway 213 Corridor Alternative Mobility Targets” report and associated code amendments (File No. L 17-03) for the Highway 213/Beavercreek Road intersection were adopted by the City Commission in March 2018. The attached Transportation Impact Study reviews the effects of the project in relation to the standards set by the adopted report. This Condition of Approval has been completed.

2. *Prior to the effective date of this zone change, the property will remain zoned FU-10. No new structures or additions to existing structures or site grading that triggers erosion control permits or overlay district review, other than what otherwise would be allowed under the County’s applicable FU-10 zoning, will be allowed. In addition the property shall be subject to the City’s overlay districts, fence regulations in OCMC 17.54.100 as well as the City’s nuisance, business licensing and animal regulations.*

Finding: Complies as Proposed. The properties were zoned FU-10 prior to the effective date of the zone change and were changed to City zoning following the completion and adoption of the “Highway 21 Corridor Alternative Mobility Targets” report. The project site is now zoned R-10, R-5, and Neighborhood Commercial. This Condition of Approval has been completed.

3. *A trip cap for the approximate 92-acre annexation shall be imposed on all development as follows: 538 AM peak hour trips; 679 PM peak hour trips; and 7406 total weekday trips. Any proposal involving development exceeding this trip cap will require additional analysis showing compliance with the Transportation Planning Rule, OAR 660-12-0060 subject to review by the Planning Commission and City Commission as a modification.*

Finding: Complies as Proposed. With the proposed 8/11/2022 revision, the trip generation will be reduced. As originally proposed, the planned residential component of the Park Place Crossing General Development Plan is anticipated to generate 290 morning peak hour trips, 390 evening peak hour trips, and 4,064 average weekday trips, representing only ±54 percent of the trip cap established by Condition of Approval #3. A Transportation Impact Study reviewing these requirements and detailing the trip generation for the project is included in the applicant’s proposal. The City’s transportation consultant, John Replinger, reviewed the Transportation Study and concluded:

“It is also important to recognize that the trip generation for the residential development proposed under this GDP is less than the total trip generation presented in the TIS for the annexation and rezoning approved in the prior land use action. The trip cap established with the annexation and rezoning was 538 AM peak hour trips; 679 PM peak hour trips; and 7,406 total weekday trips. The number of trips generated by the proposed residential development is comfortably below the adopted trip cap and leaves substantial trips available for commercial development on the remaining portions of the property subject to the annexation and rezoning.”

This Condition of Approval has been completed.

4. *Prior to issuing any development approval authorized by this annexation and zone change, the applicant shall obtain General and Detailed Development Plan approval, that includes the approximate 92-acre property, pursuant to OCMC 17.65. Until such time, all development shall be conform to requirements of the County’s FU-10 zoning. The General Development Plan and all phases of development authorized by it, must implement the Park Place Concept Plan and Oregon City’s adopted Public Facilities Plans with regard to the provision of open space, park and trails, sewer, water, stormwater and transportation improvements. These include, but are not limited to, addressing the timing of parkland acquisitions and development, proposed phasing of*

major roads to ensure a timely connection to Holly Lane and an analysis of utility phasing that can foster redevelopment of the entire concept plan area. All land division and site plan and design review applications shall be in conformance with the approved Master Plan, although the normal provisions for Amendments to Master Plans apply.

Finding: Complies with conditions. Development of the site has not occurred since annexation of the property and approval of Ordinance No. 18-1007. The applicant has submitted this application for a General Development Plan to comply with this condition of approval. Detailed Development Plans will be required that provide more detailed and site specific analysis of the proposed subdivision phases, compliance with the Natural Resources Overlay District and Geologic Hazard Overlay District, and site specific engineering requirements.

This condition of approval requires that the applicant propose phasing of major roads “To ensure a timely connection to Holly Lane and an analysis of utility phasing that can foster redevelopment of the entire concept plan area.”

While the applicant has not proposed specific timing of parkland acquisitions and major roads, the recommended conditions of approval address these items.

5. *As a result of future transportation analyses associated with specific development plans for any of the properties subject to this annexation, the applicant may be obligated in subsequent conditions of approval to mitigate for development impacts by participating in funding of both TSP and non-TSP projects regardless of whether those project are listed in the conditions of approval for this annexation and zone change pursuant to the applicable approval criteria for a Master Plan.*

Finding: Complies as proposed. The applicant indicated acknowledgement of this condition.

6. *At such time as a Master Plan is reviewed, the applicant shall submit additional materials to address specific requirements outlined in the city’s Guidelines for Transportation Impact Analyses and calculate the proportionate share of transportation impacts of the proposed development including proportional mitigation of the application’s impacts on that intersection, or such other mitigation measure(s) as may be approved which assure(s) that the intersection will either meet, or perform no worse than, the then-applicable performance standards. More intense development than identified in this report is likely to increase the applicant’s share of project differently than calculated below. The applicant’s final share may be modified as necessary when a Master Plan is approved to reflect any a modification of the development’s trip generation or a change in project costs resulting from revisions to project costs associated with updates to the City’s Transportation System Plan or Capital Improvement program that will be paid on a schedule determined as part of the Master Plan.*

Finding: Complies as Proposed. The project Transportation Impact Study addresses the City’s Guidelines for Transportation Impact Analyses (July 2021) and reviews the proportional mitigation of the project’s impacts on the studied intersections. The Park Place Crossing Master Plan anticipate significantly fewer vehicle trips, approximately 54 percent of those projected as part of the annexation TIS; therefore, the final share of proportional mitigation will be modified. Transportation Impact Study updates will be submitted with each Detailed Development Plan, as necessary.

- a. *Redland Road at Holcomb Boulevard/Abernethy Road (a non-Oregon Highway intersection) is forecasted to fall below adopted performance standards prior to year 2035. The applicant shall demonstrate either of the following:*
1. *That the City has adopted amendments to the City's Transportation System Plan to include projects that satisfy the applicable mobility standards as specified in OCMC 12.04.205 at this location; or*
 2. *Accept a condition of approval for a development application that obligates the applicant to implement a project that satisfies applicable mobility standards at that intersection.*

Finding: Complies with conditions. The applicant mentions the City's adopted Alternative Mobility Targets in response to this condition. However, the alternative mobility targets were adopted only for HWY 213 and Beavercreek, and not HWY 213 and Redland Road. See findings and conditions in 17.65.050.C.3 for a discussion of HWY 213 and Redland Road.

b. *The developer shall participate in the funding of improvements for the I-205/OR99E ramp terminal projects (TSP Projects D75 and D76) in proportion to the development's traffic volumes as a percentage of total year 2035 intersection volumes from the TSP. The project cost for D75 is \$2,990,000. Based on this methodology and the preliminary PM peak hour trip generation from the proposed development, the development accounts for 0.96 percent of the 2035 volume and the development's share of the project is \$28,700. The project cost of D76 is \$1,990,000. The development accounts for 0.87 percent of the 2035 volume and the development's share is \$17,300.*

c. *The developer shall participate in the funding of improvements for the Main Street/14th Street improvements (TSP Projects D7 and D8) in proportion to the development's traffic volume as a percentage of the predicted 2035 traffic volume at the intersection calculated in the TSP. The cost of these projects as listed in the 2017 TSDC Project List is \$845,000 and \$960,000, respectively. Based on this methodology and the preliminary PM peak hour trip generation from the proposed development, the development accounts for 3.63 percent of the 2035 volume and the development's share of the project is \$65,500.*

d. *The developer shall participate in the funding of improvements for the Abernethy/Holcomb/Redland intersection in proportion to the development's traffic volume as a percentage of the predicted 2035 traffic volume. No project is currently identified in the TSP. The project concept is to provide an additional lane on the eastbound approach; it may involve restriping or widening and signal modifications. No project cost is available at this time. Based on this methodology and the preliminary PM peak hour trip generation from the proposed development, the development accounts for 19.7 percent of the 2035 volume.*

e. *The developer shall participate in the funding of improvements for the intersection of OR213/Redland Road (TSP Project D79) in proportion to the development's traffic volume as a percentage of the predicted 2035 traffic volume at the intersection calculated in the TSP. The 2017 TSDC project list shows a project cost of \$10,105,000. Based on this methodology and the preliminary PM peak hour trip generation from the proposed development, the development accounts for 4.77 percent of the 2035 volume and the development's share of the project is \$482,000.*

f. The developer shall participate in the funding of improvements for the Holly Lane/Holcomb Boulevard intersection (TSP Project D43) in proportion to the development's traffic volume as a percentage of the predicted 2035 traffic volume. Project D43 is a roundabout with an estimated project cost in the TSP of \$1,040,000 according to the 2017 TSDC Project List. Based on this methodology and the preliminary PM peak hour trip generation from the proposed development, the development accounts for 38.1 percent of the 2035 volume and the development's share of the project is \$396,000.

g. The developer shall participate in the funding of improvements for the Holly Lane/Redland Road intersection (TSP Project D36) in proportion to the development's traffic volume as a percentage of the predicted 2035 traffic volume. Project D36 is a roundabout with an estimated project cost \$1,040,000 according to the 2017 TSDC Project List. Based on this methodology and the preliminary PM peak hour trip generation from the proposed development, the development accounts for 28.3 percent of the 2035 volume and the development's share of the project is \$294,000.

h. The developer shall participate in the funding of improvements for the Highway 213/Beavercreek Road intersection in proportion to the development's traffic volume as a percentage of the predicted 2035 traffic volume. A project to add a right-turn lane on westbound Beavercreek Road and a merge lane on northbound Highway 213 was identified in the July 2017 Highway 213 Corridor Alternative Mobility Study and was adopted as Project D95 as an amendment to the TSP. The project's cost listed in the TSP amendment is \$2.7 million. Based on this methodology and the preliminary PM peak hour trip generation from the proposed development, the development accounts for 0.35 percent of the 2035 volume and the development's share of the project is \$9,400.

i. The developer shall participate in the funding of improvements for pedestrian and bicycle projects on Holcomb Boulevard that implement the Holcomb Boulevard Pedestrian Enhancement Concept Plan (HBPECP, adopted by Ord. 05-1003) in accordance with the Transportation System Plan sidewalk Infill projects W11, W12, W13, bike lane project B12, and crossing projects C3, C4, C5 and C6 in proportion to the development's motor vehicle traffic volume using Holcomb Boulevard as a percentage of the total motor vehicle traffic volume on Holcomb Boulevard. Based on this methodology and the preliminary PM peak hour trip generation from the proposed development, the development accounts for 11.5 percent of the 2035 volume. The combined cost of these seven projects is \$3,735,000. The development's share of the projects' cost is calculated to be \$429,500. The developer is entitled to System Development Charge credits pursuant to OCMC 13.12.040 for qualified public improvement as part of development.

j. The developer shall participate in the funding of improvements for the Redland Road/Anchor Way intersection in proportion of the development's traffic as a development's traffic volume as a percentage of the predicted 2035 traffic volume. Project D35 specifies operational improvements at the intersection with an estimated project cost of \$425,000 according to the 2017 TSDC Project List. Based on this methodology and the preliminary PM peak hour trip generation from the proposed development, the development

accounts for 25.0 percent of the 2035 volume and the development's share of the project is \$106,000.

k. The applicant's preliminary proportionate share for project listed above as conditions of approval are based on the total trip generation for the annexation property using the proposed trip cap of 538 AM peak hour trips; 679 PM peak hour trips; and 7,406 total weekday trips. A less intense development is likely to decrease the applicant's share of projects as calculated above. A more intense development, in addition to requiring analysis showing compliance with the Transportation Planning Rule, is likely to increase the applicant's share of projects as calculated above.

Finding: Complies with conditions. The Park Place Crossing Master Plan Transportation Impact Study anticipates a net additional 290 AM peak hour trips, 390 PM peak hour trips, and 4,064 total weekday trips. These expected trips are equal to ± 54.6 percent of the trip cap established by Ordinance No. 18-1007 (AN-17-0004/ZC-17-0005). Because the full build-out planned for Park Place Crossing is significantly less than the trip caps listed above, the result is a decrease in the Applicant's share of the listed projects. A more intense development is not planned; therefore, additional analyses showing compliance with the Transportation Planning Rule is not required. The total of AM peak hour, PM peak hour, and total weekday trips will be determined and updated at each phase of Detailed Development Plan. For Phase 1, the proportional share calculations have been made and are included as a condition of approval. See additional findings in 17.65.050.C.3.

CHAPTER 17.65 MASTER PLANS AND PLANNED UNIT DEVELOPMENT

17.65.030 - Applicability of the Master Plan or Planned Unit Development Regulations.

- A. Required for Large Institutional Uses. If the boundaries of an institutional development exceed ten acres in size, the proposed development shall be master planned using the regulations of this chapter. No land use review other than a Type I or II Minor Site Plan and Design Review shall be issued for any institutional development in excess of ten acres in total acreage unless it is accompanied by or preceded by a master plan approval under this chapter. This requirement does not apply to modifications to existing institutional developments unless the modification results in a cumulative square footage increase of over ten thousand total building square feet in an existing institutional development over ten acres.*
- B. When Required as Part of Previous Land Use Review. The master plan or planned unit development regulations may be used to fulfill a condition of approval from a previous land use decision-requiring master planning for a development.*
- C. When identified in the Oregon City Comprehensive Plan. The master plan regulations are required for all properties identified for master planning in the Land Use section of the Oregon City Comprehensive Plan.*
- D. Voluntarily. An applicant may voluntarily submit a master plan or planned unit development as part of a land use review, including for residential projects.*

Finding: Applicable. Per Condition of Approval No. 4 of Ordinance No. 18-1007 (AN-17-0004/ZC-17-0005) for the Park Place Annexation and Zone Change, a General Development Plan (Master Plan) was required for the 92 acres of property.

17.65.040 - Procedure.

- A. Preapplication Review. Prior to filing for either general development plan or detailed development plan approval, the applicant shall file a pre-application conference pursuant to OCMC 17.50.030.*

Finding: Complies as Proposed. Pre-application conferences were held on April 7, 2020, and May 5, 2021.

- B. General Development Plan. An application for a general development plan describing the long-term buildout of the site shall be reviewed through a Type III procedure. An applicant shall have an approved general development plan before any*

detailed development plan may be approved, unless both are approved or amended concurrently. Amendments to an approved general development plan shall be reviewed under a Type III procedure pursuant to OCMC 17.65.080.

Finding: Applicable. This application includes a General Development Plan (GDP) for Park Place Crossing meeting the requirements of OCMC 17.65.050.

C. Detailed Development Plan. An application for a detailed development plan, is processed through a Type II procedure, as long as it is in conformance with the approved general development plan. Amendments to an approved detailed development plan shall be processed pursuant to OCMC 17.65.080. Once a development has an approved detailed development plan, OCMC 17.62 Site Plan and Design Review is not required.

Finding: Not applicable. This application does not include a Detailed Development Plan at this time. Future applications for Detailed Development Plans are planned for each phase of the project outlined through the submitted General Development Plan.

D. Concurrent Review. An applicant may concurrently apply for a general development plan and a detailed development plan. Such a concurrent application is reviewed through the highest procedure that applies to any element of the combined application.

Finding: Not applicable. This application does not include a Detailed Development Plan at this time and therefore does not require a concurrent review.

E. Relationship to Other Reviews. It is the express policy of the City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.

Finding: Complies as Proposed. The applicant has submitted a General Development Plan which allows for a Comprehensive review of an entire development prior to phasing of development. Subsequent phases of the development will be reviewed as more refined detailed development plans are submitted for review.

F. Duration of General Development Plan. A general development plan shall involve a planning period of up to twenty years. An approved general development plan shall remain in effect until development allowed by the plan has been completed through the detailed development plan process, the plan is amended or superseded, or the plan expires under its stated expiration date either as stated in the approved master plan or planned unit development application or decision of approval.

Finding: Complies with Condition. The applicant acknowledged this standard. The Planning Commission determined that the period of approval for all phases shall not exceed twelve (12 years).

17.65.050 - General Development Plan.

A. Existing Conditions Submittal Requirements.

1. Narrative statement. An applicant shall submit a narrative statement that describes the following:

- a. Current uses of and development on the site;
- b. For institutions, history or background information about the mission and operational characteristics of the institution that may be helpful in the evaluation of the general development plan, and information about current programs or services;
- c. A vicinity map showing the location of the General Development Plan boundary relative to the larger community, along with affected major transportation routes, transit, and parking facilities. At least one copy of the vicinity map shall be eight and one-half inches x eleven inches in size, and black and white reproducible;
- d. Land uses that surround the development site. This may also reference submitted maps, diagrams or photographs;
- e. Previous land use approvals within the General Development Plan boundary and related conditions of approval, if applicable;
- f. Existing utilization of the site;
- g. Site description, including the following items. May also reference submitted maps, diagrams or photographs.

1. Physical characteristics;

2. *Ownership patterns;*
3. *Building inventory;*
4. *Vehicle/bicycle parking;*
5. *Landscaping/usable open space;*
6. *FAR/lot coverage;*
7. *Natural resources that appear on the city's adopted Goal 5 inventory;*
8. *Cultural/historic resources that appear on the city's adopted Goal 5 inventory;*
9. *Location of existing trees six inches in diameter or greater when measured four feet above the ground. The location of single trees shall be shown. Trees within groves may be clustered together rather than shown individually; and*
10. *Geologic hazards pursuant to OCMC 17.44.*
- h. *Existing transportation analysis, including the following items. May also reference submitted maps, diagrams or photographs.*
 1. *Existing transportation facilities, including highways, local streets and street classifications, and pedestrian and bicycle access points and ways;*
 2. *Transit routes, facilities and availability;*
 3. *Alternative modes utilization, including shuttle buses and carpool programs; and*
 4. *Baseline parking demand and supply study (may be appended to application or waived if not applicable).*
- i. *Infrastructure facilities and capacity, including the following items:*
 1. *Water;*
 2. *Sanitary sewer;*
 3. *Stormwater management; and*
 4. *Easements.*
2. *Maps and Plans.*
 - a. *Existing conditions site plan. Drawn at a minimum scale of one-inch equals one hundred feet (one inch=one hundred feet) that shows the following items. At least one copy shall be eight and one-half inches × eleven inches in size, and black and white reproducible.*
 1. *Date, north point, and scale of drawing.*
 2. *Identification of the drawing as an existing conditions site plan.*
 3. *Proposed development boundary.*
 4. *All parking, circulation, loading and service areas, including locations of all carpool, vanpool and bicycle parking spaces as required in Chapter 52 of this title.*
 5. *Contour lines at two-foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent.*
 6. *A site plan or plans, to scale, for the General Development Plan site and surrounding properties containing the required information identified in OCMC 17.62.040.*
 - b. *Vicinity map. Depicting the location of the site sufficient to define its location, including identification of nearest cross streets. At least one copy of the vicinity map shall be eight and one-half inches × eleven inches in size, and black and white reproducible.*
 - c. *Aerial photo. Depicting the subject site and property within two hundred fifty feet of the proposed development boundaries. At least one copy of the aerial photo shall be eight and one-half inches × eleven in size, and black and white reproducible.*

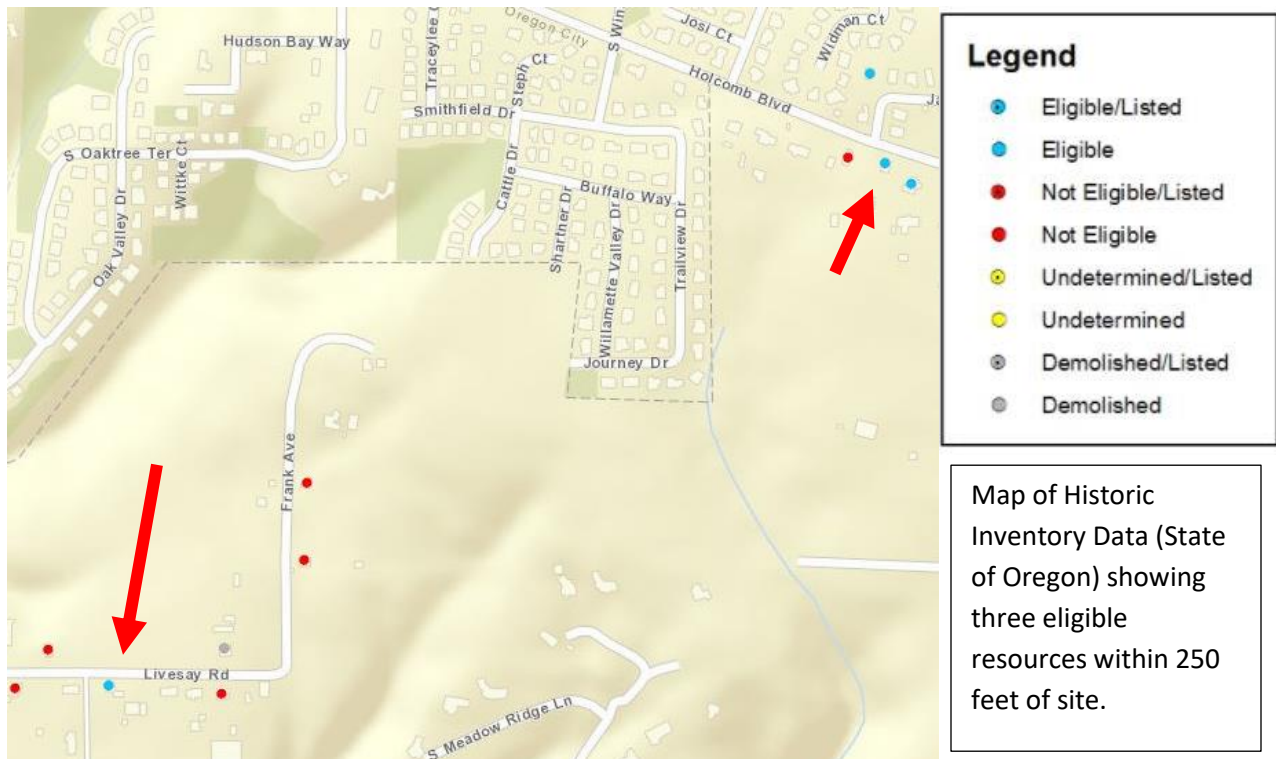
Finding: Complies as Proposed. All the o materials required to illustrate the existing conditions for the property were included in the submitted application, in addition to the required plans and drawings. A Transportation Impact Study for the project describing existing transportation facilities was prepared by Lancaster Mobley.

B. Proposed Development Submittal Requirements.

1. *Narrative statement. An applicant shall submit a narrative statement that describes the following:*
 - a. *The proposed duration of the general development plan.*
 - b. *The proposed development boundary. May also reference submitted maps or diagrams.*

- c. A description, approximate location, and timing of each proposed phase of development, and a statement specifying the phase or phases for which approval is sought under the current application. May also reference submitted maps or diagrams.
- d. An explanation of how the proposed development is consistent with the purposes of Section 17.65, the applicable zone district or districts, and any applicable overlay district.
- e. A statement describing the impacts of the proposed development on inventoried Goal 5 natural, historic or cultural resources within the development boundary or within two hundred fifty feet of the proposed development boundary.

Finding: Complies as Proposed. The applicant provided explanations for subsections (a) through (e) in their narrative and other application materials. The applicant submitted a preliminary NROD study to describe Goal 5 resources. The applicant did not identify historic and cultural resources within 250 feet of the development boundary; while no resources are present on site, there are resources within 250 feet of the site. Three existing



eligible structures are within 250 feet of the site. Historic inventory forms for these structures are found in the Exhibits of this staff report. Two structures are on Holcomb Boulevard to the east of the subject property, and one structure is on Livesay Road to the south and west of the subject property. The proposed development will not impact the historic character or eligibility of these structures; no changes are proposed to the structures and they may remain in use before, during, and after development of this site.

- f. An analysis of the impacts of the proposed development on the surrounding community and neighborhood, including:
 1. Transportation impacts as prescribed in subsection g. below;
 2. Internal parking and circulation impacts and connectivity to sites adjacent to the development boundary and public right-of-ways within two hundred fifty feet of the development boundary;
 3. Public facilities impacts (sanitary sewer, water and stormwater management) both within the development boundary and on city-wide systems; including a phasing plan for all on-site and off-site public improvements, including but not limited to transportation, schools, parks, open space, trails, sewer, water and stormwater, with an analysis of the capacity and improvements required as a result of fully

implementing the plan. This analysis shall reference any adopted parks and recreation, public facilities plans and concept plans and identify specific funding mechanisms to address the adequacy of public facilities.

4. Neighborhood livability impacts;

5. Natural, cultural and historical resource impacts within the development boundary and within two hundred fifty feet of the development boundary.

Finding: Complies with Condition. The applicant provided a Transportation Impact Analysis that describes transportation impacts. Public facility impacts are described in the narrative. The applicant describes neighborhood livability impacts with the following statement:

“The Park Place Crossing project abuts existing homes and neighborhoods only in a few areas. The Master Plan accommodates these areas by providing lots meeting the zoning standards, vegetative screening, and open spaces adjacent to some existing homes and neighborhoods. Where existing homes abut planned lots, those lots have been designed to be larger to provide a transition in density.”

Staff finding and recommendations regarding neighborhood livability are found in section 17.65.050.C.5 and C.7.

The applicant did not identify historic and cultural resources within 250 feet of the development boundary; while no resources are present on site, there are resources within 250 feet. Three existing eligible structures are within 250 feet of the site. Historic inventory forms for these structures are found in the Exhibits of this staff report. Two structures are on Holcomb Boulevard to the east of the subject property, and one structure is on Livesay Road to the south and west of the subject property. The proposed development will not impact the historic character or eligibility of these structures; no changes are proposed to the structures and they may remain in use before, during, and after development of this site. Further refinement and review for potential impacts to natural, cultural and historical resources within the development boundary and within two hundred and fifty feet of the development boundary will occur at the time of DDP submittal.

g. A summary statement describing the anticipated transportation impacts of the proposed development. This summary shall include a general description of the impact of the entire development on the local street and road network, and shall specify the maximum projected average daily trips, projected AM and PM peak hour traffic and the maximum parking demand associated with build-out each phase of the master plan or planned unit development.

h. In addition to the summary statement of anticipated transportation impacts, an applicant shall provide a traffic impact study as specified by city requirements. The transportation impact study shall either:

- 1. Address the impacts of the development of the site consistent with all phases of the general development plan; or*
- 2. Address the impacts of specific phases if the City Engineer determines that the traffic impacts of the full development can be adequately evaluated without specifically addressing subsequent phases.*

i. If an applicant chooses to pursue option h.1., the applicant may choose among three options for implementing required transportation capacity and safety improvements:

- 1. The General Development Plan may include a phasing plan for the proposed interior circulation system and for all on-site and off-site transportation capacity and safety improvements required on the existing street system as a result of fully implementing the plan. If this option is selected, the transportation phasing plan shall be binding on the applicant.*
- 2. The applicant may choose to immediately implement all required transportation safety and capacity improvements associated with the fully executed general development plan. If this option is selected, no further transportation improvements will be required from the applicant. However,*

if a general development plan is later amended in a manner so as to cause the projected average daily trips, the projected AM or PM peak hour trips, or the peak parking demand of the development to increase over original projections, an additional transportation impact report shall be required to be submitted during the detailed development plan review process for all future phases of the development project and additional improvements may be required.

3. The applicant may defer implementation of any and all capacity and safety improvements required for any phase until that phase of the development reaches the detailed development plan stage. If this option is selected, the applicant shall submit a table linking required transportation improvements to vehicle trip thresholds for each development phase.

Finding: Complies with Conditions: The submitted General Development Plan includes a Transportation Impact Study completed by Lancaster Mobley Engineering. The report discusses the uncertainty related to when the Holly Lane extension will be constructed and the changes to trip generation that would result from the street connection being made.

The report states:

“Prior Annexation & Future Connectivity

Regarding the analyzed mitigation at the intersections of Redland Road at OR-213 and Redland Road at Holcomb Boulevard/Abernethy Road, as well as the proportionate share fee contributions being collected at other transportation facilities in Oregon City (refer to the Off-site Trip Impacts section), the impact analysis detailed in this TIS for the Park Place Crossing Master Plan project may be overestimating trip impacts to some of these facilities.

The subject property was annexed into the City of Oregon City in 2018. At that time, a comprehensive transportation impact analysis was conducted that examined build out of the master plan area. Conditions of approval for the annexation require the contribution of proportional share payments for traffic impacts at offsite intersections. However, the annexation TIS assumed the S Holly Lane connection between S Holcomb Boulevard and S Redland Road would have been constructed prior to or concurrent with full buildout of the Park Place Crossing Master Plan project.

Because this application precedes the construction of the S Holly Lane connection, this TIS assumes all site-generated traffic uses S Holcomb Boulevard and the intersections of Redland Road at OR-213 and Redland Road at Holcomb Boulevard/Abernethy Road. Once the S Holly Lane connection is available, which is very likely to occur before the Park Place Crossing Master Plan site reaches full build out, some of the proportionate share fees, and particularly additional mitigation at these two off site intersections, may be reduced or possibly become unnecessary.”

The report concludes:

“To address this uncertainty, it is recommended that a trip accounting letter, and if necessary, an updated traffic analysis, be prepared as each phase of the project is constructed. Appropriate mitigation and proportionate share fee contributions will be evaluated on a phase-by-phase basis and collected at the time of each phase’s final plat application. This will enable accurate tracking of projected impacts to the two Redland Road intersections and other transportation projects as well as provide the flexibility to allocate fee contributions based on the re-evaluated traffic analysis by phase.”

The applicant, therefore, has deferred capacity and safety improvements until each phase is developed, in accordance with 17.65.050.B.i.3. Due to lack of certainty on what transportation system changes will be in place at the time of each phase, the applicant has not provided a table linking transportation improvements to vehicle trip thresholds. Instead, the applicant has proposed to provide either a trip accounting letter or an updated transportation study with each Detailed Development Plan (DDP) application. Staff finds that the trip accounting letter is acceptable for Phase 1, or up to 60 units. Any proposed development beyond phase 1 or 60 units shall provide an updated transportation study that measures impacts at HWY 213 and Redland Road as well as any other affected intersections as defined by the City's adopted Guidelines for Traffic Impact Analysis. Transportation impacts and improvements are discussed in 17.65.050.C.3.

The connection to Redland Road is necessary to comply with the Comprehensive Plan, the Park Place Concept Plan, and the street connectivity requirements of the city code. Discussions between city and county engineering and planning staff on July 12, 2022 regarding the timing of the Redland Road provided the following information relevant to making the connection.

The following projects are currently planned for in the Clackamas County Transportation System Plan:

- Holly Lane Bridge (TSP Number 1109): Bridge upgrades will be implemented at the bridge located about 120 feet south of the Holly Lane and Redland Rd intersection along Holly Lane. This project has funding and is planned to happen approximately 2027
- Redland Rd/Holly Ln Intersection (TSP Number 1120): CIP Intersection upgrade at Holly Lane and Redland is on the 20-year plan for the County – not currently funded
- The Intersection of Holly Lane and Redland will need to be signalized or converted to a roundabout because of sight distance concerns to be evaluated.
- The county will conduct a traffic control feasibility study for the intersection to determine what type of traffic control will function best – roundabout or traffic signal. We would most likely conduct the study in the fall/winter of 2022.
- A Development Permit will be required
- A land use permit from Clackamas County will not be needed if the proposal includes only the roadway. If other development is proposed, it may be subject to a land use permit. This conclusion is based on the conceptual alignment you provided during our meeting. Should the location of the road shift such that it passes through regulatory overlay zones (flood management district, habitat conservation area district, etc.), land use review may be required.

The timing of the improvements described above indicate that the earliest a connection to Redland Road could be made is 2027, since the connection cannot be made until the Holly Lane Bridge upgrades and intersection improvements are completed. Furthermore, the applicant is in the process of acquiring properties abutting the future alignment of the Holly Lane connection in order to accommodate the needed capacity and connectivity for the buildout of Phases 4-6 of the master plan area. It is reasonable to expect that the Holly Lane Connection will occur before the Phases 4-6 are completed. Therefore, the applicant shall provide a timeline and plan to complete the Holly Lane to Redland Road connection with the submittal of Detailed Development Plans for phases 4-6, or concurrent with the County's planned TSP Projects 1109 and 1120, whichever occurs first.

Staff has determined that it is possible, likely and reasonable that the applicant shall meet this standard through the Conditions of Approval.

- j. *For residential and mixed-use projects:*
 - a. *Proposed minimum lot area, width, frontage and yard requirements.*
 - b. *Proposed project density in number of units per acre.*

Finding: Complies as Proposed. Proposed minimum lot area and density are discussed in Chapter 17.08 and 17.10 of this report and in the discussion of density on Page 26 of this report.

2. *Maps and diagrams. The applicant shall submit, in the form of scaled maps or diagrams, as appropriate, the following information:*

- a. *A preliminary site circulation plan showing the approximate location of proposed vehicular, bicycle, and pedestrian access points and circulation patterns, parking and loading areas or, in the alternative, proposed criteria for the location of such facilities to be determined during detailed development plan review.*
- b. *The approximate location of all proposed streets, alleys, other public ways, sidewalks, bicycle and pedestrian access ways and other bicycle and pedestrian ways, transit streets and facilities, neighborhood activity centers and easements on and within two hundred fifty feet of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle access ways and utilities within two hundred fifty feet may be extended to and/or through the proposed development.*
- c. *The approximate location of all public facilities to serve the proposed development, including water, sanitary sewer, stormwater management facilities.*
- d. *The approximate location, footprint and building square footage of buildings within of each phase of proposed development, and/or proposed lot patterns for each phase of future development.*
- e. *The approximate locations of proposed parks, playgrounds or other outdoor play areas; outdoor common areas and usable open spaces; and natural, historic and cultural resource areas or features proposed for preservation. This information shall include identification of areas proposed to be dedicated or otherwise preserved for public use and those open areas to be maintained and controlled by the owners of the property and their successors in interest for private use.*

Finding: Complies as Proposed. All the of required maps and drawings for a General Development Plan were included in the submitted application.

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

1. *The proposed General Development Plan is consistent with the purposes of OCMC 17.65.*

Finding: Complies with Conditions. The purpose of 17.65 is to “foster the growth of major institutions, phased residential, commercial or mixed-use development, and other large-scale development, while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure.”

Applicant’s response:

“The Park Place Crossing GDP provides valuable housing options within a phased residential Master Plan. The master plan facilitates the efficiency and flexible use of the project site to provide infrastructure, transportation systems, and utility networks while providing site layouts that include useable open space, site circulation, and general wellbeing.”

Staff concurs that the applicant meets this standard with the recommended conditions of approval. **Staff has determined that it is possible, likely and reasonable that the applicant shall meet this standard through the Conditions of Approval.**

2. *Development shall demonstrate compliance with OCMC 12.04 16.12, 17.62, if applicable, and 16.08, if applicable.*

Finding: See findings from sections 16.12, and 16.08 of this report.

Chapter 12.04 is not applicable at this time; it will apply upon review of Detailed Development Plans.

Chapter 16.12 is applicable because public infrastructure improvements will be required for this development and staff has reviewed the GDP for general overall consistency with the standards for public improvements.

Chapter 16.08 is applicable because the applicant has proposed a general layout of residential land divisions. While most standards in the Chapter apply directly to future DDP applications, staff has reviewed the GDP for compliance with respect to general feasibility.

Section 17.62, Site plan and design review, is not applicable at this time. Although the applicant has proposed parcels for future commercial development in the NC zone, no specific development is proposed at this time. Future DDP applications within the NC zone may be subject to OCMC 17.62 when development is proposed.

3. *Public services for transportation, water supply, police, fire, sanitary waste disposal, storm-water disposal, and any other needed public services and facilities including schools and parks for proposed residential uses, are capable of serving the proposed development, or will be made capable by the time each phase of the development is completed.*

Finding: Complies with Conditions. Each public service is evaluated in the findings below for compliance with this standard. For the purposes of this review, the term “capable” means that services have the ability to or are able to be extended or expanded to the degree necessary to serve the proposed development. Thus, while the necessary service does not have to be in place at the time of GDP or DDP review, the applicant must show that compliance is feasible; that these improvements can and will be in place at time that development occurs (i.e. when a housing unit is constructed and occupied).

WATER

Applicant response:

“Within the project area, water is provided by the City and Clackamas River Water (CRW) (above 450 feet elevation). Service has been deemed sufficient by the City and CRW. These providers have an Intergovernmental Agreement (IGA) to provide these services. Water supply systems are shown on the Preliminary Plans (Exhibit A). The water infrastructure shown as part of the Park Place Crossing Master Plan is consistent with the Park Place Concept Plan and the City’s Water Capital Improvement Projects Master Plan, including the January 2021 Water Distribution System Master Plan Amendment. The improvements shown are consistent with the approved concept plan for Park Place and the Water Master Plan. Further details will be submitted with future Detailed Development Plan applications.”

Finding: Complies with Condition. The proposed water system for the development is a preliminary design but is consistent with the Park Place Concept Plan. A 12-inch transmission main will be installed within Holly Lane for a future Park Place connection to the 16 inch transmission main south of Livesay Road. An additional 12-inch main will connect Cattle Drive creating system looping which is ideal for water quality and for emergencies. Portions of the development (elevations greater than 450’) will be served by Clackamas River Water (CRW), as confirmed by Betty Johnson of CRW through a public comment. Water mains on local streets will serve individual lots. No specific designs have been provided with this GDP however, further refined details will be provided and reviewed with each DDP. Like the sewer system, the water system will be built overtime and other developments may be built before subsequent phases. Each DDP will confirm that the existing water systems (City and CRW) have capacity and sufficient available fire flows for each phase of development. Coordination with CRW will also be required. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

SANITARY SEWER

Applicant response:

“Sanitary service for the project area will be provided by the Tri-City Sewer District. Annexation to the sewer district is required in the future prior to subdividing the land. A sanitary sewer modeling analysis has been completed and submitted to the City for review. The project area is planned to be served by several phases of sewer, illustrated on the Preliminary Plans (Exhibit A). Sanitary sewer is planned to be routed across Tour Creek adjacent to Oak Valley Drive until such time that gravity sewer becomes available as a permanent option through the improvement of abutting properties to the south and east. Due to grade issues in the southeast corner of the site (Phase 6), sanitary sewer will require pumping to gravity systems within an adjacent Phase of Park Place Crossing. The improvements shown are consistent with the approved concept plan and Sanitary Sewer Master Plan. Further details will be submitted with future Detailed Development Plan applications.”

Finding: Complies with Condition. Conceptual plans for the sanitary sewer system have been provided to the City showing the routing for each phase of the development. The proposed sanitary sewer system will be built and routed initially through Holcomb Boulevard before it eventually is rerouted to Redland Road when Holly Lane is extended in the future. Interim sewer connections are proposed for Phase 1 at Trail View Drive and Journey Drive. A final interim connection during Phase 2 will reroute Phase 1’s sewer through Phase 2 and connect via a pedestrian bridge to Oak Valley Drive to bring the flows to Holcomb Boulevard. Conceptual capacity calculations have been provided to the City. Specific details on the design and construction shall be provided with the detailed development plans for each phase. The City’s sanitary sewer consultant has noted that sections of the existing sewer system, downstream of the development, are nearing capacity. The applicant shall provide updated downstream capacity calculations with system capacity upgrades (if needed) at each DDP to confirm that the City’s sanitary sewer system can safely handle each phase of the development.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

STORMWATER

Applicant response:

The planned improvements are consistent with the Park Place Concept Plan and the City’s Stormwater and Grading Design Standards. Stormwater facilities for the overall project are shown within the Preliminary Plans (Exhibit A). Temporary stormwater facilities for Phase 1 will be decommissioned and routed to regional facilities as part of Phase 2. This area will then be reclaimed for residential lots. Further analysis of the site’s stormwater needs, and the prescribed management facilities are included within the Preliminary Stormwater Report (Exhibit F). Phase 6 stormwater, due to the aforementioned grading issues, are not planned to be routed to the regional facility. Phase 6 stormwater is anticipated to be treated and managed within private stormwater planters and directed to the natural area. The planned stormwater management methods and facilities are appropriate and consistent with City requirements. Further details will be submitted with future Detailed Development Plan applications.

Finding: Complies with Condition. The applicant has provided a preliminary stormwater report showing conceptually how the development will manage its stormwater. The proposal includes a temporary stormwater pond for Phase 1, proposed to be replaced with a larger regional public stormwater pond that will serve all Phases, to be constructed during proposed Phase 2.

The city received a number of public comments regarding stormwater runoff concerns. The applicant’s proposal addresses stormwater impacts from the greater impervious surface, by accommodating all stormwater into a system to manage and detain stormwater through planters and detention ponds on site. Stormwater

management will be required to meet City Standards for treatment and flow control. Each subsequent DDP will submit detailed stormwater management plans for each phase. The Stormwater and Grading Design Standards will require hydrology to be studied as part of the analysis.

Access has been proposed for maintenance. Each DDP will be reviewed to verify that a tract for public stormwater facilities continues to be provided. With each DDP, the developer shall provide updated engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer addressing all items from Section 9.3 & 9.4 of the Public Works Stormwater and Grading Design Standards prior to receiving a permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

TRANSPORTATION/STREETS

Applicant response: "Streets, as illustrated within the Preliminary Plans, are designed to serve the project site and connect it to the surrounding street network. Holly Lane, a planned Collector Street, will ultimately serve as the main thoroughfare through the project site and the "North Village" outlined within the Park Place Concept Plan. Holly Lane is anticipated to connect S Holcomb Boulevard with S Livesay Road within the project site and the portions of the Park Place Concept Area beyond. The planned streets comply with those envisioned within the Park Place Concept Plan and City standards. Further details will be submitted with future Detailed Development Plan applications. This criterion is met."

Finding: Complies with Conditions. The applicant submitted a Transportation Impact Analysis report completed by Lancaster Mobley Engineering. The report was reviewed by the city's Transportation Consultant, John Replinger. It is important to note that the data was adjusted to account for variability resulting from pandemic-related traffic patterns. According to Mr. Replinger,

"The TIS included extensive discussions about the traffic volumes that included adjustments to account for the COVID-19 pandemic. The engineer used traffic counts conducted in 2017 on Holcomb Boulevard near the site; 2019 counts from Highway 213; and new counts from April 2021. The engineer also used mid-week traffic volumes on Highway 213 for each July from 2017 through 2021 to assess the impact of the pandemic on traffic volumes. The engineer used appropriate methods and documented his conclusions. The adjustments appear adequate to account for base year 2021 conditions at the intersections in #1, above.

The applicant provided total trip generation data for the AM and PM peak hours, as well as daily trips. As Mr. Replinger points out,

"It is also important to recognize that the trip generation for the residential development proposed under this GDP is less than the total trip generation presented in the TIS for the annexation and rezoning approved in the prior land use action. The trip cap established with the annexation and rezoning was 538 AM peak hour trips; 679 PM peak hour trips; and 7,406 total weekday trips. The number of trips generated by the proposed residential development is comfortably below the adopted trip cap and leaves substantial trips available for commercial development on the remaining portions of the property subject to the annexation and rezoning."

The proposed GDP assumes there will not be a connection of Holly Lane to Redland Road (a project identified in the TSP) to accommodate traffic from this residential development. For the purposes of this residential development all traffic connects with Holcomb Boulevard utilizing either new or existing streets.

The engineer evaluated traffic patterns and traffic volumes and evaluated five locations. The key intersections were:

1. Holcomb Boulevard and Winston Drive
2. Holcomb Boulevard and Barlow Drive(existing)/Holly Lane (future)
3. Holcomb Boulevard and Street A
4. Oregon Highway 213 and Redland Road
5. Redland Road and Abernethy Road/S Holcomb Boulevard

All intersections are shown to meet applicable mobility standards over the proposed Master Plan development period except for #4: OR Highway 213 and Redland Rd. The engineer concludes in the TIS: “Based on the results of the operational analysis, the intersection of Redland Road at OR-213 is projected to operate in excess of acceptable per jurisdictional standards during the 2nd evening peak hour under 2026 buildout conditions (Phase 1) and for all succeeding analysis scenarios through year 2030.” During second highest hour of the PM peak, the calculated v/c is predicted to degrade from 0.982 under existing conditions to 1.032 in 2030 with the development. The standard for this intersection for the second peak hour found in OCMC 16.12.033.A.2 is “During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole.”

Mr. Replinger concludes that,

“The TIS provides sufficient information and documentation to satisfy the requirements of OCMC 17.65.050 C 3 with respect to adequacy of the transportation system for Phase 1 of the proposed development. For Phase 1, all intersections operate acceptably. However, the TIS indicates that the intersection of OR-213 and Redland Road fails to meet the applicable v/c standard for the second hour of the PM peak hour. In addition, queues that exceed available storage distance are predicted at the intersection of OR-213 and Redland Road and at the intersection of Redland Road/Abernethy Road/Holcomb Boulevard.

A detailed development plan for Phase 1 will not need additional transportation analysis beyond that provided in this TIS.

Detailed development plans for any phase beyond Phase 1 will require additional analysis and implementation of mitigation measures that demonstrate that the transportation system is “capable of serving the proposed development, or will be made capable by the time each phase of the development is completed” in accordance with OCMC 17.65.050 C 3. Specifically, the applicant will need to implement improvements at the intersection of OR-213 and Redland Road and at the intersection of Redland Road/Abernethy Road/Holcomb Boulevard such that v/c standards are met and adequate queue storage is provided. The burden is on the applicant to coordinate with and meet the requirements of the agencies with jurisdiction over the subject intersections and roadways (i.e. the Oregon Department of Transportation, Clackamas County and the City of Oregon City).”

Although Mr. Replinger found that no additional transportation analysis was necessary as part of the DDP review for Phase I, he did identify the following proportional share payments to mitigate for transportation impacts resulting from Phase I development:

TSP Project	Estimated TSP Project Cost (\$000)	Total PM Peak Entering Volume (2035)	\$/trip	Phase 1 Trips	Phase 1 Share \$
Redland/Holly D36	\$1,040	688	\$545	1	\$545
Holcomb/Holly D43	\$1,040	1899	\$1512	61	\$92,232
I-205 SB Ramps/ OR 99E D75	\$2,990	5690	\$525	5	\$2,625
I-205 NB Ramps/ OR 99E D76	\$1,970	6155	\$320	5	\$1,600
Hwy213/Redland D97	\$10,105	6540	\$1545	22	\$33,990
Redland/ Holcomb/ Abernethy	na	2273	na	35	na
Hwy213/Beavercreek D94	\$2,800	6935	\$404	5	\$2,020
Holcomb Blvd Sidewalk Infill W11, W12, W13	\$3,035	1135*	\$2674	50	\$133,700
Holcomb Blvd Bike Lanes B12	\$560	1135*	\$493	50	\$24,650
Holcomb Blvd Pedestrian Crossings C3, C4, C5, C6	\$140	1135*	\$123	50	\$6,150
* Two-way PM peak volume on Holcomb Boulevard east of Redland Road/Holcomb Blvd/Abernethy Road intersection					

The calculated proportional share amounts for Phase 1 shall be required at the time of final plat for Phase 1 unless amended by an updated transportation study provided by the applicant as part of the DDP review.

Detailed development plans for any phase beyond Phase 1, or 60 units, will require additional analysis and implementation of mitigation measures that demonstrate that the transportation system is “capable of serving the proposed development, or will be made capable by the time each phase of the development is completed” in accordance with OCMC 17.65.050 C 3. Specifically, the applicant shall show that improvements have been made to OR-213 and Redland Road and at the intersection of Redland Road/Abernethy Road/Holcomb Boulevard such that v/c standards are met and adequate queue storage is provided before building permits are approved for half the units in Phase 2.

Staff has determined that it is possible, likely and reasonable that the applicant shall meet this standard through the Conditions of Approval.

PRIVATE UTILITIES

Applicant response:

“Electric, Gas, and other telecommunications utilities are planned to be routed and arranged as needed and appropriate within right-of-way and adjacent Public Utility Easements (PUEs). The provision of these services is anticipated to be consistent with City requirements. Further details will be submitted with future Detailed Development Plan applications.”

Finding: Complies as Proposed. No comments were received from private utility providers and it is the applicant's responsibility to coordinate private utility provisions.

EMERGENCY SERVICES

Applicant response:

"Police service to the project site will be provided by the Oregon City Police Department (OCPD). OCPD previously submitted a response to Ordinance No. 18-1007 (AN-17-0004/ZC-17-0005) indicating that the resources to serve this area were available.

Park Place Crossing is within Clackamas Fire District #1, which provides fire protection for Oregon City and surrounding areas. Clackamas Fire District #1 provided pre-application conference comments requesting further information about the project, which have been provided within the Preliminary Plans (Exhibit A).

Emergency Medical Services for the area are provided by Clackamas Fire District #1 and American Medical Response (AMR) through contract with Clackamas County."

Emergency services to the planned project are satisfactory and consistent with applicable requirements. Temporary emergency access will be available to Phase 1 from Shartner Drive, as depicted within Sheet P-08 (Exhibit A). Temporary emergency access to Park Place Crossing will be available via the Holly Lane/S Livesay Road connection. At each of these locations, during their appropriate phases, removable barriers will allow emergency traffic to travel to and through Park Place Crossing. Further details will be submitted with future Detailed Development Plan applications.

Finding: Complies as Proposed. Conceptual plans have been provided with this GDP identifying general street dimensions, turning radii and slopes. No comments were received from Clackamas Fire District. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed with subsequent DDP applications.

SCHOOLS

Applicant response:

"The project site is served by the Oregon City School District. The School District provided comments for the annexation and zone assignment applications for this property. In those comments, the School District voiced no major concerns regarding school capacity or serving the new homes as build-out of the project aligned with the School District's stated timeline to provide additional school capacity and several other methods of providing or shifting capacity are available."

Finding: Complies as Proposed. The City has not received comments from the Oregon City School District at this time. The findings at the time of annexation in AN-17-04 stated:

"The subject property is served by Oregon City Public Schools. The schools serving this site are Redland Elementary School, Ogden Middle School, and Oregon City High School. Although there will be no immediate development of this site that would impact the school system, discussions with School District staff indicate that there are no immediate capacity problems with these schools.

A letter dated March 13, 2017 from Mr. Wes Rogers, Director of Operations for Oregon City Public Schools, regarding school capacity associated with the Serres property annexation (File AN-16-0004, ZC 16-0001) makes the following comments regarding the subject annexation of approximately 92 acres:

“As to the larger 92 acre Park Place/Holcomb annexation mentioned by Mr. Givens but is not a direct part of this file, the District has always known that as the Park Place Concept Plan was significantly developed, additional elementary and middle school capacity would have to be constructed. Currently the elementary school of attendance for this area would be Redland Elementary.

Forecasted enrollment growth is not new to the District and the Oregon City School Board and administration have been studying facility needs for the past several years. Although well maintained, District facilities do not support current educational practice and all District facilities are in need of serious renovation or replacement and in some cases minor expansion. Preliminary plans to ask for a school construction bond have not been finalized but the current draft scenario shows that the District (with voter support) would have additional middle school capacity within 5 years and additional elementary school capacity within 5-10 years. In the meantime the District has several other tools to help with over capacities by installing semi-permanent buildings and/or redrawing attendance boundaries.”

Staff coordinates with the Oregon City School District during the development review process in accordance with adopted Comprehensive Plan Goals and Policies. Standard procedures for the Planning Division includes notice of all land use actions, both long range and current proposals, to the School District, the School District actively participates at pre-application conferences in anticipation of development. The School District, not the City, is responsible for long range planning of needed school facilities.”

Since the time of the annexation, voters approved a bond measure for the Oregon City School District to fund capacity increases for two middle schools, including Ogden Middle School, which is within the South Village area of the Park Place Concept Plan boundaries, near Holly Lane.

PARKS

Note: with the proposed 8/11/2022 revision, the amount and layout of the original park has changed. See "Summary of Revisions submitted 8/11/2022" on pages 15 and "Project Description" on page 19.

Applicant response:

“Per the Park Place Concept Plan, a park is provided at the southwest corner of the subject site. Approximately 4.4 acres of public park have been anticipated to be provided to the City. Future expansion of the park, as needed to fulfill the Park Place Concept Plan’s envisioned final 8–10-acre requirement for the community park and as shown within Exhibit N, is possible through provision by neighboring properties. Park lands are planned to be provided to the City of Oregon City with Phase 2 of Park Place Crossing (approximately 2024/2025 planned construction date). It is expected that timing will allow inclusion of the park facility within an update of the City’s Parks Capital Improvement Projects list. The details of park construction and SDC-creditable projects are anticipated to be determined at a later date. Coordination is needed with the Park Department in order to amend the City’s Parks Master Plan/Capital Improvement Projects list and outline the process and details for the transfer of ownership as part of Phase 2.”

Finding: Complies with Conditions. The Park Place Concept Plan says the following about the community park in the North Village:

“The parks are intended to provide basic recreational opportunities for residents and may include amenities such as play equipment, athletic fields, picnic tables or shelters, walking trails, and other features. The neighborhood park in the North Village is approximately eight to ten acres and within walking distance of the Livesay Main Street.” (Final Concept Plan, Page 31)

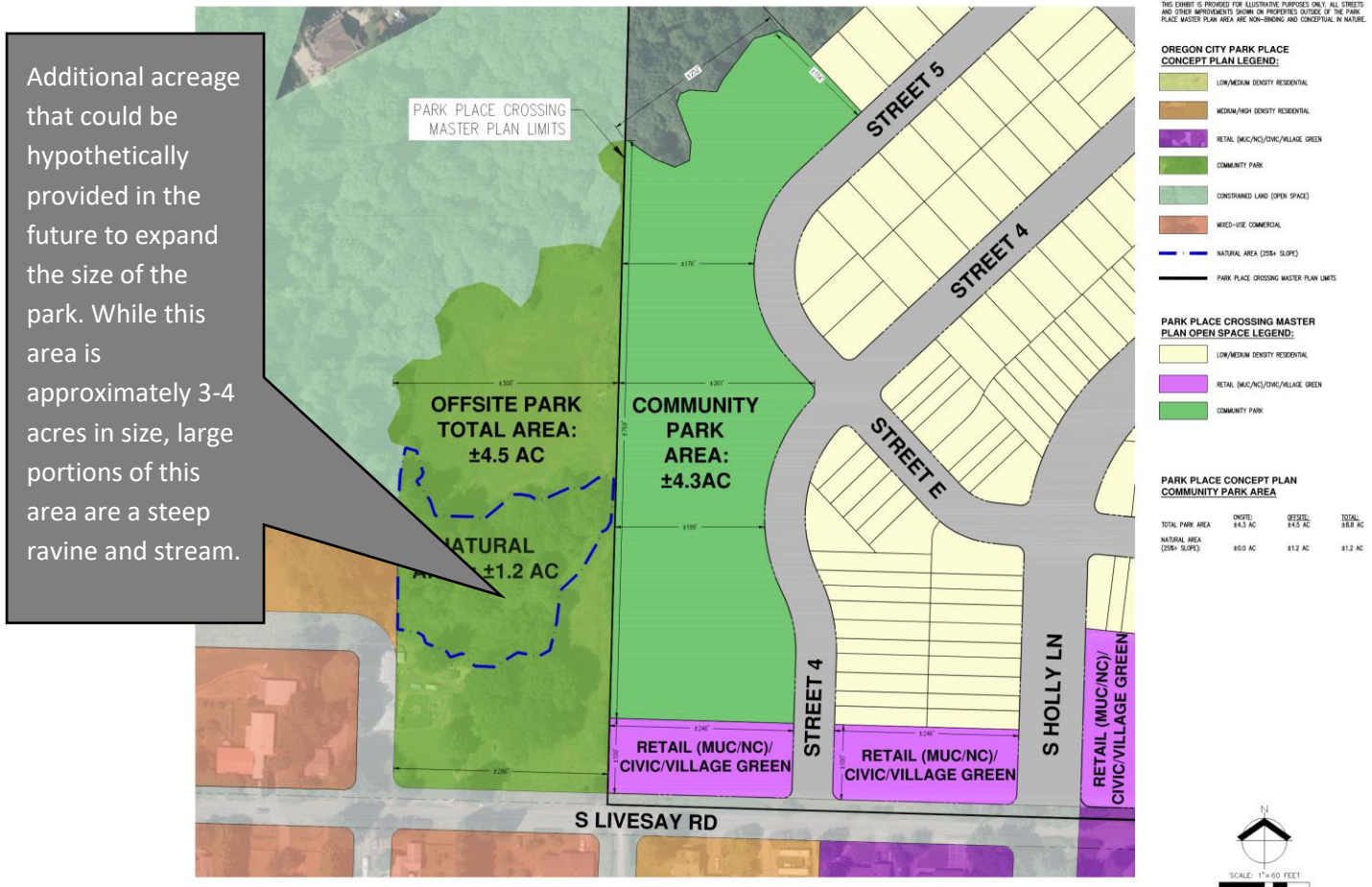
With the 8/11/2022 revisions, the applicant proposed to dedicate 4.3 acres of land within the project site for a public park. This land is in the southwest corner of the site and is slightly different from the location of the park envisioned in the Park Place Concept Plan. The location is a relatively flat area of the project site and is adjacent to the village center retail/civic parcels as well as the proposed attached housing areas. The location is generally consistent with the Concept Plan. The amount of acreage proposed to be dedicated is proportional to the number of housing units proposed, as discussed in the applicant's narrative. The park in the North Village is planned to be at least 8 acres in size, and the applicant has provided a shadow plat demonstrating where additional acreage could be included in the park on neighboring properties outside of the project area.

During the public hearing process, concerns were raised that the proposed location of the park was not consistent with the North Village area for several reasons:

- The location as proposed did not have sufficient public street frontage and was inaccessible
- Additional local street connections were important to the west of Holly Lane
- The amount of land zoned Neighborhood Commercial fronting on Livesay Road was insufficient.

In response to these and other concerns, the applicant proposed revisions which were presented to the Planning Commission on July 11 and July 25, with staff providing analysis in the current staff report for the September 25, 2022 hearing.

An excerpt of the applicant's revisions is provided below.



Commenting on the original proposal, the City's Parks Director Kendall Reid submitted a comment indicating that the proposed location and size of the park dedication is suitable and would be accepted by the City and developed as a park in the future. Mr. Reid also indicated:

"We would request that streets and utilities be extended to the park frontage, but we would not request that the applicant build any improvements within the park itself; the City will also utilize its own funding for the development of the park with recreational amenities. The dedication of the land should occur at Phase 1 to give the public certainty that park land will be provided within the project area if the full 92-acre development is not implemented in a timely manner."

The applicant included the park area within the boundaries of proposed Phase 2 of the development, but did not indicate when the land would be dedicated to the City. Because the phasing plan is tentative and subject to change, and because the conditions of approval on this Master Plan will require significant transportation improvements in order to make Phases 2 through 6 feasible, the City cannot reasonably rely on the applicant's ability to complete any development beyond Phase 1 in a timely manner. Thus, the applicant shall contribute a fee-in-lieu for parks to be calculated based on \$4,783.80 per unit for park land cost plus \$3,664 per unit for park improvement costs increased at 18% per annum, to be paid at the time of final plat recording of Phase I of the project. This amount shall be held by the City in the form of a surety until at least 4.3 acres of parkland in the location identified in the GDP exhibit is dedicated to the City. The 4.3 acres of park land shall be dedicated to the City at the time of final plat recording of Phase 2. See memorandum explaining these calculations in Exhibit 7.

Regarding the shadow plat, Mr. Reid indicated the following:

"The Parks Department would also accept a larger dedicated park space, especially given that the Park Place Concept Plan calls for an 8–10-acre park in this location. While the shadow plat map shows how additional land could be incorporated into the park in the future to create a larger park, the additional land shown is constrained by steep slopes and a stream, which would limit usable park space and would preclude various recreational uses such as athletic fields and playgrounds. It is not clear how 8 to 10 acres of open, relatively flat public park land would be fully accommodated under this plan."

It is apparent that a larger park space dedicated within the subject property would be more consistent with the Concept Plan than the current proposal, because it would allow for more park acreage to be usable, flat land rather than constrained areas in overlay zones. The 4.3 acres should be seen as a floor, with flexibility for the applicant to revise the plans and provide more park space through a future detailed development plan.

The applicant did not explicitly discuss the timing of actual development of the park. While the City plans to take on development of the amenities within the park, the applicant's contribution should be significant; given that the park will serve as the required open space for a majority of the proposed units and for the larger Park Place community, which is underserved by parks. Public infrastructure including, water, sewer, storm, and street improvements shall be brought to and through the public right-of-way frontage of the park before or during the development phase that includes 60% of the approved residential units.

The Planning Commission will need to balance the need to provide a minimum number of housing units in this portion of the concept plan (see density discussion earlier in this report) with what is reasonably proportional for the applicant to dedicate for parkland, taking into account the revised road layout, which provides greater connectivity and street frontage for the park, and the amount of Civic and Neighborhood Commercial land on Livesay Road.

The North Village area, of which this proposal comprises about half, centers around community needs such as parks, civic and open spaces, shopping, and higher density residential areas. The area of the site that is zoned NC is approximately 4.5 acres. The applicant has proposed two parcels of 0.5 acres and 0.8 acres for future commercial or civic development, which is less than half the NC zoned acreage. is consistent with the Park Place Concept Plan, which was supported by a market analysis to determine how much land could be reasonably expected to develop with neighborhood-scale commercial uses.

Staff has determined that it is possible, likely and reasonable that the applicant shall meet this standard through the Conditions of Approval.

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

Finding: Complies with Condition: The applicant states:

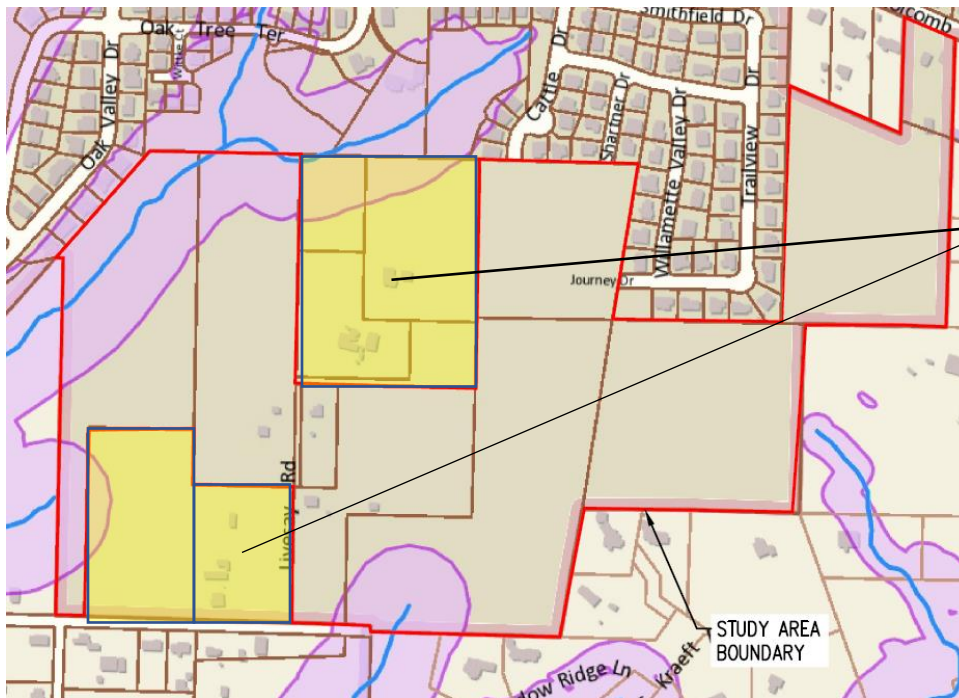
“The General Development Plan included as part of this application lays the foundations for the protection of inventoried Goal 5 natural resources such as those within the Natural Resources Overlay District (NROD). These areas are preserved within open space areas on the outskirts of the site and are addressed within the NROD Memorandum (Exhibit G) prepared as part of this application for General Development Plan. Future Detailed Development Plans will provide further details regarding these areas. Historic or cultural resources are not known to be present within the site boundaries. Physical alterations are not planned with this application for General Development Plan. Further details will be submitted with future Detailed Development Plan applications.”

No known historic or cultural resources are present in the project boundaries. Following the pre-application conference for the proposed development, the city sent notice of potential ground disturbance to five tribal entities: the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation. The Confederated Tribes of the Umatilla Indian Reservation responded with the following statement:

“Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Cultural Resources Protection Program (CRPP) has reviewed the proposed projects in your letter dated July 23. As PA 21-04, PA 21-14, and PA 21-15 are within one of our areas of concern, the CRPP recommends conducting archaeological surveys with subsurface testing prior to development. Please let me know if you have any questions or concerns.”

The city does not have any standards that require archaeological surveys beyond those that have been inventoried and subject to overlay protections as required by the Comprehensive Plan; however, the applicant is subject to statutory requirements regarding cultural and archeological resources.

Significant portions of the site are within the City's mapped Natural Resources Overlay District (NROD) to protect Goal 5 resources on site, including streams and wetlands.

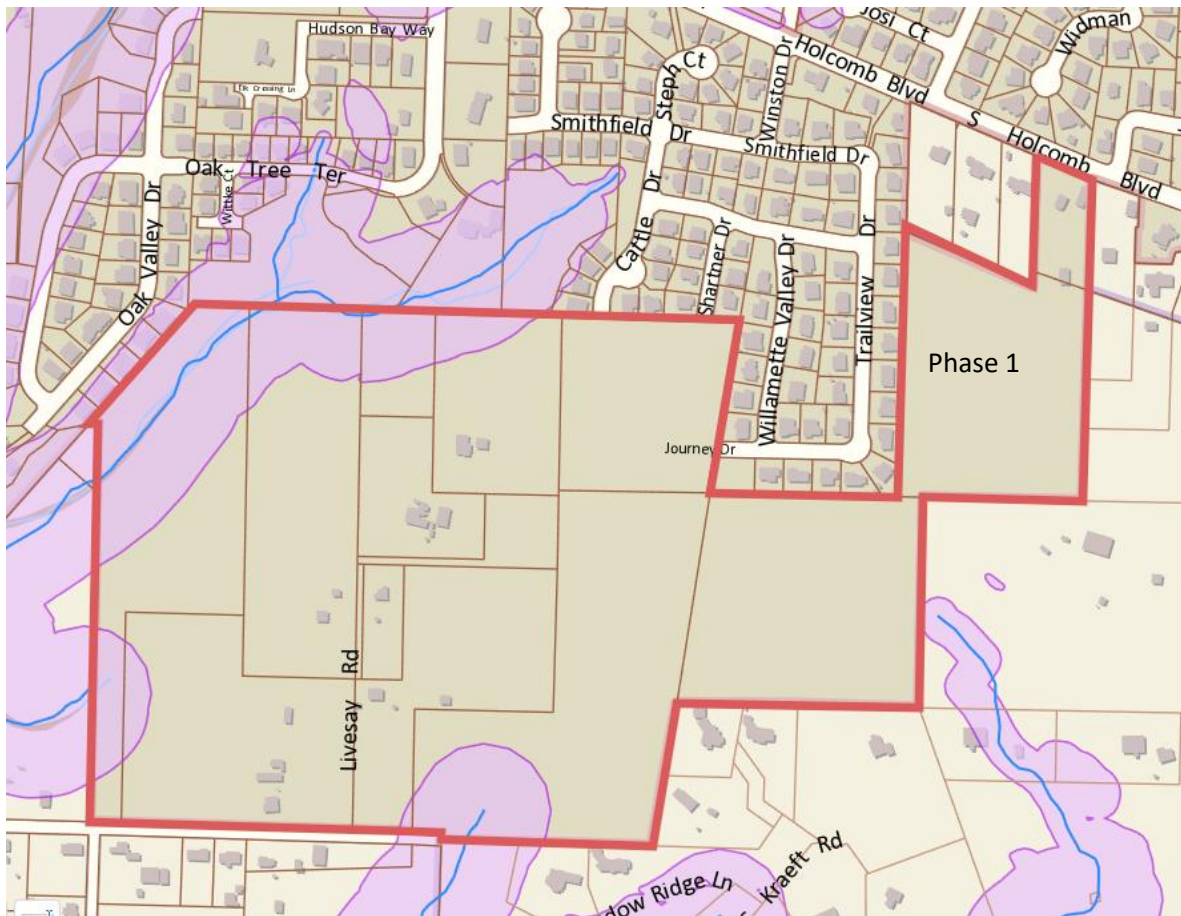


Applicant's Preliminary NROD Study area map

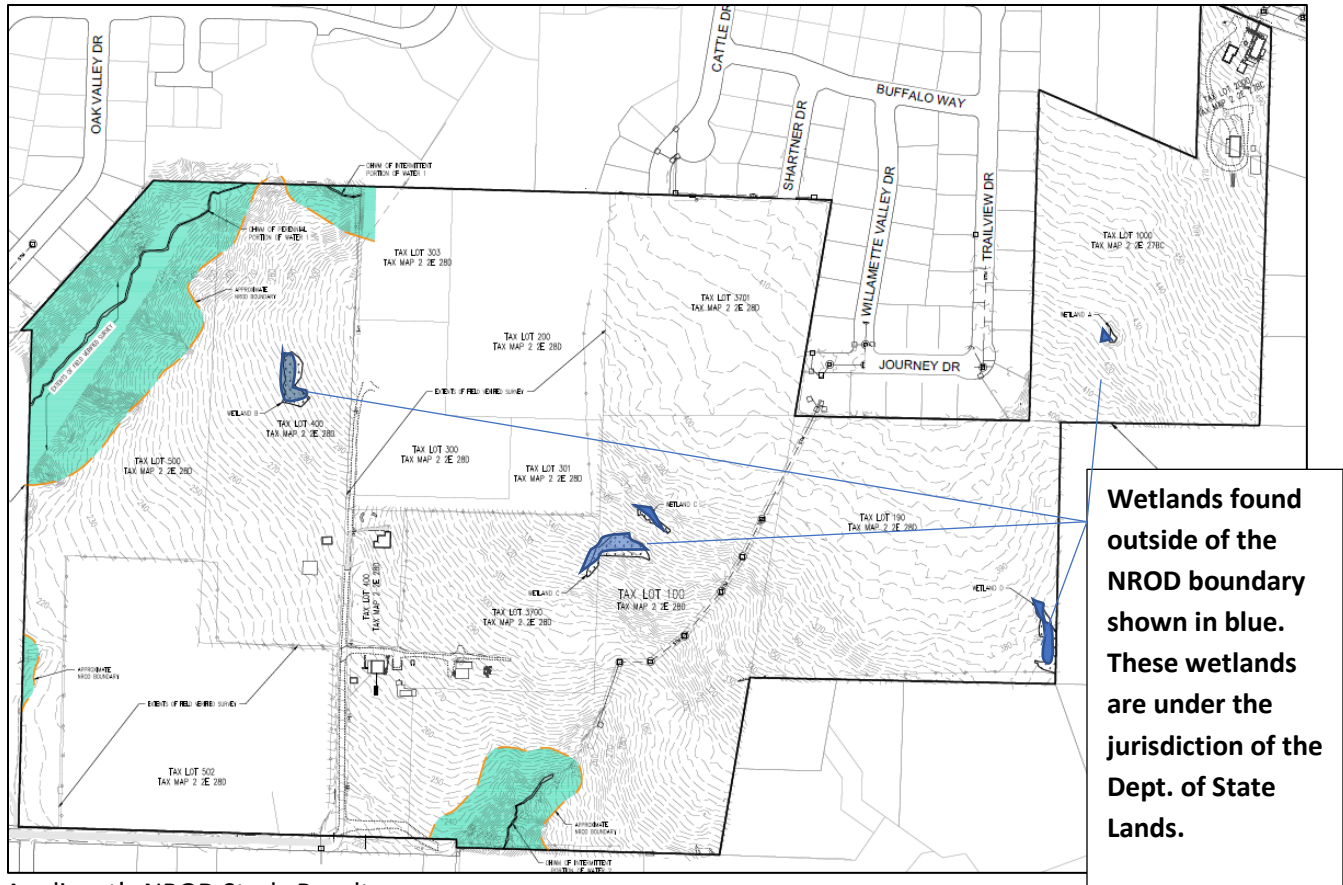
The applicant did not request Natural Resource Overlay District verification through OCMC 17.49 as part of this application. Thus, NROD areas shown on the applicant's maps have not been formally verified and may change as more site-specific development analysis as part of the DDP review occurs. A preliminary NROD study was submitted with this application, which includes the following information:

- A few parts of the overall site were not included in the NROD study area. The resources in these areas could affect the subdivision layout and overall development intensity in those portions of the site. Master Plan amendments may be required with future detailed development plans to ensure the level of "protection" required by this criterion.
- Two streams and one ephemeral stream were delineated by the applicant.
- The identified streams are proposed to be protected by a 50+ foot vegetated corridor as required in OCMC 17.49. No parts of the NROD overlap with any proposed residential development except for three residential lots in the SE corner of the site that have partial NROD in their backyard areas. Again, since the NROD is not formally verified, the overlay boundaries are subject to change and the preliminary findings of the NROD report may be modified.
- The proposal includes some limited disturbance in the NROD for a pedestrian path and pedestrian bridge over the stream.
- Stream delineations will be submitted with detailed development plan applications to verify the exact location of the NROD boundary
- Four wetlands outside of the City's NROD boundary were found. These are not protected by NROD because they are outside of the mapped NROD boundary. The applicant will obtain any required permits from the Department of State Lands, who regulates these wetlands.

See findings in OCMC 17.49. Any Natural Resources Overlay District areas impacted by development will be reviewed for compliance with this section either before or at the time of first DDP application. Since Phase 1 area does not contain any mapped resources, an NROD review is not required for the proposed Phase 1 area.



Mapped NROD Boundary



Applicant's NROD Study Results

The wetlands are outside of the adopted NROD overlay and thus are not subject to NROD review. However, they are subject to protection under Comprehensive Plan Policies in Goal 5; see findings in OCMC 17.65.050.C.6.

Staff has determined that it is possible, likely and reasonable that the applicant shall meet this standard through the Conditions of Approval.

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

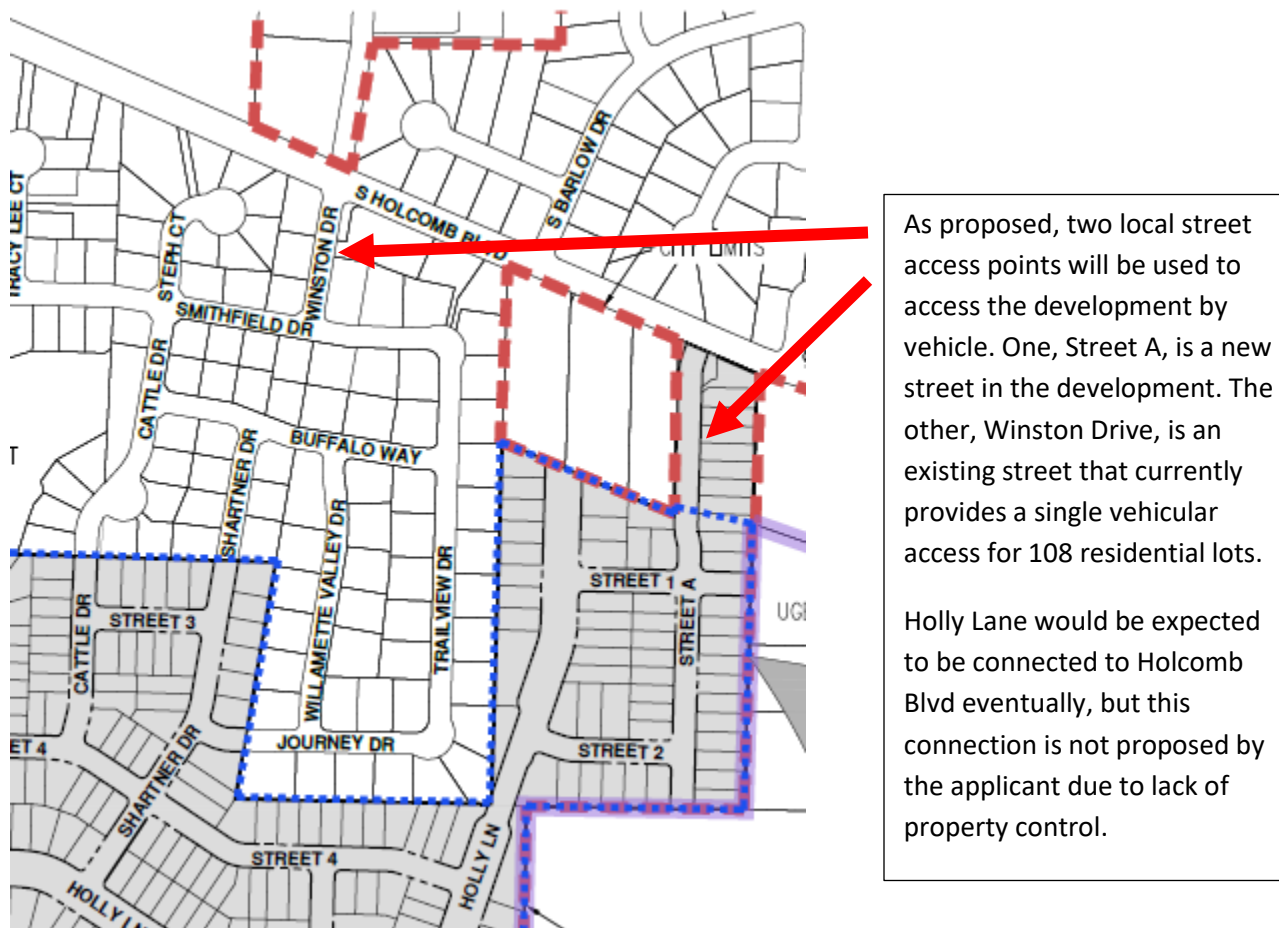
Finding: Complies with Conditions. The applicant's response to this criterion is

“Phasing of the General Development Plans allows for the orderly provision of transportation facilities and utilities to new areas and eventual connection as planned within the City’s Transportation System Plan and Utility Master Plans. Further details are available within the Transportation Impact Study (Exhibit E) and will be submitted with future Detailed Development Plan applications. This criterion is met.”

The applicant has not sufficiently acknowledged the obligation to not only identify, but also to “mitigate identified impacts from each phase of development.” In addition to the public utility adequacy obligations discussed above, the applicant fails to acknowledge any neighborhood livability impacts of the development and therefore has not proposed adequate mitigation.

The applicant's traffic studies show that an extension of Holly Lane to Redland Road is not needed to comply with transportation mobility standards. Thus, the proposal does not propose to construct this street connection and instead relies on Holcomb Blvd to provide access to the development. While the mobility standards are satisfied, the proposal is not consistent with the criterion, as well as a number of Goals and Policies of the Comprehensive Plan, when it comes to substantial increase in vehicular pass-through traffic on local streets impacting neighborhood livability.

While the City does not have standards for levels of traffic on local streets, the applicant's transportation study projects daily trip generation that would greatly exceed levels typically associated with local residential streets. To mitigate these impacts, staff recommends conditions of approval for traffic calming elements, and ultimately, a street connection to Redland Road to provide another access point to distribute traffic.



The trip generation calculations in the applicant's original Transportation Impact Analysis show that the proposed project will create an additional 290 morning peak hour trips, 390 evening peak hour trips, and 4,064 average weekday trips.

AVERAGE WEEKDAY TRIPS BY PHASE (through Phase 3):

Phase 1: 622

Phase 2: 2,750 total (2128 from Phase 2 itself)

Phase 3: 3,230 weekday total (480 from Phase 3 itself)

The applicant proposes to make the street connections to Cattle Drive, Shartner Drive, and Journey Drive as part of phase 3. For these three phases, site trips are expected to be distributed between the Street A connection and S Winston Drive as follows:

- Phase 1: All site trips will utilize Street A.
- Phase 2: All site trips will utilize Street A.
- Phase 3: All site trips will utilize S Winston Drive. Additionally, approximately 75 percent of site trips generated by Phase 2 will reroute from Street A to S Winston Drive.

TOTAL: 480 Phase 3 trips plus 1596 (75% of phase 2 trips) = 2076 daily trips using S Winston Dr after Phase 3 (in addition to existing trips from the 108 existing residential lots)

Therefore, by the time Phase 3 is developed and the local street connections are made to Cattle Drive, Shartner Drive, and Journey Drive, an additional estimated 2,076 daily trips will be directed onto Winston Drive. In total, at the time of completion of all Phases of the GDP (full buildout), trips from an additional 341 homes are expected to use Winston Drive to access Holcomb Blvd, further adding to the volume of traffic on these local streets.

For comparison purposes, Average Daily traffic (ADT) on other local city streets based on 2021 volume studies are as follows:

- 16th St – West of Division ADT: 517 trips
- Front Street (in Park Place) near Forsythe ADT: 449 trips
- Apperson north of Holcomb ADT: 692 trips

According to Metro's 2018 Regional Transportation Plan, "Local streets primarily provide direct access to adjacent land uses, and usually between 200- 2,000 vehicles per day, with volumes varying by jurisdiction." The City does not have an adopted standard for traffic volume on local streets. However, a street with 2,000 or more trips per day will feel, to the adjacent resident, more like a collector street. The level of traffic would have noise impacts as well as effects on the ability of children to play in or near the street. Local streets in Park Place are generally quiet and conducive to activities like walking, bicycling, sports, and other non-automotive uses. With the traffic levels at 2,000 trips per day or more, the livability of the neighborhood and enjoyment of these activities, as well as overall safety, would be significantly affected.

The completion of the Holly Lane segment to Holcomb Blvd is not proposed by the applicant due to lack of property control, but the applicant indicates that they expect this segment to be constructed before full buildout. The Holly Lane/Holcomb connection would alleviate some traffic from the Winston Drive route - the applicant's traffic analysis estimates how the traffic patterns would change once the Holly Lane connection is made to Holcomb Blvd:

"Provided the S Holly Lane connection to S Holcomb Boulevard is constructed following full buildout of the Master Plan and development of tax lots 800 and 1600, the interim Street A connection will be closed, and a majority of trips projected to utilize S Winston Drive are expected to reroute to S Holly Lane. Trips are expected to be redistributed as follows:

- *Phase 1: All site trips will utilize S Holly Lane.*
- *Phase 2: All site trips will utilize S Holly Lane.*
- *Phase 3: Approximately 50 percent of site trips will utilize S Holly Lane and the other 50 percent will utilize S Winston Drive.*

- Phase 4: Approximately 50 percent of site trips will utilize S Holly Lane and the other 50 percent will utilize S Winston Drive.
- Phase 5: Approximately 50 percent of site trips will utilize S Holly Lane and the other 50 percent will utilize S Winston Drive.
- Phase 6: All site trips will utilize S Holly Lane.”

This analysis demonstrates that the volume of traffic on Winston Drive and the streets leading to it could be reduced; however, there is no guarantee if or when that the connection of Holly Lane and Holcomb Blvd will be made. A street connection from the project site down to Redland Road would be expected to carry at least half of the trips from this development, and would therefore provide significant reduction in traffic through the Winston Drive area. As described in the Traffic Impact Analysis for the annexation, the extension of Holly Lane to the south to intersect with Redland Road will have a significant impact on the trip distribution. That connection would be expected to significantly reduce the traffic on Winston Drive. Note that some traffic from Phase 2 would still be expected to use Winston Drive to get to Holcomb Blvd even if Holly Lane were constructed completely (all the way from Redland Road to Holcomb Blvd.)

Recommended conditions that would ensure adequate mitigation through the Redland Road connection include:

- At the time street connections are made to Cattle Drive and Shartner Drive, the applicant shall add traffic calming elements within the new streets that lead to Cattle Drive, Shartner Drive, Journey Drive, Smithfield Drive and Winston Drive including speed humps, traffic circles, or chicanes, to promote safe speeds. The applicant shall also provide traffic volume and speed data at three selected locations to the City to enable the City to evaluate the potential for a traffic calming and/or a speed limit change to 20 mph on the existing local streets.
- The applicant shall measure average daily trip volume on Winston Drive, Cattle Drive and Shartner Drive at the time of each DDP application that would route trips on these streets. If trips (total existing plus new) will exceed 2,000 per day on any of these streets, the applicant shall ensure a secondary street connection is provided to the south connecting to Redland Road, so that drivers have multiple route choices.

Public comments raised concerns about existing pedestrian and bike safety on Holcomb Blvd, which will be exacerbated by added traffic volumes from this development. The conditions of approval from AN 17-04 require the applicant to pay proportional share for related TSP projects including several TSP projects for sidewalks and bike lanes on Holcomb Blvd. The applicant will be required by a condition of approval to pay proportional share at each phase; for phase 1 the amount is approximately \$160,000. The City will use the funds to supplement other funding sources to implement sidewalk infill and other safety improvements along Holcomb Blvd. See findings in 17.65.050.C.3.

6. *The proposed general development plan is consistent with the Oregon City Comprehensive Plan.*

Finding: Complies with Conditions.

ANALYSIS OF PROPOSAL’S CONSISTENCY WITH PARK PLACE CONCEPT PLAN

The Park Place Concept Plan is an ancillary document to the Comprehensive Plan and as such, the applicant is required to demonstrate compliance with it. It is important to note that the plan is conceptual, designed at a high-level and allows variability based on actual topographic and health and safety overlay limitations. General

findings for compliance are included here, with more detail provided within the Comprehensive Plan Policies and throughout this staff report.

The applicant submitted an analysis (See “Park Place Concept Plan Analysis from Applicant”) noting how the proposal is consistent with the plan. The applicant also submitted a shadow plat drawing to demonstrate how future street extensions and amenities could be provided to be consistent with the plan. The applicant’s overall proposal is consistent with the Park Place Concept Plan except where noted below:

LAND USES, DENSITY AND LOT SIZE

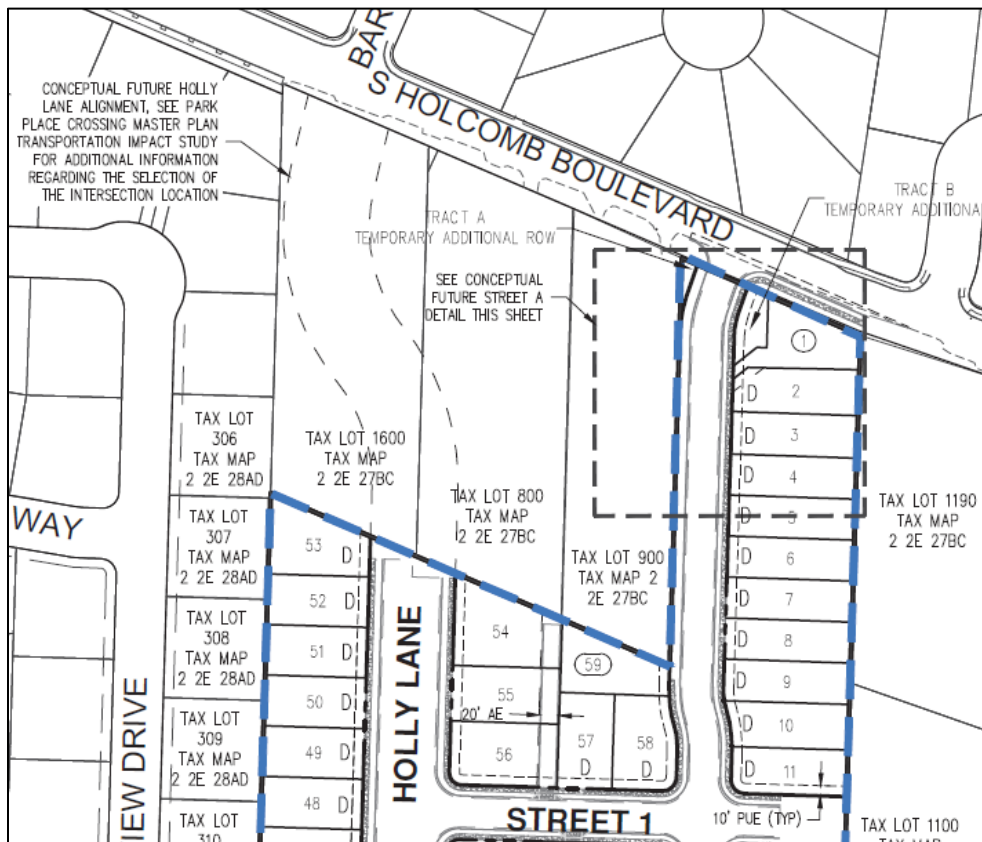
The applicant’s proposal is generally consistent with the land uses, density and lot sizes envisioned in the Park Place Concept Plan. Please refer to the Density Discussion on page 26.

TRANSPORTATION

The Park Place Concept Plan envisions the main access to the Concept Plan area from Holcomb Blvd will be through a connection of Holly Lane. The applicant proposes a future Holly Lane connection to line up with Barlow Drive on the north side of Holcomb Blvd, rather than the location shown in the Park Place Concept Plan. The applicant worked with City staff on this change, which is beneficial in that it allows the Holly Lane intersection to eventually line up with Barlow Drive rather than be placed farther east, which is less safe due to its proximity with the Jada Way intersection. The property where the future connection is proposed (Taxlot 2-2E-27BC-01600) is not one of the 14 properties included in the General Development Plan and has not yet been annexed into the City limits. The applicant indicates that future Holly Lane extension to Holcomb Blvd could be made before full buildout of the GDP, and has addressed the trip distribution changes that would result from that in their Transportation Impact Analysis. In the interim, the applicant has proposed the access from Holcomb Blvd to be through a new local street “A.”



Park Place Concept Plan (left) versus applicant's proposal (right)



Street A shown connecting to Holcomb Blvd to provide access to the proposed development

The Holly Lane connection to Redland Road is a major element of the Park Place Concept Plan and a critical link in the City's long-term Transportation System Plan. The applicant's traffic study indicates that an extension of Holly Lane to Redland Road is not needed to comply with transportation mobility standards. Thus, the proposal does not propose to construct this street connection and instead relies on Holcomb Blvd to provide access to the development. While the mobility standards might technically be met, the proposal is not consistent with Goals and Policies of the Comprehensive Plan and Master Plan standards, which require mitigation of neighborhood livability impacts. This proposal directs all of the new development traffic onto local streets at levels that greatly exceed typical local street volumes.

The proposal provides local street connections to existing neighborhood street stubs, which is consistent with the Concept Plan. The connectivity within the development and to future urban areas to the south and east has not been adequately provided. See findings and conditions in Comprehensive Plan Goal 12.

URBAN DESIGN

All residential development will be subject to design standards in OCMC 17.21, which was adopted in 2008 to fulfill the urban design goals of the Concept Plan. The purpose statement in OCMC 17.21 is "The intent of this chapter is to ensure new residential development implements the goals and policies of the Park Place Concept Plan area and the historic architectural styles of Oregon City. Appropriate architectural residential styles include: Western Farmhouse/Vernacular, Bungalow, Queen Anne Vernacular and Foursquare."

The applicant has requested an adjustment to the garage placement standard in OCMC 17.21 Findings for the adjustment request are provided in 17.65.070 of this staff report. Staff recommends denial of the adjustment on the basis of its lack of consistency with the Park Place Concept Plan.

The applicant has addressed the plan elements of neighborhood commercial amenities, trail connections, and public parks by providing a proportional amount of space for these uses. However, the applicant has not indicated the timing of these elements. Recommended conditions of approval for timing of park and commercial/civic development, and trail connections are included in the Comprehensive Plan findings.

ANALYSIS OF PROPOSAL'S CONSISTENCY WITH COMPREHENSIVE PLAN GOALS AND POLICIES

Analysis of the proposal's consistency with the 15 Comprehensive Plan sections is below:

Section 1: Citizen Involvement

Goal 1.1 Citizen Involvement Program

Implement a Citizen Involvement Program that will provide an active and systematic process for citizen participation in all phases of the land-use decision making process to enable citizens to consider and act upon a broad range of issues affecting the livability, community sustainability, and quality of neighborhoods and the community as a whole.

Finding: Complies as Proposed. The Applicant participated in a regularly scheduled Park Place Neighborhood Association meeting in accordance with OCMC 17.50. Notice was provided in accordance with this section. The City mailed notices to properties within 300 feet of the site, including properties outside of the Urban Growth Boundary, on March 29, 2022, more than 20 days prior to the first hearing.

Prior citizen involvement efforts in the planning for the development area and the larger Park Place Concept Plan has been extensive, including:

- The public engagement process for the development of the Park Place Concept Plan from early 2006 to mid-June 2007
- The legislative hearing process for adoption of the plan (File L-07-01), from July 2007 to April 2008;
- The legislative hearing process for adoption of zoning code to implement the plan (File L08-01), from August 2008 to July 2010
- Several annexation petitions for portions of the current development area which were approved, but rejected by the voters of Oregon City:
 - AN 07-08
 - AN 07-05
 - AN 09-01
 - AN 11-01
- The annexation and zoning for the current development (AN 17-04 / ZC 17-05).

Policy 1.1.1

Utilize neighborhood associations as the vehicle for neighborhood-based input to meet the requirements of the Land Conservation and Development Commission (LCDC) Statewide Planning Goal 1, Citizen Involvement. The Citizen Involvement Committee (CIC) shall serve as the officially recognized citizen committee needed to meet LCDC Statewide Planning Goal 1.

Finding: Complies as Proposed. The applicant held a meeting with the Park Place Neighborhood Association on May 17, 2021.

Goal 1.2 Community and Comprehensive Planning

Ensure that citizens, neighborhood groups, and affected property owners are involved in all phases of the comprehensive planning program.

Goal 1.3 Community Education

Provide education for individuals, groups, and communities to ensure effective participation in decision-making processes that affect the livability of neighborhoods.

Goal 1.4 Community Involvement

Provide complete information for individuals, groups, and communities to participate in public policy planning and implementation of policies.

Goal 1.5 Government/Community Relations

Provide a framework for facilitating open, two-way communication between City representatives and individuals, groups, and communities.

Goal 1.6 CIC Continuous Development

Support the CIC's team spirit and dedication to community involvement to ensure continuous improvement.

Goal 1.7 Neighborhood Plans

Adopt neighborhood plans that encompass a broad range of concerns for each neighborhood over a five-to ten-year period as refinements of the Oregon City Comprehensive Plan.

Finding: Not Applicable. These Goals and Policies within Section 1 pertain to actions that are to be taken by the City to implement its land use planning program through regulation and do not impose any substantive requirements in the evaluation of quasi-judicial proposals. As such, the applicant is not required to demonstrate compliance with these policies.

Section 2: Land Use

Goal 2.1 Efficient Use of Land

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

Finding: Complies as Proposed. The planned single-family detached and attached residential project utilizes existing code provisions for adjustments to allow for more efficient use of the subject site. These adjustments, allowed through the master plan process include lot size reductions and density adjustments. Adjustments to density standards of the R-5 zoning district allow for the establishment of residential areas to implement the projected Park Place Concept Plan and support the envisioned Park Place commercial areas while preserving open spaces and natural areas. Reduced lot sizes support the needed densities and housing unit counts anticipated by the City.

Policy 2.1.1

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

Finding: Not Applicable. This policy pertains to actions that are to be taken by the City to implement this objective through zoning regulations. As such, the applicant is not required to demonstrate compliance with this Policy.

Policy 2.1.2

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

Finding: Not Applicable. This policy pertains to actions that are to be taken by the City to implement this objective through zoning regulations. As such, the applicant is not required to demonstrate compliance with this Policy.

Policy 2.1.3

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

Finding: Complies as Proposed. As an approximately nine-two acre area with planned mixed uses, the project is a larger development. A master plan is also required per Condition of Approval of the project area's annexation Ordinance No. 18-1007 (AN-17-0004/ZC-17-0005). The applicant has submitted this General development plan to fulfill this condition. The application also proposes adjustments to standards consistent with this policy that encourages flexibility in master planned developments.

Policy 2.1.4

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

Finding: Not Applicable. This policy pertains to actions that are to be taken by the City to implement this objective through zoning regulations. The applicant is not required to demonstrate compliance with this Policy. The City does not have an urban renewal district in the Park Place area.

Goal 2.2 Downtown Oregon City

Finding: Not applicable. This goal pertains to actions that are to be taken by the City in the downtown area. The applicant is not required to demonstrate compliance with these policies.

Goal 2.3 Corridors

Finding: Not applicable. This goal pertains to transit corridors, but no transit corridors are present within or adjacent to the development. The applicant is not required to demonstrate compliance with these policies.

Goal 2.4 Neighborhood Livability

Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City while implementing the goals and policies of the other sections of the Comprehensive Plan.

Finding: Complies with Conditions. Park Place Crossing is planned to be a complete and vibrant neighborhood that provides a unique selection of active open spaces and trails, a city park, and mixed-use commercial areas to support local commerce opportunities. Adjustments to lot size and density requirements allow for the conservation of steep slope and drainageway areas envisioned by the Park Place Concept Plan.

The planned street, pathway, and trail layout allows for connectivity between the project and existing and future neighborhoods using a variety of transportation methods. The planned trail crossing of Tour Creek will allow for connectivity between Park Place Crossing and existing neighborhoods to the northwest of the project. The ease of travel within Park Place Crossing will allow neighborhood residents to stay within the nearby area for recreation, outdoor enjoyment, and shopping within the Park Place North Village.

The Park Place Concept Plan envisions an extension of a collector street, Holly Lane, south to Redland Road to serve this development without impacting local neighborhoods with unusual volumes of traffic.

The applicant has not proposed to construct the Holly Lane connection to Redland Road with this proposal. The proposal would have significant impacts on existing neighborhood local streets related to traffic volumes. By adding high volumes of vehicle traffic on existing local streets, the proposal would impact the sense of place and neighborhood identity within the subdivisions that utilize Winston Drive. These impacts are discussed within OCMC 17.65.050.C.5 with recommended conditions of approval.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

Policy 2.4.1

Develop local neighborhood plans to strengthen and protect residential neighborhoods and historic areas from infill development; such as development along linear commercial corridors.

Policy 2.4.2

Strive to establish facilities and land uses in every neighborhood that help give vibrancy, a sense of place, and a feeling of uniqueness; such as activity centers and points of interest.

Finding: Complies as Proposed. The applicant has provided uses and a layout that is generally consistent with the Park Place Concept Plan. Park Place Crossing is planned to be a complete and vibrant neighborhood that provides a unique selection of active open spaces and trails, a City park, and commercial areas to support local commerce opportunities. Adjustments to lot size and density requirements allow for the conservation of steep slope and drainageway areas envisioned by the Park Place Concept Plan. The commercial and civic spaces will provide opportunities for points of interest and activity centers. The applicant has not proposed specific uses for these parcels.

Policy 2.4.3

Promote connectivity between neighborhoods and neighborhood commercial centers through a variety of transportation modes.

Finding: Complies with Conditions. The proposal includes a small commercial node that is connected to the residential areas to the north via a public street and trail system. The applicant has also proposed connections to existing residential neighborhoods to the north and west where feasible. The Park Place Concept Plan envisions an extension of a collector street, Holly Lane, south to Redland Road to provide connectivity to the south. However, the applicant has not proposed to construct the Holly Lane connection to Redland Road, instead

proposing that all local traffic will be directed to Holcomb Boulevard. The resulting impacts of due to this lack of connectivity are discussed within OCMC 17.65.050.C.5 with recommended conditions of approval. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

Policy 2.4.4

Where environmental constraints reduce the amount of buildable land, and/or where adjacent land differs in uses or density, implement Comprehensive Plan and zoning designations that encourage compatible transitional uses.

Finding: Complies as Proposed. The applicant has provided uses and a layout that is generally consistent with the Park Place Concept Plan. The denser development is proposed on the flatter portions of the site where no environmental constraints are present. The zoning in place provides a transitional use on the western edge where the R-10 zone transitions into the NROD overlay.

Policy 2.4.5

Ensure a process is developed to prevent barriers in the development of neighborhood schools, senior and childcare facilities, parks, and other uses that serve the needs of the immediate area and the residents of Oregon City.

Finding: Not applicable. This goal pertains to actions that are to be taken by the City to implement this objective through zoning regulations. Land uses listed in this policy would be reviewed through subsequent site plan and design review applications and if applicable, conditional use permits reviewed by the Planning Commission. The applicant is not required to demonstrate compliance with these policies.

Goal 2.5 Retail and Neighborhood Commercial

Encourage the provision of appropriately scaled services to neighborhoods.

Finding: Complies as Proposed. The Park Place Crossing Master Plan proposes to implement the Park Place Concept Plan, which organizes the area into a North and South Village. The North Village, of which this proposal comprises about half, centers around community needs such as parks, civic and open spaces, shopping, and higher density residential areas. The applicant has proposed two parcels of 0.5 acres and 0.8 acres for future commercial or civic development. The acreage devoted to such uses is consistent with the Park Place Concept Plan, which was supported by a market analysis to determine how much land could be reasonably expected to develop with neighborhood-scale commercial uses.

Policy 2.5.1

Encourage the redevelopment of linear commercial corridors in ways that encourage expansion of existing businesses and infill development, and at the same time reduces conflicting traffic movements, improves the aesthetic character of these commercial areas, and encourages trips by transit, bicycling and walking.

Finding: Not applicable. This goal pertains to linear commercial corridors, which are not present within the project area. The applicant is not required to demonstrate compliance with these policies.

Policy 2.5.2

Allow and encourage the development of small retail centers in residential neighborhoods that provide goods and services for local residents and workers. Generally, these centers should be located at the intersections of two or more streets that are classified as neighborhood collectors or higher.

Finding: Complies with Condition. The Park Place Crossing Master Plan implements the Park Place Concept Plan, which organizes the area into a North and South Village. The North Village, of which this is a part, centers around community needs such as parks, civic and open spaces, shopping, and higher density residential areas.

The Mixed Use/Civic/Village Green area has been revised to three parcels of 0.51 acres, 0.56 acres and 1.26 acres (total 2.43 acres), bisected by an additional local street to provide a continuous corridor for the Livesay Main Street area, updated to include only uses permitted within the Neighborhood Commercial zone, and

provide additional transportation connectivity that better integrates this area with the Park Place Crossing neighborhood and future Park Place North Village areas.

The acreage of the Mixed Use/Civic/Village Green area within the proposed development is consistent with the Park Place Concept Plan, which was supported by a market analysis to determine how much land could be reasonably expected to develop at full build-out of the area with neighborhood-scale commercial uses. The market assessment prepared for the PPCP² concluded:

“The study area is expected to support between 20,000 and 40,000 square feet of retail space when fully developed. The area has limited access points, making it an unlikely candidate for more regional serving retail services. From a market perspective, a commercial center that can capitalize on through traffic from existing arterials will increase the viability of retail space, particularly during the study area’s build-out period.

Office space demand within the study area will respond to community needs, supported by the area’s population base and industrial activity. Likely tenant types would include medical office, insurance brokerages, realty companies, title companies, and other professional office users. These types of office tenants will often utilize ground floor commercial space, as they have a significant amount of customer traffic, but could be located in more traditional office configurations.

Commercial development in the planning area is not seen as necessary for the success of the area, which is expected to be developed largely as residential. The commercial needs of the planning area could be met outside of the concept planning area by existing and planned developments. Commercial development can serve in the role of organizing the concept plan, providing a community center. In addition, commercial development can meet some of the needs of the community, providing a marketable amenity for the residential development while reducing trips out of the neighborhood.”

The 2.43 acres of NC zoned development proposed in the most recent revisions is consistent with the PPCP, with an expectation that additional NC zoning will occur along Livesay Road as additional properties develop. The comprehensive plan designation of MUC for the North Village area measures approximately 14 acres, which is easily sufficient to support further neighborhood commercial development for the buildout of the area, as well as providing additional opportunities for mixed-use residential development, smaller multifamily units, three-plexes and four-plexes.

The Park Place Concept Plan, which is an ancillary document to the Comprehensive Plan, envisions small-scale retail uses to serve the neighborhood, saying “Small-scale commercial businesses, like a coffee shop, bookstore, dry cleaners, or café, are proposed to anchor the intersection of Holly Lane Extension and Livesay Main Street and surround the Village Green.” Commercial development can meet some of the needs of the community, providing a marketable amenity for the residential development while reducing trips out of the neighborhood.

The City’s Economic Development Manager James Graham submitted a letter supporting the commercial parcels as important for community amenities and for the city’s tax base, and expressing concern that there is no proposal for development or uses on these parcels. He points out that they may sit vacant if action is not taken to encourage their development. Mr. Graham requests that the applicant install public infrastructure to make the sites shovel-ready at or before the overall development for the GDP reaches 60% completion, and that the applicant offer the City a right of first refusal to purchase the two parcels in the future.

² Market Assessment prepared by the firm Johnson Gardner, See Pages 47-58 of Appendix B to the Park Place Concept Plan.

Notwithstanding the Economic Development Manager's desire to obtain a right of first refusal on the commercial parcels, at the very least, in order to encourage the development of these parcels in a timely manner, the applicant shall ensure that public infrastructure including, water, sewer, storm, and street improvements are brought to and through the frontage of the commercial parcels before or during the development phase that includes 60% of the approved residential units. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

Policy 2.5.3

Review design standards and the sign code to ensure compatibility with existing neighborhoods.

Finding: Not applicable. This goal pertains to actions that are to be taken by the City to implement this objective through zoning regulations. The applicant is not required to demonstrate compliance with these policies.

Policy 2.5.4

Encourage the development of successful commercial areas organized as centers surrounded by higher density housing and office uses, rather than as commercial strips adjacent to low-density housing.

Finding: Complies as Proposed. The Park Place Crossing Master Plan implements the Park Place Concept Plan, which organizes the area into a North and South Village. The North Village, of which this is a part, centers around community needs such as parks, civic and open spaces, shopping, and higher density residential areas. The applicant has proposed the higher density uses (attached housing) adjacent to the commercial areas, with the lower density residential uses farther removed from the commercial zones that will encourage the success of the commercial area.

Policy 2.5.5

Encourage commercial and industrial development that enhances livability of neighborhoods through the design of attractive LEEDTM-certified buildings and environmentally responsible landscaping that uses native vegetation wherever possible, and by ensuring that development is screened and buffered from adjoining residential neighborhoods and access is provided by a variety of transportation modes.

Finding: Complies as Proposed. The Park Place Crossing GDP reserves space for commercial space in line with the Park Place Concept Plan and provides pedestrian and vehicular connectivity to the future North Village Town center. The City has not adopted standards for LEED buildings and the applicant has not indicated what types of buildings would be developed on the commercial parcels or how they would be designed. Compliance with landscaping standards would be reviewed if and when site specific plans for any commercial development within the NC zones are proposed.

Policy 2.5.6

Develop a concept plan for South End that includes commercial designations in an amount sufficient to serve the needs of the South End neighborhood. The area designated as "Future Urban Holding" on South End Road lacks sufficient commercial services.

Finding: Not applicable. This goal pertains to actions that are to be taken by the City in the South End area. The applicant is not required to demonstrate compliance with these policies.

Goal 2.6 Industrial Land Development

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

Finding: Not applicable. This goal pertains to actions that are to be taken by the City for industrial land. No industrial zoning or uses are proposed within the Park Place Concept Plan area. The applicant is not required to demonstrate compliance with these policies.

Goal 2.7 Oregon City Comprehensive Plan Land-Use Map

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

Finding: Complies as Proposed. The Park Place Crossing Master Plan is designated as Medium Density Residential (MR), Mixed Use Corridor (MUC), and Low Density Residential (LR). The General Development Plan is consistent with the applicable requirements of the Oregon City Municipal Code that implement these Comprehensive Plan designations.

Section 5: Open Spaces, Scenic and Historic Areas, and Natural Resources

Goal 5.1 Open Space

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

Finding: Complies as Proposed. Open spaces along creeks, drainageways, and steep hillsides are set aside for conservation in accordance with the Park Place Concept Plan.

Policy 5.1.1

Conserve open space along creeks, urban drainage ways, steep hillsides, and throughout Newell Creek Canyon.

Finding: Complies as Proposed. Open spaces along creeks, drainageways, and steep hillsides are set aside for conservation in accordance with the Park Place Concept Plan. The site is not within the Newell Creek Canyon.

Policy 5.1.2

Manage open space areas for their value in linking citizens and visitors with the natural environment, providing solace, exercise, scenic views and outdoor education. Built features in open space sites should harmonize with natural surroundings.

Finding: Complies as Proposed. Open spaces are planned to provide conservation areas for streams, wetland, riparian areas, recreational trails, scenic views and outdoor education. Built features, such as the planned bridge connection across Tour Creek, will be reviewed with an upcoming Detailed Development Plan application and is planned to harmonize with the natural surroundings.

Goal 5.2 Scenic Views and Scenic Sites

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

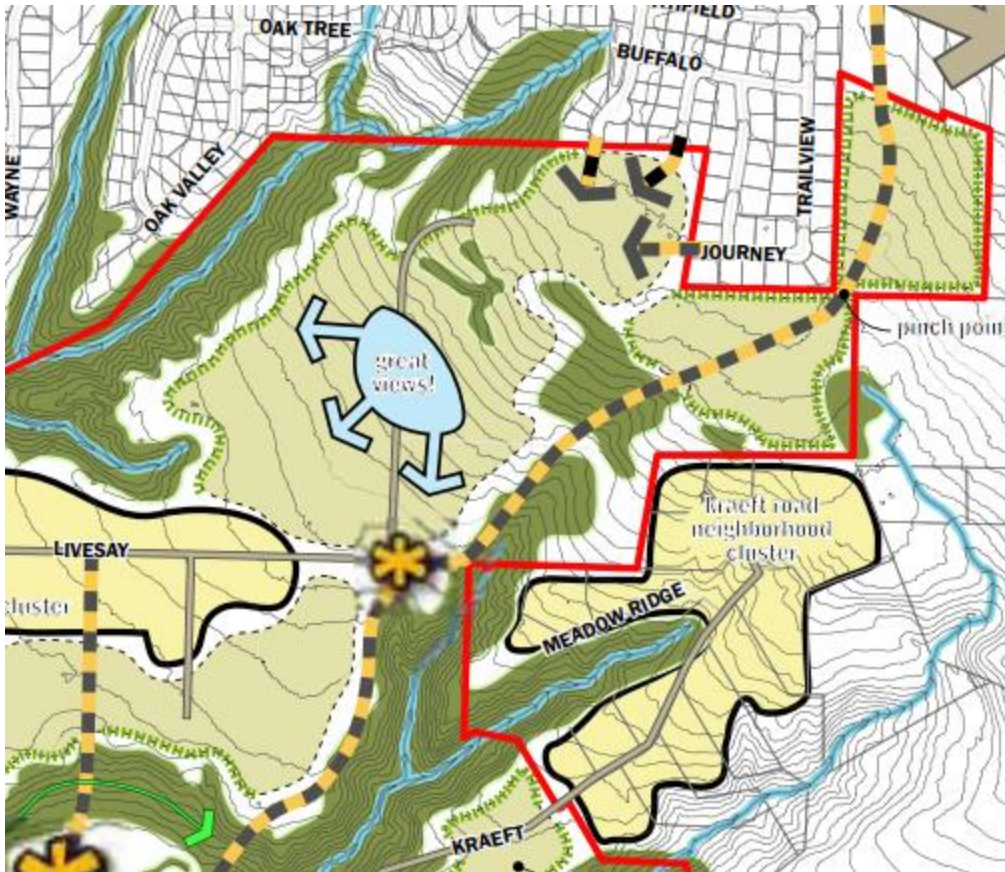
Policy 5.2.1

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

Policy 5.2.2

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

Finding: Complies as Proposed. The Park Place Concept Plan identified a scenic view area within the boundaries of the project site. The area shown in the figure below is where the applicant has proposed various residential lots and public streets in accordance with the concept plan for the area indicated. There is no specific direction in the Concept Plan about how scenic views should be protected for the general public. As the applicant is bound by height standards in the base zoning dimensional standards, it is unlikely that development will have any significant effects on views. The revisions presented to the Planning Commission on July 11, 2022 include a re-aligned park area bounded by a local street, which will provide better access and views into the park and adjacent open space area for all residents. The city has adopted standards for landscaping, placement, height, mass, color, and window reflectivity.



Goal 5.3 Historic Resources

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

Finding: Complies as Proposed. There are no existing historic designated or eligible structures on the site. There are a few eligible structures just outside the project boundary. These structures are not expected to be impacted by the proposal.

Policy 5.3.1

Encourage architectural design of new structures in local Historic Districts, and the central Downtown area to be compatible with the historic character of the surrounding area.

Finding: Not applicable. This goal pertains to actions that are to be taken by the City in historic districts; this area is not within a historic district. The applicant is not required to demonstrate compliance with these policies.

Policy 5.3.2

Evaluate the establishment of Historic and Conservation Districts to preserve neighborhoods with significant examples of historic architecture in residential and business structures.

Finding: Not applicable. This goal pertains to actions that are to be taken by the City in historic areas; this area is not identified as a potential district and while there are some eligible resources present outside the project boundary, the project site is not a neighborhood with significant examples of historic architecture. The applicant is not required to demonstrate compliance with these policies.

Policy 5.3.3

Promote the designation of qualifying properties outside Historic and Conservation Districts as historic.

Finding: Not applicable. There are no existing historic designated or eligible structures on the site. There are a few eligible structures just outside the project boundary. These structures are not expected to be impacted by the proposal and could be designated in the future.

Policy 5.3.4

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

Finding: Not applicable. This goal pertains to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Policy 5.3.5

Support efforts to obtain historic designation at the city, state and national levels for public and private historic sites and districts. Natural and cultural landscapes should also be considered.

Finding: Not applicable. There are no existing historic designated or eligible structures on the site. There are a few eligible structures just outside the project boundary. These structures are not expected to be impacted by the proposal and could be designated in the future.

Policy 5.3.6

Maintain Oregon City's status as a Certified Local Government in the National Historic Preservation Program.

Finding: Not applicable. This goal pertains to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Policy 5.3.7

Encourage property owners to preserve historic structures in a state as close to their original construction as possible while allowing the structure to be used in an economically viable manner.

Finding: Not applicable. There are no existing historic designated or eligible structures on the site. There are a few eligible structures just outside the project boundary. These structures are not expected to be impacted by the proposal and could be designated in the future.

Policy 5.3.8

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

Finding: Not applicable. There are no existing historic designated or eligible structures on the site. There are a few eligible structures just outside the project boundary. These structures are not expected to be impacted by the proposal and could be designated in the future.

Goal 5.4 Natural Resources

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

Policy 5.4.1

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

Policy 5.4.2

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

Policy 5.4.3

Identify, initiate and cooperate in partnerships with other jurisdictions, businesses, neighborhoods, schools and organizations to conserve and restore natural resources within and adjacent to Oregon City.

Finding: Complies as Proposed. Portions of the site are within the Natural Resources Overlay District (NROD), which serves to protect the water resources and adjacent habitat through regulation of development within the vicinity of streams and wetlands. The applicant has provided a preliminary NROD report and will be required to comply with overlay district standards for future DDP applications.

Policy 5.4.4

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

Finding: Not applicable. This goal pertains to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies. The City's adoption of the Park Place Concept Plan in 2008 was done with protection of natural resources in mind.

Policy 5.4.5

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

Finding: Complies as Proposed. Portions of the site are within the Natural Resources Overlay District, which serves to protect water resources and adjacent habitat through regulation of development within the vicinity of streams and wetlands. The proposal demonstrates that riparian corridors are protected and conserved, although no verification of the NROD boundary is proposed at this time. The applicant has provided a preliminary NROD report and will be required to comply with overlay district standards for future DDP applications, including verification of the NROD boundary.

Policy 5.4.6

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

Finding: Complies as Proposed. Portions of the site are within the Natural Resources Overlay District, which serves to protect water resources and adjacent habitat through regulation of development within the vicinity of streams and wetlands. The proposal includes public trails through the natural areas, which will increase awareness of the city's natural resources by providing public access.

Policy 5.4.7

The City shall encourage preservation over mitigation when making decisions that affect wetlands and a "no net loss" approach to wetland protection.

Finding: Complies as Proposed. The applicant's NROD study identified a few wetlands outside of the mapped NROD boundary. These wetlands are in areas proposed with residential development and are not proposed to be protected. While the City does not have jurisdiction over these wetlands because they are not within the mapped NROD (the Department of State Lands has jurisdictions over the actual wetland), the City does require that Goal 5 criteria are met. The applicant indicates that wetlands are "planned for preservation where possible." Because the plan language is permissive - to "encourage" preservation rather than to mandate it, this plan can be found to be consistent with this policy.



Applicant's NROD Study Results

Policy 5.4.8

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

Policy 5.4.9

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

Finding: Complies as Proposed. Portions of the site are within the Natural Resources Overlay District, which serve to protect the resources through regulation of development within the vicinity of streams and wetlands. The proposal demonstrates that riparian corridors are protected and conserved, although no verification of the NROD boundary is proposed at this time. The applicant has provided a preliminary NROD report and will be required to comply with overlay district standards for future DDP applications, including verification of the NROD boundary.

Policy 5.4.10

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

Finding: Not applicable. There is no evidence of streams or wetlands on site that have been channeled or eliminated from the landscape.

Policy 5.4.11

Maintain and enhance the function and quality of natural wetlands and create, where appropriate, wetlands or swales to moderate the quantity and velocity of water runoff entering streams during storm events and to reduce the amount of pollutants carried into streams.

Policy 5.4.12

Use a watershed-scale assessment when reviewing and planning for the potential effects from development, whether private or public, on water quality and quantity entering streams.

Policy 5.4.13

Adopt and/or establish standards for all new development that promote the use of pervious surfaces and prevent negative ecological effects of urban stormwater runoff on streams, creeks and rivers.

Finding: Complies as Proposed. The City has an adopted stormwater standards and design requirements for stormwater facilities in the code and engineering standards in a manual that fulfills these policies. the applicant will be required to show compliance with the stormwater standards and the manual at the time of future DDP review.

Policy 5.4.14

Comply with federal and state regulations for protecting, conserving and restoring threatened and endangered species and critical habitat.

Finding: Complies as Proposed. The applicant is subject to compliance with DSL and Army Corps of Engineers standards for wetland impacts. No known endangered species are present on site.

Policy 5.4.15

Partner with Metro, Clackamas County, the Oregon Department of Transportation (ODOT) and other agencies to establish an invasive weeds management strategy.

Finding: Not applicable. This goal pertains to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Policy 5.4.16

Protect surfacewater quality by:

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

Finding: Complies as Proposed. Portions of the site are within the Natural Resources Overlay District, which serves to protect the resources through regulation of development within the vicinity of streams and wetlands. Surface water quality is planned for protection through vegetated corridors, vegetative shading, and prevention of erosion and pollution. Stormwater facilities will be designed for management, detention, and treatment of stormwater to remove sediment and other pollutants in accordance with the City's standards. The City has an adopted stormwater manual that fulfills these policies. the applicant will be required to show compliance with the stormwater standards and the manual at the time of future DDP review.

Policy 5.4.17

Protect and maintain groundwater recharge through conservation and enhancement of wetlands and open space.

Finding: Complies as Proposed. The applicant has proposed a significant amount of open space adjacent to streams on the site. The applicant's NROD study identified a few wetlands outside of the mapped NROD boundary. These wetlands are in areas proposed with residential development and are not proposed to be protected. While the City does not have jurisdiction over these wetlands (the Department of State Lands has jurisdictions over the actual wetland), the City does require that Goal 5 criteria are met. The applicant indicates that wetlands are planned for preservation where possible.

Policy 5.4.18

Encourage use of native and hardy plants such as trees, shrubs and groundcovers to maintain ecological function and reduce maintenance costs and chemical use.

Finding: Not applicable. This goal pertains to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Section 6: Quality of Air, Water, and Land Resources

Goal 6.1 Air Quality

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

Policy 6.1.1

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

Finding: Complies as Proposed. The Park Place Crossing Master Plan will create a portion of the conceived North Village of the Park Place Concept Plan Area, which includes a variety of housing types as well as supportive amenities such as commercial retail, civic spaces, parks, and open spaces.

Policy 6.1.2

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

Finding: Complies as Proposed. Residential development proposed is typical of the region and no abnormal impacts to air quality are expected. The applicant will be required meet any applicable county, state, or federal requirements.

Policy 6.1.3

Set an example through City operations by using and demonstrating practices and technologies that reduce air pollution and protect air quality.

Finding: Not applicable. This goal pertains to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Policy 6.1.4

Encourage the maintenance and improvement of the city's tree canopy to improve air quality.

Finding: Complies as Proposed. The applicant provided an existing conditions plan that identifies all trees over 6" diameter. These trees will be regulated through OCMC 17.41, which discourages tree removal through robust mitigation and replanting standards. The applicant's future DDP application will be required to show compliance with these standards.

Goal 6.2 Water Quality

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

Policy 6.2.1

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

Finding: Complies as Proposed. The applicant provided an existing conditions plan that identifies all trees over 6" diameter. These trees will be regulated through OCMC 17.41, which discourages tree removal through robust mitigation and replanting standards. The applicant's future DDP application will be required to show compliance with these standards.

Policy 6.2.2

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

Finding: Complies as Proposed. The applicant has proposed to use roadside planters for stormwater management on most of the streets in the development. The City has an adopted stormwater manual that

fulfills these policies. the applicant will be required to show compliance with the stormwater standards and the manual at the time of future DDP review.

Goal 6.3 Nightlighting

Protect the night skies above Oregon City and facilities that utilize the night sky, such as the Haggart Astronomical Observatory, while providing for nightlighting at appropriate levels to ensure safety for residents, businesses, and users of transportation facilities, to reduce light trespass onto neighboring properties, to conserve energy, and to reduce light pollution via use of night-friendly lighting.

Policy 6.3.1

Minimize light pollution and reduce glare from reaching the sky and trespassing onto adjacent properties.

Policy 6.3.2

Encourage new developments to provide even and energy-efficient lighting that ensures safety and discourages vandalism. Encourage existing developments to retrofit when feasible.

Finding: Complies as Proposed. Street lighting is coordinated between the City and PGE and is energy efficient. The City's site plan and design review standards for lighting on private property do not apply to residential uses, but do apply to mixed-use and multifamily development. The city has a nuisance code to provide protection to residential areas from lighting impacts.

Policy 6.3.3

Employ practices in City operations and facilities, including street lighting, which increases safety and reduces unnecessary glare, light trespass, and light pollution.

Finding: Not applicable. This goal pertains to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Goal 6.4 Noise

Prevent excessive noise that may jeopardize the health, welfare, and safety of the citizens or degrade the quality of life.

Policy 6.4.1

Provide for noise abatement features such as sound-walls, soil berms, vegetation, and setbacks, to buffer neighborhoods from vehicular noise and industrial uses.

Policy 6.4.2

Encourage land-use patterns along high-traffic corridors that minimize noise impacts from motorized traffic through building location, design, size and scale.

Finding: Complies with Condition. Residential development proposed is typical of the region and no abnormal impacts to air quality are expected. The street alignment for Holly Lane is preliminary in nature and the reduced cross section and alignment will be further reviewed with the Phase 1 DDP, but on preliminary review it meets the intent of the code by allowing safe vehicular, bicycle, and pedestrian travel through the constrained area between the lots. Additional landscaping, sound mitigation and retaining wall design will be required to buffer the road section from certain adjacent lots in the Trailview Subdivision. The proposed cross section for the constrained area meets the City's travel lane dimensions, bike lane dimensions and cross walk dimensions for a collector as noted in OCMC 16.12.016 below. No high-traffic corridors are part of the development or adjacent to the development.

Goal 6.5 Mineral and Aggregate Operations

Protect the livability and environment of Oregon City by prohibiting commercial aggregate extraction operations within the city and Urban Growth Boundary.

Policy 6.5.1

Prohibit new commercial aggregate removal operations and encourage relocation of existing operations. Aggregate removal for habitat improvement or for public recreational needs is not considered a commercial operation.

Finding: Not applicable. This proposal does not involve mineral and aggregate operations.

Section 7: Natural Hazards

Goal 7.1 Natural Hazards

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

Policy 7.1.1

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

Finding: Not applicable. This goal pertains to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies. The City's development code regulates and limits development in hazardous areas.

Policy 7.1.2

Protect existing development from natural hazards through mitigation measures identified in the Oregon City Hazard Mitigation Plan.

Finding: Complies as Proposed. Parts of the site are within the City's Geologic Hazard overlay, including landslide areas and steep slope areas. The landslide area are not proposed to be developed. The proposal includes preliminary geological hazard memos describing the general feasibility of the proposed Master Plan to meet the City's Municipal Code and engineering standards for the Geological Hazard Overlay Area. At the time the detailed development plans are submitted for each phase, the applicant will provide a full, more detailed geotechnical memorandum with the required supplemental information noted above.

Policy 7.1.3

Reduce risk to residents and businesses by maintaining accurate information on the existence and potential of hazards.

Policy 7.1.4

Ensure that key public facilities (emergency service) are located outside recognized hazard areas.

Finding: Not applicable. These policies pertain to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Policy 7.1.5

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

Policy 7.1.6

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

Policy 7.1.7

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

Finding: Not applicable. The area is not in a flood overlay or floodplain.

Policy 7.1.8

Provide standards in City Codes for planning, reviewing, and approving development in areas of potential landslides that will prevent or minimize potential landslides while allowing appropriate development.

Finding: Not applicable. This goal pertains to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Policy 7.1.9

Locate, design, and construct structures in conformance with current building codes and standards for seismic-resistant design.

Policy 7.1.10

Evaluate the need to retrofit existing public facilities such as water reservoirs, bridges, pipelines, and hospitals to better withstand earthquakes.

Finding: Not applicable. This goal pertains to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Policy 7.1.11

Prioritize roadways needed for public service, medical, and emergency vehicles during emergencies.

Finding: Complies as Proposed. This is a City-directed policy that is implemented by the Transportation System Plan. The applicant's traffic study has demonstrated that preliminary road design and capacity is adequate for emergency access, as confirmed by the City transportation experts and the location and design of all roads within the development area will be further reviewed at the time of DDP review.

Policy 7.1.12

Ensure that key public services, such as water and sewer; and key public facilities such as police, fire, and hospital structures have the capability to back-up electricity during emergencies.

Finding: Not applicable. This goal pertains to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies. The City's development code (OCMC 17.44) regulates and limits development in hazardous areas and was recently updated in 2021.

Policy 7.1.13

Minimize the risk of loss of life and damage to property from wildfires within the city and the Urban Growth Boundary.

Finding: Complies as Proposed. This policy pertains to wildfires within the City limits or UGB. The applicant has proposed emergency access from two locations in coordination with emergency service providers. Future detailed development plans will require compliance with fire access standards from Clackamas County Fire District. A separate memorandum addressing concerns raised about wildfire evacuations is included as an attachment to this staff report.

Section 8: Parks and Recreation

Goal 8.1 Developing Oregon City's Park and Recreation System

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

Policy 8.1.1

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

Finding: Complies as Proposed. With the 8/11/2022 revision, the applicant has proposed to dedicate 4.3 acres of land within the project site for a public park. This land is in the southwest corner of the site and is slightly different from the location of the park envisioned in the Park Place Concept Plan. The location is a relatively flat area of the project site and is adjacent to the village center retail/civic parcels as well as the proposed attached housing areas. The location is generally consistent with the Concept Plan. The amount of acreage proposed to be dedicated is proportional to the number of housing units proposed, as discussed in the applicant's narrative. See findings in 17.65.050.C.3.

Policy 8.1.2

When property adjacent to an existing neighborhood or community park becomes available, consider adding property to the park and developing it to meet the current needs of existing neighborhoods.

Finding: Not applicable. This goal pertains to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Policy 8.1.3

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

Finding: Not applicable. This goal pertains to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Policy 8.1.4

Create either an endowment fund or a steady revenue stream to offset adding maintenance responsibilities to an already overburdened system.

Finding: Not applicable. This goal pertains to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Policy 8.1.5

Identify and construct a network of off-street trails throughout the city for walking and jogging.

Finding: Complies with Condition. The applicant has proposed a network of trails within open spaces of the site. The proposal is generally consistent with the City's trails master plan and with the Park Place Concept Plan. It includes a bridge over Tour Creek to connect to Oak Valley Drive. The applicant does not propose specific timing for this connection. In order to ensure connectivity is provided at a reasonable stage in the development, the Tour Creek pedestrian bridge connection shall be included in the detailed development plan application that includes the 319th dwelling unit in the development (the last unit of proposed Phase 2) and shall be constructed as part of public improvements for that phase. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

Policy 8.1.6

Provide land for specialized facilities such as sports fields and indoor recreational facilities.

Finding: Not applicable. This goal pertains to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Policy 8.1.7

Seek out opportunities to coordinate and partner with other departments, agencies, and jurisdictions to fulfill the aims of the Oregon City Park and Recreation Master Plan.

Finding: Not applicable. This goal pertains to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Policy 8.1.8

Explore the possibility of developing a full-service community recreation center that has an aquatics facility and that focuses on providing programming and activities for the youth and families of Oregon City.

Finding: Not applicable. This goal pertains to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Policy 8.1.9

Emphasize retaining natural conditions and the natural environment in proposed passive recreation areas.

Finding: Complies as Proposed. The applicant has proposed a network of trails through the protected open spaces on site. The ravines and stream areas are proposed to remain in natural condition. Public access easement for the entire trail system will be required at the time of detailed development plan review.

Policy 8.1.10

Identify revenue-producing opportunities for inclusion in existing and future parks to offset operational costs.

Finding: Not applicable. This goal pertains to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Policy 8.1.11

Explore opportunities for the school district and the City to share recreational facilities such as athletic fields and meeting space.

Finding: Not applicable. This policy pertains to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Policy 8.1.12

Identify and protect land for parks and recreation within the Urban Growth Boundary.

Finding: Complies as Proposed. The applicant has proposed to dedicate 4.3 acres of land within the project site for a public park. This land is in the southwest corner of the site and is slightly different from the location of the park envisioned in the Park Place Concept Plan. The location is a relatively flat area of the project site and is adjacent to the village center retail/civic parcels as well as the proposed attached housing areas. The location is generally consistent with the Concept Plan. The City's Parks Director Kendall Reid submitted a comment indicating that the proposed location and size of the park dedication is suitable and would be accepted by the City and developed as a park in the future. See additional findings in 17.65.050.C.3.

Policy 8.1.13

Explore the development of a riverfront promenade along the Willamette River from River View Plaza at 5th Street to Clackamette Park.

Policy 8.1.14

Require or encourage developers to dedicate park sites as part of the subdivision review process. When possible, require or encourage developers to build parks to City standards and give them to the City to operate and maintain.

Policy 8.1.15

Investigate the possibility of forming a regional parks and recreational district to replace City-provided services.

Policy 8.1.16

Investigate partnerships with existing and new heritage organizations for joint programming and/or management of historic buildings such as the Ermatinger House and the Buena Vista Club House.

Finding: Not applicable. These policies pertain to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Section 9: Economic Development

Goal 9.1 Improve Oregon City's Economic Health

Provide a vital, diversified, innovative economy including an adequate supply of goods and services and employment opportunities to work toward an economically reasonable, ecologically sound and socially equitable economy.

Policy 9.1.1

Attract high-quality commercial and industrial development that provides stable, high-paying jobs in safe and healthy work environments, that contributes to a broad and sufficient tax base, and that does not compromise the quality of the environment.

Finding: Not applicable. This policy pertains to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Policy 9.1.2

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

Finding: Not applicable. This policy pertains to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Goal 9.2 Cooperative Partnerships

Create and maintain cooperative partnerships with other public agencies and business groups interested in promoting economic development.

Policy 9.2.1

Seek input from local businesses when making decisions that will have a significant economic impact on them.

Policy 9.2.2

Carefully consider the economic impacts of proposed programs and regulations in the process of implementing the City's Comprehensive Plan.

Policy 9.2.3

Simplify, streamline, and continuously improve the permitting and development review process.

Policy 9.2.4

Use financial tools available to the City, including its Urban Renewal Program and Capital Improvement Program, to support its economic development efforts.

Finding: Not applicable. This policy pertains to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Policy 9.2.5

Use public-private partnerships as a means to leverage private investment when appropriate.

Finding: Not applicable. This policy pertains to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Goal 9.3 Retention of Existing Employers

Retain existing employers, both public and private, and encourage them to expand their operations within the City.

Policy 9.3.1

Protect existing industries from encroachment by incompatible land uses, and ensure that expansion options are available to them wherever possible.

Finding: Not applicable. No existing industries are present in or near the area.

Policy 9.3.2

Support programs of Clackamas County, the Oregon Department of Economic and Community Development, the Small Business Administration and other agencies that provide business-related services such as low-interest loans, job training, and business counseling.

Policy 9.3.3

Encourage the retention and expansion of Clackamas County as a major employer inside the city.

Policy 9.3.4

Work cooperatively with Clackamas Community College, Clackamas County (for Red Soils Facility), and Willamette Falls Hospital to help facilitate their expansion, and encourage master planning for future expansions.

Finding: Not applicable. This policy pertains to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Goal 9.4 Education, Skills And Workforce Training

Ensure that the major employers in Oregon City are able to find qualified and skilled workers to meet their needs.

Policy 9.4.1

Encourage Clackamas Community College and the Oregon City High School to continue providing job training. Support partnerships between Clackamas Community College and potential employees such as Willamette Falls Hospital and other private businesses and new employers on the City's industrial lands, especially near the college.

Policy 9.4.2

Promote the development of ongoing partnerships between Clackamas Community College, the Oregon City School District, the Workforce Investment Council of Clackamas County, local and regional businesses, the Oregon Employment Department, and other agencies to train new workers.

Finding: Not applicable. This policy pertains to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Goal 9.5 Retail Service

Allow a variety of retail outlets and shopping areas to meet the needs of the community and nearby rural areas.

Finding: Complies as Proposed. The proposed commercial/civic parcels in the project will allow a variety of retail uses allowed within the NC zone.

Policy 9.5.1

Develop local neighborhood or specific plans, when appropriate, to blend infill development along linear commercial areas into existing neighborhoods.

Finding: Not applicable. This policy pertains to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Policy 9.5.2

Develop plans to provide necessary public services to surrounding rural industrial lands for future development.

Finding: Not applicable. This policy pertains to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Goal 9.6 Tourism

Promote Oregon City as a destination for tourism.

Policy 9.6.1

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

Policy 9.6.2

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

Policy 9.6.3

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

Policy 9.6.4

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

Policy 9.6.5

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

Policy 9.6.6

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

Finding: Not applicable. This policy pertains to actions that are to be taken by the City or are outside of the project area. The applicant is not required to demonstrate compliance with these policies.

Goal 9.7 Home-Based Businesses

Provide a supportive climate for home-based businesses.

Policy 9.7.1

Encourage home-based businesses that are low impact and do not disrupt the residential character of the neighborhoods in which they are located.

Policy 9.7.2

Encourage the support services that home-based businesses need.

Finding: Not applicable. This policy pertains to actions that are to be taken by the City. Home occupations are permitted within the R-5 and R-10 zones. The applicant is not required to demonstrate compliance with these policies.

Goal 9.8 Transportation System

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

Policy 9.8.1

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

Policy 9.8.2

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

Policy 9.8.3

Assess the feasibility of implementing Transportation Management Associations in the city.

Policy 9.8.4

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

Policy 9.8.5

Work with the Oregon Department of Transportation to preserve and improve the capacity of Highway 213 and its intersection with I-205.

Policy 9.8.6

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

Policy 9.8.7

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

Finding: Not applicable. These policies pertain to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Section 10: Housing

Goal 10.1 Diverse Housing Opportunities

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

Policy 10.1.1

Maintain the existing residential housing stock in established older neighborhoods by maintaining existing Comprehensive Plan and zoning designations where appropriate.

Policy 10.1.2

Ensure active enforcement of the City of Oregon City Municipal Code regulations to ensure maintenance of housing stock in good condition and to protect neighborhood character and livability.

Finding: Not applicable. These policies pertain to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Policy 10.1.3

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

Finding: Complies as Proposed. The proposed development in the R-5 and R-10 zones includes a variety of housing types including detached and attached units. The NC zone similarly allows for a variety of residential uses and mixed-use residential as well as commercial development.

Policy 10.1.4

Aim to reduce the isolation of income groups within communities by encouraging diversity in housing types within neighborhoods consistent with the Clackamas County Consolidated Plan, while ensuring that needed affordable housing is provided.

Finding: Complies as Proposed. The proposed development in the R-5 and R-10 zones includes a variety of housing types including detached and attached units.

Policy 10.1.5

Allow Accessory Dwelling Units under specified conditions in single-family residential designations with the purpose of adding affordable units to the housing inventory and providing flexibility for homeowners to supplement income and obtain companionship and security.

Policy 10.1.6

Allow site-built manufactured housing on individual lots in single-family residential zones to meet the requirements of state and federal law. (Pursuant to state law, this policy does not apply to land within designated historic districts or residential land immediately adjacent to a historic landmark.)

Finding: Not applicable. These policies pertain to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Policy 10.1.7

Use a combination of incentives and development standards to promote and encourage well-designed single-family subdivisions and multi-family developments that result in neighborhood livability and stability.

Finding: Complies as Proposed. The proposed development will be subject to design standards in OCMC 17.21 that applies specific design standards for the Park Place Concept Plan. The applicant has requested an adjustment to one of these standards requiring garages to be either accessed from the rear, detached or side-oriented. With the proposed 8/11/2022 revision, the Mixed Use/Civic/Village Green area has been revised to three parcels of 0.51 acres, 0.56 acres and 1.26 acres (total 2.43 acres). This revised layout for the central North Village area includes additional mixed-use commercial land along Livesay Road that will allow denser mixed use and multi-family development, subject to design review standards prior to construction.

Goal 10.2 Supply of Affordable Housing

Provide and maintain an adequate supply of affordable housing.

Policy 10.2.1

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

Policy 10.2.2

Allow increases in residential density (density bonuses) for housing development that would be affordable to Oregon City residents earning less than 50 percent of the median income for Oregon City.

Policy 10.2.3

Support the provision of Metro's Title 7 Voluntary Affordable Housing Production Goals.

Policy 10.2.4

Provide incentives that encourage the location of affordable housing developments near public transportation routes. Incentives could include reduction of development-related fees and/or increases in residential density (density bonuses).

Finding: Not applicable. These policies pertain to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Section 11: Public Facilities

Goal 11.1 Provision of Public Facilities

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

Policy 11.1.1

Ensure adequate public funding for the following public facilities and services, if feasible:

- Transportation infrastructure
- Wastewater collection
- Stormwater management
- Police protection
- Fire protection

- Parks and recreation
- Water distribution
- Planning, zoning and subdivision regulation
- Library services
- Aquatic Center
- Carnegie Center
- Pioneer Community Center
- City Hall
- Buena Vista House
- Ermatinger House

Finding: Not applicable. These policies pertain to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Policy 11.1.2

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

Finding: Complies with Conditions. The applicant states:

“Utility services are available within S Holcomb Boulevard for Phase 1, via a connection to existing sewer services at the corner of Journey Drive and Trail View Drive. Phases 2 through 6 will extend and expand public services as needed to support the project and future adjacent developments. Information provided as part of this application is preliminary in nature and will be further refined as part of future Detailed Development Plan applications, where changes or improvements may occur.”

Public facilities are discussed in section 17.65.050.C.3 of this staff report.

Policy 11.1.3

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

Finding: Complies as Proposed. The proposal includes extensions of water and sewer services slightly outside the City limits in order to connect with existing lines outside the city limits. The purpose of doing so is to provide looped systems, which is preferred for safety and health reasons.

Policy 11.1.4

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

Finding: Complies as Proposed. The proposed development is within the Park Place Concept Plan area; the Concept Plan identified this land as suitable for development where services can be made available.

Policy 11.1.5

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

Finding: Complies as Proposed. The proposal will be conditioned to follow the Transportation, Water, Sewer and Stormwater Master Plans adopted by the City.

Policy 11.1.6

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

Finding: Complies as Proposed. The proposed development is within the Park Place Concept Plan area; the Concept Plan requires a minimum of 937 units within the North Village area. The applicant is required to meet the density approved in the Park Place Concept Plan and has proposed adjustments to standards, an NROD density transfer, and a variance for attached single family lot size in order to do so. While the zoning designations are not the maximum density within each Comprehensive Plan designation, the proposal from the applicant can meet the required densities in the Concept Plan.

Proposed minimum lot area and density are discussed in Chapter 17.08 and 17.10 of this report and in the discussion of density on Page 26.

Policy 11.1.7

Develop and maintain a coordinated Capital Improvements Plan that provides a framework, schedule, prioritization, and cost estimate for the provision of public facilities and services within the City of Oregon City and its Urban Growth Boundary.

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. Plan strategically for future expansion areas.

Policy 11.2.2

Given the vision for Clackamette Cove, investigate strategies to deal with increased flows, including alternate locations for treatment, from growth in the Damascus area and the potential closure of the Kellogg Creek Water Pollution Control Plant.

Policy 11.2.3

Work with the Tri-City Service District to provide enough collection capacity to meet standards established by the Oregon Department of Environmental Quality (DEQ) to avoid discharging inadequately treated sewage into surfacewater.

Policy 11.2.4

Seek economical means to reduce inflow and infiltration of surface- and groundwater into the wastewater collection system.

As appropriate, plant riparian vegetation to slow stormwater, and to reduce erosion and stream sedimentation.

Policy 11.2.5

Implement the City's wastewater policies through the City of Oregon City Sanitary Sewer Master Plan.

Finding: Not applicable. These policies pertain to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

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 plan strategically for future expansion areas.

Policy 11.3.2

Collaborate with the South Fork Water Board to ensure that an adequate water supply system is maintained for residents.

Coordinate with the South Fork Water Board, the City of West Linn, and Clackamas River Water to ensure that there is adequate regional storage capacity.

Policy 11.3.3

Maintain adequate reservoir capacity to provide all equalization, operational, emergency, and fire flow storage required for the City's distribution system.

Policy 11.3.4

Adopt a progressive water rate structure that will encourage water conservation.

Finding: Not applicable. These policies pertain to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

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 plan strategically for future expansion areas.

Policy 11.4.2

Adopt "green streets" standards to reduce the amount of impervious surface and increase the use of bioswales for stormwater retention where practicable.

Finding: Not applicable. These policies pertain to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Policy 11.4.3

Ensure parking lot designs that mitigate stormwater impacts. Take measures to reduce waterflow and increase water absorption through the use of bioswales, vegetated landscaped islands with curb cuts to allow water inflow, and tree planting.

Finding: Not applicable. The applicant has not proposed parking lots. Parking lots may be included with the park and/or commercial parcels, and standards in OCMC 17.52 that require landscaping and drainage in parking lots will apply.

Policy 11.4.4

Maintain existing drainageways in a natural state for maximum water quality, water resource preservation, and aesthetic benefits.

Finding: Not applicable. These policies pertain to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Policy 11.4.5

Design stormwater facilities to discharge surfacewater at pre-development rates and enhance stormwater quality in accordance with criteria in City of Oregon City Public Works Stormwater and Grading Design Standards.

Finding: Complies as Proposed. Stormwater facilities will be designed for management, detention, and treatment of stormwater to remove sediment and other pollutants in accordance with the City's standards. The City has an adopted stormwater manual that fulfills these policies. the applicant will be required to show compliance with the stormwater standards and the manual at the time of future DDP review.

Policy 11.4.6

Regularly review and update the above standards to reflect evolving stormwater management techniques, maintenance practices, and environmental compatibility.

Policy 11.4.7

Provide stormwater management services and monitor, report and evaluate success of the services consistent with the NPDES MS-4 permit requirements.

Finding: Not applicable. These policies pertain to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Goal 11.5 Solid Waste

Seek to ensure that the most cost-effective, integrated solid waste plan is developed and implemented.

Policy 11.5.1

Acknowledge Metro's responsibility for preparing and implementing the Regional Solid Waste Management Plan, 1995-2005 because solid waste disposal is a regional concern requiring regional solutions.

Policy 11.5.2

Coordinate with Metro and Clackamas County as needed to help implement the goals and objectives of the Regional Solid Waste Management Plan, 1995-2005.

Policy 11.5.3

Commit to long-term sustainability and recognize the link between reduction of solid waste, reuse and recycling of materials, and protection of natural resources.

Finding: Not applicable. These policies pertain to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Goal 11.6 Transportation Infrastructure

Optimize the City's investment in transportation infrastructure.

Policy 11.6.1

Make investments to accommodate multi-modal traffic as much as possible to include bike lanes, bus turnouts and shelters, sidewalks, etc., especially on major and minor arterial roads, and in regional and employment centers.

Finding: Complies with condition. The applicant has proposed streets with bike lanes. There is no transit service planned for the area; however, when Holly Lane is fully connected it could become an attractive route for Trimet or local shuttle service if ridership levels are deemed adequate. In future detailed development plan applications, the applicant shall include adequate space within the public right of way for a transit stop along Holly Lane near the park and commercial parcels in a location to be determined through additional planning and coordination with transit agencies. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

Policy 11.6.2

Advocate for local, state, and regional cooperation in achieving an integrated connected system such as for the Amtrak station, light rail, and bus transit.

Finding: Not applicable. These policies pertain to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Goal 11.7 Private Utility Operations

Coordinate with utilities that provide electric, gas, telephone and television cable systems, and high-speed internet connection to Oregon City residents to ensure adequate service levels.

Policy 11.7.1

Require local service lines in new subdivisions be placed underground.

Policy 11.7.2

Coordinate with private utility providers to install infrastructure during street construction and maintenance to reduce the need to repeatedly cut into newly paved streets.

Policy 11.7.3

Adopt lighting practices in streets and other public facilities, and encourage them in private development, that reduce glare, light pollution, light trespass, and energy use, while maintaining even lighting ensuring good visibility and safety for the public.

Policy 11.7.4

Encourage development of broadband networks in street rights-of-way in a coordinated way to provide state-of-the-art technology to residents.

Policy 11.7.5

Maintain and enforce the cell tower ordinance. Adopt, support and encourage innovations in reducing, camouflaging or screening cell towers.

Finding: Not applicable. These policies pertain to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Goal 11.8 Health and Education

Work with healthcare and education providers to optimize the siting and use of provider facilities.

Policy 11.8.1

Work with Clackamas County as needed to ensure that county services are sited appropriately and that citizens of Oregon City continue to have access to County health and human services.

Policy 11.8.2

Coordinate with the master planning efforts by Willamette Falls Hospital to address environmental, neighborhood and health provider concerns about expansion plans, parking, traffic, and circulation.

Policy 11.8.3

Coordinate with the Oregon City School District to ensure that elementary and middle school sites are located centrally within the neighborhoods they serve, to the extent possible.

Finding: Not applicable. These policies pertain to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Goal 11.9 Fire Protection

Maintain a high level of fire protection and emergency medical services.

Policy 11.9.1

Ensure that all areas, including newly annexed areas, receive fire protection and emergency medical services.

Policy 11.9.2

Attempt to maintain the City's Class IV fire insurance rating and work towards achieving a Class III rating, as funds are available.

Policy 11.9.3

Promote public awareness of fire prevention techniques, emergency management, and emergency preparedness education programs as important components of community safety.

Finding: Not applicable. These policies pertain to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Goal 11.10 Police Protection

Preserve the peace and provide for the safety and welfare of the community.

Policy 11.10.1

Maintain continuous liaison with other elements of the criminal justice system.

Policy 11.10.2

Strive to provide rapid response to emergency and non-emergency calls.

Policy 11.10.3

Promote traffic safety to reduce property loss, injuries and fatalities.

Policy 11.10.4

Continually evaluate operations to maximize effectiveness and efficiency.

Policy 11.10.5

Seek to have a department and community committed to the philosophy of community-oriented policing. Develop community partnerships so that both the community and department are empowered to solve problems and seek creative solutions.

Policy 11.10.6

In addition to law enforcement, help deter crime through proactive programs that emphasize education, prevention, and cooperation.

Finding: Not applicable. These policies pertain to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Goal 11.11 Civic Facilities

Strategically locate civic facilities to provide efficient, cost-effective, accessible, and customer friendly service to Oregon City residents.

Policy 11.11.1

Locate City facilities in a way that ensures customer service and provides easy access to the majority of residents. Access should be provided for the physically impaired and for those traveling by transit, bicycle, or foot.

Policy 11.11.2

Investigate options for obtaining or building a new City Hall.

Policy 11.11.3

Implement measures to maximize and leverage resources and increase services to the public.

Policy 11.11.4

Incorporate measures to meet long-term rising demand for services. Provide for future needs of increased staff, space and storage when purchasing or building new city facilities.

Finding: Not applicable. These policies pertain to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Goal 11.12 Library

Ensure that the library has an adequate facility and resources to maintain its vital role in the community and accommodate growth of services, programs and the population of the entire service area.

Policy 11.12.1

Identify and acquire, if possible, an appropriate site for a permanent library that is centrally located to the service area. This could include a mixed-use facility with retail space and Friends of the Library activities, etc.

Policy 11.12.2

Explore partnerships with schools and other community groups in regard to shared programming, public meeting rooms and other community-use spaces.

Policy 11.12.3

Develop, if possible, a means of funding a permanent library facility.

Finding: Not applicable. These policies pertain to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Section 12: Transportation

Goal 12.1 Land Use-Transportation Connection

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

Policy 12.1.1

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

Finding: Complies as Proposed. The proposal includes bike lanes, sidewalks, and trails required in the Oregon City Municipal code.

Policy 12.1.2

Continue to develop corridor plans for the major arterials in Oregon City, and provide for appropriate land uses in and adjacent to those corridors to optimize the land use-transportation connection.

Policy 12.1.3

Support mixed uses with higher residential densities in transportation corridors and include a consideration of financial and regulatory incentives to upgrade existing buildings and transportation systems.

Finding: Not applicable. These policies pertain to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Policy 12.1.4

Provide walkable neighborhoods. They are desirable places to live, work, learn and play, and therefore a key component of smart growth.

Finding: Complies with Conditions. The proposal includes a park, other open spaces, and future commercial uses within walking distance from hundreds of new residential units. It proposes connections to existing

subdivisions to allow existing residents walking routes to these new neighborhood amenities. Walkable neighborhoods contain adequate sidewalk widths, street trees, reasonable block lengths, slow traffic, and minimization of vehicle conflicts. Sidewalks and street trees have been proposed throughout the development, as well as trails within the open space areas. At the time of Detailed Development Plan review, wherever feasible, the applicant shall utilize traffic calming measures, low speed limits, and tight curb radii to promote slow vehicle speeds. Marked crosswalks with curb extensions shall be provided at all Holly Lane intersections. See block length discussion within policy 12.3.1. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

Policy 12.1.5

Investigate the possibility of a new street connection between South End Road and Highway 99E between Downtown and New Era.

Policy 12.1.6

Investigate the possibility of a new east-west connection from Highway 213 to Willamette Falls Hospital.

Finding: Not applicable. These policies pertain to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Goal 12.2 Local and Regional Transit

Promote regional mass transit (South Corridor bus, Bus Rapid Transit, and light rail) that will serve Oregon City.

Policy 12.2.1

Explore local and regional transit opportunities that will increase non-single occupancy vehicle travel to prolong infrastructure capacity.

Policy 12.2.2

Target local transit where it is expected to be particularly effective, such as frequent, reliable links between Hilltop, Downtown, Willamette Falls Hospital, the Beavercreek educational and employment centers, and the adjacent neighborhoods.

Policy 12.2.3

Work with TriMet to locate park-and-ride facilities at convenient neighborhood nodes to facilitate access to regional transit.

Policy 12.2.4

Consider establishing a local Transportation Management Association (TMA) to serve area businesses. The TMA would fund a local trolley or bus transit service along the major and minor arterials to reduce the need for widening right-of-way for additional lanes as well as provide convenient and economical mobility to everyone.

Policy 12.2.5

Advocate for a new regional bus rapid transit and rail transit connections to Oregon City.

Finding: Not applicable. These policies pertain to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Goal 12.3 Multi-Modal Travel Options

Develop and maintain a transportation system that provides and encourages a variety of multi-modal travel options to meet the mobility needs of all Oregon City residents.

Finding: Complies with condition. The applicant has proposed streets with bike lanes and sidewalks, which will be refined and reviewed at the time of DDP. There is currently no transit service planned for the area; however, when Holly Lane is fully connected it could become an attractive route for Trimet or local shuttle service. See findings and conditions in Policy 12.3.5.

Policy 12.3.1

Provide an interconnected and accessible street system that minimizes vehicle miles-traveled and inappropriate neighborhood cut-through traffic.

Finding: Complies with condition. The City's block length standards promote this policy by requiring street connections every 530 feet. However, there are areas within the proposal where blocks exceed this distance.

Future detailed development plan applications shall meet the maximum block spacing of 530 feet throughout the development, except where topographic constraints prevent practicability.

In addition, the Park Place Concept Plan includes local street connections on both sides of Holly Lane. The street network envisioned in the Concept plan provides for an interconnected system. The applicant's original proposal only continued Holly Lane to stub into the properties to the south of the site, but did not include local street connections to the east or west of Holly Lane. A pedestrian trail through the park was proposed on the west side of the park, and another on the east side of the proposed stormwater facility.



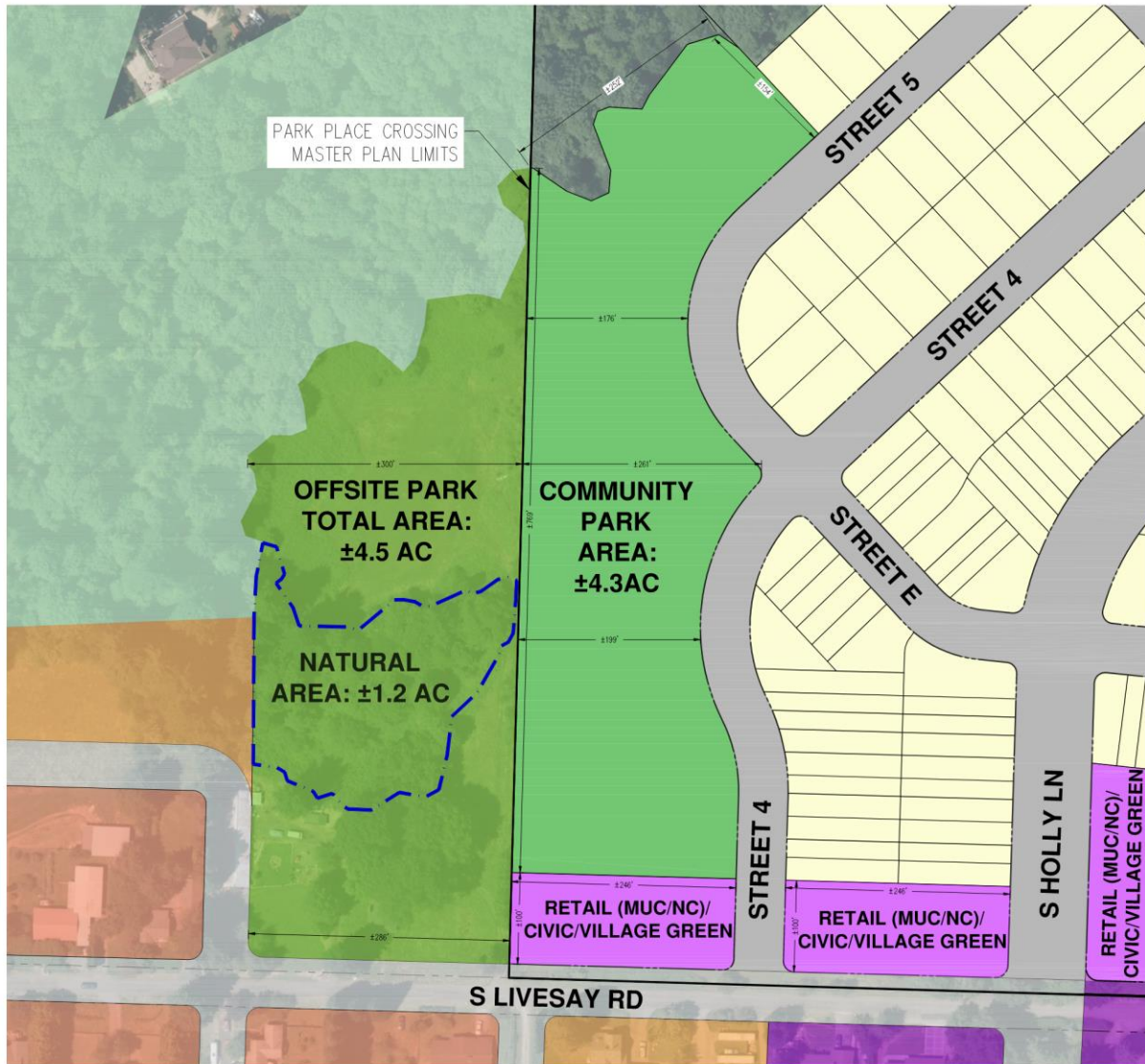
Concept Plan (left) which has local streets running in a north-south direction to the east and west of Holly Lane, and applicant's plan (right) which does not include such local street connections.

At the July 11, 2022, the applicant presented a revised proposal to address concerns expressed in prior hearings by members of the public, staff, and the Planning Commission. The applicant submitted a revised proposal that addresses four areas:

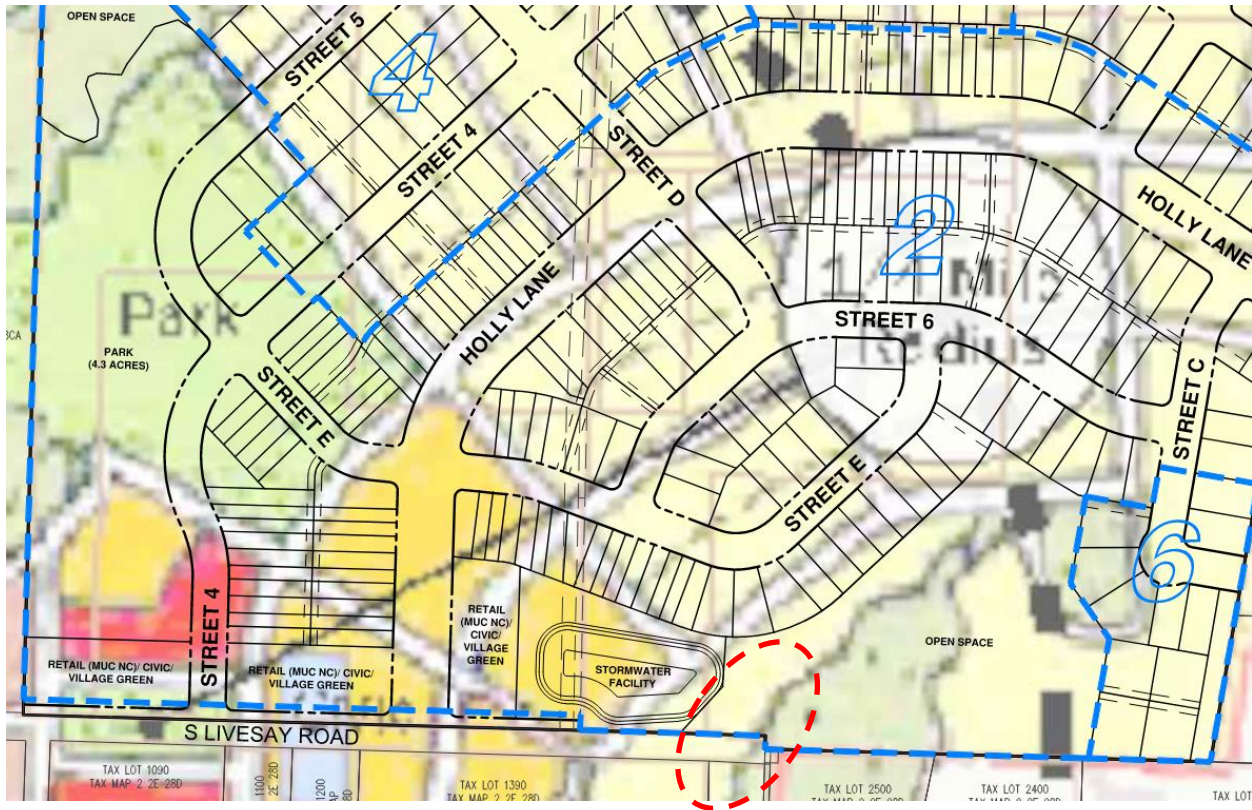
1. An extension of Holly Lane to Holcomb Blvd
2. Reconfiguration of the proposed portion of the Community Park located at the southwest corner of the Master Plan area.
3. A second street connection to provide additional connectivity to Livesay Rd.
4. A plan that would prevent 2,000 average daily trips (ADT) on Winston Drive, Cattle Drive, Shartner Drive, and Street A.

With the proposed 8/11/2022 revision, the street layout has been modified as shown below to provide even greater connectivity. See also "Summary of Revisions submitted 8/11/2022" on pages 15 and "Project Description" on page 19.





The revised proposal adequately addresses the block length standard west of Holly Lane. On the east side of Holly Lane, however, a street or pedestrian accessway could be provided to allow for more multimodal connectivity to the properties south of the subject site.



The applicant has proposed a revised street layout with additional street connections west of Holly Lane which significantly improves the connectivity to the revised park location, the mixed use, civic and village green locations.

The applicant has indicated that the required location of the stormwater facility to the east of Holly Lane, and constraints due to slopes and protected natural resources, precludes additional street stubs. Where block lengths exceed 530 feet the code requires pedestrian access way no further than 330 feet from the nearest street intersection. This requirement will be further reviewed at the time of DDP review.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

Policy 12.3.2

Provide an interconnected and accessible pedestrian system that links residential areas with major pedestrian generators such as employment centers, public facilities, and recreational areas.

Finding: Complies as Proposed. The proposal provides several projects identified within the TSP and Trails Master Plan that will improve multimodal travel options within the City. The Tour Creek bridge crossing will allow greater pedestrian and bicycle connectivity and reduce out-of direction travel.

Policy 12.3.3

Provide a well-defined and accessible bicycle network that links residential areas, major bicycle generators, employment centers, recreational areas, and the arterial and collector roadway network.

Finding: Complies as proposed. The applicant has proposed streets with bike lanes that will eventually connect to the larger city network.

Policy 12.3.4

Ensure the adequacy of pedestrian and bicycle connections to local, county, and regional trails.

Finding: Complies as Proposed. The proposal provides several projects identified within the TSP and Trails Master Plan that will improve multimodal travel options within the City. The Tour Creek bridge crossing will allow greater pedestrian and bicycle connectivity and reduce out-of direction travel.

Policy 12.3.5

Promote and encourage a public transit system that ensures efficient accessibility, mobility, and interconnectivity between travel modes for all residents of Oregon City.

Finding: Complies with condition. There is no transit service planned for the area; however, when Holly Lane is fully connected it could become an attractive route for Trimet or local shuttle service. In future detailed development plan applications, the applicant shall include adequate space within the public right of way for a transit stop along Holly Lane near the park and commercial parcels in a location to be determined through additional planning and coordination with transit agencies.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

Policy 12.3.6

Establish a truck route network that ensures efficient access and mobility to commercial and industrial areas while minimizing adverse residential impacts.

Finding: Not applicable. A truck route is not necessary for the uses proposed in or uses surrounding this development.

Policy 12.3.7

Promote the connection and expansion of rail and river transportation services to and through Oregon City.

Finding: Not applicable. These policies pertain to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Policy 12.3.8

Ensure that the multi-modal transportation system preserves, protects, and supports the environmental integrity of the Oregon City community.

Policy 12.3.9

Ensure that the city's transportation system is coordinated with regional transportation facility plans and policies of partnering and affected agencies.

Policy 12.3.10

Develop, if possible, dock facilities along the Willamette River to support a range of public and private boat and water transportation opportunities.

Finding: Not applicable. These policies pertain to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Goal 12.4 Light Rail

Promote light rail that serves Oregon City and locate park-and-ride facilities at convenient neighborhood nodes to facilitate access to regional transit.

Policy 12.4.1

Support light rail development to Oregon City.

Policy 12.4.2

Explore local service transit opportunities to promote non-single-occupancy vehicle travel and prolong infrastructure capacity.

Policy 12.4.3

Ensure efficient use of local transit by providing frequent, reliable links between the land uses and community associated with the Hilltop, Downtown, the Hospital, the Beavercreek educational and employment centers, and the adjacent neighborhoods.

Finding: Not applicable. These policies pertain to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Goal 12.5 Safety

Develop and maintain a transportation system that is safe.

Policy 12.5.1

Identify improvements that are needed to increase the safety of the transportation system for all users.

Finding: Not applicable. These policies pertain to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Policy 12.5.2

Identify and implement ways to minimize conflict points between different modes of travel.

Finding: Complies with condition. Traffic studies for future phases will address sight distance as well as conflict points as required in the City's Guidelines for Traffic Impact Analyses. See discussion of walkability in Policy 12.1.4. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

Policy 12.5.3

Improve the safety of vehicular, rail, bicycle, and pedestrian crossings.

Finding: Not applicable. These policies pertain to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Goal 12.6 Capacity

Develop and maintain a transportation system that has enough capacity to meet users' needs.

Policy 12.6.1

Provide a transportation system that serves existing and projected travel demand.

Policy 12.6.2

Identify transportation system improvements that mitigate existing and projected areas of congestion.

Policy 12.6.3

Ensure the adequacy of travel mode options and travel routes (parallel systems) in areas of congestion.

Policy 12.6.4

Identify and prioritize improved connectivity throughout the city street system.

Finding: Complies with conditions. The applicant has proposed to provide additional traffic studies at the time of Detailed Development Plan application for each Phase. The traffic study submitted for this General Development Plan Review identifies where the transportation system is expected to have adequate capacity and where improvements will be needed to provide adequate capacity for the new development. The study identified that the intersection of HWY 213 and Redland Rd, an intersection providing connectivity for this development, is a key intersection that will exceed capacity at some point between proposed Phase 1 and Phase 2. This means that the applicant will likely not be able to demonstrate compliance with transportation mobility standards for Phase 2, as proposed, and beyond. See capacity-related findings and conditions in 17.65.050.C.3 and 17.65.050.C.5 of this staff report. For local street connectivity analysis see also Policy 12.3.1. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

Goal 12.7 Sustainable Approach

Promote a transportation system that supports sustainable practices.

Policy 12.7.1

Support “green street” construction practices.

Policy 12.7.2

Encourage the use of materials geared for long life cycles in both public and private transportation facilities.

Policy 12.7.3

Encourage the use of reused and recycled materials.

Policy 12.7.4

Promote multi-modal transportation links and facilities as a means of limiting traffic congestion.

Policy 12.7.5

Treat roadway pollution along transportation routes through the most effective means.

Finding: Not applicable. These policies pertain to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Goal 12.8 Implementation/Funding

Identify and implement needed transportation system improvements using available funding.

Policy 12.8.1

Maximize the efficiency of the Oregon City transportation system, thus minimizing the required financial investment in transportation improvements, without adversely impacting neighboring jurisdictions and facilities.

Policy 12.8.2

Provide transportation system improvements that facilitate the timely implementation of the Oregon City Downtown Community Plan and protect regional and local access to the End of the Oregon Trail Interpretive Center.

Policy 12.8.3

Provide incentives for private sector contributions to multi-modal transportation links and facilities, for example, establishing new standards in the zoning code.

Finding: Not applicable. These policies pertain to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Section 13: Energy Conservation

Goal 13.1 Energy Sources

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

Policy 13.1.1

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

Policy 13.1.2

Encourage siting and construction of new development to take advantage of solar energy, minimize energy usage, and maximize opportunities for public transit.

Policy 13.1.3

Enable development to use alternative energy sources such as solar through appropriate design standards and incentives.

Policy 13.1.4

Wherever possible, design and develop public facilities to take advantage of solar energy, develop co-generation, and conserve energy in operations and public access.

Finding: Not applicable. These policies pertain to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Goal 13.2 Energy Conservation

Plan public and private development to conserve energy.

Policy 13.2.1

Promote mixed-use development, increased densities near activity centers, and home-based occupations (where appropriate).

Policy 13.2.2

Create commercial nodes in neighborhoods that are underserved to reduce vehicle miles traveled.

Policy 13.2.3

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

Finding: Complies with condition. The applicant's proposal includes space for commercial/civic uses planned in the North Village center in the Park Place Concept Plan. The proposal also concentrates the denser, attached units near the commercial parcels, consistent with this policy. Park Place neighborhood is underserved by retail services. See findings and conditions in Policy 2.5.2. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

Policy 13.2.4

Encourage use of carpools and transit in cooperation with TriMet and other state and regional transportation agencies.

Policy 13.2.5

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

Policy 13.2.6

Support the concept of sustainability over the long term by:

- *encouraging education efforts such as developing and/or distributing educational materials to the public about energy efficiency and sustainability*
- *encouraging designs that achieve a minimum Leadership in Energy and Environmental Design (LEED) certification*
- *implementing sustainable concepts within the Oregon City government facilities that receive a minimum "Platinum" LEED rating*
- *implementing design guidelines that address sustainability for private sector development*
- *taking advantage of up-to-date technology to reduce energy use*
- *developing incentive programs to apply to private sector development, where feasible*

Finding: Complies with conditions. With respect to Policy 13.2.4, there is currently no transit service planned for the area; however, when Holly Lane is fully connected it could become an attractive route for Trimet or local shuttle service. In future detailed development plan applications, the applicant shall include adequate space within the public right of way for a transit stop along Holly Lane near the park and commercial parcels in a location to be determined through additional planning and coordination with transit agencies.

Policy 13.2.5 will be met through compliance with the street standards in OCMC 16.12 and through the Detailed Development Plan review process when site specific development is proposed.

Policy 13.2.6 will be met through the implementation of current building codes for residential structures and through the site plan and design review process for non-residential structures.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval

Section 14: Urbanization

Goal 14.1 Urban Growth Boundary

Establish, and amend when appropriate, the Urban Growth Boundary in the unincorporated area around the city that contains sufficient land to accommodate growth during the planning period for a full range of city land uses, including residential, commercial, industrial, and institutional.

Policy 14.1.1

The Urban Growth Boundary shall conform to Title 11 of the Code of the Metropolitan Service District and will provide sufficient land to accommodate 20-year urban land needs, resulting in efficient urban growth and a distinction between urban uses and surrounding rural lands, and promoting appropriate infill and redevelopment in the city.

Finding: Not applicable. These policies pertain to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Policy 14.1.2

Concept plans that provide more detail than the city's Comprehensive Plan will be required prior to development of lands within the Urban Growth Boundary.

Finding: Complies as Proposed. The subject area is included in the Park Place Concept Plan adopted in 2008.

Goal 14.2 Orderly Redevelopment of Existing City Areas

Reduce the need to develop land within the Urban Growth Boundary by encouraging redevelopment of underdeveloped or blighted areas within the existing city limits.

Policy 14.2.1

Maximize public investment in existing public facilities and services by encouraging redevelopment as appropriate.

Policy 14.2.2

Encourage redevelopment of city areas currently served by public facilities through regulatory and financial incentives.

Finding: Not applicable. These policies pertain to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Goal 14.3 Orderly Provision of Services to Growth Areas

Plan for public services to lands within the Urban Growth Boundary through adoption of a concept plan and related Capital Improvement Program, as amendments to the Comprehensive Plan.

Finding: Complies as Proposed. The subject area is included in the Park Place Concept Plan adopted in 2008.

Policy 14.3.1

Maximize new public facilities and services by encouraging new development within the Urban Growth Boundary at maximum densities allowed by the Comprehensive Plan.

Finding: Complies as Proposed. The proposed development is within the Park Place Concept Plan area; the Concept Plan requires a minimum of 937 units within the North Village area. The applicant is required provide residential density consistent with the Park Place Concept Plan and has proposed adjustments to standards, an NROD density transfer, and a variance for attached single family lot size in order to do so. While the zoning designations are not the maximum density within each Comprehensive Plan designation, the proposal from the applicant can meet the required densities in the Concept Plan.

Proposed minimum lot area and density are discussed in Chapter 17.08 and 17.10 of this report and in the discussion of density on Page 26.

Policy 14.3.2

Ensure that the extension of new services does not diminish the delivery of those same services to existing areas and residents in the city.

Policy 14.3.3

Oppose the formation of new urban services districts and oppose the formation of new utility districts that may conflict with efficient delivery of city utilities within the Urban Growth Boundary.

Policy 14.3.4

Ensure the cost of providing new public services and improvements to existing public services resulting from new development are borne by the entity responsible for the new development to the maximum extent allowed under state law for Systems Development Charges.

Finding: Not applicable. These policies pertain to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

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.

Goal 14.5 Partnerships with Other Governments

Create and maintain cooperative, collaborative partnerships with other public agencies responsible for servicing the Oregon City area.

Finding: Complies with condition. Metro has notified the City that one of the tax lots of the 14 included in the development has not been annexed into the Metro district (as opposed to the Urban Growth Boundary, which all 14 tax lots are part of). 20. The applicant shall annex tax lot 2-2E-28D -00190 to the Metro boundary prior to a final plat involving all or part of that tax lot. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

Goal 14.6 Green Corridors and Green Belts

Promote green corridors and green belts in lands beyond Oregon City's Urban Growth Boundary to maintain the rural character of the landscape and unincorporated communities and to protect the agricultural economy of the region.

Finding: Not applicable. These goals pertain to actions that are to be taken by the City. The applicant is not required to demonstrate compliance with these policies.

Section 15: Willamette River Greenway

Goal 15.1 Protect the Willamette River Greenway

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

Finding: Not applicable. The subject property is not within the Willamette River Greenway overlay district.

---END OF COMPREHENSIVE PLAN ANALYSIS---

Continuance of findings for General Development Plan:

7. *The proposed general development plan is consistent with the underlying zoning district(s) and any applicable overlay zone or concept plans.*

Finding: Complies with Conditions. The proposed plan is consistent with the uses and lot sizes permitted within the R-5 and the NC zone districts. Note that the applicant has applied for a variance to lot sizes within the R-5 zone.

In the R-10 zone, the applicant has shown lots of approximately 4,000 square feet. This lot size is not permitted unless a density transfer for the NROD is approved via OCMC 17.49. Since the applicant has not provided the necessary information to show compliance with OCMC 17.49 the proposed configuration of the R-10 area cannot be approved. The applicant shall revise the plans to maintain lot sizes permitted in the R-10 zone (with any approved adjustments per 17.65.070) or shall demonstrate compliance with OCMC 17.49 through a Type III Master Plan amendment application.

The applicable overlay zones include the Natural Resource Overlay zone and the Geologic Hazard Overlay zone.

The applicant did not submit code responses for Chapter 17.49 nor did the application request verification of the NROD boundary. Any Natural Resources Overlay District areas impacted by development will be reviewed for compliance with this section either before or at the time of first DDP application review. Per OCMC 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..

The applicant also did not submit code responses to Chapter 17.44 and did not request formal review of Geologic Hazards at this time. Each DDP that includes land within the Geologic Hazard overlay will require a concurrent review of Geologic Hazards. Per OCMC 17.44.030 – Procedures, subsequent DDP applications may be processed through a Type II process unless the application is consolidated with another Type III application.

Staff has determined that it is possible, likely and reasonable that the applicant shall meet this standard through the Conditions of Approval.

8. For projects with a residential use component, the proposed general development plan includes common open space for the recreational needs of the development's residents.

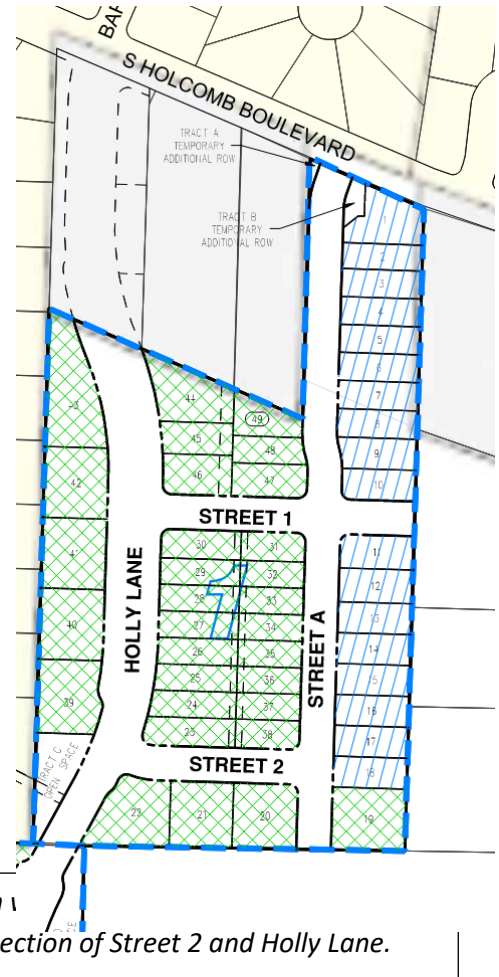
a. Required open space shall be located either on-site or off-site within one-quarter mile of the development.

Finding: Complies as Proposed. Open space is proposed in the form of a 4.3-acre public park, and numerous smaller open spaces throughout the site in sensitive lands, powerline easements, and overlay districts. Many of the natural open spaces are proposed to be developed with trails.

b. Minimum required open space shall be 100 square feet per residential unit in the development.

Finding: Complies as Proposed With the proposed 8/11/2022 revision, the applicant proposes ± 440 residential units, which equates to $\pm 44,000$ square feet of open space. Over $\pm 496,500$ square feet are provided via open space tracts, public park, and dedicated civic space. In Phase 1 (49 units), approximately 8,800 square feet of open space is proposed in Tract C, which amounts to 179 square feet per unit.

Phase 1 diagram 1
C near the intersection of Street 2 and Holly Lane.



The 4.3 acre park proposed in Phase 2 is sufficient to meet the requirement for Phase 2 and all subsequent phases. The applicant did not explicitly discuss the timing of actual development of the park. While the City plans to take on development of the amenities within the park, the applicant's contribution should be significant, given that the park will serve as the required open space for a majority of the proposed units. Public infrastructure including, water, sewer, storm, and street improvements shall be brought to and through the public right-of-way frontage of the park before or during the development phase that includes 60% of the approved residential units.

Staff has determined that it is possible, likely and reasonable that the applicant shall meet this standard through the Conditions of Approval.

c. The open space area may be in private ownership or proposed for public dedication, at the City's discretion whether to accept.

Finding: Complies with Condition. With the 8/11/2022 revision, approximately 4.3 acres of public park have been anticipated to be dedicated to the City. Approximately 11.4 acres of private open space with public access easements for trails have been planned as well. Per the annexation approval for the project site, Ordinance No. 18-1007 (AN-17-0004/ZC-17-0005), the area was required to incorporate park and trail areas generally consistent with the Park Place Concept Plan and Trails Master Plan. At the time a Detailed Development Plan is

proposed that includes the properties designated as open space, the applicant shall provide documentation regarding the ownership and maintenance of all private open space areas.

d. The open space shall be developed with a unified design to provide for a mix of passive and active uses. Passive uses include, but are not limited to sitting benches, picnicking, reading, bird watching and natural areas. Active uses include, but are not limited to playgrounds, sports fields and courts, running and walking areas.

Finding: Complies with Condition. The applicant proposed open space areas within the Master Plan provide both passive and active use areas. These areas will connect to regional and local trails and provide walking and running trails through natural areas, benches for sitting, opportunities for birdwatching, etc. The City will lead the design and development of the 4.4 acre park land. The applicant has not proposed specific amenities within Tract C for the Phase 1 open space. Since the public park will be dedicated but will not be accessible or developed at the time of Phase 1 development, the open space within Tract C will need to include a mix of passive and active uses. The applicant shall provide at least two of the following amenities or features in Open Space Tract C of Phase 1 as part of the detailed development plan: benches, picnic tables, playgrounds, nature play elements, wildlife habitat installations, or other similar elements approved by the Community Development Director.

For future phases, the applicant shall provide amenities consistent with this condition in the proposed open space tracts if the public park remains undeveloped. Once the public park is developed, the open space amenities for the entire development will be considered met, and additional amenities on private land will be optional.

Staff has determined that it is possible, likely and reasonable that the applicant shall meet this standard through the Conditions of Approval.

e. Land area to be used for the open space area that is required in this section shall not include required setback areas, required landscaping, streets, rights-of-way, driveways, or parking spaces.

Finding: Complies as Proposed. Land designated as open space has not been included if it was required for a setback area, required landscaping, street, right-of-way, driveway, or parking.

f. Unless dedicated to the public, the applicant shall also provide an irrevocable legal mechanism for the maintenance of the open space and any related landscaping and facilities. The applicant shall submit, for city review and approval, all proposed deed restrictions or other legal instruments used to reserve open space and maintenance of open space and any related landscaping and facilities.

Finding: Complies with Condition. Areas that are acceptable for public use are anticipated to be dedicated to the City. Other open spaces are planned to be included under irrevocable legal mechanisms for landscaping and maintenance in the future at the appropriate time. The applicant shall submit, for city review and approval, all proposed deed restrictions or other legal instruments used to reserve open space and maintenance of open space and any related landscaping and facilities. The deed restrictions or other legal mechanisms shall provide for adequate maintenance of the facilities as well as public access easements for trails. **Staff has determined that it is possible, likely and reasonable that the applicant shall meet this standard through the Conditions of Approval.**

9. For projects with a residential use component, the proposed general development plan includes a mix of residential uses such that no single residential use exceeds 75 percent of the total proposed units. The mix of residential uses shall provide variety of dwelling types and sizes that are integrated throughout the site, rather than isolated from one another, with smooth transitions between residential types including appropriate setbacks, landscaping or screening as necessary, while maintaining street and pedestrian connectivity between all residential uses. Tenancy (i.e. ownership versus rental)

shall not be a consideration in determination of the mix of residential use. For the purposes of this section, residential uses include single family detached, single family attached, duplex, 3-4 plex, and multifamily.

Finding: Complies as Proposed. As a requirement of providing a Master Plan/General Development Plan, Park Place Crossing includes a mix of residential uses – single-family detached and single-family attached. Of the planned 440 residential units, 139 single-family attached units, or 31.5% of the total units, are planned. No single residential use is planned to exceed 75% of the total units. For each individual DDP application, the applicant shall demonstrate how the overall development will achieve a ratio that provides for a mix of residential types such that no single residential use exceeds 75 percent of the total proposed units. Additionally, each DDP application shall provide for compatible transitions between residential types including appropriate setbacks, landscaping or screening as necessary, while maintaining street and pedestrian connectivity between all residential uses. **Staff has determined that it is possible, likely and reasonable that the applicant shall meet this standard through the Conditions of Approval.**

17.65.060 - Detailed development plan.

A. Submittal Requirements.

Finding: Not applicable. A detailed development plan is not proposed at this time.

17.65.070 - Adjustments to development standards.

A. Purpose. In order to implement the purpose of the city's master plan or planned unit development process, which is to foster the growth of major institutions, major residential, commercial or mixed-use development, and other large-scale development, while identifying and mitigating their impacts on surrounding properties and public infrastructure, an applicant may request one or more adjustments to the applicable development regulations as part of the master planning or planned unit development process, and are not required to go through the Variance process pursuant to OCMC Chapter 17.60.

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

Finding: The following adjustments are requested:

1. Density in 17.08.050 and 17.10.050: Current standard:

Maximum R-10 density: 4.4 units per acre

Maximum R-5 Density: 8.7 units per acre for detached units, 12.4 units per acre for attached units

Applicant's description: "Due to greater steep slope and drainageway areas requiring preservation than originally accounted for as part of the Park Place Concept Plan, ±15.7 acres as part of the Park Place Crossing Master Plan versus ±11.4 acres accounted for as part of the PPCP, greater density is required to meet the intent of the Park Place Concept Plan.

As shown in Table 2, Park Place Crossing offers a developable area of ±47.7 acres, resulting in a density of 9.1 dwelling units per net acre. This is an increase over the maximum residential density allowed within the combined underlying zoning districts of fewer than four percent, less than the ten percent maximum (with the NROD Density Transfer) adjustment permitted."

2. Minimum lot size in 17.08.040 and 17.10.040: Current standard:

Minimum R-10 Lot size: 10,000 square feet

Minimum R-5 Lot size: 5,000 square feet for detached units, 3,500 square feet for attached units

Applicant's description: "Adjustments to the dimensional standards of the underlying zone include reduction in minimum lot size from the underlying requirement of the R-5 zone: 5,000 square feet. A portion of the project lots, except for those along the perimeter of the site, are planned to be slightly smaller than required by the R-5 zone."

3. Garage orientation in OCMC 17.21.090.A: Current Standard:

17.21.090 Garages and accessory structures.

A. Garages must be detached, side entry or rear entry. For side entry garages: The garage area shall not be located in front of the living area. Accessory structures shall be designed consistent with the primary residence. Consistency of design includes the use of similar roofing, siding, and trim. For the purposes of this section, detached garages may be connected by a breezeway but consequently, will be subject to the setbacks of the underlying zone.

B. Exemption: An exemption may be granted by the community development director from the garage requirement of subsection A above if topographic or pre-existing lot layout prevents the construction of detached, rear entry or side entry garages on-site or if the applicant proposes a design that mitigates the impact a front entry attached garage has on the pedestrian environment. Any alternative attached garage design shall not project farther than the living area and shall be limited to garage door widths of ten feet or less.

Applicant's description:

"OCMC 17.21.090.A requires that garages be detached, side entry, or rear entry. The Park Place Crossing Master Plan works best with no limitations on garage type or entry, therefore, an adjustment is required, as provided for by OCMC 17.65.070.C. A mixture of front-entry, attached, side entry, and rear entry, appropriate for the site, is beneficial to the Park Place Crossing neighborhood. The variety of designs allows for site constraints to be best resolved, less paving to be provided, safe accesses to be decided, and appropriate home designs determined to fit the project. Where attached front entry garages are provided, the minimum garage door width required is 16-feet, with a 20-foot width driveway."

Staff findings and recommendations for the requested adjustments are included below.

C. *Regulations That May be Adjusted. Adjustments may be allowed for the following items:*

1. *Dimensional standards of the underlying zone of up to 20 percent, except the perimeter of the development shall meet the underlying zone's setbacks when adjacent to residentially zoned property.*
2. *Site plan and design standards.*
3. *Residential design standards.*
4. *Increase in allowed maximum residential density of up to 10 percent.*
5. *Standards for land division approval.*
6. *Additional uses allowed with residential projects, or residential component of projects:*
 - a. *Notwithstanding the use provisions of the underlying zones, neighborhood commercial uses as defined in Chapter 17.24.020, including restaurants and eating and drinking establishments without a drive-through,*

retail trade, and services, are permitted on up to 10 percent of the net developable area. The neighborhood commercial uses shall be planned and constructed so as to support and be compatible with the entire development and shall not alter the character of the surrounding area so as to substantially preclude, impair or limit the use of surrounding properties for the primary uses listed in the underlying district.

- b. Public or private parks and playgrounds, community buildings and/or outdoor recreational facilities, such as swimming pools and tennis courts;
- c. Indoor recreational facilities, such as racquetball or tennis courts, fitness centers or swimming pools;
- d. Common public and private open space including trails.
- e. Primary or accessory uses that are not identified as a permitted or conditional use in the underlying zone but which are defined in the code.

Finding: Complies as proposed. The applicant requested adjustments to standards through a Type III Master Plan review, including #1, #3, and #4 listed in this standard. The applicant included a discussion of Holly Lane design in this section; however, that request is considered a modification to a public improvement standard and is reviewed in OCMC 16.12.013.

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

- 1. To allow a primary or accessory use that is not identified as a permitted, or conditional use in the underlying zone, with the exception of the additional uses permitted under OCMC 17.65.070.C.6 above; ;
- 2. To any regulation that contains the word "prohibited";
- 3. As an exception to a threshold review, such as a Type III review process; and
- 4. Minimum density for residential sites may not be reduced.

Finding: Not applicable. No adjustments of the above-listed or prohibited regulations are proposed.

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

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

Finding: Complies with Condition.

The applicant requested three separate adjustments; 1. Density in 17.08.050 and 17.10.050, 2. Minimum lot size in 17.08.040 and 17.10.040, and 3. Garage orientation in OCMC 17.21.090.A.

Adjustment #1, Density and Adjustment #2, Minimum Lot Size

The applicant responded to this criterion with the following description:

“The existing conditions on-site show that greater areas than originally planned are needed for the protection of natural resource and geologic hazards areas. Granting the adjustments will allow better use of this highly constrained project site and protection of steep slope and drainageway areas. The Park Place Concept Plan envisions residential areas that can support mixed-use/neighborhood commercial, parks, and other community amenities. These planned factors require that the envisioned density be met to a similar degree.

Due to these constraints, a percentage of smaller lots are necessary in order to balance the minimum density of the underlying zoning and the number of residences envisioned within the Park Place Concept Plan. The purpose of density standards within the Park Place Concept Area is to provide a reasonable transition between existing neighborhoods and future higher density areas near the North and South Village central areas. Zoning densities provide a similar reasoning, establishing a reasonable range of dwelling units per net developable area in order to both provide homes and prevent crowding of existing neighborhoods.

Staff generally concurs with the applicant regarding the adjustments to lot size and density. With the proposed 8/11/2022 revision, the applicant has proposed a 440 total units. The Park Place Concept Plan includes 1,459 total residential units, with 937 in the North Village area. The Park Place Crossing Master Plan area encompasses approximately 50% of the acreage of the North Village area. It is the applicant's responsibility to show that the number of units proposed will be consistent with the Park Place Concept Plan as well as within the minimum and maximum densities of the zone. Based on zoning alone, applying the minimum density standard would result in 318 units in the project area. This would only provide 34% of the total 937 units required in the North Village, and would put a burden on the remaining properties in the North Village to develop at densities that may be infeasible and/or inconsistent with the Concept Plan itself.

It is important to note that the City anticipated further rezoning of at least some of the land to achieve the required Concept Plan densities, expecting that some of the R-5 zone would need to be rezoned to R-3.5. The applicant has not proposed such a zone change, but has instead included attached single family uses in the R-5 zone, which have a higher maximum density standard and allows the applicant to provide the needed density without a zone change. The applicant has further requested an adjustment to maximum density of approximately 4%, which is allowed by through a Master Plan process and further serves to allow the applicant to achieve the density anticipated in the Concept Plan.

In the R-10 zone, the applicant has shown lots of approximately 4,000 square feet. The applicant has proposed an NROD density transfer through 17.49.240 and an 20% adjustment to dimensional standards through 17.65.070. A density transfer is possible for this development, as the applicant has demonstrated in responses to OCMC 17.49.240. However, the density transfer allows for lots to be reduced to a minimum of 5,000 square feet. The applicant has proposed to further reduce the lot size by applying the 20% adjustment to the already-reduced lot size.

The intent of the code in 17.65.070 is to allow for a 20% adjustment to the base zone dimensional standards, which means, an R-10 lot could be reduced from 10,000 sf to 8,000 square feet. The adjustment cannot be applied to allow the 5,000 square foot lot to be reduced to 4,000 square feet. Thus, the applicant shall ensure that lots in the R-10 zone are 5,000 square feet or more in area for future detailed development plan applications that show compliance with OCMC 17.49.240 for NROD density transfer. If density transfer standards cannot be met in future detailed development plan applications, the minimum size for lots within the R-10 zone will be 8,000 square feet, (assuming the requested 20% adjustment is approved).

Staff has determined that it is possible, likely and reasonable that the applicant shall meet this standard through the Conditions of Approval.

Adjustment #3. Garage Orientation

Complies with Conditions. The applicant responded to this criterion with the following description:

“Adjustment of residential design standards allows the smart use of the project site without the establishment of alleys and rear-entry garages in locations that would impede on natural resources areas and create greater areas of impervious surface.”

“OCMC 17.21.090.A requires that garages be detached, side entry, or rear entry. The Park Place Crossing Master Plan works best with no limitations on garage type or entry, therefore, an adjustment is required, as provided for by OCMC 17.65.070.C.”

“A mixture of front-entry, attached, side entry, and rear entry, appropriate for the site, is beneficial to the Park Place Crossing neighborhood. The variety of designs allows for site constraints to be best resolved, less paving to be provided, safe accesses to be decided, and appropriate home designs determined to fit the project. Where attached front entry garages are provided, the minimum garage door width required is 16-feet, with a 20-foot width driveway.”

The applicant submitted a new Exhibit 7 for the revised layout indicating the locations of alley-loaded and topographically constrained lots. With the applicant’s revised submittal, alleys have been added to this General Development Plan application to allow additional homes to provide rear access. Perimeter lots, because they abut either natural areas or existing homes, and lots in areas with topographic constraints have not been planned with alley access. The addition of these alleys will reduce the number of driveways accessing local streets, providing greater opportunities for planter strips and on-street parking while reducing the number of pedestrian/vehicle conflicts, meeting the intent of the Park Place Concept Plan.

This standard provides for a possible Type II exemption during the DDP review process or as a separate Type II review, if the applicant can demonstrate that there are topographic constraints present. The code reads “*An exemption may be granted by the community development director from the garage requirement of subsection A above if topographic or pre-existing lot layout prevents the construction of detached, rear entry or side entry garages on-site or if the applicant proposes a design that mitigates the impact a front entry attached garage has on the pedestrian environment. Any alternative attached garage design shall not project farther than the living area and shall be limited to garage door widths of ten feet or less.*”

The applicant has provided significant revisions to the layout of the subdivision and generally concurs that it is not feasible or practical to provide rear loaded, sideloaded, and alley loaded lots on lots that are topographically constrained. Furthermore, the applicant has increased the number of alley loaded lots and removed a significant number of the front loaded lots that were initially proposed. Since lot layouts and garage locations will be subject to further refinement with subsequent DDP submittals, the applicant shall provide revised justification for granting the exception to the garage orientation standard with each DDP submittal. To assure compliance with this standard, the Planning Commission adopts the following conditions of approval:

b. The requested adjustment to the garage orientation standards in OCMC 17.21.090.A is only approved for the lots indicated as topographically constrained on Exhibit 7, “Revised Alley-loaded and Topo Constrained Lot Exhibit” dated 8/17/2022. Corner lots shall use sideloaded garages wherever feasible. Since lot layouts and garage locations will be subject to further refinement with subsequent DDP submittals, the applicant shall provide justification for granting any further exception to the garage orientation standard to be reviewed with each DDP submittal.

c. Item (b) above notwithstanding, no more front-loaded lots shall be permitted on Holly Lane for any subsequent phases.

Staff has determined that it is possible, likely and reasonable that the applicant shall meet this standard through the Conditions of Approval.

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

Finding: Complies as Proposed. The effects of the adjustments are adequately defined in the findings and their cumulative impact is taken into account.

The applicant states “The needed adjustments are complimentary, and the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zone and the Park Place Concept Plan. The adjustments are small, however, because of the differences between the concept plan and existing conditions, together serve to implement the vision of the Park Place Concept Plan and the Low and Medium-Density Residential zoning districts.” Staff agrees except with respect to the garage loading issue as discussed above.

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

Finding: Complies as Proposed.

Granting of these adjustments will have no impact on protection of Goal 5 resources. The requested adjustment to density and lot size is consistent with the applicant’s proposal to protect the NROD areas on-site as well as adjacent lands that provide habitat.

4. *Any impacts resulting from the adjustment are mitigated such that the development does not create significant adverse impacts on adjacent properties;*

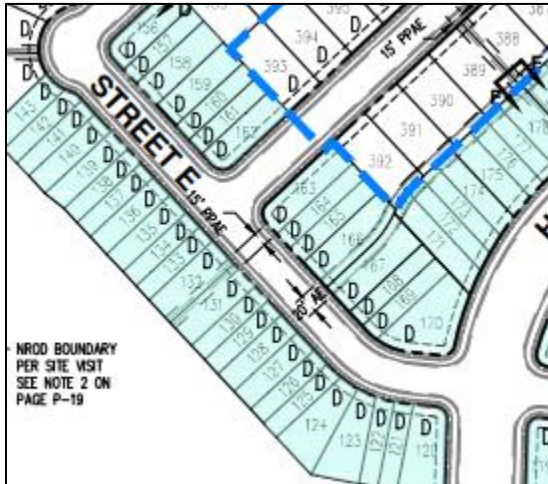
Finding: Complies with condition. The applicant requested three separate adjustments;. Since the original request, the applicant has proposed revisions that include additional alleys and relocation of townhomes units away from the western edge of the development, The applicant responded to this criterion with the following description:

“Negative impacts resulting from these adjustments are not anticipated. The adjustments allow for a master plan project that is consistent with the Park Place Concept Plan and is responsive to the existing surrounding environmental constraints, natural resources preservation, avoidance of natural hazards areas, and the needs of abutting existing and future neighborhoods. Mitigation for the increased density planned includes additional traffic mitigation contributions and open spaces beyond those envisioned within the Park Place Concept Plan. These contributions allow for the preservation of more additional natural areas than previously envisioned as part of the Park Place Concept Plan and allow for the continued enjoyment of Park Place’s natural beauty and important ecosystem functions.

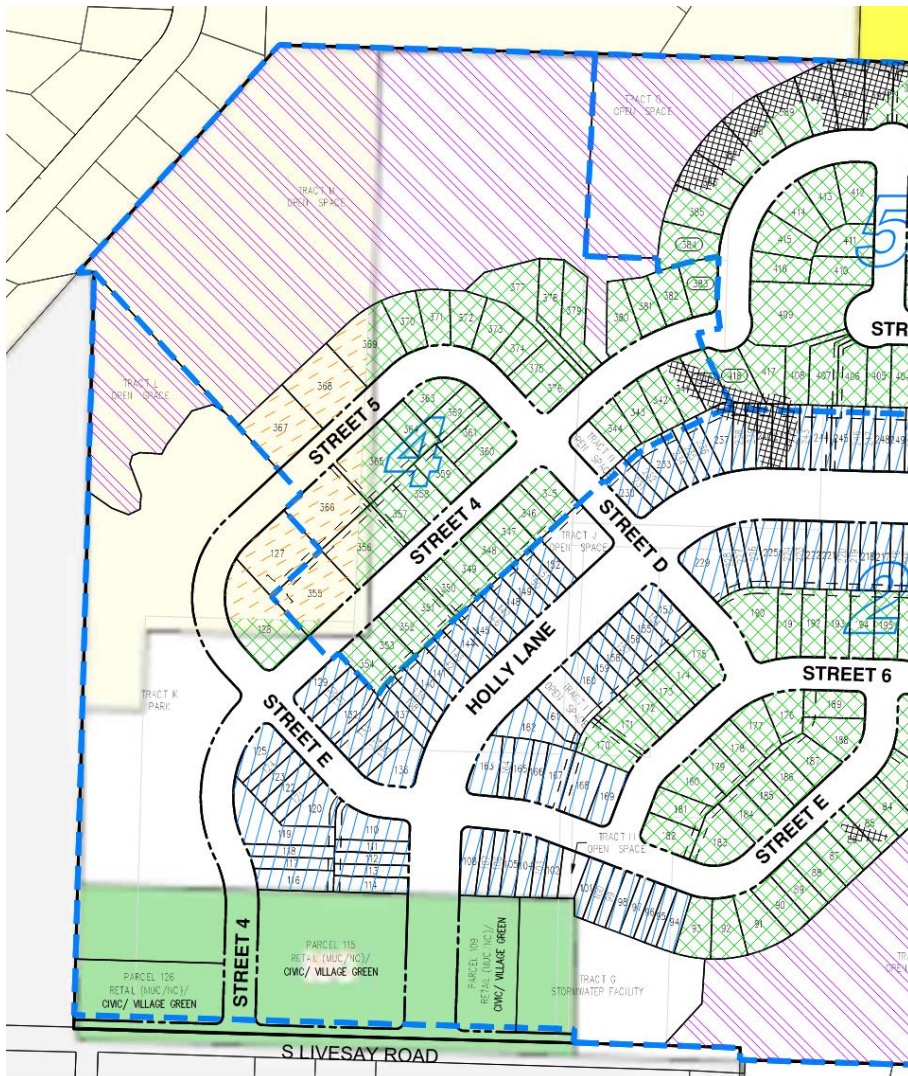
The planned number of units remains below the threshold established by Ordinance No. 18-1007 (AN-17-0004/ZC-17-0005) for the Park Place Crossing annexation area.”

The applicant states that mitigation for the increased density includes additional traffic mitigation contributions. It is not clear what the applicant is referring to here. Regarding open spaces, it is correct that the applicant has proposed more acreage in open space than was shown in the Park Place Concept Plan. Open spaces do provide appropriate mitigation for greater density. With the 8/11/2022 revision, the applicant has proposed 4.3 acres of land to be dedicated for a public park. Staff recommends conditions of approval regarding bringing public infrastructure to the park frontage and ensuring timely dedication of the 4.3 acres. See findings and conditions in 17.65.050.C.3.

The applicant shows driveways for proposed attached units on Street E. With lot widths adjusted to be 20% less than the minimum standard, driveways will create many conflicts, including elimination of curb space for on-street parking, elimination of planter strip space for street trees and other needed infrastructure (hydrants, water and sewer laterals, street lights, etc), and conflicts with walkability. The Park Place Concept plan area design standards call for garages to be rear-loaded, side oriented, or detached for the purpose of providing a pedestrian friendly environment. For attached units, side-oriented garages are unlikely to be feasible. Rear loaded (whether attached or detached) may be the only feasible way to provide garages for attached units on narrow lots. The design standards are silent on front-facing driveways, however.



Attached units on Street E with driveways as originally proposed.



Revised plan with new Street 4, Street E, park location, alleys

With the revisions proposed by the applicant there are very few townhome lots proposed with front loaded garages, and these would only be located in areas where the code allows for exemption from the standard due to topographic constraints. The revisions will significantly increase the available curb length for on-street parking. As mitigation for the adjustment to dimensional standards to allow reduced lot widths and a variance that will allow for denser attached unit development, some restriction on driveways is needed to protect the pedestrian environment.

Therefore, staff recommends that driveways be limited to provide for the following on all local streets:

- No driveway approach, including wings, shall be more than 50% of the width of the lot.
- Shared driveways may be utilized to meet these conditions
- Alleys may be utilized as an alternative to driveways to meet these conditions
- Alley width may be reduced to 12-foot one-way circulation, to reduce amount of impervious surface needed, if approved by the City Engineer.

The requested adjustment to the garage design standard will have impacts on the pedestrian environment and general character of the neighborhood. Front-facing garages and 20-foot wide driveways eliminate the benefits of designs that include garages that are side-oriented, detached, or rear-oriented, which typically achieve a more pedestrian-friendly neighborhood because driveway cuts are narrower, the area between the sidewalk and front of a house is used for landscaping, gardens, or porches rather than storage for cars, and front facades are not dominated by garage doors. Fewer and narrower curb cuts results in more space for street trees and therefore more shade over the sidewalk. Fewer, narrower curb cuts also results in more space for on-street parking. The only mitigation proposed by the applicant is to limit the garage door width to 16 feet and the driveway width to 20 feet. Staff finds that the impacts from front loaded garages are not mitigated and recommends that the adjustment be denied.

To further assure compliance with this standard, the Planning Commission adopts the following conditions of approval:

- b. The requested adjustment to the garage orientation standards in OCMC 17.21.090.A is only approved for the lots indicated as topographically constrained on Exhibit 7, "Revised Alley-loaded and Topo Constrained Lot Exhibit" dated 8/17/2022. Corner lots shall use sideloaded garages wherever feasible. Since lot layouts and garage locations will be subject to further refinement with subsequent DDP submittals, the applicant shall provide justification for granting any further exception to the garage orientation standard to be reviewed with each DDP submittal.
- c. Item (b) above notwithstanding, no more front-loaded lots shall be permitted on Holly Lane for any subsequent phases.

Staff has determined that it is possible, likely and reasonable that the applicant shall meet this standard through the Conditions of Approval.

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

Finding: Complies as Proposed. The applicant provided the following response; staff concurs:

"The area includes Natural Resources Overlay District areas within the northwest and southeast portions of the site but does not anticipate impacts to these areas other than for the establishment of trails. Adjustments to the standards affecting the master plan for Park Place Crossing allows these areas to remain largely unaffected by the project. The specific impacts will be reviewed further with successive Detailed Development Plan applications."

6. *The proposed adjustment is consistent with the Oregon City Comprehensive Plan and a concept plan if applicable .*

Finding: Complies as Proposed. The density and lot size adjustments are consistent with the Oregon City Comprehensive Plan and Park Place Concept Plan. Adjustments to the planned density of the area allow the implementation of the Park Place Concept Plan in creating neighborhoods complete with mixed use/neighborhood commercial centers, civic areas, and parks. The adjustments allow the efficient use of land, which would be of greater difficulty without the adjustments, due to the site's constraints. Staff finds that the request for an adjustment to garage design standards is not consistent with the Park Place Concept Plan. See findings in response to OCMC 17.65.070.E.1.

17.65.80 - Amendments to approved plans.

A. *When Required.* An amendment to an approved General Development Plan or detailed development plan is required for any use or development that is not in conformance with the applicable plan, as provided below. The approval criteria contained in OCMC 17.65.050 will apply to general development plan amendments, the approval criteria contained in OCMC 17.65.060 will apply to detailed development plan amendments. The thresholds and procedures for amendments are stated below.

Finding: Not applicable. This application is for a General Development Plan. Amendments may be proposed in the future but no amendments are included in the current request.

B. *Type III Procedure.* Unless the approved general development plan or detailed development plan specifically provides differently, amendments to either plan that require a Type III procedure are:

1. A proposed expansion of the approved boundary;
2. A proposed reduction in the approved boundary that affects a condition of approval, or takes the site out of conformance, or further out of conformance, with a development standard;
3. Proposals that increase the amount, frequency, or scale of a use over ten percent of what was approved (examples include the number of students, patients or members; the number of helicopter flights; the number or size of special events; transportation impacts);
4. New uses not covered in the plan that will increase vehicle trips to the site greater than 10 percent of the original amount approved;
5. Increases or decreases in overall floor area of development on the site or number of residential units of over ten percent;
6. A increases/decrease greater than ten percent in the amount of approved or required parking; and
7. Proposed uses or development which were reviewed, but were denied because they were found not to be in conformance with an approved plan.

C. *Type II Procedure.* Unless an approved plan specifically provides otherwise, amendments to a general development plan or detailed development plan not specifically stated in Subsection B or D are processed through a Type II procedure.

D. *Type I Procedure.* Unless an approved plan specifically provides otherwise, the following amendments to a general development plan or detailed development plan shall be processed through a Type I procedure:

1. Accessory uses and structures that meet applicable development regulations;
2. Reconfiguration of approved parking or landscape designs that do not alter the points of ingress or egress, and do not change the number of parking spaces required, so long as the reconfiguration meets applicable development regulations; and
3. Structures for approved uses that do not exceed one thousand five hundred square feet in size and that meet applicable development regulations.

Finding: Complies with Condition. The applicant has not proposed any amendments because this is the initial review of a General Development Plan for the site. No uses are proposed on the commercial parcels in the NC zone at this time. The intent of this standard is not to require an amendment when development that meets standards in OCMC 17.62 is proposed on the commercial parcels. Future development proposals for the commercial parcels in the GDP area may be reviewed through Type II DDP process; a Type III Master Plan amendment is not required unless one of the thresholds in B.1-4 are met. **Staff has determined that it is possible, likely and reasonable that the applicant shall meet this standard through the Conditions of Approval.**

17.65.090 - Regulations that apply.

An applicant is entitled to rely on land use regulations in effect on the date its general development plan application was initially submitted, pursuant to ORS 227.178(3), as that statute may be amended from time to time. After a general development plan is approved, and so long as that General Development Plan is in effect, an applicant is entitled to rely on the land use regulations in effect on the date its general development plan application was initially submitted, as provided above, when seeking approval of detailed development plans that implement an approved general development plan. At its option, an applicant may request that a detailed development plan be subject to the land use regulations in effect on the date its detailed development plan is initially submitted.

Finding: Complies. The Applicant has requested and is approved to utilize the 2021 Oregon City Municipal Code as adopted at the time of the Master Plan submittal for the life of the Master Plan. The applicant may also choose

to use the current code year at a future DDP application, though only one code year must be elected for review of the whole of each DDP submittal.

CHAPTER 16.08 – LAND DIVISIONS - PROCESS AND STANDARDS

Staff note: Approval criteria for General Development plans include the following: “Development shall demonstrate compliance with OCMC 12.04 16.12, 17.62, if applicable, and 16.08, if applicable.” The criteria of OCMC 16.08 will be addressed through a future Detailed Development Plan/subdivision application. Those standards that are relevant to this review are discussed in the findings below to establish that compliance with these standards is feasible when particular development is proposed.

16.08.025 - Preliminary plat—Required information.

The preliminary plat shall specifically and clearly show the following features and information on the maps, drawings, application form or attachments. The preliminary plat layout may be prepared by a civil engineer, architect, land use planner or similarly qualified professional. All maps and site drawings shall be at a minimum scale of one inch to fifty feet.

- A. *Site Plan. A detailed site development plan drawn to scale by a licensed professional based on an existing conditions plan drawn by a licensed surveyor. The site plan shall include the location and dimensions of lots, streets, existing and proposed street names, pedestrian ways, transit stops, common areas, parks, trails, open spaces, building envelopes and setbacks, all existing and proposed utilities and improvements including sanitary sewer, stormwater and water facilities, total impervious surface created (including streets, sidewalks, etc.), all areas designated as being within an overlay district and an indication of existing and proposed land uses for the site. If required by staff at the pre-application conference, a connectivity analysis shall be prepared by a transportation engineer licensed by the State of Oregon that describes the existing and future vehicular, bicycle and pedestrian connections between the proposed subdivision and existing or planned land uses on adjacent properties. The connectivity analysis shall include shadow plats of adjacent properties demonstrating how lot and street patterns within the proposed land division will extend to and/or from such adjacent properties and can be developed meeting the existing OCMC design standards and adopted Transportation System Plan, street design standards, and adopted concept plans, corridor and access management studies, engineering standards and infrastructure analyses.*
- B. *Traffic/Transportation Plan. The applicant's traffic/transportation information shall include two elements: (1) A detailed site circulation plan showing proposed vehicular, bicycle, transit and pedestrian access points and connections to the existing system, circulation patterns and connectivity to existing rights-of-way or adjacent tracts, parking and loading areas and any other transportation facilities in relation to the features illustrated on the site plan; and (2) a traffic impact study prepared by a qualified professional transportation engineer, licensed in the State of Oregon, that assesses the traffic impacts of the proposed development on the existing transportation system and analyzes the adequacy of the proposed internal transportation network to handle the anticipated traffic and the adequacy of the existing system to accommodate the traffic from the proposed development. In the preparation of the Traffic/Transportation Plan, the applicant shall reference the adopted Transportation System Plan. The Community Development Director may waive any of the foregoing requirements if determined that the requirement is unnecessary in the particular case.*
- C. *Natural Features Plan and Topography, Preliminary Grading and Drainage Plan. The applicant shall submit a map illustrating all of the natural features and hazards on the subject property and, where practicable, within 250 feet of the property's boundary. The map shall also illustrate the approximate grade of the site before and after development. Illustrated features shall include all proposed streets and cul-de-sacs, the location and estimated volume of all cuts and fills, and all stormwater management features. This plan shall identify the location of drainage patterns and courses on the site and within 250 feet of the property boundaries where practicable. Features that shall be illustrated shall include the following:*
 1. *Proposed and existing street rights-of-way and all other transportation facilities;*
 2. *All proposed lots and tracts;*

3. All trees proposed to be removed prior to final plat with a diameter six inches or greater diameter at breast height (d.b.h);
4. All natural resource areas pursuant to OCMC 17.49, 17.48, 17.44, and 17.42;
5. The location of any known state or federal threatened or endangered species or wildlife habitat or other natural features listed on any of the City's official inventories;
6. All historic areas or cultural features acknowledged as such on any federal, state or city inventory;

D. *Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide,*

1. *A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and*
2. *A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or other written demonstration that the applicant notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.*

If, after forty-five days notice from the applicant, the Oregon State Historic Preservation Office or the applicable tribal cultural resource representative fails to provide comment, the City will not require any responsive letter or email as part of the completeness review. For the purpose of this section, ground disturbance is defined as the movement of native soils.

The Community Development Director may waive any of the foregoing requirements if the Community Development Director determines that the requirement is unnecessary in the particular case and that the intent of this chapter has been met.

16.08.030 - Preliminary plat—Narrative statement.

In addition to the plans required in the previous section, the applicant shall also prepare and submit a narrative statement that addresses the following issues:

- A. *Description. A detailed description of the proposed development, including a description of proposed uses, number and type of residential units, allocation and ownership of all lots, tracts, streets, and public improvements, the structure of any homeowner's association, and each instance where the proposed subdivision will vary from some dimensional or other requirement of the underlying zoning district.*
- B. *Timely Provision of Public Services and Facilities. The applicant shall explain in detail how and when each of the following public services or facilities is, or will be, adequate to serve the proposed development by the time construction begins:*
 1. *Water,*
 2. *Sanitary sewer,*
 3. *Storm sewer and stormwater drainage,*
 4. *Parks, trails and recreation facilities, if determined to be necessary pursuant to the Oregon City adopted Trail Master Plan and / or Parks and Recreation Master Plan*
 5. *Traffic and transportation, and*
 6. *Fire and police services*

Where adequate capacity for any of these public facilities and services is not demonstrated to be currently available, the applicant shall describe how adequate capacity in these services and facilities will be financed and constructed before recording of the plat;
- C. *Drafts of the proposed covenants, conditions and restrictions (CC&Rs), maintenance agreements, homeowner association agreements, dedications, deeds easements, or reservations of public open spaces not dedicated to the City, and related documents for the land division;*
- D. *Overall density of the land division and the density by dwelling type for each.*

Finding: Not applicable. The applicant has not requested approval of a preliminary plat. The proposed General Development Plan will be followed by subsequent detailed development plans, which will be subject to this code section and reviewed for compliance at that time.

16.08.040 – Park and Open Space Requirements.

Additional Public Park and Open Space Requirements in Thimble Creek Concept Plan area- residential development.

Finding: Not applicable. The site is not within the Thimble Creek Concept Plan area.

16.08.045 - Frontage width requirement.

Each lot shall abut upon a street other than an alley for a width of at least twenty feet unless flag lots are provided pursuant to OCMC 16.08.050, except for Cluster Housing development pursuant to OCMC 17.20.020.

Finding: Complies as Proposed. The proposed General Development plan generally meets this standard. Future detailed development plan applications will be required to show compliance with this standard.

16.08.050 - Flag lots.

- A. Flag lots shall not be permitted except where the applicant can show that the existing parcel configuration, topographic constraints or the location of a pre-existing dwelling unit precludes a land division that meets the minimum density, dimensional standards of the underlying zone, and except where street connectivity is not practicable as determined by the City Engineer.*
- B. A shared joint accessway shall be provided unless the existing topography of the site or the pre-existing dwelling unit is located on the property to prevent a joint accessway. A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a form acceptable to the City Attorney.*
- C. Accessways shall have a pavement width of at least sixteen feet to service one or two units or twenty feet to service three or more units. A fire access corridor of at least twenty feet shall be provided to all parcels with a minimum pavement width of sixteen feet to service two units or twenty feet to service three or more units. At least six inches of shoulder on each side of the fire access corridor shall be provided in order that construction work does not infringe on adjacent properties. A narrower pavement width may be approved by the Fire District and City Engineer. The City Engineer and/or Fire District may require that additional fire suppression devices be provided to assure an adequate level of fire and life safety. The City Engineer and/or Fire District may prohibit vehicular obstruction, including trees, fences, landscaping and structures within the fire access corridor. If the proposed accessway exceeds 150 feet in length the accessway shall conform to Fire District standards and shall be paved to a minimum width of twenty feet unless an alternative is approved by the Planning Division and Fire District. If more than two residences are served, a turnaround for emergency vehicles shall be provided. The turnaround shall be approved by the City Engineer and Fire District.*
- D. The pole portion of the flag lot shall connect to a street.*
- E. The pole shall be at least ten feet wide for the entire length.*
- F. The pole shall be part of the flag lot and shall remain under the same ownership as the flag portion of the lot.*

Finding: Complies with Condition. The applicant has included a small number of flag lots in the development, stating “the planned flag lots meet the accessway and dimensional requirements of this code section.” The applicant has not sufficiently demonstrated that topographic constraints or other factors are present which justify the use of flag lots. Flag lots will be reviewed against the criteria in OCMC 16.08.050 for each detailed development plan and will not be permitted if the criteria are not met. **Staff has determined that it is possible, likely and reasonable that the applicant shall meet this standard through the Conditions of Approval.**

16.08.053 Tracts

Tracts which cannot be developed with a home or office, commercial, residential, institutional, industrial, parking or other uses as determined by the City Engineer or Community Development Director are not subject to compliance with the dimensional standards of the zoning designation, frontage requirements, or flag lot standards.

Finding: Complies with Condition. The proposal includes tracts for stormwater facilities and open spaces are appropriately identified. However, the sites within the Neighborhood Commercial Zone are improperly identified as tracts; these shall be identified in some other way and not as “Tracts,” in future development applications. **Staff has determined that it is possible, likely and reasonable that the applicant shall meet this standard through the Conditions of Approval.**

16.08.060 - Building sites.

A. The size, width, shape and orientation of building sites shall be rectangular or square to the maximum extent practicable.

Finding: Complies as Proposed. The proposed General Development plan generally meets this standard. Future detailed development plan applications will be required to show compliance with this standard.

B. Sites abutting an alley shall gain vehicular access from the alley unless deemed impracticable by the decision maker.

Finding: Complies as Proposed. Alleys are proposed in some portions of the development, consistent with the Park Place Concept Plan. All lots abutting the alley gain access from the alleyway. The proposed General Development Plan indicates that compliance with this standard is feasible. Future detailed development plan applications will be required to show compliance with this standard.

C. Adequate access for emergency services (fire and police) shall be provided.

Finding: Complies as Proposed. The applicant’s plan includes at least two access points for emergency vehicles to enter the neighborhood. The proposed General Development Plan indicates that compliance with this standard is feasible. Future detailed development plan applications will be required to show compliance with this standard.

16.08.063 - Minimum density.

All layouts shall achieve at least the minimum density of the base zone for the net developable area as defined in OCMC 17.04. Alternatively, a site may be partitioned into two lots, though one of the lots shall not contain sufficient lot area to allow further division

Finding: Complies as proposed. The proposed development is within the Park Place Concept Plan area; the Concept Plan requires a minimum of 937 units within the North Village area. The applicant is required to meet the density approved in the Park Place Concept Plan and has proposed adjustments to standards, an NROD density transfer, and a variance for attached single family lot size in order to do so. While the zoning designations are not the maximum density within each Comprehensive Plan designation, the proposal from the applicant can meet the required densities in the Concept Plan.

Proposed minimum lot area and density are discussed in Chapter 17.08 and 17.10 of this report and in the discussion of density on Page 26.

16.08.065 – Lot size reduction.

A subdivision in the R-10, R-8, R-6, R-5, or R-3.5 dwelling district may utilize lot size reduction for up to twenty-five percent of the lots proposed for single-family detached residential use. Fractions resulting from the twenty-five percent calculation shall be rounded down. The reduced-size lots may be up to ten percent less than the required minimum lot area of the applicable zoning designation provided the average lot size of all proposed single-family detached residential lots meet the minimum requirement of the underlying zone. Any area within a powerline easement on a lot shall not count towards the lot area for that lot. Lot size reduction is only permitted through a subdivision or, master plan and planned unit developments processes and may not be used for minor partitions or any other residential uses.

The average lot area is determined by first calculating the total net developable area devoted to single-family detached dwelling units, subtracting the powerline easement areas, open space, tracts, stormwater facilities, roads, right-of-way, or accessways and dividing that figure by the proposed number of single-family detached dwelling lots.

A lot that was created pursuant to this section may not be further divided unless the average lot size requirements are still met for the entire subdivision.

When a lot abuts a public alley, an area equal to the length of the alley frontage along the lot times the width of the alley right-of-way measured from the alley centerline may be added to the area of the abutting lot in order to satisfy the lot area requirement for the abutting lot. It may also be used in calculating the average lot area.

Finding: Not applicable. The applicant has not proposed lot size reduction pursuant to this section. Lot size reductions are proposed pursuant to the adjustment standards in OCMC 17.65 and as permitted for NROD density transfer in OCMC 17.49.

16.08.070 - Through lots.

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

Finding: Not applicable. Future detailed development plan applications will be required to show compliance with this standard if through lots are proposed.

16.08.075 - Building site—Lot and parcel side lines.

The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve. Lot and parcel side lines for cluster housing projects proposed consistent with the standards in OCMC 17.20.020 are not subject to this standard.

Finding: Complies as Proposed. The proposed General Development Plan indicates that compliance with this standard is feasible. Future detailed development plan applications will be required to show compliance with this standard.

16.08.080 - Setbacks and building location.

This standard ensures that lots are configured in a way that development can be oriented toward streets to provide a safe, convenient and aesthetically pleasing environment for pedestrians and bicyclists. Houses oriented in this manner assure a sense of openness by avoiding the “bowling alley” effect caused by uninterrupted, continuous privacy fences along higher volume streets. The objective is for lots located on a neighborhood collector, collector or minor arterial street to locate the front yard setback on and design the most architecturally significant elevation of the primary structure to face the neighborhood collector, collector or minor arterial street,

- A. *The front setback of all lots located on a neighborhood collector, collector or minor arterial shall be orientated toward the neighborhood collector, collector or minor arterial street.*
- B. *The most architecturally significant elevation of the house shall face the neighborhood collector, collector or minor arterial street.*
- C. *On corner lots located on the corner of two local streets, the main façade of the dwelling may be oriented towards either street.*
- D. *The decision maker may approve an alternative design, consistent with the intent of this section, where the applicant can show that existing development patterns preclude the ability to practically meet this standard.*

Finding: Not applicable for the General Development Plan. Lots that front Holcomb Boulevard and proposed Holly Lane will be subject to these standards. Future detailed development plan applications will be required to show compliance with this standard.

16.08.095 - Prohibition on Additional Private Restrictions on Housing Types.

Private restrictions on the provision of accessory dwelling units, corner duplexes, or internal conversions executed after July 1, 2019 shall be prohibited. Conditions, Covenants, and Restrictions (CC&Rs) or similar legal instrument submitted with residential plats submitted for final plat approval after July 1, 2019 shall not prohibit or impose additional restrictions on accessory dwelling units, corner duplexes, and/or internal conversions to the extent permitted in the OCMC in place at the time of final plat submittal, and shall not impose additional restrictions on Accessory Dwelling Units and internal conversions through any future amendment.

Finding: Not applicable for the General Development Plan. Future detailed development plan applications will be required to show compliance with this standard.

CHAPTER 16.12 – MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT

Staff Note: This application is for a General Development Plan and as such review of compliance to specific details of OCMC 16.12 may not be appropriate at this time. Public utilities and street layouts indicated with this application are intended to demonstrate the feasibility of the proposed GDP to meet the City's municipal code and the goals of the Park Place Concept Plan. Additional conditions of approval will follow specific to OCMC 16.12 with the Development's DDP for each phase.

16.12.010 - Purpose and general provisions.

The purpose of this chapter is to identify the standards for development in and adjacent to spaces which benefit the public including right-of-way, access to the right-of-way, public off-street pedestrian and bicycle accessways, and easements. All development shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the City's public facility master plans and City design standards and specifications. In reviewing applications for development, the City Engineer shall take into consideration any approved development and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any development shall be reviewed and approved by the City Engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way shall be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

Finding: Complies with Condition. The development authorized pursuant to this GDP approval shall comply with all Oregon City Public Works design standards, specifications, codes, and policies prior to receiving a permit and beginning construction. *For each Detailed Development Plan application, the applicant may choose to utilize the July 20, 2021 Oregon City Municipal Development Code as adopted at the time of the Master Plan submittal or the Development Code that is applicable at the time a Detailed Development Plan (DDP) is applied for.* **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.011 - Applicability.

- A. *Compliance with this chapter is required for all development including land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements that are required in conjunction with a land use decision.*
- B. *Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage of all 3-4 plexes, single and two-family dwellings living space. Garages, carports, sheds, and porches may not be included in the calculation if these spaces are not living spaces. Accessory dwelling units are not*

subject to compliance with this chapter. All applicable 3-4 plexes, single and two -family dwellings shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter, subject to constitutional limitations. In addition, the street frontage shall be improved to include the following priorities for improvements:

1. Improve street pavement, construct curbs, gutters, sidewalks and planter strips; and
2. Plant street trees.

The cost of compliance with the standards identified in 16.12.011.B.1 and 16.12.011.B.2 is calculated based on the square footage valuation from the State of Oregon Building Codes Division and limited to ten percent of the total construction costs. The value of the alterations and improvements is based on the total construction costs for a complete project rather than costs of various project component parts subject to individual building permits. The entire proposed construction project cost includes engineering and consulting fees and construction costs. It does not include permit fees, recording fees, or any work associated with drafting or recording dedications or easements.

C. **Exemptions.** The following are exempt from review by this chapter unless public improvements, driveways, PUEs, or other items regulated by this chapter are proposed.

1. Minor Site Plan and Design Review applications
2. Work within the right-of-way
3. Lot Line Adjustments and Abandonments
4. Public capital improvement projects

Finding: Applicable. The application is a master plan; therefore, the development shall follow the standards set forth in OCMC 16.12.

16.12.012 - Jurisdiction and management of the public rights-of-way.

The City has jurisdiction and exercises regulatory management over all public rights-of-way as defined and outlined within 12.04 of the Oregon City Municipal Code.

Finding: Applicable. The city has exercised its regulatory management authority by providing findings within this staff report with conditions to be met by the applicant prior to working within all public rights-of-way.

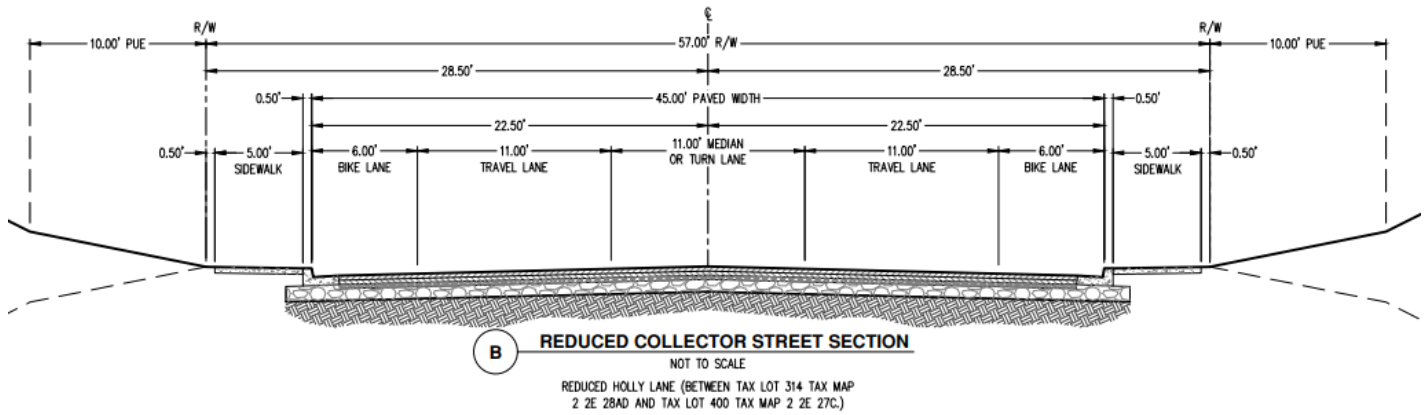
16.12.013 - Modifications.

The applicant may request and the review body may consider modification of the standards in this chapter resulting from constitutional limitations restricting the City's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications, except for adjustments approved by the City Engineer for tree preservation purposes pursuant to 16.12.013.A, shall be processed through a Type II Land Use application and may require additional evidence from a transportation engineer or others to verify compliance. Compliance with the following criteria is required:

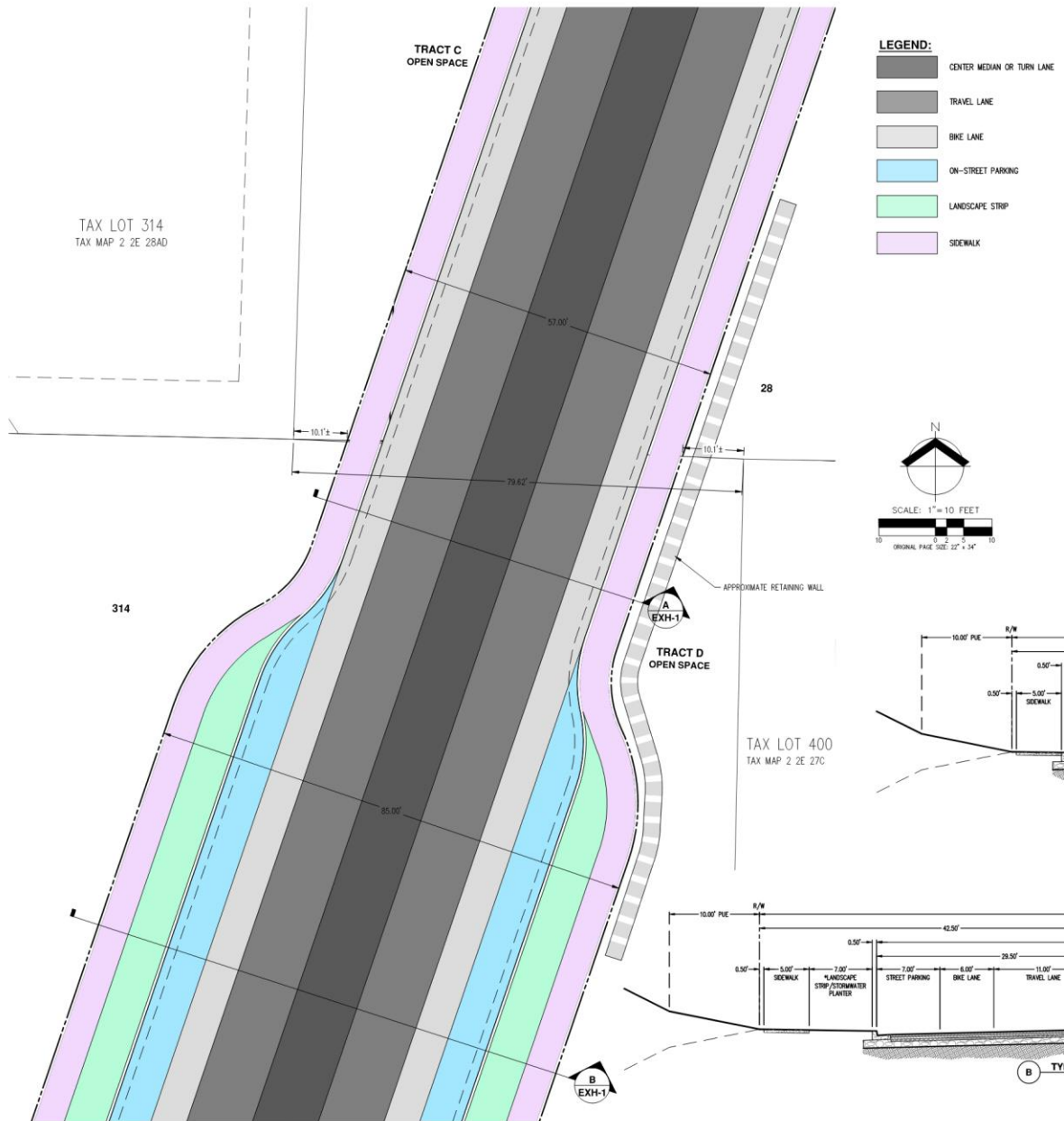
A. Compliance with the following criteria is required:

1. The modification meets the intent of the standard;

Finding: Complies as proposed. The Applicant proposes to construct a reduced cross section for the Holly Lane extension from the standard 85 ft. width in order to fit between tax lots 2-2E-28D-00190 and 2-2E-27BC-01000 which is approximately 80 ft. wide. The proposed reduced 57 ft. cross section of Holly Lane is shown below:



The applicant also provided a bird's eye layout of the proposed street section.



The street alignment is preliminary in nature and the reduced cross section and alignment will be further reviewed with the Phase 1 DDP, but on preliminary review it meets the intent of the code by allowing safe vehicular, bicycle, and pedestrian travel through the constrained area between the lots. Additional landscaping, sound mitigation and retaining wall design will be required to buffer the road section from adjacent lots. The proposed cross section for the constrained area meets the City's travel lane dimensions, bike lane dimensions and cross walk dimensions for a collector as noted in OCMC 16.12.016 below.

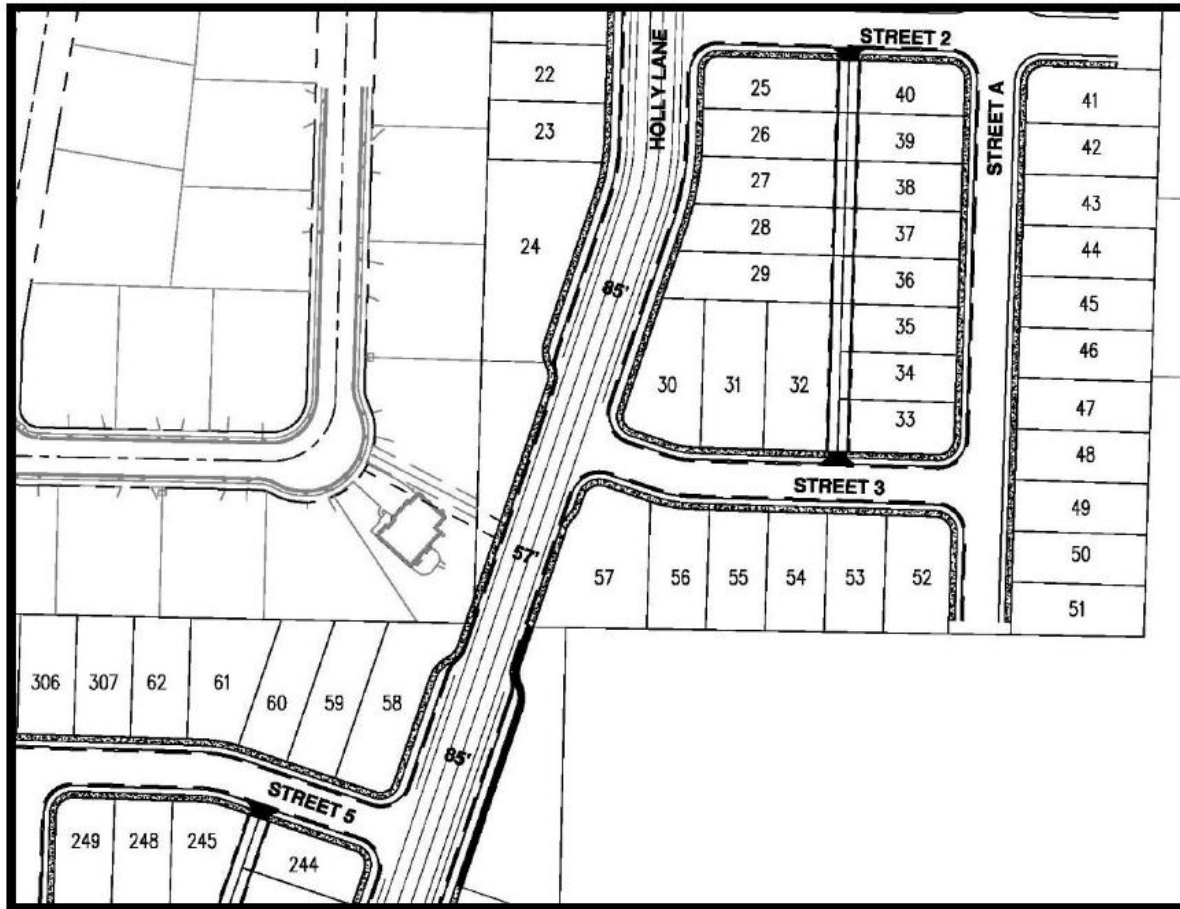


Figure 9: Reduced S Holly Lane Cross-Section

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

Finding: Complies as proposed. The Applicant proposes to construct a reduced cross section for the Holly Lane extension from the standard 85 ft. width in order to fit between tax lots 2-2E-28D-00190 and 2-2E-27BC-01000. This reduced cross section and alignment will be further reviewed with the Phase 1 DDP but on preliminary review it meets the intent of the code to meet safe and efficient movement through the site. The proposed cross section provides the same travel lane width for vehicles and bicycles as well as sidewalks for pedestrians. The constrained cross section has removed street parking and landscape strips within this area in order to fit between the two lots and still provide the needed dimensions for vehicles, bicyclists and pedestrians for a collector as noted in 16.12.016 below. Removal of on-street parking will have no effect on the safe and efficient movement of the travelling public.

3. The modification is consistent with an adopted transportation or utility plan; and

Finding: Complies as proposed. The modification meets the intent of the Park Place Concept Plan and TSP which has identified the constrained location of the site as the alignment for Holly Lane as it extends to Holcomb Boulevard.

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

Finding: Complies as proposed. With the exception of the portion of Holly Lane proposed as a constrained cross-section, it appears that the remaining streets within this development can meet the requirement of complementary street design with neighboring properties. The proposed street layout and design are expected to be further refined with each DDP. Complementary street designs will be further reviewed with each DDP.

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

Finding: Not Applicable. No constitutional provision is proposed.

B. *The following modifications shall be processed as a Type I modification by the City Engineer using the criteria in 16.12.13.A.*

1. *Modifications to driveway location, size, and sharing standards in 16.12.035*
2. *Modifications to sidewalk and planter strips widths and location in 16.12.016 that preserve existing street trees or trees on private property to ensure compliance with ADA standards.*

Finding: Not Applicable. These modifications are not proposed with this application but may be applicable if proposed during a future DDP.

16.12.014 - Administrative provisions.

An applicant shall submit the following items to the City and complete the following tasks prior to proceeding with construction of proposed development plans. These items include the following:

- A. *Pre-Design Meeting;*
- B. *Final Engineering Plans, Stamped and Signed by an Oregon Licensed Professional Engineer;*
- C. *Stormwater Report, Stamped and Signed by an Oregon Licensed Professional Engineer;*
- D. *Geotechnical Report, Stamped and Signed by an Oregon Licensed Professional Engineer (if applicable);*
- E. *Engineer's Preliminary and Final Cost Estimates (also may be known as engineer's opinion of probable construction cost);*
- F. *Plan Check and Inspection Fees (as set by City resolution);*
- G. *Certificate of Liability Insurance for City funded public projects contracted by the City (not less than one million dollars single incident and two million dollars aggregate);*
- H. *Preconstruction Meeting;*
- I. *Financial Guarantee(s) per OCMC 17.50.140;*
- J. *Applicable Approvals/Permits from other agencies or entities;*
- K. *Developer/Engineer Agreement for public works improvements.*

An applicant shall submit the following additional items to the City and complete the following tasks prior to completing construction of proposed development plans. These items include the following:

- L. *Project Engineer's Certificate of Completion;*
- M. *Stormwater Operation and Maintenance Easement (if applicable);*
- N. *Deed of Dedication (Bargain and Sale Deed);*
- O. *Recorded Plat and/or Easements (if applicable);*
- P. *Recorded Non-Remonstrance Covenant Agreement;*
- Q. *Land Division Compliance Agreement (if applicable);*
- R. *Permanent Stabilization and/or Restoration of the impact from the development;*
- S. *Fulfillment of all Conditions of Approval;*
- T. *Payment of all Outstanding Fees;*
- U. *Maintenance Guarantee(s). per OCMC 17.50.141;*
- V. *Indemnity Agreement (if applicable);*
- W. *Completed Punchlist;*
- X. *As-Built Drawings;*

Details on individual items required by this subsection can be obtained by contacting Public Works. Many items, such as the engineer's cost estimate and plan check and inspection fee, maybe be submitted in conjunction with documentation for other infrastructure improvements that are done with the development (such as street, sanitary sewer, and water).

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible.

16.12.015 - Street design—Generally.

Development shall be required to provide existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements where applicable. Development shall provide any necessary dedications, easements or agreements as identified in the Transportation System Plan, Trails Master Plan, and/or Parks and Recreation Master Plan and this chapter, subject to constitutional limitations. The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, overlay districts, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. The arrangement of streets shall either:

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

B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the City Engineer. Notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. Access control in accordance with OCMC 16.12.017 shall be required to preserve the objectives of street extensions.

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

Finding: Complies with Condition. The provided general development plan (GDP) identifies the location, widths, and grades of the proposed street system providing for the continuation or appropriate projection of existing principal streets in the surrounding area and gives access for future development of adjoining land. The development has provided a convenient street system for the safety of all modes of travel, including pedestrian and bicycle to, from, and through the subject site. It is understood that the proposed street layout is preliminary. The City notes the following:

- Mr. Replinger noted that left turn lanes would be needed at the intersection of the future Holly Lane and Holcomb Boulevard. While that intersection is not a part of this GDP, the portion of Holly Lane proposed in Phase 1 should be further reviewed to determine if the appropriate amount of Right of Way is provided for a future left turn lane on Holcomb.
- Portions of the proposed street alignments impact mapped geological hazard areas (steep slopes) on the property and will need further review at the DDP level.
- Some of the street layout does not provide a cleanly gridded street system and proposes offset intersections which are not in the best interest of the transportation system.

Street layouts shall be reviewed with each phase of development during DDP submittal and shall follow the standards of 16.12 and 17.44 to avoid geologic hazard areas, creating a grid system, provide future connection points to neighboring properties, and providing a street layout acceptable to the City Engineer. **Staff has**

determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

16.12.016 - Street design.

All development regulated by this chapter shall provide street improvements in compliance with the standards in Table 16.12.016 depending on the street classification set forth in the Transportation System Plan and the Comprehensive Plan designation of the adjacent property, unless an alternative plan has been adopted. The table implements the adopted Transportation System Plan and illustrates the maximum design standards. These standards may be reduced with an alternative street design which may be approved based on the modification criteria in OCMC 16.12.013. The steps for reducing the street design are found in the Transportation System Plan.

Table 16.12.016 Street Design

Table 16.12.016 Street Design. To read the table select the road classification as identified in the Transportation System Plan and the Comprehensive Plan designation of the adjacent properties to find the maximum design standards for the road cross section. If the Comprehensive Plan designation for lands on either side of the street differs, the wider right-of-way standard shall apply.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Major Arterial	Mixed Use, Commercial or Public/Quasi Public	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
	Industrial	120 ft.	88 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	N/A	(5) 14 ft. Lanes	6 ft.
	Residential	126 ft.	94 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Minor Arterial	Mixed Use, Commercial or Public/Quasi Public	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
	Industrial	118 ft.	86 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(5) 12 ft. Lanes	N/A
	Residential	100 ft.	68 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(3) 12 ft. Lanes	6 ft.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
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Collector	Mixed Use, Commercial or Public/Quasi Public	86 ft.	64 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(3) 12 ft. Lanes	N/A
	Industrial	88 ft.	62 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 12 ft. Lanes	N/A
	Residential	85 ft.	59 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 11 ft. Lanes	N/A

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Local	Mixed Use, Commercial or Public/Quasi Public	62 ft.	40 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		N/A	8 ft.	(2) 12 ft. Lanes	N/A
	Industrial	60 ft.	38 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 19 ft. Shared Space		N/A	
	Residential	54 ft.	32 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 16 ft. Shared Space		N/A	

1. Pavement width includes, bike lane, street parking, travel lanes and median.
2. Public access, sidewalks, landscape strips, bike lanes and on-street parking are required on both sides of the street in all designations. The right-of-way width and pavement widths identified above include the total street section.
3. A 0.5 foot curb is included in landscape strip or sidewalk width.
4. Travel lanes may be through lanes or turn lanes.
5. The 0.5 foot public access provides access to adjacent public improvements.
6. Alleys shall have a minimum right-of-way width of twenty feet and a minimum pavement width of sixteen feet. If alleys are provided, garage access shall be provided from the alley.
7. A raised concrete median or landscape median shall be utilized for roads identified to have access restrictions.
8. A public utility easement (PUE) shall be provided on both sides of the right-of-way or public access easement on private property as identified in 16.12.85.

Finding: Complies with Condition. The submitted plan in general addressed the requirements of OCMC 16.12.016. A portion of Holly Lane includes a narrower cross section than the typical Collector Road. The proposed modification meets the intent of the City's standard as described in OCMC 16.12.013 discussed above. Further review of the proposed street system will be part of each phase's DDP. All public improvements along Holcomb Boulevard shall be a constructed in Phase 1 and reviewed as part of that DDP. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

A. Sidewalks. The applicant shall provide for sidewalks on both sides of all public streets, on any private street if so required by the decision-maker, and in any special pedestrian way within the development. Both sidewalks and curbs are to be constructed to City standards and at widths set forth above, and according to plans and specifications provided by the City Engineer. Exceptions to this requirement may be allowed in order to accommodate topography, trees or some similar site constraint. In the case of major or minor arterials, the decision-maker may approve a development without sidewalks where sidewalks are found to be dangerous or otherwise impractical to construct or are not reasonably related to the applicant's development. The decision-maker may require the applicant to provide sidewalks concurrent with the issuance of the initial building permit within the area that is the subject of the development application. Applicants for partitions may be allowed to meet this requirement by providing the City with a financial guarantee per OCMC 16.12.110.

Finding: Complies as proposed. The applicant has proposed sidewalks along all public streets fronting the development.

B. Pedestrian and Bicycle Accessways Routes. If deemed appropriate to extend pedestrian and bicycle routes, existing or planned, the decision-maker may require the installation of separate pedestrian and bicycle facilities.

Finding: Complies as proposed. The applicant has proposed pedestrian and bicycle paths to shorten block lengths and provide more access between the neighborhood's proposed street system.

C. Street Name Signs and Traffic Control Devices. The applicant shall install street signs and traffic control devices as directed by the City Engineer. Street name signs and traffic control devices shall be in conformance with all applicable City regulations and standards.

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible.

D. Street Lights. The applicant shall install street lights which shall be served from an underground source of supply. Street lights shall be in conformance with all City regulations.

Finding: Applicable These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

E. Any new street proposed with a pavement width of less than thirty-two feet shall be processed through OCMC 16.12.013 and meet minimum life safety requirements, which may include fire suppression devices as determined by the Fire Marshall to assure an adequate level of fire and life safety. The modified street shall have no less than a twenty-foot wide unobstructed travel lane.

Finding: Complies with Condition. No new street with pavement less than thirty-two feet is proposed with this development. However, because the street layout is preliminary and may be refined with each DDP to avoid geological hazard areas and to create a more gridded street system. The City and Clackamas Fire District No. 1 shall review each DDP proposal to ensure that life safety requirements, including street width, slope and grading requirements for the proposed streets are met. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

F. All development shall include vegetated planter strips that are five feet in width or larger and located between the sidewalk and curb unless otherwise approved pursuant to this chapter. All development shall utilize the vegetated planter strip for the placement of street trees or place street trees in other acceptable locations, as prescribed by OCMC 12.08. Development proposed along a collector, minor arterial, or major arterial roads may place street trees within tree wells within a wider sidewalk in lieu of a planter strip. In addition to street trees per OCMC 12.08, vegetated planter strips shall include ground cover and/or shrubs spaced four feet apart and appropriate for the location. No invasive or nuisance plant species shall be permitted.

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

G. Vehicle and pedestrian access easements may serve in lieu of streets when approved by the decision maker and only where dedication of a street is deemed impracticable.

Finding: Complies with Condition. A private access easement is proposed with Phase 6 of this development. The Applicant notes that a public street is impractical due to required grade and available widths to serve the lots. However, as noted by the developer, the information provided in this application is preliminary in nature and shall be further reviewed with each phase's DDP. A public street may be required to provide future access to neighboring sites. The street design and ownership for Phase 6 shall be further reviewed with its DDP and whether a public street located would be feasible. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

H. Vehicular and pedestrian easements shall allow for public access and shall comply with all applicable pedestrian access requirements.

Finding: Applicable. See 16.12.016 above.

16.12.017 - Street design—Access control.

A. A street which is dedicated to end at the boundary of the development or in the case of half-streets dedicated along a boundary shall have an access control granted to the City as a City controlled plat restriction for the purposes of controlling ingress and egress to the property adjacent to the end of the dedicated street. The access control restriction shall exist until such time as a public street is created, by dedication and accepted, extending the street to the adjacent property.

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

B. The City may grant a permit for the adjoining owner to access through the access control.

Finding: Applicable. The information provided in this GDP is preliminary and in nature and will be further refined as part of each phase's DDP.

C. The plat shall contain the following access control language or similar on the face of the map at the end of each street for which access control is required: "Access Control (See plat restrictions)."

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

D. Said plats shall also contain the following plat restriction note(s): "Access to (name of street or tract) from adjoining tracts (name of deed document number[s]) shall be controlled by the City of Oregon City by the recording of this plat, as shown. These access controls shall be automatically terminated upon the acceptance of a public road dedication or the recording of a plat extending the street to adjacent property that would access through those Access Controls."

Finding: Complies as proposed. The applicant proposes to address this requirement with each detailed design plans for each phase.

16.12.018 - Street design—Alignment.

The centerline of streets shall be:

A. Aligned with existing streets by continuation of the centerlines; or

B. Offset from the centerline by no more than five feet, provided appropriate mitigation, in the judgment of the City Engineer, is provided to ensure that the offset intersection will not pose a safety hazard.

C. Driveways that are at least twenty-four feet wide shall align with existing or planned streets on adjacent sites.

Finding: Complies with Condition. The Park Place Concept Plan envisions the main access to the Concept Plan area from Holcomb Blvd will be through a connection of Holly Lane. The applicant shows a future Holly Lane connection to line up with Barlow Drive on the north side of Holcomb Blvd. The property where the future connection is proposed (Taxlot 2-2E-27BC-01600) is not one of the 14 properties included in the General Development Plan. In the interim, the applicant has proposed the access from Holcomb Blvd to be through a new local street "A."

The development's interim access (Street A) does not meet this standard due to its distance from Jada Way – Street A does not align with any streets on the opposite side of Holcomb Blvd. Mr. Replinger discusses this in his review letter, describing:

"Following the annexation and rezoning action approved in 2018, the city and the applicant entered into discussions about the appropriate connection of Holly Lane with Holcomb Boulevard. A safety and operation review for Holly Lane connection along Holcomb Boulevard was undertaken to assess two potential locations for the connection were considered: opposite of S

Barlow Drive and opposite of S Jada Way. This analysis is detailed in a technical memorandum from Lancaster Mobley, dated July 24, 2020. Based on the analysis findings and correspondence with Oregon City staff, the location of S Holly Lane opposite of Barlow Drive was determined as the preferred location by City staff. That concept has been carried forward in the current application.”

Both the applicant’s traffic study and Mr. Replinger’s review conclude that the sight distance at Street A is acceptable. The Applicant proposes to align Holly Lane with the existing Barlow Drive when the properties become available, and to then close off Street A from Holcomb Boulevard. The City finds this approach to be acceptable.

Some of the preliminary street alignments within the development do not meet the City’s requirements and are offset greater than 5 feet. For example, In Phase 2 the Shartner Drive extension should align with Steet E or with Street C. Each DDP shall further refine the layout of the proposed streets within the development so that they are aligned more consistently in a grid pattern per the City’s Park Place Concept Plan and to facilitate alignment standards in OCMC 16.12.018. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.019 - Traffic sight obstructions.

All new streets shall comply with the Traffic Sight Obstructions in Chapter 10.32.

Finding: Complies as Proposed. Applicant acknowledges streets will be designed per this standard.

16.12.020 - Street design—Intersection angles.

Except where topography requires a lesser angle, streets shall be laid out to intersect at angles as near as possible to right angles. In no case shall the acute angles be less than eighty degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least one hundred feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least fifty feet of tangent adjacent to the intersection unless topography requires a lesser distance. All street intersections shall be provided with a minimum curb return radius of twenty-five feet for local streets. Larger radii shall be required for higher street classifications as determined by the City Engineer. Additional right-of-way shall be required to accommodate curb returns and sidewalks at intersections. Ordinarily, intersections should not have more than two streets at any one point.

Finding: Complies as Proposed. The proposed intersections appear to meet the City requirements by avoiding acute angles less than 80 degrees. The layout proposed is preliminary and will need to be further reviewed with each phase’s DDP.

16.12.021 - Street design—Grades and curves.

Grades and center line radii shall conform to standards approved by the City Engineer.

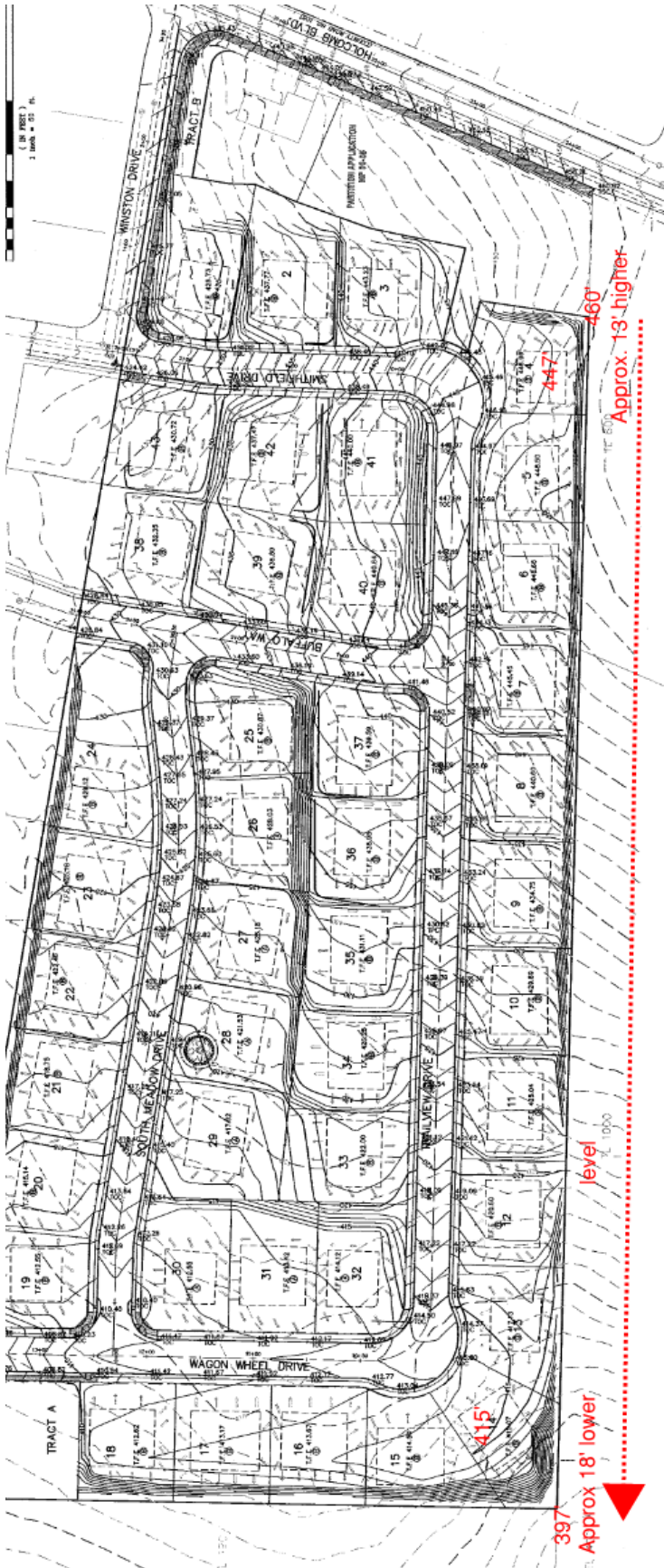
Finding: Complies as Proposed. Applicant acknowledges streets will be designed per this standard. This standard will be further reviewed with each phase’s DDP.

16.12.022 - Street design—Development abutting arterial or collector street.

Where development abuts or contains an existing or proposed arterial or collector street, the decision maker may require: access control; screen planting or wall contained in an easement or otherwise protected by a restrictive covenant in a form acceptable to the decision maker along the rear or side property line; or such other treatment it deems necessary to adequately protect residential properties or afford separation of through and local traffic. Reverse frontage lots with suitable depth may also be considered an option for residential property that has arterial frontage. Where access for development abuts and connects for vehicular access to another jurisdiction's facility then authorization by that jurisdiction may be required.

Finding: Complies with Conditions. The proposed lots abutting arterial and collector streets are planned to provide limited access to said streets. Access to these lots is noted to be primarily provided by rear alleys or

adjacent streets of lesser classification. Final driveway locations will be determined and reviewed with each DDP with access off Holly Lane to be avoided as much as possible. No new driveways will be allowed on Holcomb Boulevard as part of this development. The proposed location of Holly Lane will run very close to the rear of existing homes in the Trailview subdivision, and proposed lots fronting on the new section of Holly Lane. Concerns have been voiced by abutting neighbors concerned with the anticipated grade difference between the existing residential subdivision and the proposed future subdivision. This is illustrated on the diagram of the existing lot grading as-built engineering drawings for Trailview Subdivision below, which shows the variation in elevation as it drops from north to south.



Given the preference for a future road alignment of Holly Lane as shown below as Alternate Alignment 1 (on the left), much of this concern can likely be mitigated by locating residential lots with rear yards abutting existing development. However, the potential remains for noise, visual or traffic impacts for the more northern lots due to proximity to Holly Lane and the need to orient the new road directly across from Barlow Drive for safety reasons and compliance with engineering standards.



Therefore, at the time of DDP submittal for phase 1 the applicant shall propose landscape screening, retaining wall design, and sound buffering and / or sound walls to adequately protect residential properties from the noise and view of Holly Lane. Such measures may also include larger setbacks or reverse frontage lots and building designs. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.023 - Street design—Pedestrian and bicycle safety.

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

The City Engineer may require that crosswalks include a large vegetated or sidewalk area which extends into the street pavement as far as practicable to provide safer pedestrian crossing opportunities. These curb extensions can increase the visibility of pedestrians and provide a shorter crosswalk distance as well as encourage motorists to drive slower. The City Engineer may approve an alternative design that achieves the same standard for constrained sites.

Finding: Complies as Proposed. The developer acknowledges this standard and the General Development Plan discourages cut through traffic and it provides facilities for pedestrian and bicycle use. Further review of these

designs will be a part of each phase's DDP and may include the use of bumpouts or other traffic calming measure where practical.

16.12.024 - Street design—Half street.

Half streets, while generally not acceptable, may be approved where essential to the development, when in conformance with all other applicable requirements, and where it will not create a safety hazard. When approving half streets, the decision maker shall first determine that it will be practical to require the dedication of the other half of the street when the adjoining property is divided or developed. Where the decision maker approves a half street, the applicant shall construct a half street with at least twenty feet of pavement width and provide signage prohibiting street parking so as to make the half street safe until such time as the other half is constructed. Whenever a half street is adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Access control may be required to preserve the objectives of half streets.

When the remainder of an existing half-street improvement is completed it shall include the following items: dedication of required right-of-way, construction of the remaining portion of the street including pavement, curb and gutter, landscape strip, sidewalk, street trees, lighting and other improvements as required for that particular street. It shall also include at a minimum the pavement replacement to the centerline of the street. Any damage to the existing street shall be repaired in accordance with the City's "Pavement Cut Standards" or as approved by the City Engineer.

Finding: Complies as Proposed. Half street improvements are not planned as part of the general development plan. However, streets in Tract K and L for the retail/MUC/NC/Civic/Village Green Areas may have half streets at a later date outside of this application.

16.12.025 - Street design—Cul-de-sacs and dead-end streets.

The City discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision maker to be impracticable due to topography or some significant physical constraint such as geologic hazards, wetland, natural or historic resource areas, pre-existing dedicated open space, pre-existing development patterns, arterial access restrictions or similar situation as determined by the decision maker. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed.

A. When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of twenty-five dwelling units.

Finding: Complies as proposed. No cul-de-sacs are proposed or with this development. Dead end streets shown in this application are intended to be future connections to neighboring properties. This standard will be further reviewed with each DDP as configurations change.

B. Cul-de-sacs and permanent dead-end streets shall include pedestrian/bicycle accessways to meet minimum block width standards as prescribed in OCMC 16.12.030.

Finding: Complies as proposed. No cul-de-sacs or permanent dead-end streets are proposed or required for this development. Additional review will be a part of each DDP.

C. Cul-de-sacs shall have sufficient radius to provide adequate turn-around for emergency vehicles in accordance with fire district and City adopted street standards.

Finding: Complies with Condition. No cul-de-sacs or permanent dead-end streets are proposed or required for this development. However, streets identified for future extension to neighboring properties may not be built out for several years and behave as a dead end. Each DDP shall provide sufficient emergency vehicle turnarounds at the interim "dead ends" (e.g. Street B, Street C, Street A and Street 1).

D. Permanent dead-end streets shall provide public street right-of-way/easements sufficient to provide a sufficient amount of turn-around space complete with appropriate no-parking signs or markings to accommodate waste disposal, sweepers, emergency and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker.

Finding: Complies as Conditioned. No permanent dead end is proposed for this site. However, connections are proposed for future streets on adjacent sites. Some of these sites are outside of the City Limits and may not be

annexed or developed for several years. Street B in Phase 2 is shown to connect to the neighboring property to the South and the Street within Phase 6 connects to the property to the east. Each DDP shall provide turnaround space standards for the future street connections to the neighboring sites that will be behaving as dead ends until future development extends the connections. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. In the case of dead-end stub streets that will connect to streets on adjacent sites in the future, notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. A dead-end street shall include signage or barricade meeting Manual on Uniform Traffic Control Devices (MUTCD).

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

16.12.026 - Street design—Alleys.

Alleys with public access easements on private property shall be provided in the Park Place and South End concept plan areas for the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker. All alleys intended to provide access for emergency vehicles shall be a minimum width of twenty feet. The corners of alley intersections shall have a radius of not less than ten feet and shall conform to standards approved by the City Engineer. Access easements and maintenance agreements shall be recorded on affected properties.

Finding: Complies as Proposed. Alleys proposed for this site are a minimum of 20 feet and radius not less than 10 feet. Alley dimensions and designs will be further reviewed with each phase's DDP.

16.12.027 - Street design—Off-site street improvements.

During consideration of the preliminary plan for a development, the decision maker shall determine whether existing streets impacted by, adjacent to, or abutting the development meet the applicable design or dimensional requirements. Where such streets fail to meet these requirements, the decision-maker shall require the applicant to make proportional improvements sufficient to achieve conformance with minimum applicable design standards required to serve the proposed development.

Finding: Complies with Conditions. Proportional shares will be required and reviewed as part of the future Detailed Development Plan Applications. See 16.12.23. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.028 - Street design—Transit.

Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with transit agencies where the application impacts transit streets as identified in OCMC 17.04.1310.

Pedestrian/bicycle access ways shall be provided as necessary to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified.

Finding: Complies with Condition. The General Development Plan has streets designed to encourage pedestrian and bicycle circulation around the development. Accessways have also been provided to shorten the travel distance for pedestrians between streets and to shorten the neighborhood block length. The City's Park Place Concept plan has identified Holly Lane as a transit street for the local area. If it is determined through individual DDP review that additional transit improvements are needed, the Applicant of the DDP shall provide accommodations for transit facilities within each phase proposed. This may include additional bicycle and pedestrian access, bus or shuttle pullouts, etc. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.029 - Excavations—Restoration of pavement.

Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the City for any purpose whatsoever under the permit granted by the engineer, it shall be the duty of the person making the excavation to restore the pavement in accordance with the City of Oregon City Public Works Pavement Cut Standards in effect at the time the permit is granted. The City Commission may adopt and modify the City of Oregon City Public Works Pavement Cut Standards by resolution as necessary to implement the requirements of this chapter.

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

16.12.030 - Blocks—Width.

The width of blocks shall ordinarily be sufficient to allow for two tiers of lots with depths consistent with the type of land use proposed. The length, width and shape of blocks shall take into account the need for adequate building site size, convenient motor vehicle, pedestrian, bicycle and transit access, control of traffic circulation, and limitations imposed by topography and other natural features.

All new streets shall be designed as local streets unless otherwise designated as arterials and collectors in the current adopted Transportation System Plan. The maximum block spacing between streets is 530 feet and the minimum block spacing between streets is 150 feet as measured between the right-of-way centerlines except in zones GI, CI, MUE, I, and WFDD where determining the appropriate street spacing will be determined by the City Engineer. If the maximum block size is exceeded, pedestrian accessways shall be provided every 330 feet. The spacing standards within this section do not apply to alleys.

Finding: Complies with Condition. The general development plan has provided a preliminary street layout for the Park Place Crossing identifying blocks defined by cross streets and accessways. The plan provided with this application is preliminary in nature. Block lengths, final street locations, internal street connections (see 16.12.018), and available buildable lots shall be further reviewed as more detailed information is provided with each phase's DDP. Where block lengths exceed 530 feet, each DDP shall provide updated plans with pedestrian accessway locations spaced at intervals not exceeding 330 feet from the nearest street intersection.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval

16.12.031 - Street design—Street names.

Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names shall conform to the established standards in the City and shall be subject to the approval of the City.

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

16.12.032 – Public off-street pedestrian and bicycle accessways.

Pedestrian/bicycle accessways are intended to provide direct, safe and convenient connections between residential areas, retail and office areas, institutional facilities, industrial parks, transit streets, neighborhood activity centers, rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, and transit-orientated developments where public street connections for automobiles, bicycles and pedestrians are unavailable. Pedestrian/bicycle accessways are appropriate in areas where public street options are unavailable, impractical or inappropriate. Pedestrian and bicycle accessways are required through private property or as right-of-way connecting development to the right-of-way at intervals not exceeding 330 feet of frontage; or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.

Finding: Complies with Conditions. The layout identified within the General Development Plan shows pedestrian and bicycle accessways which are located at intervals exceeding 330 feet of frontage. This layout has been noted to be preliminary in nature. Final street locations, internal street connections, and available buildable lots are to be further refined and reviewed during each phase's DDP. Each DDP shall provide updated

plans with pedestrian/bicycle accessway locations not exceeding 330 feet of frontage for each phase. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval**

A. Entry points shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections.

Finding: Complies with Condition. The layout of the proposed development shows the general locations of where accessways may occur. With the street layouts and number of buildable lots subject to change, the locations of the pedestrian crossing points will be further reviewed with each DDP.

B. Accessways shall be free of horizontal obstructions and have a nine foot six inch high vertical clearance to accommodate bicyclists. To safely accommodate both pedestrians and bicycles, accessway right-of-way widths shall be as follows:

- 1. Accessways shall have a fifteen- foot wide right-of-way with a seven-foot wide paved surface with a minimum four-foot planter strip on either side.*
- 2. If an accessway also provides secondary fire access, the right-of-way width shall be at least twenty- four feet wide with a - sixteen foot paved surface between four-foot planter strips on either side.*

Finding: Complies as Proposed. The layout of the proposed development shows accessways free of horizontal obstructions with geometry meeting the applicable code.

C. Accessways shall be direct with at least one end point of the accessway always visible from any point along the accessway. On-street parking shall be prohibited within fifteen feet of the intersection of the accessway with public streets to preserve safe sight distance and promote safety.

Finding: Complies as Proposed. The layout of the proposed development shows accessways with proper visibility this will be further reviewed during the DDP for sight line distances.

D. To enhance pedestrian and bicycle safety, accessways shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of one-half-foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one and shall be oriented not to shine upon adjacent properties. Street lighting shall be provided at both entrances.

Finding: Complies as Proposed. The layout of the proposed development is preliminary in nature and conceptually meets the requirements above. Further design review of the accessways will occur as part of each DDP.

E. Accessways shall comply with Americans with Disabilities Act (ADA).

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

F. The planter strips on either side of the accessway shall be landscaped along adjacent property by installation of the following:

- 1. Either an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average; and*
- 2. 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; and*
- 3. A two-inch minimum caliper tree for every thirty-five -feet along the accessway. Trees may be planted on either side of the accessway, provided they are spaced no more than thirty-five feet apart; and*
- 4. In satisfying the requirements of this section, evergreen plant materials that grow over forty-two inches in height shall be avoided. All plant materials shall be selected from the Oregon City Native Plant List.*

G. Accessways shall be designed to prohibit unauthorized motorized traffic. Curbs and removable, lockable bollards are suggested mechanisms to achieve this.

H. Accessway surfaces shall be paved with all-weather materials as approved by the City. Pervious materials are encouraged. Accessway surfaces shall be designed to drain stormwater runoff to the side or sides of the accessway. Minimum cross slope shall be two percent.

I. In parks, greenways or other natural resource areas, accessways may be approved with a five-foot wide gravel path with wooden, brick or concrete edgings.

J. The decision maker may approve an alternative accessway design due to existing site constraints through the modification process set forth in OCMC 16.12.013.

K. Ownership, liability and maintenance of accessways. To ensure that all pedestrian/bicycle accessways will be adequately maintained over time, the City Engineer shall require one of the following:

1. Dedicate the accessways to the public as public right-of-way prior to the final approval of the development; or
2. The developer incorporates the accessway into a recorded easement or tract that specifically requires the property owner and future property owners to provide for the ownership, liability and maintenance of the accessway.

Finding: Complies as Proposed. The GDP acknowledges these requirements, and the designs will be further refined and reviewed as part of each DDP.

16.12.033 - Mobility standards.

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

A. For intersections within the regional center, the following mobility standards apply:

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

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

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

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

1. For signalized intersections:
 - a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.
 - b. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.
2. For unsignalized intersections outside of the boundaries of the Regional Center:
 - a. For unsignalized intersections, during the peak hour, all movements serving more than twenty vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than twenty vehicles during the peak hour.

D. For the intersection of OR 213 & Beavercreek Road, the following mobility standards apply:

1. During the first, second & third hours, a maximum v/c ratio of 1.00 shall be maintained. Calculation of the maximum v/c ratio will be based on an average annual weekday peak hour.

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

I-205/OR 99E Interchange

State intersections located within or on the Regional Center Boundaries

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

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

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

2. Development which does not comply with the mobility standards for the intersections identified in OCMC 16.12.033 shall provide for the improvements identified in the Transportation System Plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other provisions of the Code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the Code.

See findings in 17.65.050.C.3. The applicant submitted a Transportation Impact Analysis report completed by Lancaster Mobley Engineering. The report was reviewed by the city's Transportation Consultant, John Replinger.

16.12.035 - Driveways.

A. All new development, redevelopment, and capital improvement projects shall meet the minimum driveway spacing standards identified in Table 16.12.035.A. Minor Site Plan and Design Review do not follow these standards unless a request is made to modify the driveway.

Table 16.12.035.A Minimum Driveway Spacing Standards		
Street Functional Classification	Minimum Driveway Spacing Standards	Distance
Major Arterial Streets	Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single and two-family dwellings	175 ft.
Minor Arterial Streets	Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single and two-family dwellings	175 ft.
Collector Streets	Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single and two-family dwellings	100 ft.
Local Streets	Minimum distance from a street corner to a driveway and between driveways	25 ft.

The distance from a street corner to a driveway is measured along the right-of-way from the edge of the intersection (on the same side of the road) right-of-way to the nearest portion of the driveway and the distance between driveways is measured at the nearest portions of the driveway at the right-of-way.

Finding: Complies with Condition. The GDP acknowledges these requirements and the designs will be further refined and reviewed as part of each phase's DDP. With Holly Lane designated as collector street, new driveways there are to be avoided as much as possible and instead driveway access should be off of local streets or alleys. Holcomb Boulevard as a minor arterial will have no new driveways. Instead access to properties shall be from rear alleys. Each phase shall identify proposed driveway locations for review of each DDP. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

B. All detached single and two family dwellings shall have driveways which meet the minimum distance standards except when the lot size is smaller than the minimum distance required. When minimum distance cannot be met due to lot size or due to the location of an overlay district, the driveway shall be located as far away from the intersection as possible as approved by the City Engineer.

Finding: Complies as Proposed. The GDP acknowledges these requirements, and the designs will be further refined and reviewed as part of each DDP.

C. Nonresidential or multi-family residential use driveways that generate high traffic volumes as determined by a traffic analysis shall be treated as intersections and shall adhere to requirements of OCMC 16.12.020.

Finding: Complies as Proposed. The GDP acknowledges these requirements, and the designs will be further refined and reviewed as part of each DDP.

D. Only one driveway is allowed per street frontage classified as a local street and in no case shall more than two driveways (one per frontage) be allowed for any single family attached or detached residential property, duplex, 3- 4 plex, or property developed with an ADU or internal conversion with multiple frontages, unless otherwise approved by the City Engineer.

Finding: Complies as Proposed. The GDP acknowledges these requirements, and they will be further designed and reviewed as part of each DDP.

E. When a property fronts multiple roads, access shall be provided from and limited to the road with the lowest classification in the Transportation System Plan whenever possible to minimize points of access to arterials and collectors. Access shall not be provided on Arterial or Collector roads unless there is no other alternative. At the discretion of the City Engineer, properties fronting a collector or arterial road may be allowed a second driveway, for the creation of a circulation pattern that eliminates reverse maneuvers for vehicles exiting a property if applied for and granted through procedures in OCMC 16.12.013. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the City Engineer determines that:

- 1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or*
- 2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.*

Finding: Complies as Proposed. The GDP acknowledges these requirements, and the designs will be further refined and reviewed as part of each DDP.

F. All driveway approaches shall be limited to the dimensions identified in Table 16.12.035.D.

Table 16.12.035.D Driveway Approach Size Standards			
Property Use	Minimum Driveway Approach Width		Maximum Driveway Approach Width
Single-Family	10 feet		24 feet
Duplexes	12 feet		24 feet
3-4 Plexes	12 feet		36 feet
Multi-Family	18 feet		30 feet
Commercial, Industrial, Office, Institutional, Mixed Use, and/or Nonresidential	One-Way 12 feet	Two-Way 20 feet	40 feet

Driveway widths shall match the width of the driveway approach where the driveway meets sidewalk or property line but may be widened onsite (for example between the property line and the entrance to a garage). Groups of more than four parking spaces shall be so located and served by driveways so that their use will not require backing movements or other maneuvering within a street right-of-way other than an alley.

Finding: Complies as Proposed. The GDP acknowledges these requirements, and the designs will be further refined and reviewed as part of each DDP.

G. The City Engineer reserves the right to require a reduction in the number and size of driveway approaches as far as practicable for any of the following purposes:

- 1. To provide adequate space for on-street parking;*
- 2. To facilitate street tree planting requirements;*
- 3. To assure pedestrian and vehicular safety by limiting vehicular access points; and*
- 4. To assure that adequate sight distance requirements are met.*

a. Where the decision maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-family housing, a shared driveway shall be required and limited to twenty-four feet in width adjacent to the sidewalk or property line.

Finding: Complies as Proposed. The GDP acknowledges these requirements, and the designs will be further refined and reviewed as part of each DDP.

H. For all driveways, the following standards apply.

1. Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least ten feet back into the property as measured from the current edge of sidewalk or street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the City Engineer.

2. Any driveway approach built within public right-of-way shall be built and permitted per City requirements as approved by the City Engineer.

3. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the City Engineer.

Finding: Complies as Proposed. The GDP acknowledges these requirements, and the designs will be further refined and reviewed as part of each DDP.

I. Exceptions. The City Engineer reserves the right to waive these standards or not allow driveway access, if the driveway(s) would cause a significant traffic safety hazard. Narrower or wider driveway widths may be considered where field conditions preclude use of recommended widths. When larger vehicles and trucks will be the predominant users of a particular driveway, turning templates may be utilized to develop a driveway width that can safely and expeditiously accommodate the prevalent type of ingress and egress traffic.

Finding: Not Applicable. No exemptions are proposed with this GDP.

16.12.065 - Building site—Grading.

Grading of building sites shall conform to the State of Oregon Structural Specialty Code, Title 18, any approved grading plan and any approved residential lot grading plan in accordance with the requirements of OCMC 13.12,15.48, 16.12 and the Public Works Stormwater and Grading Design Standards, and the erosion control requirements of OCMC 17.47.

Finding: Applicable. Please refer to the findings within OCMC 13.12,15.48, 16.12 & 17.47 of this report.

16.12.085 - Easements.

The following shall govern the location, improvement and layout of easements:

A. Utilities. Utility easements shall be required where necessary as determined by the City Engineer. Insofar as practicable, easements shall be continuous and aligned from block-to-block within the development and with adjoining subdivisions or partitions.

1. Specific public utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans conforming to the requirements found within the applicable Design Standards.

2. Conveyance of public utility easements for gas, electric, telecommunication, and fiberoptic shall be required where necessary as determined by the City Engineer. The City Engineer will require the easement unless it is found that the utility can be placed in a different location or can be placed in a smaller easement than what is required. The easement shall be located adjacent to all public right of ways or public access easements within private property. In the event that the provision of a public utility easement would create a conflict with achieving compliance with another part of the code, the location and width may be adjusted by the City Engineer.

a. The easement shall be 10 feet in the R-10, R-8, R-6, R-5, R-3.5, R-2, GI, and CI zones

b. The easement shall be a minimum of 5 feet in the NC, HC, I, C, MUC-1, MUC-2, MUE, MUD, and WFDD zones.

a. The applicant shall obtain a written determination from all utilities that the minimum 5 foot PUE coupled with use of a minimum of a 5 foot area under the public sidewalk or parkway area is sufficient to serve the development. Where the minimum width is deemed inadequate, a modification shall be required.

c. An applicant may seek a modification to the public utility easement dedication requirement using 16.12.013.

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

B. Unusual Facilities. Easements for unusual facilities such as high voltage electric transmission lines, drainage channels and stormwater detention facilities shall be adequately sized for their intended purpose, including any necessary maintenance roads. These easements shall be shown to scale on the preliminary and final plats or maps. If the easement is for drainage channels, stormwater detention facilities or related purposes, the easement shall comply with the requirements of the Public Works Stormwater and Grading Design Standards.

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

C. Watercourses. Where a development is traversed or bounded by a watercourse, drainageway, channel or stream, a stormwater easement or drainage right-of-way shall be provided which conforms substantially to the line of such watercourse, drainageway, channel or stream and is of a sufficient width to allow construction, maintenance and control for the purpose as required by the responsible agency. For those subdivisions or partitions which are bounded by a stream of established recreational value, setbacks or easements may be required to prevent impacts to the water resource or to accommodate pedestrian or bicycle paths.

Finding: Complies as Proposed. The GDP acknowledges these requirements, and the designs will be further refined and reviewed as part of each DDP.

D. Access. When easements are used to provide vehicular access to lots within a development, the construction standards, but not necessarily width standards, for the easement shall meet City specifications. The minimum width of the easement shall be 20 feet. The easements shall be improved and recorded by the applicant and inspected by the City Engineer. Access easements may also provide for utility placement.

Finding: Complies as Proposed. The GDP acknowledges these requirements, and the designs will be further refined and reviewed as part of each DDP.

E. Resource Protection. Easements or other protective measures may also be required as the Community Development Director deems necessary to ensure compliance with applicable review criteria protecting any unusual significant natural feature or features of historic significance.

Finding: Complies as Proposed. The GDP acknowledges these requirements, and the designs will be further refined and reviewed as part of each DDP.

16.12.090 - Minimum improvements—Procedures.

In addition to other requirements, improvements installed by the applicant either as a requirement of these or other regulations, or at the applicant's option, shall conform to the requirements of this title and be designed to City specifications and standards as set out in the City's facility master plan and Public Works Stormwater and Grading Design Standards. The improvements shall be installed in accordance with the following procedure:

A. Improvement work shall not commence until construction plans have been reviewed and approved by the City Engineer and to the extent that improvements are located in County or State right-of-way, they shall be approved by the responsible authority. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the preliminary plat of a subdivision or partition. Expenses incurred thereby shall be borne by the applicant and paid for prior to final plan review.

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

B. Improvements shall be constructed under the inspection and approval of the City Engineer. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. Where required by the City Engineer or other City decision-maker, the applicant's project engineer also shall inspect construction.

Finding: Applicable These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

C. Erosion control or resource protection facilities or measures are required to be installed in accordance with the requirements of OCMC 17.47, 17.49 and the Public Works Erosion and Sediment Control Standards.

Finding: Compiles with Condition. See findings from OCMC 17.47, 17.49 of this report.

D. Underground utilities, waterlines, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities, such as, storm, water and sanitary sewer shall be placed beyond the ten-foot-wide public utility easement within private property as defined in OCMC 16.12.85.A.2.

Finding: Complies as Proposed. The GDP acknowledges these requirements, and the designs will be further refined and reviewed as part of each phase's DDP.

E. As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer upon completion of the improvements.

Finding: Complies as Proposed. The GDP acknowledges these requirements, and they will be further reviewed as part of each phase's DDP.

F. The City Engineer may regulate the hours of construction and access routes for construction equipment to minimize impacts on adjoining residences or neighborhoods.

Finding: Complies as Proposed. The GDP acknowledges these requirements, and the designs will be further refined and reviewed as part of each phase's DDP.

16.12.095 - Minimum improvements—Public facilities and services.

The following minimum improvements shall be required of all applicants for a development, unless the decision-maker determines that any such improvement is not proportional to the impact imposed on the City's public systems and facilities:

A. Transportation System. Applicants and all subsequent lot owners shall be responsible for improving the City's planned level of service on all public streets, including alleys within the development and those portions of public streets adjacent to but only partially within development. Applicants are responsible for designing and providing adequate vehicular, bicycle and pedestrian access to their developments and for accommodating future access to neighboring undeveloped properties that are suitably zoned for future development. Storm drainage facilities shall be installed and connected to off-site natural or man-made drainageways. Upon completion of the street improvement survey, the applicant shall reestablish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all points or curvature and points of tangency of their center line, and at such other points as directed by the City Engineer.

Finding: Complies with Condition: The proposed development has frontage along Livesay Road to the south and has proposed that the Holly Lane collector running through the development will terminate at Livesay Road with a gate for emergency access only. The applicant has not provided any public improvements along its frontage to Livesay Road which is under the jurisdiction of Clackamas County. The County has noted concerns for the future traffic onto Livesay Road and the impact to its planned CIP project at the intersection of Redland and Livesay Road. The County has provided conditions of approval to be implemented with different phases of the development. Because the proposed layout is preliminary and subject to change with future DDPs, the applicant shall coordinate these conditions with the City and County with each DDP. The public improvements on Livesay Road shall be further reviewed in more detail with each DDP but at a minimum, the Applicant shall address the following:

- A. All frontage improvements in, or adjacent to Clackamas County right-of-way, shall be in compliance with *Clackamas County Roadway Standards*.
- B. The applicant shall dedicate an additional approximately 15 feet of right-of-way along the entire site frontage of S Livesay Road and shall verify by survey that a 35-foot wide, one-half right-of-way width exists, or shall dedicate additional right-of-way as necessary to provide it.
- C. The following improvements will be required along the entire site frontage of S Livesay Road at the time of development of Phase 2, in accordance with Clackamas County Roadway Standards:

- a. A 25-foot wide half-street improvement is required, constructed from centerline of the right-of-way. The structural section for S Livesay Road improvements shall be constructed per Clackamas County Roadway Standards Standard Drawing C100 for a collector roadway. Where widening is required, saw-cut and grind and inlay may be needed based on road condition, per Roadway Standards Section 225.5.
 - b. Standard curb, or curb and gutter if curblin slope is less than one percent, and pavement with the face of the new curb located 25 feet from the centerline of the right-of-way. Centerline of the right-of-way shall be established by a registered survey.
 - c. A minimum 7-foot wide unobstructed setback sidewalk shall be constructed along the frontage of the commercial sites on Tracts L and K. The remainder of the frontage a minimum 5-foot wide sidewalk shall be constructed.
 - d. A 5-foot wide landscape strip, including street trees shall be constructed along the entire site frontage.
 - e. Drainage facilities in conformance Tri-City regulations and Clackamas Roadway Standards, Chapter 4.
 - f. For the proposed public street intersection with S Livesay Road, construct dual curb ramps, per Oregon Standard Drawings.
 - g. The intersection of Holly Lane with S Livesay Road shall be limited to gated emergency vehicle access only, with the gate approve by the Clackamas Fire District.
- D. If full access to S Livesay Road from the Master Plan site is proposed at any one of the proposed phases, a supplemental TIS will be required evaluating the adequacy of the off-site portion of S Livesay Road and the intersection with S Redland Road. At a minimum, a paved road width of 20 feet will be required from the project site to Redland Road, and the roadway is deemed adequate, or made adequate through improvements to support traffic from the masterplan site. Approval of a Development Permit from Clackamas County Engineering will be required for access to S Livesay Road.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval

B. Stormwater Drainage System. Applicants shall design and install drainage facilities within a development and shall connect the development's drainage system to the appropriate downstream storm drainage system as a minimum requirement for providing services to the applicant's development. The applicant shall obtain county or state approval when appropriate. Applicants are responsible for extending the appropriate storm drainage system to the development site and for providing for the connection of upgradient properties to that system. The applicant shall design the drainage facilities in accordance with City drainage master plan requirements, OCMC 13.12 and the Public Works Stormwater and Grading Design Standards.

Finding: Complies as Proposed. The GDP has provided preliminary plans of the phased stormwater management of this development and a preliminary stormwater report. The GDP acknowledges these requirements, and the designs will be further refined and reviewed as part of each phase's DDP.

C. Sanitary Sewer System. The applicant shall design and install a sanitary sewer system to serve all lots or parcels within a development in accordance with the City's sanitary sewer design standards, and shall connect those lots or parcels to the City's sanitary sewer system, except where connection is required to the county sanitary sewer system as approved by the

county. Applicants are responsible for extending the City's sanitary sewer system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development. The applicant shall obtain all required permits and approvals from all affected jurisdictions prior to final approval and prior to commencement of construction. Design shall be approved by the City Engineer before construction begins.

Finding: Complies with Condition. Conceptual plans for the sanitary sewer system have been provided to the City showing the routing for each phase of the development. The proposed sanitary sewer system will be built and routed initially through Holcomb Boulevard before it eventually is rerouted to Redland Road when Holly Lane is extended in the future. Interim sewer connections are proposed for Phase 1 at Trail View Drive and Journey Drive. A final interim connection during Phase 2 will reroute Phase 1's sewer through Phase 2 and connect via a pedestrian bridge to Oak Valley Drive to bring the flows to Holcomb Boulevard. Conceptual capacity calculations have been provided to the City. Specific details on the design and construction shall be provided with the detailed development plans for each phase. The City's sanitary sewer consultant has noted that sections of the existing sewer system, downstream of the development, are nearing capacity. The applicant shall provide updated downstream capacity calculations with system capacity upgrades (if needed) at each DDP to confirm that the City's sanitary sewer system can safely handle each phase of the development. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

D. Water System. The applicant shall design and install a water system to serve all lots or parcels within a development in accordance with the City public works water system design standards, and shall connect those lots or parcels to the City's water system. Applicants are responsible for extending the City's water system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development.

Finding: Complies with Condition. The proposed water system for the development is a preliminary design but is consistent with the Park Place Concept Plan. A 12 inch transmission main will be installed within Holly Lane for a future Park Place connection to the 16 inch transmission main south of Livesay Road. An Additional 12 inch main will connect Cattle Drive creating system looping which is ideal for water quality and for emergencies. Portions of the development (elevations greater than 450') will be served by Clackamas River Water (CRW). Water mains on local streets will serve individual lots. No specific designs have been provided with this GDP however, further refined details will be provided and reviewed with each DDP. Like the sewer system, the water system will be built overtime. Each DDP will confirm that the existing water systems (City and CRW) have capacity for each phase of development. Coordination with CRW will also be required. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. Street Trees. Refer to OCMC 12.08, Street Trees.

Finding: Not applicable. Street trees will be reviewed upon submittal of a DDP.

F. Bench Marks. At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the City Engineer.

Finding: Complies as proposed. The applicant acknowledges this requirement, and it will be a part of each DDP.

G. Other Utilities. The applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. All new utilities shall be placed underground unless the respective franchise agreements allow otherwise or unless it is physically or technically impossible to comply with applicable standards. Existing electrical lines and other wires, including but not limited to telecommunication, street lighting and fiberoptic shall be relocated underground.

1. *Exemptions to relocation of existing overhead utilities to underground for property development as follows (Only one exemption criteria is required to be exempt from this requirement):*
 - a. *No transmission or feeder lines shall be relocated underground unless approved by the City Engineer.*
 - b. *Properties with less than 1.0 acre of ownership and area shall not be required to relocate existing overhead utilities unless required by the franchise utility.*
 - c. *Properties with less than 200 feet of frontage on any individual roadway shall not be required to relocate existing overhead utilities unless required by the franchise utility.*
 - d. *Land divisions Properties which propose with 5 or less fewer subdivided lots shall not be required to relocate existing overhead utilities unless required by the franchise utility.*
2. *The exemptions in G.1. do not apply if properties within the same block were required to relocate the overhead utilities within the past 10 years. In those cases, the existing overhead utilities shall be relocated underground.*
3. *When any franchise utility (electric, gas, telecommunication, fiberoptic, street lighting or similar utility) is installed along an existing or new roadway, the utility shall be installed within the existing or proposed public utility easement unless it is physically or technically impossible.*
4. *These requirements do not apply to work by a franchise utility for improvement, repair, alteration or addition to their existing systems.*

Finding: Complies as proposed. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

H. Oversizing of Facilities. All facilities and improvements shall be designed to City standards as set out in the City's facility master plan, public works design standards, or other City ordinances or regulations. Compliance with facility design standards shall be addressed during final engineering. A development may be required to modify or replace existing offsite systems if necessary to provide adequate public facilities. The City may require oversizing of facilities to meet standards in the City's facility master plan or to allow for orderly and efficient development. Where oversizing is required, the applicant may request reimbursement from the City for oversizing based on the City's reimbursement policy and funds available, or provide for recovery of costs from intervening properties as they develop.

Finding: Complies as Proposed. The GDP acknowledges these requirements, and the designs will be further refined and reviewed as part of each phase's DDP.

I. Erosion Control Plan—Mitigation. The applicant shall be responsible for complying with all applicable provisions of OCMC 17.47 with regard to erosion control.

Finding: See findings from OCMC 17.47 of this report.

16.12.100 - Same—Road standards and requirements.

A. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions and the applicable street design standards of this Chapter. However, the decision-maker may approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions where any of the following conditions exist:

1. *The establishment of the public street is initiated by the City Commission and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;*
2. *The tract in which the street is to be dedicated is within an isolated ownership either not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.*

Finding: Applicable. Please refer to the findings in OCMC 16.12.016 within this report for applicable street design standards required for the public street created by the proposed development.

B. For any public street created pursuant to subsection A of this section, a copy of a preliminary plan and the proposed deed shall be submitted to the Community Development Director and City Engineer at least ten days prior to any public hearing scheduled for the matter. The plan, deed and any additional information the applicant may submit shall be reviewed by the decision-maker and, if not in conflict with the standards of Title 16 and Title 17, may be approved with appropriate conditions.

Finding: Complies as Proposed. The GDP acknowledges these requirements, and the designs will be further refined and reviewed as part of each phase's DDP.

C. The design and construction of public streets shall be per the standards found in this chapter and the most recent version of any City Design and Construction Standards.

Finding: Complies as Proposed. The GDP acknowledges these requirements, and the designs will be further refined and reviewed as part of each phase's DDP.

16.12.105 - Same—Timing requirements.

A. Prior to applying for final plat approval, the applicant shall either complete construction of all public improvements required as part of the preliminary plat approval or guarantee the construction of those improvements. Whichever option the applicant elects shall be in accordance with OCMC 17.50.140.

Finding: See findings from OCMC 17.50.140 regarding timing of construction of improvements and guarantee for construction of improvements.

B. Construction. The applicant shall construct the public improvements according to approved final engineering plans and all applicable requirements of this Code, and under the supervision of the City Engineer. Under this option, the improvement shall be complete and accepted by the City Engineer prior to final plat approval.

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

16.12.110 -Public improvements—Financial guarantees.

A. To ensure construction of required public improvements, the applicant shall provide the City with a performance guarantee in accordance with OCMC 17.50.140.

Finding: Please see findings from OCMC 17.50.140 of this report.

B. After satisfactory completion of required public improvements and facilities, all public improvements not constructed by the City, shall be maintained and under warranty provided by the property owner or developer constructing the facilities until the City accepts the improvements at the end of the warranty period as prescribed in OCMC 17.50.141.

Finding: Please see findings from OCMC 17.50.141 of this report.

16.12.120 Waiver of Remonstrance

The review authority may require a property owner to sign a waiver of remonstrance against the formation of and participation in a local improvement district where it deems such a waiver necessary to provide needed improvements reasonably related to the impacts created by the proposed development. To ensure compliance with this chapter, the review authority may require an applicant to sign or accept a legal and enforceable covenant, contract, dedication, easement, performance guarantee, or other document, which shall be approved in form by the City Attorney.

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

CHAPTER 17.08 LOW DENSITY RESIDENTIAL DISTRICTS

17.08.020 - Permitted uses.

Permitted uses in the R-10, R-8 and R-6 districts are:

- A. Single-family detached residential units;*
- B. Accessory uses, buildings and dwellings;*
- C. Internal conversions;*
- D. Corner duplexes;*

- E. Cluster housing;
- F. Residential homes;
- G. Parks, playgrounds, playfields and community or neighborhood centers;
- H. Home occupations;
- I. Family day care providers;
- J. 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);
- K. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- L. Transportation facilities.

Finding: Permitted. The applicant proposed to construct single-family detached residential units within the portion of the site in the R-10 zone, allowed in OCMC 17.08.020.A.

17.08.030 - Master plans.

The following are permitted in the R-10, R-8 and R-6 districts when authorized by and in accordance with the standards contained in OCMC 17.65.

- A. Single-family attached residential units.

Finding: Permitted. The applicant's plans include single-family attached residential units; although these are located in the R-5 zone area, some encroachment into the R-10 zone is permitted for this use when part of a Master Plan per OCMC 17.08.030.A.

17.08.040 - Dimensional standards.

Dimensional standards in the R-10, R-8 and R-6 districts are as follows:

Table 17.08.040

Standard	R-10
<i>Minimum lot size¹</i>	<i>10,000 sq. ft.</i>
<i>Maximum height</i>	<i>35 ft.</i>
<i>Maximum building lot coverage With ADU</i>	<i>40%, except 45%</i>
<i>Minimum lot width</i>	<i>65 ft.</i>
<i>Minimum lot depth</i>	<i>80 ft.</i>
<i>Garage setback</i>	<i>20 ft. from ROW, except 5 ft. Alley</i>

Notes:

1. For land divisions, lot sizes may be reduced pursuant to OCMC 16.08.065.
2. Accessory structures may have reduced setbacks pursuant to OCMC 17.54.010.B.

Finding: Complies with condition. In the R-10 zone, the applicant has shown lots of approximately 4,000 square feet. This approach is explained by taking advantage of the NROD density transfer provisions which allow for reduction in the lot size of adjacent lots to a minimum of 5,000 square feet under OCMC 17.49.240 coupled with an additional 20% lot reduction under the master plan adjustment authorization of OCMC 17.65.070.

However, the 20 percent lot reduction adjustment cannot be further applied to allow a lot sized pursuant to the maximum NROD density transfer or 5,000 square foot lot to be further reduced to 4,000 square feet.

The intent and plain language of OCMC 17.65.070 is to allow for a 20% adjustment to the base or “underlying” zone dimensional standards, which means, an R-10 lot could be reduced from 10,000 sf to 8,000 square feet. The adjustment cannot be applied to allow a lot sized pursuant to the maximum NROD density transfer or 5,000 square foot lot to be further reduced to 4,000 square feet. Thus, the applicant shall ensure that lots in the R-10 zone are 5,000 square feet or more in area for future detailed development plan applications that show compliance with OCMC 17.49.240 for NROD density transfer. If density transfer standards cannot be met in future detailed development plan applications, the minimum size for lots within the R-10 zone will be 8,000 square feet, (assuming the requested 20% adjustment is approved).

Staff has determined that it is possible, likely and reasonable that the applicant shall meet this standard through the Conditions of Approval.

17.08.050 - Density standards.

A. Density standards in the R-10, R-8 and R-6 districts are as follows:

Table 17.08.050

Standard	R-10
<i>Minimum net density</i>	<i>3.5 du/acre</i>
<i>Maximum net density</i>	<i>4.4 du/acre</i>

B. Exceptions.

- 1. Any dwelling units created as accessory dwelling units or internal conversions do not count towards the minimum or maximum density limits in Table 17.08.050.*
- 2. Corner duplexes shall count as a single dwelling unit for the purposes of calculating density.*
- 3. Cluster housing is permitted at higher densities exempt from the standards in Table 17.08.050; see OCMC 17.20.020.*

Finding: Complies as Proposed. The applicant requested an adjustment to density through OCMC 17.65.070 and provided the following density calculations. Complexity is added to this discussion through the need to show compliance with the Park Place Concept Plan as well as the minimum and maximum density of the zone. See

findings in response to OCMC 17.65.

Table 3: NROD Density Transfer

Area Category	Acreage
Net Developable Area	±47.7
NROD Conservation Tract Areas	±14.3
NROD Density Transfer (1/3 of NROD area)	±4.8
Total Developable Area for Density Calculations	±52.5

Table 4: Allowed Density by Zone

Zoning	Net Acreage	Percentage of Total Acres	Units per Net Acre (Minimum)	Units per Net Acre (Maximum)
Low Density Residential (R-10)	±2.8	5.8%	3.5	4.4
Medium Density Residential (R-5) (Detached)	±36.7	76.9%	7.0	8.7
Medium Density Residential (R-5) (Attached)	±6.9	14.5%	7.0	12.4
Geologic Hazard Areas (Slopes >25%)	±1.3	2.7%	-	2.0

Table 5: Planned Density Calculations

Calculated Minimum Density	±47.7 acres	±6.7 units per acre
Calculated Maximum Density	±47.7 acres	±8.8 units per acre
Calculated Area with NROD Transfer	±52.5 acres	-
Maximum Density with 10% GDP Increase	±52.5 acres	±9.7 units per acre
Planned Density	±52.5 acres	±9.1 units per acre

CHAPTER 17.10 MEDIUM DENSITY RESIDENTIAL DISTRICTS

17.10.020 - Permitted uses.

Permitted uses in the R-5 and R-3.5 districts are:

- A. Single-family detached residential units;*
- B. Accessory uses, buildings and dwellings;*
- C. Internal conversions;*
- D. Duplexes;*
- E. Corner duplexes;*
- F. Single-family attached residential units;*
- G. 3-4 plex residential;*
- H. Cluster housing;*
- I. Manufactured home parks or subdivisions in the R-3.5 district only;*
- J. Residential homes;*
- K. Parks, playgrounds, playfields and community or neighborhood centers;*
- L. Home occupations;*
- M. Family day care providers;*
- N. 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);*

O. Temporary real estate offices in model homes 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. Transportation facilities.

Finding: Permitted. The applicant proposed to construct single-family detached and single-family attached residential units, allowed in OCMC 17.10.020.A and F.

17.10.030 - Master plans.

The following use is permitted in the R-3.5 district when authorized by and in accordance with the standards contained in OCMC 17.65.

A. Multifamily residential.

Finding: Not applicable. The applicant did not propose multifamily uses in the R-3.5 zone.

17.10.040 - Dimensional standards.

Dimensional standards in the R-5 and R-3.5 districts are as follows:

Table 17.10.040

Standard	R-5
<i>Minimum lot size¹</i> <i>Single-family detached</i> <i>Duplex</i> <i>Single-family attached</i> <i>3-4 plex</i>	<i>5,000 sq. ft.</i> <i>6,000 sq. ft.</i> <i>3,500 sq. ft.</i> <i>2,500 sq. ft. per unit</i>
<i>Maximum height</i>	<i>35 ft.</i>
<i>Maximum building lot coverage</i> <i>Single-family detached and all duplexes</i> <i>With ADU</i> <i>Single-family attached and 3-4 plex</i>	<i>50%</i> <i>60%</i> <i>70%</i>
<i>Minimum lot width</i> <i>All, except</i> <i>Single-family attached</i>	<i>35 ft., except</i> <i>25 ft.</i>
<i>Minimum lot depth</i>	<i>70 ft.</i>
<i>Garage setbacks</i>	<i>20 ft. from ROW,</i> <i>except</i> <i>5 ft. from alley</i>

Finding: The applicant has requested a variance to the minimum lot size for attached single family uses. See findings in response to OCMC Chapter 17.60 of this report. Future detailed development plan applications will be required to show compliance with this standard.

17.10.050 - Density standards.

A. Density standards in the R-5 and R-3.5 districts are as follows:

Table 17.10.050

Standard	R-5	R-3.5
<i>Minimum net density</i>	<i>7.0 du/acre</i>	<i>10 du/acre</i>

Maximum net density		
• Single-family detached	8.7 du/acre	12.4 du/acre
• Single-family attached	12.4 du/acre	17.4 du/acre
• 3-4 plexes	17.4 du/acre	21.8 du/acre

B. Exceptions.

1. Any dwelling units created as accessory dwelling units or internal conversions do not count towards the minimum or maximum density limits in Table 17.10.050.
2. Duplexes and corner duplexes shall count as a single dwelling unit for the purposes of calculating minimum and maximum density standards.
3. Cluster housing is permitted at higher densities exempt from the standards in Table 17.10.050; see OCMC 17.20.020.

Finding: Complies as Proposed. The applicant requested an adjustment to density through 17.65.070 and provided the following density calculations. Complexity is added to this discussion through the need to show compliance with the Park Place Concept Plan as well as the minimum and maximum density of the zone. See findings in 17.65.

Table 3: NROD Density Transfer

Area Category	Acreage
Net Developable Area	±47.7
NROD Conservation Tract Areas	±14.3
NROD Density Transfer (1/3 of NROD area)	±4.8
Total Developable Area for Density Calculations	±52.5

Table 4: Allowed Density by Zone

Zoning	Net Acreage	Percentage of Total Acres	Units per Net Acre (Minimum)	Units per Net Acre (Maximum)
Low Density Residential (R-10)	±2.8	5.8%	3.5	4.4
Medium Density Residential (R-5) (Detached)	±36.7	76.9%	7.0	8.7
Medium Density Residential (R-5) (Attached)	±6.9	14.5%	7.0	12.4
Geologic Hazard Areas (Slopes >25%)	±1.3	2.7%	-	2.0

Table 5: Planned Density Calculations

Calculated Minimum Density	±47.7 acres	±6.7 units per acre
Calculated Maximum Density	±47.7 acres	±8.8 units per acre
Calculated Area with NROD Transfer	±52.5 acres	-
Maximum Density with 10% GDP Increase	±52.5 acres	±9.7 units per acre
Planned Density	±52.5 acres	±9.1 units per acre

17.21 SINGLE-FAMILY RESIDENTIAL STANDARDS—PARK PLACE CONCEPT PLAN AREA

Staff note: This Chapter is applicable at the time of building permit review for new homes within the Park Place Concept Plan area. The applicant has requested an adjustment to one of the standards in this Chapter to allow garage orientation on the front of homes. See findings in response to OCMC 17.65.070 Adjustments to Standards.

CHAPTER 17.24 NC NEIGHBORHOOD COMMERCIAL DISTRICT

17.24.020 - Permitted Uses—NC.

The following uses are permitted within the Neighborhood Commercial District:

- A. *Any use permitted in the Mixed-Use Corridor, provided the maximum footprint for a stand alone building with a single store or multiple buildings with the same business does not exceed ten thousand square feet, unless otherwise restricted in this chapter;*

Permitted uses in the MUC zone include:

- A. Banquet, conference facilities and meeting rooms.
- B. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities.
- C. Child care centers and/or nursery schools.
- D. Indoor entertainment centers and arcades.
- E. Health and fitness clubs.
- F. Medical and dental clinics, outpatient; infirmary services.
- G. Museums, libraries and cultural facilities.
- H. Offices, including finance, insurance, real estate and government.
- I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday.
- J. Postal services.
- K. Parks, playgrounds, playfields and community or neighborhood centers.
- L. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment.
- M. Multi-family residential, 3—4 plex residential.
- N. One or two dwelling units in conjunction with a nonresidential use, provided that the residential use occupies no more than fifty percent of the total square footage of the development.
- O. Restaurants, eating and drinking establishments without a drive-through.
- P. Services, including personal, professional, educational and financial services; laundry and dry-cleaning.
- Q. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana, and similar, provided the maximum footprint for a stand-alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet.
- R. Seasonal sales.
- S. Residential care facilities, assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state.
- T. Studios and galleries, including dance, art, photography, music and other arts.
- U. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers.
- V. Veterinary clinics or pet hospitals, pet day care.
- W. Home occupations.
- X. Research and development activities.
- Y. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed.
- Z. Transportation facilities.
- AA. Live/work dwellings.

BB. After-hours public parking.

- B. Grocery stores, provided the maximum footprint for a stand alone building with a single store or multiple buildings with the same business does not exceed forty thousand square feet;
- C. Live/work dwellings;
- D. Outdoor sales that are ancillary to a permitted use on the same or abutting property under the same ownership.

Finding: Complies with Condition. The applicant proposed the following uses within the NC zone: a public park permitted under (K), a stormwater facility, which is considered a basic facility under (U), and two sites for future retail, allowed under (Q). Future detailed development plans may include any permitted uses in the NC zone, subject to review under OCMC 17.62 Site Plan and Design Review. The applicant shall ensure that future detailed development plans maintain the residential lots outside of the NC-zoned area, unless the residential use is considered permitted within the NC zone.



NC area of the property shown in green.

Staff has determined that it is possible, likely and reasonable that the applicant shall meet this standard through the Conditions of Approval.

17.24.025 - Conditional uses.

The following conditional uses may be permitted when approved in accordance with the process and standards contained in OCMC 17.56:

- A. Any use permitted in the Neighborhood Commercial District that has a building footprint in excess of ten thousand square feet;
- B. Emergency and ambulance services;
- C. Drive-through facilities;
- D. Outdoor markets that are operated before six p.m. on weekdays;
- E. Public utilities and services such as pump stations and sub-stations;
- F. Religious institutions;
- G. Public and or private educational or training facilities;
- H. Gas stations;
- I. Hotels and motels, commercial lodging;
- J. Veterinary clinic or pet hospital.

Finding: Complies as Proposed. No conditional uses are proposed in the NC zone. If conditional uses are proposed in the future, it will require conditional use review as well as a Master Plan Amendment.

17.24.035 - Prohibited uses.

The following uses are prohibited in the NC District:

- A. Distributing, wholesaling and warehousing;*
- B. Outdoor storage;*
- C. Outdoor sales that are not ancillary to a permitted use on the same or abutting property under the same ownership;*
- D. Hospitals;*
- E. Kennels;*
- F. Motor vehicle sales and incidental service;*
- G. Motor vehicle repair and service;*
- H. Self-service storage facilities;*
- I. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment);*
- J. Marijuana production, processing, wholesaling, research, testing, and laboratories;*
- K. Mobile Food Units or Vendors, except with a special event permit.*
- L. Residential use that exceeds fifty percent of the total building square footage on-site.*

Finding: Complies as Proposed. No prohibited uses are proposed in the NC zone.

17.24.040 - Dimensional standards.

Finding: Not applicable for the General Development Plan. No buildings are proposed in the NC zone at this time. Future detailed development plan applications will be required to show compliance with this standard.

F. Standards for residential uses: Residential uses shall meet the minimum net density standards for the R-3.5 district, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a mixed-use configuration or to live/work dwellings. Any new lots proposed for exclusive residential use shall meet the minimum lot size and setbacks for the R-3.5 zone for the proposed residential use type.

Finding: Not applicable for the General Development Plan. No buildings are proposed in the NC zone at this time. Future detailed development plan applications will be required to show compliance with this standard.

G. Minimum required landscaping (including landscaping within a parking lot): Fifteen percent.

Finding: Not applicable for the General Development Plan. No development is proposed in the NC zone at this time. Future detailed development plan applications will be required to show compliance with this standard.

GEOLOGIC HAZARDS – CHAPTER 17.44

Staff Note: This application is for a General Development Plan and as such review of compliance to specific details of OCMC 17.44 may not be appropriate at this time. This review is to determine the feasibility of the proposed GDP to meet the City's municipal code and the goals of the Park Place Concept Plan. Additional conditions of approval will follow specific to OCMC 17.44 with the Development's DDP for each phase.

17.44.025 - When required; regulated activities; permit and approval requirements.

No person shall develop land, construct, reconstruct, structurally alter, relocate or enlarge any building or structure for which a land development, sign, or building permit is required on a property that contains an area mapped within the adopted Oregon City Geologic Hazards Overlay Zone without first obtaining permits or approvals as required by this chapter.

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

Finding: Applicable. The development property contains an area mapped within the Oregon City Geologic Hazards Overlay Zone.

17.44.030 - Procedures.

No building or site development permit or other authorization for development shall be issued until the plans and other documents required by this chapter have been reviewed and found by the review authority to comply with the requirements of this chapter.

- A. Where the development is part of an application that otherwise requires a Type III procedure, review shall occur in the manner established in Chapter 17.50 for a consolidated Type III review.
- B. Where the development is part of an application that otherwise requires a Type II procedure, review shall occur in the manner established in Chapter 17.50 for a consolidated Type II review.
- C. For any other proposed development not otherwise subject to review as part of a development proposal that requires land use review, review shall occur in the manner established in Chapter 17.50 for a Type II procedure.

Finding: Applicable The development shall undergo review per the applicable chapters of the Oregon City Municipal Code prior to issuance of building or site development permits.

17.44.035 - Exemptions.

The following activities, and persons engaging in same, are EXEMPT from the provisions of this chapter.

- A. An excavation which is less than two feet in depth, or which involves less than twenty-five cubic yards of volume;
- B. A fill which does not exceed two feet in depth or which includes less than twenty-five cubic yards of volume;
- C. A combined cut and fill that does not involve more than twenty-five cubic yards of volume.
- D. Installation, new construction, addition or structural alteration of any existing structure of less than five hundred square feet in building footprint that does not involve grading as defined in this chapter;
- E. Installation, construction, reconstruction, or replacement of public and private utility lines in the hardscape portion of the city right-of-way, existing utility crossings, existing basalt lined drainage channels, or public easement, not including electric substations;
- F. Tree removal on slopes 25 percent or greater where canopy area removal is less than 25 percent of the portion of the lot which contains 25 percent or greater slopes. For the purpose of this chapter, "tree" shall be as defined in OCMC 17.04.1315.
- G. The removal or control of noxious vegetation;
- H. Emergency actions which must be undertaken immediately to prevent an imminent threat to public health or safety, or prevent imminent danger to public or private property. The person undertaking emergency action shall notify the building official on all regulated activities associated with any building permit or City Engineer/Public Works Director on all others within one working day following the commencement of the emergency activity. If the City Engineer/Public Works Director or building official determine that the action or part of the action taken is beyond the scope of allowed emergency action, enforcement action may be taken.

Finding: Not Applicable. The application does not meet any of the criteria for an exemption to the geologic hazard code, OCMC 17.44.

17.44.050 - Development - Application Requirements and Review Procedures and Approvals.

Except as provided by subsection C. of this section, an application for a geologic hazards overlay review shall include the following:

17.44.050.A.

A geological assessment and geotechnical report that specifically includes, but is not limited to:

1. Comprehensive information and data regarding the nature and distribution of underlying geology, the physical and chemical properties of existing soils and groundwater; an opinion of site geologic stability, and conclusions regarding the effect of geologic conditions on the proposed development. In addition to any field reconnaissance or subsurface investigation performed for the site, the following resources, as a minimum, shall be reviewed to obtain this information and data:

- a. The State of Oregon Department of Geology and Mineral Industries (DOGAMI) in Bulletin 99, *Geology and Geological Hazards of North Clackamas County, Oregon* (1979), or in any subsequent DOGAMI mapping for the Oregon City area;
- b. Portland State University study entitled "Environmental Assessment of Newell Creek Canyon, Oregon City, Oregon" (1992);
- c. Portland State University study, "Landslides in the Portland, Oregon, Metropolitan Area Resulting from the Storm of February 1996: Inventory Map, Database and Evaluation" (Burns and others, 1998);
- d. DOGAMI Open File Report O-06-27, "Map of Landslide Geomorphology of Oregon City, Oregon, and Vicinity Interpreted from LIDAR Imagery and Aerial Photographs" (Madin and Burns, 2006);
- e. "Preliminary Geologic Map of the Oregon City Quadrangle, Clackamas County, Oregon" (Madin, in press);
- f. *Landslide Hazards Land Use Guide for Oregon Communities* (October 2019), prepared by the State of Oregon Department of Geology and Mineral Industries (DOGAMI) and the Oregon Department of Land Conservation and Development (DLCD);
- g. *Landslide hazard and risk study of northwestern Clackamas County, Oregon: Oregon Department of Geology and Mineral Industries, Open-File Report O-13-08, 74 map plates*; Burns, W.J., Mickelson, K.A., Jones, C.B., Pickner, S.G., Hughes, K.L., Sleeter, R., 2013.
- h. Mapped Landslide Data shall be from the City's Maps as a minimum but may be supplemented with maps from items a through f above.

Finding: Complies as proposed. The application has provided preliminary geological hazard memos describing the general feasibility of the proposed Master Plan to meet the City's Municipal Code and engineering standards for the Geological Hazard Overlay Area. At the time the detailed development plans are submitted for each phase, the applicant will provide a full, more detailed geotechnical memorandum with the required supplemental information noted above.

2. Information and recommendations regarding existing local drainage, proposed permit activity impacts on local drainage, and mitigation to address adverse impacts;

Finding: Complies as Proposed. The application has provided general geological hazard memos for the site's masterplan. The applicant has noted that a more detailed geotechnical memorandum with its supporting documents will be submitted with each phase's detailed development plan.

3. Comprehensive information about site topography;

Finding: Complies as Proposed. The application has provided general geological hazard memos for the site's masterplan. The applicant has noted that a more detailed geotechnical memorandum with its supporting documents will be submitted with each phase's detailed development plan.

4. Opinion as to the adequacy of the proposed development from an engineering standpoint;

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

5. Opinion as to the extent that instability on adjacent properties may adversely affect the project;

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

6. Description of the field investigation and findings, including logs of subsurface conditions and laboratory testing results;

Finding: Complies as Proposed. The application has provided a preliminary Geotechnical Report with the information listed in OCMC 17.44.050.A.6. The applicant has noted that a more detailed geotechnical memorandum with its supporting documents will be submitted with each phase's detailed development plan.

7. *Conclusions regarding the effect of geologic conditions on the proposed development, tree removal, or grading activity;*

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

8. *Specific requirements and recommendations for plan modification, corrective grading, and special techniques and systems to facilitate a safe and stable site;*

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

9. *Recommendations and types of considerations as appropriate for the type of proposed development:*

- a. *General earthwork considerations, including recommendations for temporary and permanent cut and fill slopes and placement of structural fill,*
- b. *Location of residence on lot,*
- c. *Building setbacks from slopes,*
- d. *Erosion control techniques applicable to the site,*
- e. *Surface drainage control to mitigate existing and potential geologic hazards,*
- f. *Subsurface drainage and/or management of groundwater seepage,*
- g. *Foundations,*
- h. *Embedded/retaining walls,*
- i. *Management of surface water and irrigation water;*
- j. *Impact of the development on the slope stability of the lot and the adjacent properties.*
- k. *Construction phasing and implementation schedule as it relates to foundation excavation, allowance for stockpiles, imported backfill, site subsurface drainage or dewatering, provision for offseason site protections;*
- l. *Stormwater Management; and*
- m. *Construction Methods*

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

10. *Scaled drawings that describe topography and proposed site work, including:*

- a. *Natural physical features, topography at two or ten-foot contour intervals locations of all test excavations or borings, watercourses both perennial and intermittent, ravines and all existing and manmade structures or features all fully dimensioned, trees six- inch caliper or greater measured four feet from ground level, rock outcroppings and drainage facilities;*
- b. *All of the features and detail required for the site plan above, but reflecting preliminary finished grades and indicating in cubic yards whether and to what extent there will be a net increase or loss of soil.*
- c. *A cross-section diagram, indicating depth, extent and approximate volume of all excavation and fills.*

Finding: Complies as Proposed. The application has provided all of the information listed in 17.44.050.A.10

11. *For properties greater than one acre and any property that has any portion of its property existing within a mapped landslide, where the activity is not exempted by 17.44.35, a preliminary hydrology report, prepared by a suitably qualified and experienced hydrology expert, addressing the effect upon the watershed in which the proposed development is located; the effect upon the immediate area's stormwater drainage pattern of flow, the impact of the proposed development upon downstream areas and upon wetlands and water resources; and the effect upon the groundwater supply.*

Finding: Complies with Condition. The site is greater than one acre and contains mapped geologic landslides. The applicant shall provide a hydrology report that addresses the effect of the stormwater outfall upon the local

watershed with each DDP. The hydrology report must address the discharges erosion and landslide effect on the downhill slope, the stabilization of the uphill slope, and the environmental impact on the downhill slope , as well as how the infiltration rates before and after development would affect groundwater supply. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.050.B. Review Procedures and Approvals require the following:

- 1) Examination to ensure that:
 - a) Required application requirements are completed;
 - b) Geologic assessment and geotechnical report procedures and assumptions are generally accepted; and
 - c) All conclusions and recommendations are supported and reasonable.

Finding: Complies as Proposed. The application has provided all of the information listed in 17.44.050.B.1

17.44.050.B.2 Conclusions and recommendations stated in an approved assessment or report shall then be directly incorporated as permit conditions or provide the basis for conditions of approval for the regulated activity.

Finding: Complies as Proposed. The application has provided all of the information listed in 17.44.050.B.2

17.44.050.B.3 All geologic assessments and geotechnical reports shall be reviewed by an engineer certified for expertise in geology or geologic engineering and geotechnical engineering, respectively, as determined by the City. The City will prepare a list of prequalified consultants for this purpose. The cost of review by independent review shall be paid by the applicant.

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

17.44.050.C. The city engineer may waive one or more requirements of subsections A and B of this section if the city engineer determines that site conditions, size or type or development of grading requirements do not warrant such detailed information. If one or more requirements are waived, the city engineer shall, in the staff report or decision, identify the waived provision(s), explain the reasons for the waiver, and state that the waiver may be challenged on appeal and may be denied by a subsequent review authority.

Finding: Not Applicable. The City Engineer has not waived any of the requirements as all requirements apply to this application.

17.44.060 Development Standards.

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

17.44.060.A All developments shall be designed to avoid unnecessary disturbance of natural topography, vegetation and soils. To the maximum extent practicable as determined by the review authority, tree and ground cover removal and fill and grading for residential development on individual lots shall be confined to building footprints and driveways, to areas required for utility easements and for slope easements for road construction, and to areas of geotechnical remediation.

Finding: Complies with condition. A majority of the proposed development meets this condition. However further refinement and reduction of the proposed development within the geological hazard areas will be needed with each phase's detailed development plans. This includes the number of buildable lots in the geohazard area (see 17.44.060.H below). The proposed alignments of Holly Lane, Street 6, and Street C do not avoid mapped geological hazards. The final alignment of the proposed streets and the number of buildable lots located in the geological hazard areas shall be further reviewed as part each phase's DDP. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.060.B All grading, drainage improvements, or other land disturbances shall only occur from May 1 to October 31. "Land disturbance" is defined as any movement of earth, placement of earth, or movement of heavy trucks on earth, not including the right of way. Erosion control measures shall be installed and functional prior to any disturbances. Erosion control measures shall also be functioning and in a winterized stable condition once all land disturbance work has ceased for the year. The City Engineer may allow grading, drainage improvements or other land disturbances to begin before May 1 (but no earlier than March 16) and end after October 31 (but no later than November 30), based upon weather conditions and the recommendation and direction of the project's geotechnical engineer. The City Engineer may use the expertise of a City contracted geotechnical consultant to make the decision to allow any work before May 1 or after October 31. The City Engineer has full authority to not allow any extension of work before May 1 or after October 31. In no case shall the applicant be allowed to begin work before May 1 or complete work after October 31 if the average monthly rainfall in any individual month between September and April is exceeded. When allowed by the City Engineer, the modification of dates shall be the minimum necessary, based upon the evidence provided by the applicant, to accomplish the necessary project goals. Temporary protective fencing shall be established around all trees and vegetation designed for protection prior to the commencement of grading or other soil disturbance.

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

17.44.060.C Designs shall minimize the number and size of cuts and fills.

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

17.44.060.D Cut and fill slopes greater than seven feet in height (as measured vertically) shall be terraced. Faces on a terraced section shall not exceed five feet. Terrace widths shall be a minimum of three feet and shall be vegetated. Total cut and fill slopes shall not exceed a vertical height of fifteen feet. Except in connection with geotechnical remediation plans approved in accordance with the chapter, cuts shall not remove the toe of any slope that contains a known landslide or is greater than twenty-five percent slope. The top of cut or fill slopes not utilizing structural retaining walls shall be located a minimum of one-half the height of the cut slope from the nearest property line.

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

17.44.060.E Any structural fill shall be designed by a suitably qualified and experienced civil or geotechnical engineer licensed in Oregon in accordance with standard engineering practice. The applicant's engineer shall certify that the fill has been constructed as designed in accordance with the provisions of this chapter. The structural fill design must be provided prior to any fill being placed onsite. The structural fill design must contain the stamp and signature of a professional engineer licensed in the State of Oregon.

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

17.44.060.F Retaining walls shall be constructed in accordance with the Oregon Structural Specialty Code adopted by the State of Oregon.

1. Retaining walls that are four feet or greater in height, tiered walls with a total height four feet or
2. The construction of the wall must be inspected by the professional engineer responsible for the design and must be certified prior to the structure receiving temporary occupancy. The certification must contain the stamp and signature of a professional engineer licensed in the State of Oregon.
3. All retaining walls required to be designed by a professional engineer shall be reviewed by the City, when expertise exists on staff, or by the City's consultant. When reviewed by the City's consultant, the applicant shall reimburse the City for time spent by the City's consultant to review the design.

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

17.44.060.G Roads shall be the minimum width necessary to provide safe vehicle and emergency access, minimize cut and fill and provide positive drainage control. The review authority may grant a variance from the City's required road standards upon findings that the variance would provide safe vehicle and emergency access and is necessary to comply with the purpose and policy of this chapter.

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

17.44.060.H Density shall be determined as follows:

1. Slope

- a. For those areas with slopes less than twenty-five percent between grade breaks, the allowed density shall be that permitted by the underlying zoning district, unless further limited by the following code section;
- b. For those areas with slopes of twenty-five to thirty-five percent between grade breaks, the density shall not exceed two dwelling units per acre except as otherwise provided in subsection I of this section;
- c. For those areas with slopes over thirty-five percent between grade breaks, development shall be prohibited except as otherwise provided in subsection I 4 of this section.

2. Existing landslide (as shown in the Geologic Hazard Overlay Zone)

- a. For those areas with historic landslides where the structure or ground disturbance will be located within any portion of the mapped landslide or buffer zone, the density shall not exceed two dwelling units per acre except as otherwise provided in subsection I of this section;

Finding: Complies with Condition. This code applies to the entirety of the overall land proposed for development and not the newly created individual lots. As such, the number of lots proposed for this site within the geological hazard areas (e.g. Lots 433-440, 464-465, 378-379, 270-274, 233-237, 96-97, and 75) exceed the density requirements above for the overall site. During the detailed design phase, the applicant shall further refine the number of lots proposed within the geologic hazard areas to meet the City's density requirements. This may include identifying lots as unbuildable green space or modifying the size of the lots to reduce the density. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval**

17.44.060.I For properties with slopes of twenty-five to thirty-five percent between grade breaks or are located within any portion of a mapped landslide and buffer zone:

1. For those portions of the property with slopes of twenty-five to thirty-five percent or located within any portion of a mapped landslide and buffer zone, the maximum residential density shall be limited to two dwelling units per acre; provided, however, that where the entire site is less than one-half acre in size, a single dwelling shall be allowed on a lot or parcel existing as of January 1, 1994 and meeting the minimum lot size requirements of the underlying zone;
2. An individual lot or parcel with slopes between twenty-five and thirty-five percent or located within any portion of a mapped landslide and buffer zone, shall have no more than fifty percent or four thousand square feet of the surface area, whichever is smaller, graded or stripped of vegetation or covered with structures or impermeable surfaces.
3. No cut into a slope of twenty-five to thirty-five percent or located within any portion of a mapped landslide and buffer zone, for the placement of a housing unit shall exceed a maximum vertical height of fifteen feet for the individual lot or parcel.
4. For those portions of the property with slopes over thirty-five percent between grade breaks:
 - a. Notwithstanding any other city land use regulation, development other than roads, utilities, public facilities and geotechnical remediation shall be prohibited; provided, however, that the review authority may allow development upon such portions of land upon demonstration by an applicant that failure to permit development would deprive the property owner of all economically beneficial use of the property. This determination shall be made considering the entire parcel in question and contiguous parcels in common ownership on or after January 1, 1994, not just the portion where development is otherwise prohibited by this chapter. Where this showing can be made on residentially zoned land, development shall be allowed and limited

to one single-family residence. Any development approved under this chapter shall be subject to compliance with all other applicable city requirements as well as any applicable state, federal or other requirements;

- b. To the maximum extent practicable as determined by the review authority, the applicant shall avoid locating roads, utilities, and public facilities on or across slopes exceeding thirty-five percent.*

Finding: Complies with Condition. This code applies to the entirety of the overall land proposed for development and not the newly created individual lots. As such, the number of lots proposed for this site within the geological hazard areas (e.g. Lots 433-440, 464-465, 378-379, 270-274, 233-237, 96-97, and 75) exceed the density requirements above for the overall site. During the detailed design phase, the applicant shall further refine the number of lots proposed within the geologic hazard areas to meet the City's density requirements. This may include identifying lots as unbuildable green space or modifying the size of the lots to reduce the density. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval**

17.44.060.J *The geotechnical engineer of record shall review final grading, drainage, and foundation plans and specifications and confirm in writing that they are in conformance with the recommendations provided in their report.*

Finding: Complies as proposed. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

17.44.060.K *At the City's discretion, peer review shall be required for the geotechnical evaluation/investigation report submitted for the development and/or lot plans. The peer reviewer shall be selected by the City. The applicant's geotechnical engineer shall respond to written comments provided by the City's peer reviewer prior to issuance of building permit.*

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

17.44.060.L *The review authority shall determine whether the proposed methods of rendering a known or potential hazard site safe for construction, including proposed geotechnical remediation methods, are feasible and adequate to prevent landslides or damage to property and safety. The review authority shall consult with the City's geotechnical engineer in making this determination. Costs for such consultation shall be paid by the applicant. The review authority may allow development in a known or potential hazard area as provided in this chapter if specific findings are made that the specific provisions in the design of the proposed development will prevent landslides or damage. The review authority may impose any conditions, including limits on type or intensity of land use, which it determines are necessary to assure that landslides or property damage will not occur.*

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

17.44.070 - Access to Property.

- A. Shared private driveways may be required if the city engineer or principal planner determines that their use will result in safer location of the driveway and lesser amounts of land coverage than would result if separate private driveways are used.*
- B. Innovations in driveway design and road construction shall be permitted in order to keep grading and cuts or fills to a minimum and to achieve the purpose and policy of this chapter.*
- C. Points of access to arterials and collectors shall be minimized.*
- D. The city engineer or principal planner shall verify that adequate emergency services can be provided to the site.*

Finding: Complies as Proposed. The proposed access to the site and lots meet the code above and the requirements of the Park Place Concept Plan (i.e. alley driveway access instead of access off of a collector road).

17.44.080 - Utilities.

All new utilities (storm sewer, sanitary sewer, potable water, and gas), both on-site and off-site, shall be placed underground and under roadbeds where practicable. All other service utilities (including, but not limited to, electric, telephone, telecom, cable, fiberoptic) shall be placed above ground on existing poles if poles exist. If no poles exist, the service lines shall be

placed underground. Every effort shall be made to minimize the impact of utility construction. Underground utilities require the geologic hazards permitting and review prescribed herein when applicable.

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

17.44.090 - Stormwater Drainage.

The applicant shall submit a permanent and complete stormwater control plan. The program shall include, but not be limited to the following items as appropriate: curbs, gutters, inlets, catch basins, detention facilities and stabilized outfalls. Detention facilities shall be designed to city standards as set out in the city's drainage master plan and design standards. The review authority may impose conditions to ensure that waters are drained from the development so as to limit degradation of water quality consistent with Oregon City's Title III section of the Oregon City Municipal Code Chapter 17.49 and the Oregon City Stormwater and Grading Design Standards or other adopted standards subsequently adopted by the city commission. The review authority may also impose conditions to limit the volume, velocity, or flow rate of water such that it does not negatively impact the underlying drainageway cross section. Drainage design shall be approved by the City Engineer before construction, including grading or other soil disturbance, has begun.

A geotechnical report must include analysis and solutions for infiltration facilities located in areas where these facilities could impact nearby slopes of greater than 10 percent. Infiltration shall be minimized as practicable for any site located within a Geologic Hazard Overlay. Infiltration is not allowed for any site located in areas greater than 25 percent. The project's civil or geotechnical engineer shall inspect any stormwater management feature and must certify that the stormwater management feature was constructed per plan and with the recommendations of the geotechnical engineer prior to receiving temporary occupancy. The certification must contain the stamp and signature of a professional engineer licensed in the State of Oregon.

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

17.44.100 - Construction Standards.

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

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

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

17.44.100.B *No grading, clearing or excavation of any land shall be initiated prior to approval of the grading plan, except that the city engineer shall authorize the site access, brush to be cleared and the location of the test pit digging prior to approval of such plan to the extent needed to complete preliminary and final engineering and surveying. The grading plan shall be approved by the city engineer as part of the city's review under this chapter. The developer shall be responsible for the proper execution of the approved grading plan.*

Measures shall be taken to protect against landslides, mudflows, soil slump and erosion. Such measures shall include sediment fences, straw bales, erosion blankets, temporary sedimentation ponds, interceptor dikes and swales, undisturbed buffers, grooving and stair stepping, check dams, etc. The applicant shall comply with the measures described in the Oregon City Public Works Standards for Erosion and Sedimentation Control (Ordinance 99-1013). Erosion control measures shall be in place at all times during construction to the maximum extent practicable.

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

17.44.100.C *All disturbed vegetation shall be replanted with suitable vegetation upon completion of the grading of the steep slope area.*

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

17.44.100.D Existing vegetative cover shall be maintained to the maximum extent practicable. No grading, compaction or change in ground elevation, soil hydrology and/or site drainage shall be permitted within the drip line of trees designated for protection, unless approved by the City.

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

17.44.100.E Existing perennial and intermittent watercourses shall not be disturbed unless specifically authorized by the review authority. This includes physical impacts to the stream course as well as siltation and erosion impacts. The City, at its discretion, is not required to but may request the examination and assessment by other State agencies to determine if impacts are acceptable.

Finding: See findings from OCMC 17.49 of this report

17.44.100.F All soil erosion and sediment control measures shall be maintained during construction and for one year after development is completed, or until soils are stabilized by revegetation or other measures to the satisfaction of the city engineer. Such maintenance shall be the responsibility of the developer. If erosion or sediment control measures are not being properly maintained or are not functioning properly due to faulty installation or neglect, the City may order work to be stopped.

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

17.44.100.G All newly created lots, either by subdivision or partition, shall contain building envelopes with a slope of 35% or less.

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

17.44.100.H The applicant's geotechnical engineer shall provide special inspection during construction to confirm that the subsurface conditions and assumptions made as part of their geotechnical evaluation/investigation are appropriate. This will allow for timely design changes if site conditions are encountered that are different from those anticipated. Inspection is required on a daily basis for any day that earth disturbance is occurring or after any rainfall event of ½ inch or greater.

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

17.44.100.I Prior to issuing an occupancy permit, the geotechnical engineer shall prepare a summary letter stating that the soils- and foundation-related project elements were accomplished in substantial conformance with their recommendations. The summary letter must contain the stamp and signature of a professional engineer licensed in the State of Oregon.

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

17.44.110 - Approval of development.

The City Engineer shall review the application and verify, based on the applicant's materials and the land use record, whether the proposed development constitutes a hazard to life, property, natural resources or public facilities. If, in the City Engineer's opinion, a particular development poses such a hazard, the City Engineer shall recommend to the review authority permit conditions designed to reduce or eliminate the hazard. These conditions may include, but are not limited to, prohibitions on construction activities between November 1st and April 30th.

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

17.44.120 - Liability. Approval of an application for development on land subject to this chapter shall not imply any liability on the part of the city for any subsequent damage due to earth slides. Prior to the issuance of a building permit, a waiver of damages and an indemnity and hold harmless agreement shall be required which releases the city from all liability for any

damages resulting from the development approved by the city's decision. The indemnity and hold harmless agreement shall be recorded on the property and run with the property.

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

17.44.130 - Compliance.

Nothing contained in this chapter shall relieve the developer of the duty to comply with any other provision of law. In the case of a conflict, the more restrictive regulation shall apply.

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

CHAPTER 17.49 NATURAL RESOURCES OVERLAY DISTRICT

17.49.020 NROD identifying documents.

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. No. 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).*
6. *Beavercreek Road Concept Plan (adopted September 2008).*
7. *Park Place Concept Plan (adopted April 2008).*
8. *South End Concept Plan (adopted April 2014).*

The NROD provisions apply only to properties within the NROD as shown on the NROD Map, as amended.

The intent of these regulations is to provide applicants the ability to choose a clear and objective review process or a 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 OCMC 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 OCMC 17.49.120.

Finding: The applicant has responded to this Chapter to demonstrate that compliance with selected provisions of the NROD is feasible for future development. No development is proposed at this time. Future detailed development plan applications will be required to show compliance with this Chapter.

17.49.030 Map as reference.

1. *This chapter applies to all development within the natural resources overlay district as shown on the NROD Map, which is a regulatory boundary mapped ten feet beyond the required vegetated corridor width specified in OCMC 17.49.110. The mapped NROD boundary is based on a GIS-supported application of the adopted documents, plans and maps listed in OCMC 17.49.020.A.1—17.49.020.A.8, however the adopted map may not indicate the true location of protected features.*
2. *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.*
3. *The NROD boundary shall be shown on all development permit applications.*
4. *The official NROD map can only be amended by the city commission.*
5. *Verification of the map shall be processed pursuant to OCMC 17.49.250.*

Finding: The applicant has responded to this Chapter to demonstrate that compliance with selected provisions of the NROD is feasible for future development.

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 amended NROD boundary may be relied upon by the Community Development Director for the purposes of subsequent development review.

Finding: Applicable. The applicant has shown the mapped NROD on the submitted plans, as well as wetland discovered on parts of the site that were studied. Several of these wetlands are outside of the NROD boundary and are not required to be added to the NROD boundary. Other areas of the site were not studied and it is possible that additional wetlands, potentially partially within the mapped NROD boundary, may be discovered. No verification or development is proposed at this time. Future detailed development plan applications will be required to show compliance with this Chapter.

17.49.040 - NROD permit and review process.

An NROD permit is required for those uses regulated under OCMC 17.49.090, 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 OCMC 17.49.200 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.

Finding: Not applicable for the General Development Plan. No development is proposed at this time. Future detailed development plan applications will be required to show compliance with this standard.

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 OCMC 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.

Finding: Not applicable for the General Development Plan. No development is proposed at this time. Future detailed development plan applications will be required to show compliance with this standard.

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 OCMC, other City requirements, regional, state or federal law, the provisions that provides the greater protection of the resource shall govern.

Finding: Not applicable for the General Development Plan. No development is proposed at this time. Future detailed development plan applications will be required to show compliance with this standard.

B. Compliance with Federal and State Requirements.

1. 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 an 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.

Finding: Not applicable for the General Development Plan. No development is proposed at this time. Future detailed development plan applications will be required to show compliance with this standard.

2. *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 OCMC 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.*

Finding: Applicable. The applicant has shown the mapped NROD on the submitted plans, as well as wetland discovered on parts of the site that were studied. Several of these wetlands are outside of the NROD boundary and are not required to be added to the NROD boundary. Other areas of the site were not studied and it is possible that additional wetlands, potentially partially within the mapped NROD boundary, may be discovered. No verification or development is proposed at this time. Future detailed development plan applications will be required to show compliance with this Chapter.

17.49.070 - Prohibited uses.

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

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

Finding: Not applicable for the General Development Plan. No development is proposed at this time. Future detailed development plan applications will be required to show compliance with this standard.

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.*
- 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.*
- 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 forty-eight inches and trail grade shall not exceed twenty percent;*
 - 3. *Construction shall leave no scars greater than three inches in diameter on live parts of native plants;*
 - 4. *Located no closer than twenty-five feet to a wetland or the top of banks of a perennial stream, or no closer than ten feet of an intermittent stream;*
 - 5. *No impervious surfaces; and*
 - 6. *No native trees greater than one-inch in diameter may be removed or cut, unless replaced with an equal number of native trees of at least two-inch diameter and planted within ten 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 five feet from the NROD boundary shown on the City's adopted NROD map. For the purpose of this subparagraph, "building site" means an area of at least 3,500 square feet with minimum dimensions of forty feet wide by forty feet deep;
 2. All public and private utilities (including water lines, sewer lines or drain fields, and stormwater disposal facilities) are located outside the NROD;
 3. Impervious streets, driveways and parking areas shall be located at least ten feet from the NROD; and
 4. The NROD portions of all lots are protected by:
 - a. A conservation easement; or
 - b. A lot or tract created and dedicated solely for unimproved open space or conservation purposes.
 - 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, and the NROD area is protected by a conservation easement approved in form by the City.
 - I. Routine repair and maintenance of existing structures, roadways, driveways and utilities.
 - J. Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased.
 - K. Measures approved by the City of Oregon City to remove or abate nuisances or hazardous conditions.
 - ~~1-~~ L. Tree Removal. The Community Development Director may permit the removal of any tree determined to be a dead, hazardous, or diseased tree as defined in OCMC 17.04. Any tree that is removed in accordance with this Section (L) shall be replaced with a new tree of at least ½-inch caliper or at least six foot overall height. An exception to this requirement may be granted if the applicant demonstrates that a replacement tree has already been planted in anticipation of tree removal, or if the existing site conditions otherwise preclude tree replacement (due to existing dense canopy coverage or other ecological reasons).
 - ~~2-~~ The replacement tree(s) shall be located in the general vicinity of the removed tree(s), somewhere within NROD on the property. The replacement tree(s) shall be identified on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland). The property owner shall ensure that the replacement tree(s) survives at least two years beyond the date of its planting.
 - M. Planting of native vegetation and the removal of non-native, invasive vegetation (as identified on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland), or as recommended by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, arboriculture, horticulture, wildlife biology, botany, hydrology or forestry), and removal of refuse and fill, provided that:
 1. All work is done using hand-held equipment;
 2. No existing native vegetation is disturbed or removed; and
 3. All work occurs outside of wetlands and the top-of-bank of streams.
 - N. Activities in which no more than one hundred square feet of ground surface is disturbed outside of the bankfull stage of water bodies and where the disturbed area is restored to the pre-construction conditions, notwithstanding that disturbed areas that are predominantly covered with invasive species shall be required to remove the invasive species from the disturbance area and plant trees and native plants pursuant to this Chapter.
 - O. New fences meeting all of the following:
 1. No taller than three and a half feet and of split rail or similar open design.;
 2. Two feet width on both sides of fence shall be planted or seeded with native grasses, shrubs, herbs, or trees to cover any bare ground;
 3. Six inches of clearance from ground level;
 4. Fence posts shall be placed outside the top-of-bank of streams and outside of delineated wetlands.
 - P. Gardens, fences and lawns within the NROD that existed prior to the time the overlay district was applied to a subject property are allowed to be maintained but cannot expand further into the overlay district.
- Finding: Not applicable for the General Development Plan.** No development is proposed at this time. Future proposals are expected to include some of the uses on this list. Future detailed development plan applications will be required to show compliance with this standard.

17.49.090 - Uses allowed under prescribed conditions.

The following uses within the NROD are subject to the applicable standards listed in OCMC 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 OCMC 17.49.080, subject to OCMC 17.49.130.

- B. A residence on a highly constrained vacant lot of record that has less than three thousand square feet of buildable area, with minimum dimensions of fifty feet by fifty feet, remaining outside the NROD portion of the property, subject to the maximum disturbance allowance prescribed in OCMC 17.49.120.A.
- C. A land division that would create a new lot for an existing residence currently within the NROD, subject to OCMC 17.49.160.
- D. Land divisions when not exempted by OCMC 17.49.080, subject to the applicable standards of OCMC 17.49.160.
- E. Trails/pedestrian paths when not exempted by OCMC 17.49.080, subject to OCMC 17.49.170 (for trails) or OCMC 17.49.150 (for paved pedestrian paths).
- F. New roadways, bridges/creek crossings, utilities or alterations to such facilities when not exempted by OCMC 17.49.080.
- G. Roads, bridges/creek crossings Subject to OCMC 17.49.150.
- H. Utility lines subject to OCMC 17.49.140.
- I. Stormwater detention or pre-treatment facilities subject to OCMC 17.49.155.
- J. Institutional, industrial or commercial development on a vacant lot of record situated in an area designated for such use that has more than seventy-five percent of its area covered by the NROD, subject to OCMC 17.49.120.B.
- K. City, county and state capital improvement projects, including sanitary sewer, water and storm water facilities, water stations, and parks and recreation projects.
- L. Non-hazardous tree removal that is not exempted pursuant to OCMC 17.49.080.K.
- M. Fences that do not meet the standards for exemption pursuant to OCMC 17.49.080.O.4.

Finding: Not applicable for the General Development Plan. No development is proposed at this time. Future proposals are expected to include the some of the uses on this list. Future detailed development plan applications will be required to show compliance with this standard.

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 OCMC 17.49.150), trails (subject to OCMC 17.49.170), utility lines (subject to OCMC 17.49.140), land divisions (subject to OCMC 17.49.160), and mitigation projects (subject to OCMC 17.49.180 or 17.49.190):

- A. Native trees shall be preserved unless they are located within ten feet of any proposed structures or within five 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 or other locally adopted plant list (e.g. Metro or Portland), or as recommended by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, arboriculture, horticulture, wildlife biology, botany, hydrology or forestry);
- D. Grading is subject to installation of erosion control measures required by the City;
- 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 in compliance with OCMC 17.49.080.N;
- H. Exterior lighting shall be placed or shielded so that they do not shine directly into resource areas;
- I. If development will occur within the one hundred-year floodplain, the standards of OCMC 17.42 shall be met; and
- J. Mitigation of impacts to the regulated buffer is required, subject to OCMC 17.49.180 or 17.49.190.

Finding: Not applicable for the General Development Plan. No development is proposed at this time. Future detailed development plan applications will be required to show compliance with this standard.

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 Water Feature Type (see definitions)	Slope Adjacent to Protected Water Feature	Starting Point for Measurements from Water Feature	Width of Vegetated Corridor (see Note 1)
Anadromous fish-bearing streams	Any slope	• Edge of bankfull flow	200 feet
Intermittent streams with slopes less than 25 percent and which drain less than 100 acres	< 25 percent	• Edge of bankfull flow	15 feet
All other protected water features	< 25 percent	• Edge of bankfull flow • Delineated edge of Title 3 wetland	50 feet
	≥25 percent for 150 feet or more (see Note 2)		200 feet
	≥25 percent for less than 150 feet (see Note 2)		Distance from starting point of measurement to top of ravine (break in ≥25 percent slope) (See Note 3) plus 50 feet.

Notes:

1. Required width (measured horizontally) of vegetated corridor unless reduced pursuant to the provisions of OCMC 17.49.120.
2. Vegetated corridors in excess of fifty feet apply on steep slopes only in the uphill direction from the protected water feature.
3. 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.

Finding: Not applicable for the General Development Plan. No development is proposed at this time. The applicant did not submit a Verification request to establish the required width of the vegetated corridor for each protected water feature. Future detailed development plan applications will be required to show compliance with this standard.

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.*

Finding: Not applicable for the General Development Plan. No development is proposed at this time. The applicant did not submit a Verification request to establish the required width of the vegetated corridor for each protected water feature. Future detailed development plan applications will be required to show compliance with this standard.

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.*

Finding: Not applicable. The project site is within the City limits and includes mapped NROD areas.

17.49.120 - Maximum disturbance allowance for highly constrained lots of record.

Finding: Not applicable. The project site is not a highly constrained lot of record. Future developments will be reviewed under other sections of OCMC 17.49.

17.49.130 - Existing development standards.

In addition to the General Development Standards of OCMC 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. As of June 1, 2010, applicants for alterations and additions to existing development that are not exempt pursuant to OCMC 17.49.080.J. shall submit a Type II or Type III application pursuant to this section.

Mitigation is required, subject to OCMC 17.49.180 or 17.49.190.

Finding: Not applicable for the General Development Plan. No development is proposed at this time. Future detailed development plan applications will be required to show compliance with this standard.

17.49.140 - Standards for utility lines.

Finding: Not applicable for the General Development Plan. No development is proposed at this time. Future detailed development plan applications will be required to show compliance with this standard.

17.49.150 - Standards for vehicular or pedestrian paths and roads.

Finding: Not applicable for the General Development Plan. No development is proposed at this time. Future detailed development plan applications will be required to show compliance with this standard.

17.49.155 - Standards for stormwater facilities.

Finding: Not applicable for the General Development Plan. No development is proposed at this time. Future detailed development plan applications will be required to show compliance with this standard.

17.49.160 - Standards for land divisions.

Other than those land divisions exempted by OCMC 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 type of lot is allowed within the NROD for a residence that existed before the NROD was applied to a subject property. A new lot for an existing house may be created through a partition or subdivision process when all of the following are met:

- 1. There is an existing house on the site that is entirely within the NROD area; and*
- 2. The existing house will remain; and*
- 3. The new lot is no larger than required to contain the house, minimum required side setbacks, garage, driveway and a twenty-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.*

Finding: Not applicable for the General Development Plan. No development is proposed at this time. Future detailed development plan applications will be required to show compliance with this standard.

B. Protection and ownership of NROD areas in land divisions:

- 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 homeowners association;*

- b. For residential land divisions, a tract of private open space held by a homeowner's association 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;
- c. Public open space where the tract has been dedicated to the City or other governmental unit;
- d. Conservation easement area pursuant to OCMC 17.49.180.G. and approved in form by the Community Development Director; or
- e. Any other ownership proposed by the owner and approved by the Community Development Director.
- f. NROD tracts shall be exempt from minimum frontage requirements, dimensional standards of the zoning designation, street frontage requirements, or flag lot standards pursuant to OCMC 16.08.053.

Finding: Not applicable for the General Development Plan. No development is proposed at this time. The applicant has indicated that the NROD areas will be placed in a separate tract. Future detailed development plan applications will be required to show compliance with this standard.

17.49.170 - Standards for trails.

Finding: Not applicable for the General Development Plan. No development is proposed at this time. Future detailed development plan applications will be required to show compliance with this standard.

17.49.180 - Mitigation standards.

Finding: Not applicable for the General Development Plan. No development is proposed at this time. Future detailed development plan applications will be required to show compliance with this standard.

17.49.190 - Alternative mitigation standards.

Finding: Not applicable for the General Development Plan. No development is proposed at this time. Future detailed development plan applications will be required to show compliance with this standard.

17.49.200 - Adjustment from standards.

Finding: Not applicable. The applicant has not requested an adjustment to the standards.

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 OCMC 17.49.220—17.49.230, and 17.50.080 as well as a discussion of how the proposal meets all of the applicable NROD development standards in OCMC 17.49.100—17.49.170.

Finding: Not applicable for the General Development Plan. No development is proposed at this time. Future detailed development plan applications will be required to show compliance with this standard.

17.49.220 - Required site plans.

Finding: Not applicable for the General Development Plan. No development is proposed at this time. Future detailed development plan applications will be required to show compliance with this standard.

17.49.230 - Mitigation plan report.

Finding: Not applicable for the General Development Plan. No development is proposed at this time. Future detailed development plan applications will be required to show compliance with this standard.

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, density transfer is 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, one-third of the area of the NROD tract or conservation easement area may be 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.*

Finding: Complies with Condition. The applicant states:

“As the GDP includes approximately 14.3 acres of mapped NROD land to be located within open spaces, a density transfer is planned to be utilized. NROD density transfers are regulated by OCMC 17.49.240. The standards included allow for a percentage of the NROD area to be considered towards the project’s net developable area. This standard is provided separate to the density modifications permitted through the General Development Plan process (110% of the base zoning density).”

The proposed area of 14.3 acres includes areas proposed to be conserved as open space; these areas include mapped NROD areas as well as land adjacent to the NROD areas that the applicant proposes as open space. Future detailed development plan applications will include NROD Verifications to determine the actual NROD boundaries. The applicant may include additional areas in the NROD to be counted in the density transfer calculations if future DDP applications can demonstrate in a professional report that the land consists of one or more of the following:

- NROD overlay as verified through 17.49.250
- Upland habitat directly adjacent to the NROD boundary
- Other land that provides ecological benefits or wildlife habitats and is directly adjacent to the NROD boundary

Staff has determined that it is possible, likely and reasonable that the applicant shall meet this standard through the Conditions of Approval.

C. Permitted Modifications to Residential Dimensional Standards. In order to allow for a transfer of density pursuant to subsection 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 Tables 17.49.240C. — 17.49.240D.

D. The applicant shall demonstrate that the minimum lot size of the underlying zone has been met. The area of the NROD in subsection B. above that is used to transfer density may be included in the calculation of the average minimum lot size.

E. The applicant may choose to make the adjustments over as many lots as required. Table 17.49.240 A: Lot Size Reductions Allowed for NROD Density Transfers

ZONE	Min. Lot Size (%)	Min. Lot Width	Min. Lot Depth
R-10	5,000 sq. feet	50'	65'
R-8	4,000 sq. feet	45'	60'
R-6	3,500 sq. feet	35'	55'
R-5	3,000 sq. feet	30'	50'
R-3.5	1,800 sq. feet	20'	45'

Table 17.49.240 B: Reduced Dimensional Standards for Detached Single-Family Residential Units

Size of Reduced Lot	Front Yard Setback	Rear Yard Setback	Side yard Setback	Corner Side	Lot Coverage
8,000—9,999 square feet	15 feet	20 feet	7/9 feet	15 feet	40%
6,000—7,999 square feet	10 feet	15 feet	5/7 feet	15 feet	40%
4,000—5,999 square feet	10 feet	15 feet	5/5 feet	10 feet	40%
1,800—3,999 square feet	5 feet	15 feet	5/5 feet	10 feet	55%

Table 17.49.240 C: Reduced Dimensional Standards for Single-Family Attached or Two-Family Residential Units

Size of Reduced Lot	Front Yard Setback	Rear Yard Setback	Side yard Setback	Corner Side	Lot Coverage
3,500—7,000 square feet	10 feet	15 feet	5/0* feet	10 feet	40%
1,800—3,499 square feet	5 feet	15 feet	5/0* feet	10 feet	55%

*0 foot setback is only allowed on single-family attached units

F. For density transfers on properties zoned Commercial, Institutional, Industrial or Multi-Family, the transfer credit ratio is ten thousand square feet per acre of land within the NROD;

G. 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.

H. The owner of the transferring property shall execute a covenant that records the transfer of density. The covenant shall be found to meet the requirements of this section and be recorded before building permits are issued; and

I. All other applicable development standards, including setbacks, building heights, and maximum lot coverage shall continue to apply when a density transfer occurs.

Finding: Complies with condition. A density transfer is possible for this development, as the applicant has demonstrated in responses to OCMC 17.49.240. In the R-10 zone, the applicant has shown lots of approximately 4,000 square feet. This approach is explained by taking advantage of the NROD density transfer provisions which allow for reduction in the lots size of adjacent lots to a minimum of 5,000 square feet under OCMC 17.49.240 coupled with an additional 20% lot reduction under the master plan adjustment authorization of OCMC 17.65.070.

The intent and plain language of OCMC 17.65.070 is to allow for a 20% adjustment to the base or “underlying” zone dimensional standards, which means, an R-10 lot could be reduced from 10,000 sf to 8,000 square feet. The adjustment cannot be applied to allow a lot sized pursuant to the maximum density transfer or 5,000 square foot lot to be reduced to 4,000 square feet. Thus, the applicant shall ensure that lots in the R-10 zone are 5,000 square feet or more in area for future detailed development plan applications that show compliance with OCMC 17.49.240 for NROD density transfer. If density transfer standards cannot be met in future detailed development plan applications, the minimum size for lots within the R-10 zone will be 8,000 square feet, (assuming the requested 20% adjustment is approved).

The applicant may utilize the setback reductions in Table 17.49.240 for future detailed development plans; however, any approved adjustments to dimensional standard will not give the applicant permission to go below the minimum setbacks allowed through a density transfer.

Staff has determined that it is possible, likely and reasonable that the applicant shall meet this standard through the Conditions of Approval.

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 be through a site specific environmental survey or a simple site visit 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 OCMC 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 OCMC 17.49.220, as applicable.

B. An applicant may request a Type I Verification determination by the Community Development Director. 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 Natural Resource Overlay District, or which conformed to the Water Quality Resources Area Overlay District that was in effect prior to the current adopted NROD (Ord. 99-1013).
7. 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 fifteen 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, topographic features or other structures 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 subsection B.1.—B.7 above are met, the verification application shall be denied. An applicant may then opt to apply for a 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 OCMC 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 OCMC 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 exist on 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.

Finding: Complies with condition. The applicant did not request Natural Resource Overlay District Verification Review as part of this application. Thus, NROD areas shown on the maps are not formally verified and are subject to change through the Detailed Development Plan review process. A preliminary NROD study was submitted with this application, which included the following information:

- A few parts of the overall site that are mapped within the NROD Overlay were not included in the NROD study area. The resources in these areas could affect the subdivision layout and overall development

intensity in those portions of the site. Master Plan amendments may be required with future detailed development plans.

- Two streams and one ephemeral stream were delineated by the applicant but are not mapped within the NROD.
- The identified streams are proposed to be protected by a 50+ foot vegetated corridor as required in OCMC 17.49. No parts of the NROD overlap with any proposed residential development except for three residential lots in the SE corner of the site that have partial NROD in their backyard areas.
- The proposal will include some limited disturbance in the NROD for a pedestrian path and pedestrian bridge over the stream.
- Stream delineations will be submitted with detailed development plan applications to verify the exact location of the NROD boundary
- Four wetlands outside of the City's NROD boundary were found. These are not protected by NROD and the applicant will obtain any required permits from the Department of State Lands, who regulates these wetlands.

The applicant proposes future NROD boundary Verifications through a Type I process. Because it is possible that wetlands may be found on sites that have not been studied yet, which would result in an expansion of the NROD boundary, a Type II Verification of the NROD will be needed for all phases after proposed Phase 1 excepting the area included in proposed Phase III which does not contain any mapped NROD and therefore does not require an NROD verification. See Exhibit 9 for additional discussion of Charman Creek NROD and conditions for future NROD reviews.

Any Natural Resources Overlay District areas impacted by development will be reviewed for compliance with this section either before or at the DDP level. This could involve mitigation requirements and/or a public notice of the delineation report. Conditions of approval regarding required future NROD review are found in OCMC 17.65. of this staff report.

Staff has determined that it is possible, likely and reasonable that the applicant shall meet this standard through the Conditions of Approval.

17.49.265 - Corrections to violations.

Finding: Not applicable. No violations are known to have occurred.

CHAPTER 17.60 VARIANCES

17.60.020 - Variances—Procedures.

A. A request for a variance shall be initiated by a property owner or authorized agent by filing an application with the city recorder. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. When relevant to the request, building plans may also be required. The application shall note the zoning requirement and the extent of the variance requested. Procedures shall thereafter be held under Chapter 17.50. In addition, the procedures set forth in subsection D. of this section shall apply when applicable.

B. A nonrefundable filing fee, as listed in OCMC 17.50.080, shall accompany the application for a variance to defray the costs.

Finding: Applies. The applicant has submitted a variance request, with required fees, as follows:

“Oregon City Municipal Code 17.65.050.C.9 of the General Development Plan

code requires that a mix of residential uses be provided for General Development Plan applications, with no single use exceeding 75 percent of the total. The Preliminary Plans provide a mix of attached and detached single-family residential units to meet the criterion. In doing so, the need for a lot size variance to accommodate appropriately sized attached housing was identified.

“The lots, as adjusted (20 percent reduction to dimensional standards) through the Master Plan process, meet the lot width (25 feet $\times$ 0.80 = 20 feet) requirements of the zone. Twenty-foot lot widths are typical of attached single-family housing projects. However, the lot sizes would not meet the single-family attached standards for the R-5 zone (3,500 square feet $\times$ 0.80 = 2,800 square feet); the lots planned would range from 1,800 square feet for those interior lots to 2,500 square feet for end units and single-family attached corner lots. The R5 dimensional standards do not support typical attached housing townhome product types because of the combination of required lot widths and areas.

The resulting lots, if the standard is met, would be excessively long. Lots would be required to be 140 feet deep to meet the 2,500 square foot lot size requirement, an illogical requirement for attached housing.”

In a Master Plan review, the applicant can request adjustments to standards. OCMC 17.65.070 limits adjustments to dimensional standards to just 20% below the standard. The applicant proposes a difference of more than 20%; thus, a variance is required.

In the event that the requested variance is denied, the minimum lot size for attached dwellings in the July 20, 2021 version of the Municipal Code is 3,500 square feet, and with a possible 20% adjustment to 2,800 square feet. Therefore, the number of attached units that could be developed on the same site area would be reduced from the proposed 139 units, as demonstrated in the simplified calculation below:

WITH VARIANCE: 139 lots of 1800 square feet each = 250,200 square feet total site area
WITHOUT A VARIANCE: 250,200 square feet divided by 2,800 square feet per lot = 89 lots

Without a variance, the resulting reduction in the number of lots possible would likely not meet the density requirements for housing in the Park Place Concept Plan. The applicant would need to make major revisions to the plan in order to provide the needed units in the Concept Plan. These revisions could come in many different forms and could be reviewed under a Master Plan amendment or a Detailed Development Plan, depending on how the Planning Commission decision is written. For example, the applicant could take much of the area that is currently proposed for detached lots of 4,000 to 5,000 square feet and convert it to lots for attached dwellings with a lot area of 2,800 to 3,500 square feet. This action would reduce the total number of detached dwellings and increase the total number of attached dwellings in the development. Another option could be to use middle housing development codes, expected to be adopted by the City in June 2022, as discussed in the following paragraphs.

For future detailed development plans and building permits, the applicant may choose to use the code in place at the time of General Development Plan submittal (July 2021) or the code in effect when submission of development applications occurs. The City plans to adopt middle housing code provisions in June of 2022, which is before the applicant would be applying for any detailed development plans. These code amendments are required to comply with House Bill 2001 and will allow for development of middle housing types such as

duplexes, triplexes, quadplexes, townhomes, and cottage clusters in areas currently zoned for detached single dwellings. One of the statutory requirements that is being adopted is for townhomes to be permitted on 1500-square foot lots.

The applicant would have the ability to rely on these new provisions for any individual detailed development plan application, or any individual building permit for a lot created in the development. Thus, it may be possible for the applicant to build townhomes on 1500-square foot lots, or build other middle housing types that would suffice to meet the minimum number of units needed for consistency with the Park Place Concept Plan. The applicant will continue to be held to mobility standards and conditions of approval for transportation review to ensure that the traffic impacts do not go beyond approved levels.

C. Before the planning commission may act on a variance, it shall hold a public hearing thereon following procedures as established in Chapter 17.50. A Variance shall address the criteria identified in OCMC 17.60.030, Variances — Grounds.

Finding: Complies as Proposed. The variance will be reviewed by the Planning Commission at a public hearing.

D. Minor variances, as defined in subsection E. of this section, shall be processed as a Type II decision, shall be reviewed pursuant to the requirements in OCMC 17.50.030B., and shall address the criteria identified in OCMC 17.60.030, Variance — Grounds.

E. For the purposes of this section, minor variances shall be defined as follows:

- 1. Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;*
- 2. Variances to width, depth and frontage requirements of up to twenty percent;*
- 3. Variances to residential yard/setback requirements of up to twenty-five percent;*
- 4. Variances to nonresidential yard/setback requirements of up to ten percent;*
- 5. Variances to lot area requirements of up to five percent;*
- 6. Variance to lot coverage requirements of up to twenty-five percent;*
- 7. Variances to the minimum required parking stalls of up to five percent; and*
- 8. Variances to the floor area requirements and minimum required building height in the mixed-use districts.*
- 9. Variances to design and/or architectural standards for single family dwellings, duplexes, single-family attached dwellings, internal conversions, accessory dwelling units, and 3-4 plexes in OCMC 17.14, 17.16, 17.20, 17.21, and 17.22.*

Finding: Not applicable. The requested variance exceeds the threshold for a minor variance.

17.60.030 - Variance—Grounds.

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

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

Finding: Complies as Proposed. The applicant points out that the City has proposed to amend its own code in upcoming months to revise the minimum lot size for townhomes, which are synonymous with attached single family homes. The City's plans to change the minimum lot size to 1500 square feet will comply with state law as well as provide a more practical lot size for attached homes. As the applicant points out, a lot depth of 140+ feet would be required to maintain the current minimum lot size. Decreasing the minimum lot size to 1800 square feet, which is the applicant's request, would mean that lot depth would be 90 feet for a 20-foot-wide lot. A 90-foot lot depth is greater than the minimum lot depth in all of Oregon City's residential zones. For example, the minimum lot depth in the R-10 zone is 80 feet.

A typical townhome footprint is 20' x 45', which would mean that the yard space in front would be likely 5-20 feet in depth and in the rear, 20 to 40 feet in depth. These dimensions are in line with the typical medium density development patterns.

With the overall reduction in the lot size, the impacts would include additional impervious surface, less open space, and more shadows (due to the smaller yard areas). However, none of these impacts would be felt by pre-existing development in the area because the attached lots are proposed in internal areas of the GDP area and not on the perimeters.

- The applicant's proposal addresses stormwater impacts from the greater impervious surface, by accommodating all stormwater into a system to manage and detain stormwater through planters and detention ponds on site.
- The applicant's proposal addresses open space impacts by providing ample open space including a public park and numerous natural areas where streams and forested hillsides are maintained.
- The variance does have the chance of reducing the amount of light on adjacent properties, however, with height limits, setbacks, and lot coverage standards in place, there would not be enough impact to be considered "substantial damage."

The lot area change will not substantially or adversely affect the neighboring properties from accessing light, air, safe access, or any other desirable or necessary qualities.

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

Finding: Complies as Proposed. The applicant states:

"The variance to single-family attached residential lot standards required by the Master Plan is the minimum needed to alleviate the hardship. Single-family detached residential lots will not be affected by the variance, and the reduced standard will not apply to detached lots. The minimum lot requirement of 2,800 square feet per lot (per the adjusted standard established by the General Development Plan) does not make sense when applied to shared-wall fee simple townhomes and other attached residential structures.

City staff is planning to reduce the minimum standard to 1,500 square feet as part of the future House Bill 2001 housing code update in the near future (likely prior to June 2022). Therefore, granting the variance makes sense and will allow for residential lots that do not exceed the standard anticipated to be created in the near future. This criterion is met."

With the revised layout proposed on 8/11/2022, the applicant has proposed a density of 9.2 units per net developable acre, but has no longer proposed an increase in density under the Master Plan provisions of OCMC 17.65, so the overall achieved units resulted in 426 single family units and 14 additional mixed use or multi-family units.

The Park Place Concept Plan includes 1,459 total residential units, with 937 in the North Village area. The Park Place Crossing Master Plan area encompasses approximately 50% of the acreage of the North Village area. The number of units proposed will be consistent with the Park Place Concept Plan as well as within the minimum and maximum densities of the zone.

The applicant has proposed 440 units, which is 47% of the total number of units planned in the North Village. Based on zoning alone, applying the minimum density standard would result in 318 units in the project area. This would only provide 34% of the total 937 units required in the North Village, and would put a burden on the

remaining properties in the North Village to develop at densities that may be infeasible and/or inconsistent with the Concept Plan itself.

It is important to note that the City anticipated further rezoning of at least some of the land to achieve the required Concept Plan densities, expecting that some of the R-5 zone would need to be rezoned to R-3.5. The applicant has not proposed such a zone change, but has instead included attached single family uses in the R-5 zone, which have a higher maximum density standard and allows the applicant to provide the needed density without a zone change. The applicant has further requested an adjustment to maximum density of approximately 4%, which is allowed by through a Master Plan process and further serves to allow the applicant to achieve the density anticipated in the Concept Plan.

The proposed variance allows the applicant to develop additional attached dwellings in the area to meet the density in the Concept Plan while also providing ample open spaces.

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

Finding: The applicant states:

“Single-family attached residential homes or “Missing Middle” housing, have been identified as an important housing type to provide as part of a City’s needed housing. The variance allows attached residences, required by the General Development Plan, to be constructed to a reasonable standard expected to be allowed in the near future. Without a variance to these standards, lots for single-family attached homes are not reasonably possible due to the topographic constraints, need for alleys, and additional constraints present within Park Place Crossing. With the variance, these homes can be feasibly constructed without making unreasonably long lots (140 feet long at 20 feet in width). The adjustment allows for Park Place Crossing to provide the necessary permitted density and other standards and not create unnecessary unusable space.”

The purpose of the regulation for minimum lot size is to provide usable open spaces, separation between buildings, and to maintain the required density levels in the zone. The applicant is providing additional open space elsewhere in the development and is within the overall minimum and maximum densities for the zoning districts on site, if the Planning Commission approves the density adjustment. The purpose of the R-5 zone and Medium density residential chapter is to provide a zone for a variety of housing types. The requested variance supports the attached housing type by allowing for a reasonably-sized lot depth.

D. Any impacts resulting from the adjustment are mitigated;

Finding: Complies as Proposed. With the overall reduction in the lot size, the impacts would include additional impervious surface, less open space, and more shadows (due to the smaller yard areas).

- The applicant’s proposal addresses stormwater impacts from the greater impervious surface, by accommodating all stormwater into a system to manage and detain stormwater through planters and detention ponds on site.
- The applicant’s proposal addresses open space impacts by providing ample open space including a public park and numerous natural areas where streams and forested hillsides are maintained.

- The variance does have the chance of reducing the amount of light on adjacent properties, however, with height limits, setbacks, and lot coverage standards in place, there would not be significant impact that would require mitigation.

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

Finding: Complies as Proposed. The applicant states:

“There are no known practical alternatives to meet the minimum lot area requirements of the OCMC without creating lots that are ± 50 feet deeper than currently planned. Meeting the lot area requirements without a variance would either create an excessively deep home or unused space at either the front or rear of the lots. These alternatives take away from the aesthetic quality of the neighborhood, create unnecessarily lengthy yards, taking away from area which could otherwise be used for homes, or create larger homes than necessary, which increases their costs. Without a variance to these standards, lots for single-family attached homes are not reasonably possible due to the topographic constraints, need for alleys, and additional constraints present within Park Place Crossing.”

Staff concurs with the applicant and adds that attached single family units are permitted in groups of up to 6 attached units per OCMC 17.16.030.E. Since standard attached units are 18 to 24 feet in width, the applicant’s analysis of the lot depth is correct in that unusually deep yards would be required.

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

Finding: Complies as Proposed. The applicant points out that the City is planning to amend its own code in upcoming months to revise the minimum lot size for townhomes, which are synonymous with attached single family homes. The City’s plans to change the minimum lot size to 1500 square feet will comply with state law as well as provide a more practical lot size for attached homes.

The Comprehensive Plan supports a variety of housing types as well as housing that is less costly, with the following goals and policies:

- Goal 10.1 Provide for the planning, development and preservation of a variety of housing types and lot sizes.
- Policy 10.1.4 Aim to reduce the isolation of income groups within communities by encouraging diversity in housing types within neighborhoods consistent with the Clackamas County Consolidated Plan, while ensuring that needed affordable housing is provided.

In addition, the location of the attached housing lots within the development does not directly border any existing, established neighborhoods and will thus not have direct impacts on those areas.

CHAPTER 17.50 – ADMINISTRATION AND PROCEDURES

17.50.050 – Pre-application conference.

A Pre-application Conference. Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application 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.

- 1. To schedule a pre-application conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.*
- 2. 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.*
- 3. 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 pre-application conference.*

B. A pre-application 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 shall schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.

Finding: Complies as Proposed. A pre-application conference was held with City staff on May 5, 2021, prior to submittal of this application in July 2021.

17.50.055 - Neighborhood association meeting.

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.

- A. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.*
- B. The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the Citizen Involvement Committee.*
- C. A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, Citizen Involvement Committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a City facility.*
- D. If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the Citizen Involvement Committee.*
- E. To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.*

Finding: Complies as Proposed. The applicant held a meeting with the Park Place Neighborhood Association on May 17, 2021.

17.50.090 - Public notices.

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

B. Notice of Public Hearing on a Type III or IV Quasi-Judicial Application. Notice for all public hearings concerning a quasi-judicial application shall conform to the requirements of this subsection. At least twenty days prior to the hearing, the city shall prepare and send, by first class mail, notice of the hearing to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The city shall also publish the notice on the city website within the city at least twenty days prior to the hearing. Pursuant to OCMC 17.50.080.H, the applicant is responsible for providing an accurate and complete set of mailing labels for these property owners and for posting the subject property with the city-prepared notice in accordance with OCMC 17.50.100. Notice of the application hearing shall include the following information:

- 1. The time, date and location of the public hearing;*
- 2. Street address or other easily understood location of the subject property and city-assigned planning file number;*
- 3. A description of the applicant's proposal, along with a list of citations of the approval criteria that the city will use to evaluate the proposal;*
- 4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing and that a staff report will be prepared and made available to the public at least seven days prior to the hearing;*
- 5. A statement that any issue which is intended to provide a basis for an appeal to the city commission shall be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the city and all parties to respond to the issue;*
- 6. The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal;*
- 7. A statement that the application and all supporting materials and evidence submitted in support of the application may be inspected at no charge and that copies may be obtained at reasonable cost at the planning division offices during normal business hours; and*
- 8. The name and telephone number of the planning staff person responsible for the application or is otherwise available to answer questions about the application.*

C. Notice of Public Hearing on a Legislative Proposal. At least twenty days prior to a public hearing at which a legislative proposal to amend or adopt the city's land use regulations or comprehensive plan is to be considered, the community development director shall issue a public notice that conforms to the requirements of this subsection. Notice shall be sent to affected governmental entities, special districts, providers of urban services, including Tri-Met, Oregon Department of Transportation and Metro, any affected recognized neighborhood associations and any party who has requested in writing such notice. Notice shall also be published on the city website. Notice issued under this subsection shall include the following information:

- 1. The time, date and location of the public hearing;*
- 2. The city-assigned planning file number and title of the proposal;*
- 3. A description of the proposal in sufficient detail for people to determine the nature of the change being proposed;*
- 4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing; and*
- 5. The name and telephone number of the planning staff person responsible for the proposal and who interested people may contact for further information.*

Finding: Complies with Conditions. Notice was provided in accordance with this section. The City mailed notices to properties within 300 feet of the site, including properties outside of the Urban Growth Boundary, on March 29, 2022, more than 20 days prior to the first hearing. A land use transmittal notice was provided via email to affected agencies, all City neighborhood associations, County Community Planning Organizations and the chair of the Citizen Involvement Committee on June 16, 2022. A webpage was created for the project on the city website at <https://www.orcity.org/planning/project/glua-21-00045>. To ensure greater public participation in the review process for subsequent phases of the master plan, the Planning Commission added a Condition of Approval that public notice of subsequent DDP phases be provided within 300 feet of the entire GDP boundary and not be limited to the boundaries of the particular DDP submittal.

17.50.100 - Notice posting requirements.

Where this chapter requires notice of a pending or proposed permit application or hearing to be posted on the subject property, the requirements of this section shall apply.

A. *City Guidance and the Applicant's Responsibility.* The City shall supply all of the notices which the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed. The City shall also provide a statement to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the City's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the applicable decision-making time limit in a timely manner.

B. *Number and Location.* The applicant shall place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the applicant shall post one copy of the notice for each six hundred feet or fraction thereof. Notices do not have to be posted adjacent to alleys or unconstructed right-of-way. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists. Notices shall not be posted within the public right-of-way or on trees. The applicant shall remove all signs within ten days following the event announced in the notice.

Finding: Complies as Proposed. Notice was provided in accordance with this section.

17.50.140 – Financial guarantees.

When conditions of permit approval require a permittee to construct certain public improvements, the City shall require the permittee to provide financial guarantee for construction of the certain public improvements. Financial guarantees shall be governed by this section.

A. *Form of Guarantee.* Guarantees shall be in a form approved by the City Attorney. Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the City. The form of guarantee shall be specified by the City Engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City Attorney. The guarantee shall be filed with the City Engineer.

B. *Performance Guarantees.* A permittee shall be required to provide a performance guarantee as follows.

1. *After Final Approved Design by The City:* The City may request the Permittee to submit a Performance Guarantee for construction of certain public improvements. A permittee may request the option of submitting a Performance Guarantee when prepared for temporary/final occupancy. The guarantee shall be one hundred twenty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer.

2. *Before Complete Design Approval and Established Engineered Cost Estimate:* The City may request a permittee to submit a Performance Guarantee for construction of certain public improvements. A permittee may request the option of submitting a performance guarantee before public improvements are designed and completed. The guarantee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City Engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer.

C. *Release of Guarantee.* The guarantee shall remain in effect until the improvement is actually constructed and accepted by the City. Once the City has inspected and accepted the improvement, the City shall release the guarantee to the permittee. If the improvement is not completed to the City's satisfaction within the time limits specified in the permit approval, the City Engineer may, at their discretion, draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the City in completing the construction, including any costs incurred in attempting to have the permittee complete the improvement. Once constructed and approved by the City, any remaining funds shall be refunded to the permittee. The City shall not allow a permittee to defer construction of improvements by using a performance guarantee, unless the permittee agrees to construct those improvements upon written notification by the City, or at some other mutually agreed-to time. If the permittee fails to commence construction of the required improvements within six months of being instructed to do so, the City may, without further notice, undertake the construction of the improvements and draw upon the permittee's performance guarantee to pay those costs.

D. *Fee-in-lieu.* When conditions of approval or the City Engineer allows a permittee to provide a fee-in-lieu of actual construction of public improvements, the fee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City Engineer. The percentage required is to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and

contract closeout. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer. The fee-in-lieu shall be submitted as cash, certified check, or other negotiable instrument acceptable by the City Attorney.

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the DDP level.

17.50.141 – Public improvements – Warranty

All public improvements not constructed by the City, shall be maintained and under warranty provided by the property owner or developer constructing the facilities until the City accepts the improvements at the end of the warranty period. The warranty is to be used at the discretion of the City Engineer or designee to correct deficiencies in materials or maintenance of constructed public infrastructure, or to address any failure of engineering design.

A. **Duration of Warranty.** Responsibility for maintenance of public improvements shall remain with the property owner or developer for a warranty period of two years.

B. **Financial Guarantee.** Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, bond, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the City. The form of guarantee shall be specified by the City Engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City Attorney. The guarantee shall be filed with the City Engineer.

C. **Amount of Warranty.** The amount of the warranty shall be equal to fifteen percent of the estimated cost of construction of all public improvements (including those improvements that will become owned and maintained by the City at the end of the two year maintenance period), and shall be supported by a verified engineering estimate and approved by the City Engineer. Upon expiration of the warranty period and acceptance by the City as described below, the City shall be responsible for maintenance of those improvements.

D. **Transfer of Maintenance.** The City will perform an inspection of all public improvements approximately forty-five days before the two-year warranty period expires. The public improvements shall be found to be in a clean, functional condition by the City Engineer before acceptance of maintenance responsibility by the City. Transfer of maintenance of public improvements shall occur when the City accepts the improvements at the end of the two year warranty period.

Finding: Applicable. These obligations shall be required when development is proposed. At this point, staff finds that compliance with all of these obligations are feasible and will be reviewed at the time a DDP is approved.

CONCLUSION AND DECISION OF THE PLANNING COMMISSION:

Based on the analysis and findings as described above and including the entire record for Planning Files GLUA-21-00045 / MAS-21-00006 / VAR-22-00001, the Planning Commission concludes that the proposed development located at:

North and east S Livesay Road, South of S Holcomb Road, Oregon City, Oregon
Map 2 2E 28D: Tax Lots 100, 190, 200, 300, 301, 302, 303, 400, 500, 502, 3700, 3701
Map 2 2E 27BC: Tax Lots 1000, 2000

can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report.

EXHIBITS

See Attached - List of Planning Commission Exhibits by Hearing Date



**NOTICE OF DECISION (NOD)
PLANNING COMMISSION DECISION**

Date of Decision: September 12, 2021
Date of Mailing of Notice of Decision: September 14, 2018

Please Note: Attached separately to this Notice of Decision is a Precautionary Notice of an Appeal hearing before the City Commission.

FILE #s: GLUA-21-00045 General Land Use Application:
MAS-21-00006: General Development Plan
VAR-22-00001: Variance

APPLICATION TYPE: Type III – Planning Commission

REQUEST: Park Place Crossing Master Plan: General Development Plan application for a 92-acre master-planned community within the Park Place Concept Area. The plan consists of ±440 residential units planned to be provided in six residential phases. The project also includes a community park, open space, regional stormwater management facility, retail/civic space, and trails. The properties were annexed into the City in 2018 by Ordinance 18-1007 (AN-17-0004 / ZC-17-0005). This application for a General Development Plan does not involve approval of physical alterations to the project site; land use approvals for Detailed Development Plans are required prior to development. A variance to lot size standards for attached single family lots (townhomes) is also included in the development proposal.

HEARING DATE(S): *Planning Commission* (7 hearings)
April 25, May 9, May 23, July 11, July 25, August 22, and September 12, 2022
Oregon City Commission Chambers, 1234 Linn Ave, Oregon City, OR 97045

APPLICANT: Icon Construction & Development
1969 Willamette Falls Drive, Suite 260; West Linn, Oregon 97068

REPRESENTATIVES: AKS Engineering & Forestry, LLC
12965 SW Herman Road, Suite 100; Tualatin, OR 97062

Schwabe, Williamson and Wyatt
1211 SW 5th, Ste. 1900, Portland, OR 97204

OWNER(S): Multiple. See application.

LOCATION(S) 14 tax lots located on the south side of Holcomb Blvd and north of S. Livesay Rd:

NO SITUS ADDRESS	2-2E-27BC -01000
15110 S HOLCOMB BLVD	2-2E-27BC -02000
NO SITUS ADDRESS	2-2E-28D -00100
NO SITUS ADDRESS	2-2E-28D -00190
16530 S LIVESAY RD	2-2E-28D -00200

16644 S LIVESAY RD	2-2E-28D -00300
NO SITUS ADDRESS	2-2E-28D -00301
NO SITUS ADDRESS	2-2E-28D -00302
NO SITUS ADDRESS	2-2E-28D -00303
16582 S LIVESAY RD	2-2E-28D -00400
14631 S LIVESAY RD	2-2E-28D -00500
14631 S LIVESAY RD	2-2E-28D -00502
16472 S LIVESAY RD	2-2E-28D -03700
NO SITUS ADDRESS	2-2E-28D -03701

REVIEWERS: Aquilla Hurd-Ravich, AICP, Community Development Director
Pete Walter, Planning Manager
Josh Wheeler, Assistant City Engineer
Erik Nichols, PE, Development Project Engineer

CONTACT PERSON: Pete Walter, Planning Manager, (503) 496-1562, pwalter@orcify.org

DECISION: Approval with Conditions (for Staff Report and Conditions, see link below)

PROJECT WEBSITE: <https://www.orcity.org/planning/project/glua-21-00045>

DECISION OF THE PLANNING COMMISSION: On September 12, 2022, after reviewing all of the evidence in the record, and considering the testimony of the applicant, staff and interested citizens, the Planning Commission found that the proposed application GLUA-21-00045: General Development Plan MAS-21-00006 and Variance VAR-22-00001 can satisfy all of the applicable approval standards for the reasons set forth in the amended Staff Report dated September 1, 2022 with modified conditions, and the Commission adopted those reasons as findings in support of its decision. The Staff Report, along with the full record for these files is available for review at the Planning Division.

PROCESS: This decision was issued pursuant to OCMC 17.50. Please be advised that any issue that is intended to provide a basis for appeal must have been raised before the close of the Planning Commission hearing, in person or by letter, with sufficient specificity to afford the Planning Commission and the parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity will preclude any appeal on that issue. The decision of the Planning Commission may be appealed to the City Commission by parties with standing within 14 days of the notice of decision (**4 pm on September 28**). Any appeal will be based on the record. The procedures that govern the hearing will be posted at the hearing and are found in OCMC Chapter 17.50 and ORS 197.763.

Please Note: Attached separately to this Notice of Decision is a Precautionary Notice of an Appeal hearing before the City Commission.



PRECAUTIONARY NOTICE OF APPEAL PUBLIC HEARING – CITY COMMISSION

AP 22-00003 and AP-22-00005, if necessary

APPEALS OF GLUA-21-00045 / MAS-21-00006 / VAR-22-00001

Mailed On: Wednesday, September 14, 2022

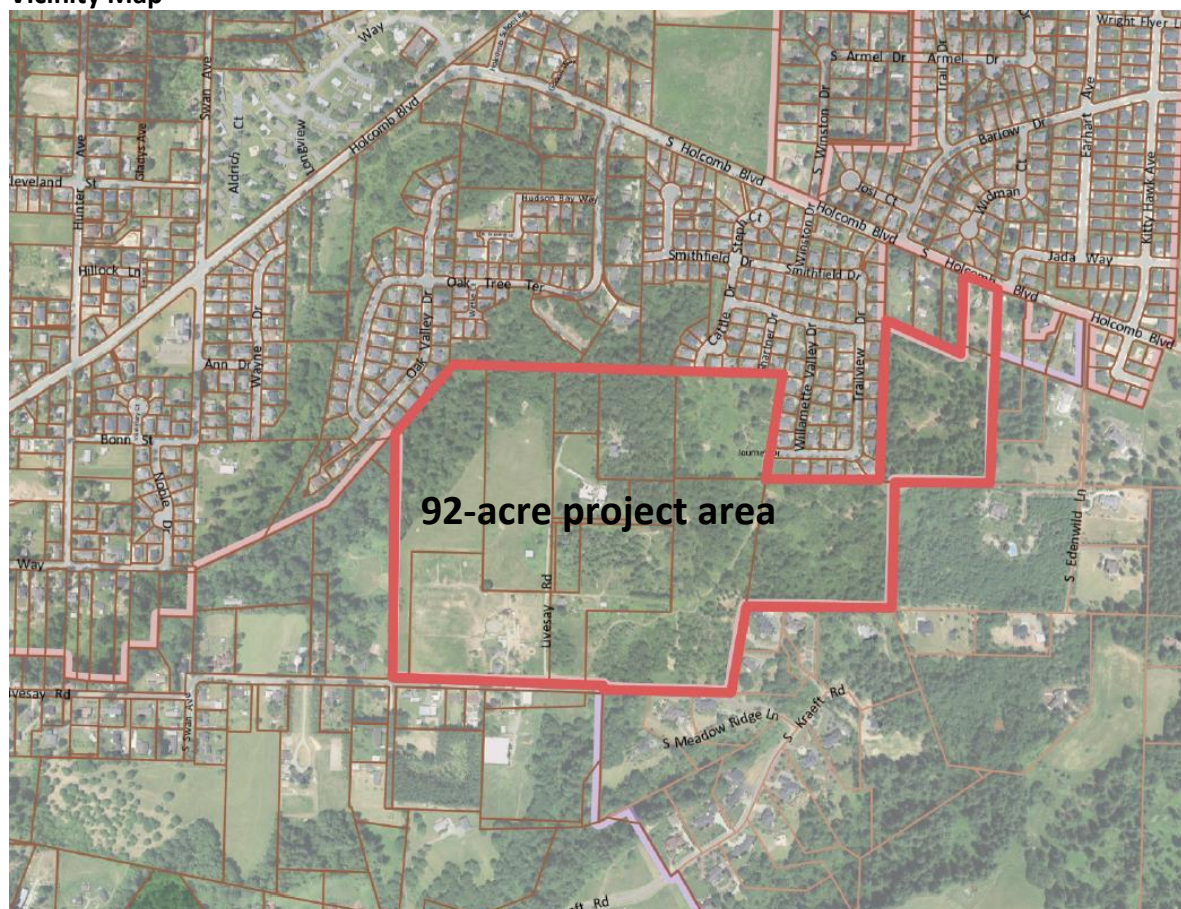
The City believes that this decision may be appealed to the City Commission for review, although no notices of appeal have yet to be filed. Given the limited timeline for the City to take final action on this application, it is issuing this Precautionary Notice of an Appeal hearing. In order to receive a copy of the notice of appeal, please contact Pete Walter at pwalter@orccity.org.

HEARING DATE:	In the event that a notice of appeal is filed, on October 11th the City of Oregon City – City Commission will conduct a public hearing at 7:00 PM at Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City and via Zoom on the following item. The appeal hearing will be confined to the issues raised in the Notice of Appeal, available on or after September 28, 2022, and no new evidence will be considered. To testify at the hearing, please contact the City Recorder at 503-655-0891 or attend the meeting in person.										
FILE NUMBERS:	AP 22-00003 and AP 22-00005, if necessary: Appeal of the September 12, 2022 Planning Commission approval with conditions of Planning Files GLUA-21-00045 / MAS-21-00006 / VAR-22-00001.										
	Park Place Crossing Master Plan: General Development Plan application for a 92-acre master-planned community within the Park Place Concept Area. The plan consists of ±440 residential units planned to be provided in six residential phases. The project also includes a community park, open space, regional stormwater management facility, retail/civic space, and trails. The properties were annexed into the City in 2018 by Ordinance 18-1007 (AN-17-0004 / ZC-17-0005). This application for a General Development Plan does not involve approval of physical alterations to the project site; land use approvals for Detailed Development Plans are required prior to development. A variance to lot size standards for attached single family lots (townhomes) is also included in the development proposal.										
APPLICANT/ APPELLANT FOR AP-22-00003, if necessary	Unknown at this time										
APPELLANT FOR AP-22-00005, if necessary	Unknown at this time										
PROPERTY OWNERS:	Multiple – See Application										
GROUND FOR APPEAL:	OCMC 17.50.190 – Appeals. Available after September 28, 2022 by contacting Pete Walter, Planning Manager at pwalter@orccity.org										
PROJECT WEBPAGE:	AP 22-00003 and AP 22-00005: GLUA-21-00045 / MAS-21-00006 / VAR-22-00001: https://www.orccity.org/planning/project/glua-21-00045										
LOCATION:	14 tax lots located on the south side of Holcomb Blvd and north of S. Livesay Rd: <table> <tr> <td>Address:</td> <td>Tax Lot:</td> </tr> <tr> <td>NO SITUS ADDRESS</td> <td>2-2E-27BC -01000</td> </tr> <tr> <td>15110 S HOLCOMB BLVD</td> <td>2-2E-27BC -02000</td> </tr> <tr> <td>NO SITUS ADDRESS</td> <td>2-2E-28D -00100</td> </tr> <tr> <td>NO SITUS ADDRESS</td> <td>2-2E-28D -00190</td> </tr> </table>	Address:	Tax Lot:	NO SITUS ADDRESS	2-2E-27BC -01000	15110 S HOLCOMB BLVD	2-2E-27BC -02000	NO SITUS ADDRESS	2-2E-28D -00100	NO SITUS ADDRESS	2-2E-28D -00190
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NO SITUS ADDRESS	2-2E-28D -00190										

	16530 S LIVESAY RD	2-2E-28D -00200	Item 4a.
	16644 S LIVESAY RD	2-2E-28D -00300	
	NO SITUS ADDRESS	2-2E-28D -00301	
	NO SITUS ADDRESS	2-2E-28D -00302	
	NO SITUS ADDRESS	2-2E-28D -00303	
	16582 S LIVESAY RD	2-2E-28D -00400	
	14631 S LIVESAY RD	2-2E-28D -00500	
	14631 S LIVESAY RD	2-2E-28D -00502	
	16472 S LIVESAY RD	2-2E-28D -03700	
	NO SITUS ADDRESS	2-2E-28D -03701	
CONTACT PERSON:	Pete Walter, Planning Manager: (503) 496-1562, Email: pwalter@orcity.org		
NEIGHBORHOOD ASSOCIATION:	Park Place Neighborhood Association		

The appeal and all documents submitted by or on behalf of the appellant(s) and other parties are available for inspection at no cost at the Oregon City Planning Division, 695 Warner Parrott Road, Oregon City, Monday through Thursday 9am-4PM. The staff report, with all the applicable approval criteria, will also be available for inspection seven days prior to the hearing. Copies of these materials may be obtained for a reasonable cost in advance of the hearing. The City Commission's decision is the City's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final by those with standing. The procedures that govern the hearing will be posted at the hearing and are found in OCMC 17.50. **Only those individuals who participated in writing while the record was open will be allowed to participate orally or in writing in the proceeding on appeal. Only those issues raised in the Notice(s) of Appeal will be considered. The City Commission's review will be limited to the record. No new evidence will be accepted.** Written comments based on the record must be received by the Planning Division by 4 p.m. On September 30 to be included in the staff report. Written comments received after the aforementioned date will be forwarded to the City Commission for consideration if received prior to closure of the record. NOTE: FOR SPECIAL ASSISTANCE DUE TO DISABILITY, PLEASE CALL CITY HALL, 503-657-0891, 48 HOURS PRIOR TO MEETING DATE.

Vicinity Map



GLUA-21-00045 / MAS-21-00006 / VAR-22-00001 Park Place Crossing General Development Plan**Exhibit to Final Adopted Staff Report 9/12/2022****List of Planning Commission Exhibits by Hearing Date**

This list with hyperlinks to the documents can be found here:

<https://www.orcity.org/planning/project/glua-21-00045>

08/22/2022

- GLUA-21-00045 / MAS-21-00006 / VAR-22-00001 Park Place Crossing General Development Plan.
 - REVISED-Commission Report 8.22.2022.pdf (0.05 MB)
 - REDLINES- Staff Report for 8.22.2022 draft 8.18.2022 redline.pdf (8.56 MB)
 - NEW- 8.19.2022 Letter to Oregon City Planning Commission-Final Written Argument.pdf (1.38 MB)
 - NEW-Exhibit 7 Alley Loaded and Topo Constrained Lots 8.18.2022.pdf (0.32 MB)
 - 7404 20220811 Layout Change Memo.pdf (0.80 MB)
 - Park Place Crossing Layout Revision Exhibit 1 8.11.2022.pdf (0.32 MB)
 - Revised Zone Overlay Map and Density Exhibit 2 8.11.2022.pdf (0.39 MB)
 - Housing Types Memo 8.15.2022.pdf (3.99 MB)
 - Park Place Crossing Average Daily Traffic Memo - 6.29.2022.pdf (8.54 MB)
 - 6.29.2022 Submitted Revised Plans and Memorandum.pdf (17.22 MB)
 - Replinger and Associates Review of Average Daily Traffic Memo 7.13.2022.pdf (0.07 MB)
 - NEW-Revised Public Comment Summary for 8.22.2022 PC Hearing.pdf (0.15 MB)
 - Comment Cards PC 7.25.2022 Park Place Crossing.pdf (1.19 MB)
 - JoAnn Grugan Comments 5.14.2022.pdf (0.06 MB)
 - Sean McLaughlin Comments 8.16.2022.pdf (0.06 MB)
 - Janice Troxler Comments 8.16.2022.pdf (0.06 MB)
- Exhibits attached separately:
- Public Comment Cards for 8.22.2022
 - Christine Kosinski comments 8.22.2022
 - Sharon Neish comments 8.22.2022, 8.21.2022, 8.18.2022
 - Suze Hammond comments 8.21.2022
 - Steve Sagi comments 8.22.2022
 - Dan Berge Comments 8.22.2022
 - James Nicita comments 8.20.2022
 - Jackie Hammond-Williams comments 8.22.2022
 - Staff PowerPoint Presentation 8.22.2022

07/25/2022

- Continuance of GLUA-21-00045 / MAS-21-00006 / VAR-22-00001 Park Place Crossing General Development Plan.
 - Commission Report 7.25.2022 Continuance.pdf (0.05 MB)

- 120 Day Extension to October 23.pdf (0.82 MB)

Exhibits attached separately:

- Public Comment Cards for 7.25.2022
- Enoch Huang comments 7.25.2022
- Roya Mansouri comments 7.25.2022

07/11/2022

- CONTINUANCE OF GLUA-21-00045 / MAS-21-00006 / VAR-22-00001 Park Place Crossing General Development Plan.
 - Commission Report.pdf ([0.05 MB](#))
 - Applicant's Plan Revisions and Additional Information - NEW.pdf ([17.22 MB](#))
 - Applicant's Analysis of Daily Traffic Volumes - NEW.pdf ([8.54 MB](#))
 - Baker memo for Park Place Crossing 6-30.pdf ([0.04 MB](#))
 - Public Comment Summary Table UPDATED.pdf ([0.21 MB](#))
 - Vicinity Map.pdf ([1.73 MB](#))
 - Land Use Application Form.pdf ([1.87 MB](#))
 - Applicant's Narrative.pdf ([1.40 MB](#))
 - Drawings and Plans.pdf ([21.58 MB](#))
 - NROD Study.pdf ([9.70 MB](#))
 - Preliminary Stormwater Report.pdf ([6.98 MB](#))
 - Applicant's Transportation Impact Analysis.pdf ([10.40 MB](#))
 - Preliminary Geotechnical Report.pdf ([3.72 MB](#))
 - Applicant's Geohazard Overlay Memo.pdf ([23.07 MB](#))
 - Applicant's Addendum on Slopes.pdf ([5.26 MB](#))
 - Applicant's Sewer Study.pdf ([24.50 MB](#))
 - Park Place Concept Plan Analysis from Applicant.pdf ([10.28 MB](#))
 - Supplemental Memo from Applicant.pdf ([0.35 MB](#))
 - Neighborhood Meeting Information.pdf ([0.42 MB](#))
 - Copy of Park Place Concept Plan Adopted 2008.pdf ([8.76 MB](#))
 - Copy of Park Place Concept Plan Appendix.pdf ([35.60 MB](#))
 - Part 1 of public comments with links.pdf ([5.97 MB](#))
 - Part 2 of public comments with links.pdf ([13.32 MB](#))
 - Part 3 of public comments with links.pdf ([41.50 MB](#))
 - Part 4 of public comments with links.pdf ([26.75 MB](#))
 - Part 5 of public comments with links.pdf ([14.79 MB](#))
 - Traffic Analysis Review Letter from John Replinger.pdf ([0.16 MB](#))
 - Historic Inventory Forms for three eligible properties within 250 feet of site.pdf ([2.06 MB](#))
 - Wetland Land Use Notice Response.pdf ([0.78 MB](#))
 - DSL Wetland Delineation Report.pdf ([9.31 MB](#))
 - Applicant's 5.5.2022 Letter to Planning Commission.pdf ([0.14 MB](#))
 - Applicant's Presentation from 5.9.22.pdf ([11.49 MB](#))
 - Applicant's 5.23.2022 Letter to Planning Commission.pdf ([2.56 MB](#))

- Applicant's 5.23.22 Request for Continuance.pdf ([0.08 MB](#))
- Staff Memo re Emergency Evacuation Concerns.pdf ([0.28 MB](#))
- Staff Memo re Condition #10 - Park Dedication.pdf ([0.17 MB](#))
- Staff Presentation Slides from 4.25.22 Hearing.pdf ([1.59 MB](#))
- Staff Presentation from 5.9.22.pdf ([2.40 MB](#))

Exhibits attached separately:

- Public Comment Cards for 7.11.2022
- Steve Sagi comments 7.11.2022
- James Nicita comments 7.11.2022
- Joanna Stram comments 7.7.2022
- Nick Veroske comments 7.6.2022
- Oregon City Business Alliance comments 7.6.2022
- Staff PowerPoint Presentation 7.11.2022

05/23/2022

- GLUA-21-00045 / MAS-21-00006 / VAR-22-00001 Park Place Crossing General Development Plan.
 - REVISED Commission Report.pdf (0.05 MB)
 - REVISED Public Comment Summary Table.pdf (0.21 MB)
 - NEW Staff Memo re revised conditions of approval with Exhibits.pdf (3.49 MB)
 - Revised Recommended Conditions of Approval.pdf (0.25 MB)
 - New Items and Comments since May 6 - PART 1 with navigation.pdf (24.69 MB)
 - May 9th agenda packet links.pdf (0.14 MB)
 - New Items and Comments since May 6 - PART 2 with navigation.pdf (49.55 MB)
 - NEW Staff Presentation Slides from 5.9.22 Hearing.pdf (2.40 MB)

Exhibits attached separately:

- Staff PowerPoint Presentation 5.23.2022

05/09/2022

- GLUA-21-00045 / MAS-21-00006 / VAR-22-00001 Park Place Crossing General Development Plan
 - REVISED Commission Report.pdf (0.05 MB)
 - NEW 2ND REVISED Staff Report and Recommendation.pdf (2.41 MB)
 - Vicinity Map.pdf (1.73 MB)
 - REVISED Public Comment Summary Table.pdf (0.18 MB)
 - All Public Comments received before 4.18.22.pdf (5.87 MB)
 - Land Use Application Form.pdf (1.87 MB)
 - Applicant's Narrative.pdf (1.40 MB)
 - Drawings and Plans.pdf (21.58 MB)
 - NROD Study.pdf (9.70 MB)
 - Preliminary Stormwater Report.pdf (6.98 MB)
 - Applicant's Transportation Impact Analysis.pdf (10.40 MB)
 - Preliminary Geotechnical Report.pdf (3.72 MB)
 - Applicant's Geohazard Overlay Memo.pdf (23.07 MB)

- Applicant's Addendum on Slopes.pdf (5.26 MB)
- Applicant's Sewer Study.pdf (24.50 MB)
- Park Place Concept Plan Analysis from Applicant.pdf (10.28 MB)
- Supplemental Memo from Applicant.pdf (0.35 MB)
- Neighborhood Meeting Information.pdf (0.42 MB)
- NEW Traffic Analysis Review Letter from John Replinger.pdf (0.16 MB)
- NEW Historic Inventory Forms for three eligible properties within 250 feet of site.pdf (2.06 MB)
- NEW Staff Presentation Slides from 4.25.22 Hearing.pdf (1.59 MB)
- NEW Public Comment Exhibit - Huang and Mansouri slides 4.25.22.pdf (0.67 MB)
- NEW Public Comment Exhibit - Huang and Mansouri supplemental info.pdf (0.10 MB)
- NEW Public Comment Exhibit - Aaron Wahnstall Presentation Slides from 4.25.22.pdf (0.31 MB)
- NEW Public Comment Exhibit - Tom Geil opinion piece OC News.pdf (1.98 MB)
- NEW Staff Memo re Emergency Evacuation Concerns.pdf (0.28 MB)
- NEW - Applicant's Memo about Holly-Holcomb Intersection.pdf (1.84 MB)
- NEW - Copy of Park Place Concept Plan Adopted 2008.pdf (8.76 MB)
- NEW 5.5.2022 Letter to Planning Commission - Response to Public Comment.pdf (0.14 MB)
- NEW Public Comments received after agenda published.pdf (0.05 MB)

04/25/2022

- CONTINUANCE OF GLUA-21-00045 / MAS-21-00006 / VAR-22-00001 Park Place Crossing General Development Plan.
 - Commission Report.pdf (0.05 MB)
 - Vicinity Map.pdf (1.73 MB)
 - Public Comment Summary Table.pdf (0.11 MB)
 - All Public Comments received before 4.18.22.pdf (5.87 MB)
 - Land Use Application Form.pdf (1.87 MB)
 - Applicant's Narrative.pdf (1.40 MB)
 - Drawings and Plans.pdf (21.58 MB)
 - NROD Study.pdf (9.70 MB)
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 - Park Place Concept Plan Analysis from Applicant.pdf (10.28 MB)
 - Supplemental Memo from Applicant.pdf (0.35 MB)
 - Neighborhood Meeting Information.pdf (0.42 MB)

PC Comment Cards 8.22.2022

Christine Kosinski 8.22.2022 All

Sharon Neish 8.18.2022

Sharon Neish 8.21.2022

Sharon Neish 8.22.2022

Suze Hammond 8.21.2022

Steve Sagi 8.22.2022

Icon presentation 082222 Sagi

Dan Berge 8.22.2022

Jackie Hammond-Williams

James Nicita 8.20.2022 All

PC 8.22.2022 Planning slides

COMMENT FORM



PLEASE PRINT CLEARLY

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

Date of Meeting

August

Item Number From Agenda

Access & Parking

NAME:

Ken Neish

ADDRESS:

Street: 16500 South Edenwild Ln

City, State, Zip: Oregon City, OR

PHONE NUMBER:

503-310-4450

E-MAIL ADDRESS:

Ken Neish@gmail.com

SIGNATURE:

[Signature]

COMMENT FORM



PLEASE PRINT CLEARLY

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

Date of Meeting

Aug 22nd 2022

Item Number From Agenda

2

NAME:

Jackie Hammond-Williams

ADDRESS:

Street:

16303 Wayne Dr.

City, State, Zip:

OC.

PHONE NUMBER:

503-753-5321

E-MAIL ADDRESS:

Jackiesplus@aGmail-com

SIGNATURE:

JH

COMMENT FORM



PLEASE PRINT CLEARLY

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- Limit Comments to 3 MINUTES.
- Give to the Clerk in Chambers prior to the meeting.

Date of Meeting

8-22

Item Number From Agenda

2

NAME:

James N. [unclear]

ADDRESS:

Street:

302 BIA ST

City, State, Zip:

OC

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE:

[Handwritten signature]

COMMENT FORM



PLEASE PRINT CLEARLY

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- Limit Comments to **3 MINUTES**.
- Give to the Clerk in Chambers **prior** to the meeting.

Date of Meeting

8/22/22

Item Number From Agenda

2

NAME:

LINDA SMITH

ADDRESS:

Street: 13944 CLEVELAND

City, State, Zip: OC

PHONE NUMBER:

503-89-7089

E-MAIL ADDRESS:

OC6AL57@AOL.COM

SIGNATURE:

Linda Smith

COMMENT FORM



*****PLEASE PRINT CLEARLY*****

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

Date of Meeting Aug 22, 2022

Item Number From Agenda #2

NAME:

Paulette Merrill

ADDRESS:

Street: 16390 Hiram Ave

City, State, Zip: OC 97045

PHONE NUMBER:

503-656-4629

E-MAIL ADDRESS:

egm66@comcast.net

SIGNATURE:

Paulette Merrill

######

COMMENT FORM



PLEASE PRINT CLEARLY

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

Date of Meeting

8-20-22

Item Number From Agenda

PK PL CROSSING

NAME:

CHRISTINE KOSINSKI

ADDRESS:

Street:

HOLLY LN

City, State, Zip:

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE:

Christine Kosinski

Pete Walter

From: Aquilla Hurd-Ravich
Sent: Monday, August 22, 2022 12:06 PM
To: Pete Walter
Subject: FW: Testimony for tonight's Planning Commission
Attachments: TestimonyPlanCommParkPlacePlanRoadCountsAug202022.doc;
testimonyOCPlanCommParkPlaceCrossingAug222022.doc;
TestimonyOCPlanCommScottBurnsMessageHollyandRedlandIntersectParkPlaceCrossing
Aug22,2022.doc

From: britenshin@aol.com <britenshin@aol.com>
Sent: Monday, August 22, 2022 12:02 PM
To: Aquilla Hurd-Ravich <ahurdravich@orcite.org>; recorderteam <recorderteam@orcite.org>
Cc: britenshin@aol.com
Subject: Testimony for tonight's Planning Commission

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Aquilla,

Attaching my testimony for tonight's Planning Commission meeting. I will need to ask the Planning Commission if I can have 2-3 minutes more of time, in addition to the 3 minutes I will have for my testimony. This will be necessary for me to deliver a Message from Professor Scott Burns to the Planning Commission. I will ask them when I come to the microphone if I can have a little extra time.

Thank you
Christine Kosinski
Holly Ln
503-656-1029

testimonyOCPlanCommParkPlaceCrossingAug222022

TestimonyPlanCommParkPlacePlanRoadCountsAug202022

TestimonyOCPlanCommScottBurnsMessageHollyandRedlandIntersectParkPlaceCrossingAug22
2022

Oregon City Planning Commission

Meeting of August 22nd, 2022

Testimony of Christine Kosinski, Holly Ln, Unincorporated Clackamas County

Re: GLUA-21-00045/MAS-21-000061/VAR-22-00001
Park Place Crossing Development

Due to the extremely serious message which Scott Burns sent to the Planning Commission today, regarding the soil conditions existing at the intersection of Holly/Redland Rd, and due to the very difficult soils that exist throughout the entire proposed Park Place Crossing development.

I am requesting that the City order an In-Depth Geological Study for the following areas of,

The intersection of Holly Ln/Redland Rd, and to include in-depth studies of all four proposed roads, and as well, including the proposed Holly Ln Ext North, the road proposed behind Trailview Drive. I request this because, in a meeting with Dr. Burns in September of 2006, he stated "He is extremely concerned about the proposed connector road from Holcomb to Holly Ln, too many slide areas."

Additionally for Holcomb, Holly Ln and Redland Rd. I request this because in September of 2006, Dr. Burns stated "that Holcomb, Holly Ln and Redland Rd were some of the most dangerous areas for the ancient landslides to once again become active, if disturbed by a lot of building, excavation and removal of vegetation.

I am not an Engineer, but only an in-depth study of this intersection, and the additional areas listed above, will give results for soil conditions, water table, groundwater conditions, sheer strength and stability and all other results that will allow everyone to fully understand whether this intersection has the ability to safely perform under both normal and heavy use.

I also request the Detailed Maps which Dr. Burns spoke of in his message today to the Planning Commission, and I ask that both myself and the Park Place neighborhood association be notified of the city's decision to order these.

I am requesting that the City not close the hearing tonight, but rather wait until the results of an in-depth geological study is finalized and until the results are known by the City, developer, Professor Scott Burns, the people of Holly Ln and of the Park Place Neighborhood Assn. It must be known if the intersection can safely operate, I share the grave concerns of Dr. Burns, that it will fail. Read the Preliminary Geotech Report and you will notice all the creeping, the sub-surface water, the wall drains, roof drains, drains in crawl space, new slides that were found, as well as the many retaining and soldier walls that will be necessary to keep the land from sliding. Finally, read about the four Earthquake faults that come through the Holly Ln-Park Place area, that could leave us with severe damaging affects. This land movement is serious, in fact, so serious that I have been testifying to the City since 2004, desperately trying to raise their awareness that development in this area is a fool's errand. The voters tried to tell the City "not to build" with their NO votes in each of the three tries the City put this development on the ballot. In many cases, the people know more than the City. I ask you to please listen, protect your people with responsible leadership.

I request that if the Planning Commission does vote, either tonight or in a hearing held in the future, **TO APPROVE WITH CONDITIONS**, that one of the conditions must be that a full, in-depth Geological Study be done at the Holly Ln/Redland Rd intersection, as well as all of the roads I have noted above, and NO final approval can be given until the results of this study show the intersection, and roads can safely perform.

Please, I continue to request, NO TYPE II hearings for the remaining five phases of the Park Place Crossing development. Although OCMC 17.65, Master Plans, allow for detailed development plans to be reviewed through a Type II process following the Type III approval of a General Development Plan, due to the extremely hazardous conditions that exist in this proposed development, and especially due to the city's **FEMA agreement** which clearly states on Pg. 53, Landslide #1, under Ideas for Implementation, **“LIMIT CONSTRUCTION IN KNOWN LANDSLIDE AREAS”**, this does not allow dense R-5 and 1800 sq. ft. lots!!! **Has FEMA seen this dense plan?, perhaps they should.**

Regarding the Staff Report for August 22nd, 2022, under Adjustments to the following development standards, I **DO NOT** agree with any reduction of lot sizes, widths, depths and setbacks.

Furthermore, I **DO NOT** agree with the Variance to reduce the minimum lot size for attached single family lots to 1800 square feet.

WHY HOLLY LN SHOULD NEVER BE DEVELOPED LESS THAN ONE HOME PER ACRE.

6 Homes already either destroyed or severely damaged due to landslides

NO Landslide Insurance available

Soils are not safe and reliable, they can slip, creep, slide

Holly Ln/213 share same hill and landslides, if earthquake, both roads may go down same time

Neighboring Country Village, moratorium on building due to landslides

Beaverlake Estates – Henrici Rd, moratorium on building due to landslides

Safety for the people

To bring the City into compliance with its FEMA NHMP agreement, into compliance with the DLCD-DOGAMI Landslide guidelines, the City's Comp Plan and Goal 7 compliance.

A little history that the City and developer need to understand about, especially the bottom portion of Holly Lane and Redland Road. This is an area with an extremely large amount of underground springs that cover a large distance. I have had neighbors show me the springs on their property. This is a hazardous area with difficult topography where land can shift and move and the soils are not stable. In the 1950's, there were at least 3 lakes on Holly Lane, one on Holly, two on Donovan. Some homeowners have put in wells, sometimes reaching water at only 5 feet.

There has been rumor the City may be looking at a road connection East of Holly. I will tell you that Clackamas County searched between Holly and Henrici about 15 years ago for an area to be considered for a North/South connector, in the future, between Beavercreek and Redland Rd, and they came up with nothing, but rugged, hazardous terrain. These same difficult and unsafe soil conditions exist here at Holly Ln and Park Place. The floodplain, the water table, Earthquake faults, landslides, soils that slide, creep and fail, all of these unsafe conditions are only a recipe for catastrophic disaster.

ROAD COUNTS

PARK PLACE PLAN, BRCP, MAPLELANE, REDLAND RD, MEMORY CENTER

PLAN OR STREET	APPROX. PROPOSED ADT'S/DAY
*Beavercreek Rd Concept Plan residential, large commercial + jobs	40,000 plus is proposed by the City
*Park Place Concept Plan residential, small commercial	30,000 plus is proposed by the City
Maplelane, West of Holly	9,675 – 2021 current count
Maplelane, East of Holly	7,700 – 2021 current count
Redland Rd, West of Holly	12,445 – 2021 current count
Redland Rd, East of Holly	10,380 – 2021 current count
Memory Care, Apts, Hotel Maplelane & Beavercreek Rd.	179 Trip Cap per day
Holly Ln, North of Maplelane	3,205 – 2021 current count
Holly Ln, South of Redland	3,425 – 2021 current count

*At full build-out, it appears Holly Ln could receive added trips of approx. 92,299 trips per day!

This amount was calculated by taking the total proposed ADT's per day from both the Beavercreek and Park Place Concept Plans, adding the Memory Care, adding only the Maplelane, West of Holly, and adding only the Redland, West of Holly proposed daily ADT's. Therefore, the 92,299 trips per day is a conservative figure, since the Maplelane, East of Holly and Redland Rd, East of Holly counts were not added into this trip count. As well, as the City continues to develop, these trips per day down Holly Ln will only increase further.

I compared these proposed ADT's per day with Sunnyside Road in Clackamas because Sunnyside is an extremely large Major Arterial road where Redland Rd may be a major arterial as well, but is only one lane in each direction (with Sunnyside being many lanes). Also, Holly Ln may be classified as a Minor Arterial, however, it also is only one lane in each direction and the street is lined with landslides on both sides. Here are the counts for Sunnyside.

Sunnyside, West of 122 nd	44,635 – 2021 current count
Sunnyside, East of 122 nd	36,690 – 2021 current count

The amount of ADT's per day the City is proposing for the Holly Ln, Maplelane, Redland Rd corridor, far exceeds those of Sunnyside Rd, a highly major arterial. More local and Major Arterials are needed for this Holly Ln, Park Place community.

Christine Kosinski August 22, 2022

cc: Mike Bezner, Clackamas County

RE: Message from Scott Burns, Professor of Geology, PSU to the Oregon City Planning Commission. This is an attachment to Testimony from Christine Kosinski, Holly Ln, Unincorporated Clackamas Co

For:: Agenda Item GLUA-21-00045/MAS-21-000061/VAR-22-00001
Park Place Crossing Development

After researching soil conditions existing in the proposed Park Place Crossing, and especially the soils at the Holly Ln/Redland Rd intersection, I reached out to Professor Scott Burns regarding my serious concerns for the Troutdale Formation and Alluvium soils which are found for this intersection on the Bulletin 99 “Geologic map of the Canby and Oregon City Quadrangle. Bulletin 99 speaks to the Clay in Troutdale Formation, which is unstable and causes overlying competent units to fail by landslide. The Alluvium soils have hazards of flooding, near-surface water table, weak compressible soils; development not normally recommended.

Scott Burns Message to the Planning Commission of Oregon City

“I am extremely concerned for the soil conditions existing at the intersection of Holly Ln and Redland Rd. In a worst-case scenario, the roads could just cave in and “collapse” altogether under a heavy rainfall. I have stated to Christine Kosinski that the intersection is highly complicated and that the city needs detailed maps, and to remember, that only a Preliminary study and report have been done.”

Scott Burns was unable to contact me until this past Friday, when he returned home from a geology trip out of country, unfortunately he contracted Covid and now is quarantined to home. He requested that I bring this important information to the Oregon City Planning Commission.

Note: Professor Burns first brought these serious concerns to the attention of the City in 2007. Here we are today, with development being proposed, and still no in-depth studies have been done to validate the safety for using the intersection of Holly Ln and Redland Rd.

cc: Mike Bezner, Clackamas County, Transportation Engineering Manager

Pete Walter

From: Sharon Neish <sharonaneish@gmail.com>
Sent: Thursday, August 18, 2022 9:08 PM
To: Pete Walter
Cc: Ken Neish
Subject: Fwd: Bring it up at your next meeting

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please include in the meeting. Maybe Icon or AkS can explain. I am not certain when Kelly Reid left for Portland to share her urban vision there.

Sharon

Begin forwarded message:

From: Sharon Neish <sharonaneish@gmail.com>
Date: July 25, 2022 at 9:44:11 PM PDT
To: Kelly Reid <kreid@orccity.org>
Cc: Ken Neish <kenneish@gmail.com>
Subject: **Bring it up at your next meeting**

Since you are in charge of this huge debacle, why is park place concept plan negotiable in the first place if it was well thought out? I would like this brought up at your next planning meeting. I would like you personally to read the question since you after all are in charge of this mess and are pushing it forward. Maybe you can put it in your PowerPoint presentation since it appears to be a huge elephant in the room. Remember Feds are not done tweaking the interest rates and they haven't been this high since 2008. It's going up another .5 - .75 percent. Not to mention Canadian lumber tariffs, diesel fuel cost, cost of labor etc just to build a crappy scorched earth looking tract housing project. How do they propose to handle this inflation in relation to their affordable housing? Throw in a few more 1800 sq ft lots? In fact, if you really want to know what I think the section 8 housing off Holcomb is better planned and constructed. Just state some facts please any kind of facts that everyone and their brother wants know to know about and not your usual Icon geared fluff piece of presentation. Since they are not answering the questions at their 50000 - 100000 feet elevation I want you to answer them since it is your job. Also provide insight into what you are going to do about buying those three houses off of Holcomb to connect Holly Lane maybe condemn them to help Icon? Please address that also in your power point presentation.

Thanks,

Sharon Neish BSN MS
16580 s edenwild

Pete Walter

From: Sharon Neish <sharonaneish@gmail.com>
Sent: Sunday, August 21, 2022 8:46 PM
To: Pete Walter
Subject: Park place crossing project

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please include this in your discussion with the commissioner. The new plan has gone from bad to worse as far as stacking people in the project. In phase 1 alone, this development went from having 59 single family homes to having 31 single family homes and 18 single family attached homes. Does the mean the 18 single family attached are duplexes therefore equal to thirty six single families attached to each other???? What does this do to the traffic pattern on Holcomb? Why add even more families to keep it affordable??? Why can't they follow the original plan it is all about their profit margins? They will throw up OSB strand homes with some kind of hardiplank siding and maybe some kind faux stone as an accent with white MDF kitchens and luxury grey vinyl flooring as their formula home. Cut corners at all costs.

Thanks
Sharon

Pete Walter

From: Sharon Neish <sharonaneish@gmail.com>
Sent: Monday, August 22, 2022 9:53 AM
To: Pete Walter
Subject: Fwd: Lot variances park place crossing

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This is regards to park place project

Begin forwarded message:

From: Sharon Neish <sharonaneish@gmail.com>
Date: August 22, 2022 at 9:50:55 AM PDT
To: sharonaneish@gmail.com
Subject: Lot variances

Please add this to the record. Are they STILL requesting lot variances with their new plan? How are they going to handle additional traffic when they throw up all the single attached homes instead of single family as their so called work around to the lot sizes? Does each single family attached dwelling have two separate households? What is the household count? It appears more bodies will be crammed in to each lot.

Thanks,
Sharon

Pete Walter

From: Suze Hammond <moreachrammstein@gmail.com>
Sent: Sunday, August 21, 2022 3:07 PM
To: Planning
Subject: Park Place Crossing

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

As a nearby resident, I remain concerned about the landslide capabilities of the proposed area. Part of my own property has slid into Tour Creek. The whole area has an underlayment of slippery clay just below more stable soil. I suspect the report on the stability of the soils was "cherry-picked" by the testing company, and Oregon City will be opening itself to lawsuits if it approves this development without further study. I ask you to consider the needed demolition of an apartment block off Beavercreek Blvd. in recent years. The same soils exist here and under Park Place Crossing.

I am also concerned about any changes in local traffic patterns. Holcomb Ave. already has difficulty handling traffic during emergencies. This will make some rescues impossible. Oregon City annexed this neighborhood and now owes us considerations of this type.

Sincerely upset,
Suzanne E. Hammond
14080 Beemer Way
Oregon City, OR, 97045

Pete Walter

From: Steve Sagi <sagmanaur@yahoo.com>
Sent: Monday, August 22, 2022 1:56 PM
To: Pete Walter
Subject: Master Plan and Variance for Park Place Crossing Development
Attachments: Icon presentation 082222.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Pete,

In case I can't make the meeting tonight I wanted to submit further public testimony regarding Master Plan and Variance for Park Place Crossing Development. See attached pdf.

Thanks,

Steve Sagi
16401 Cattle Drive, Oregon City
503-969-6311

Key points for 8/22/22 Icon/City meeting

- Good evening Members of the Planning Commission. Thank you for the time to allow me to voice some concerns about the proposed Park Place Crossing General Development Plan.
 - Collector Road
 - I am still confused why Holly Lane is still being called a Collector Road. The City has a standard for a Collector Road, and this road clearly does not meet the criteria at the pinch point.
 - I am guessing Civil Engineering has similar principles to follow as in other disciplines. For instance, if an electrical circuit has the majority of it rated at 100 amps, but one portion, no matter how small, is only rated for 50 amps, then it is a 50 amp circuit. I am guessing the same would apply to roads.
 - I have a suspicion the term Collector Road must be used because they need a Collector Road to move forward with this development.
 - Plan for increased traffic
 - It has been said that traffic studies will be conducted at each phase of the project. What is the plan if any single road hits the 2,000-trip threshold in a given day? I haven't heard of a solution if that happens, just a statement that they won't even look at it until that threshold has been met. Once Phase 2 has been developed there won't be many options to correct the issue. Except to then approve Phase 3 which will bring the bulk of the traffic thru Cattle Drive. It will shift the traffic from Holly Lane to Cattle Drive.
 - I would like to hear the plan of if/when we meet the 2,000 trip threshold then we will do Plan X. My hope is that Plan X is not Eminent Domain and people are forced to sell their property for the good of the project.
 - I still have great concerns of the traffic on Cattle Drive. Not just because I live on it, but I know the dangers that the S-turn can present. It's obstructed view due to the green space fencing, parked cars and the elevation changes are a recipe for collisions.
 - So far, the only people that has given testimony in favor of this project are not residents of Oregon City. This development will be built and then the people that currently live in this neighborhood will have to deal with the outcome.

Steve Sagi

16401 Cattle Drive

503-969-6311

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 - So far, the only people that has given testimony in favor of this project are not residents of Oregon City. This development will be built and then the people that currently live in this neighborhood will have to deal with the outcome.

Steve Sagi

16401 Cattle Drive

503-969-6311

Pete Walter

From: Dan B <orcityus@yahoo.com>
Sent: Monday, August 22, 2022 2:59 PM
To: Pete Walter
Subject: GLUA-21-00045 / MAS-21-00006 / VAR-22-00001 Park Place Crossing General Development Plan.

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For the record Oregon City Planning meeting tonight 8/22/2022

GLUA-21-00045 / MAS-21-00006 / VAR-22-00001 Park Place Crossing General Development Plan.

17.41.130. Regulated Tree Protection Procedures During Construction.

These are my comments:

Save the underground communications between trees and other vegetation as well as water retention. Underground water should be reserved and protected from zero to 15 feet. We need to see the water saved locally rather than dumped straight into the river.

Dan Berge

503 515 5488



Park Place Crossing Development

1 message

Jackie Hammond-Williams <jackiespins@gmail.com>
To: Jackie Hammond-Williams <jackiespins@gmail.com>

Mon, Aug 22, 2022 at 6:32 PM

Dear Commissioners,

I have two main points of concern tonight.

1) ICON has this summer been fined a total of \$114,000 by DEQ for code violations on 4 separate projects in Canby. 15 yrs ago I went to the City of Oregon City to complain about 100s of feet of erosion control barrier and other construction debris that had been left in place by ICON after building the Holcomb Ridge development next to our property on Tour Creek. The City made them clean it up (most of it did get removed) ICON do not have a good track record caring for the environment yet you are being asked to approve their plans for this huge project on sensitive lands (creek, wet lands, steep slopes).

2) This development proposal fails to adhere to the original Park Place Concept Plan in many ways but critically it does not provide the north /south collector street between Holcomb and Redland. Park Place Crossing will be less than a mile from an area deemed 'Critical Fire Risk' by PGE yet as designed it has just two small residential streets for access.

Approx. 1200 people will reside in this 'pocket', with the two exits at the top, both exiting in to Holcomb.

Climate Change is accelerating faster than scientists predicted. Prolonged rain storms, heat domes and wild fires (in addition to earthquakes) will affect this urban/rural neighborhood which has very little in the way of an escape route except for Holcomb Blvd. the bottom of which has a hairpin bend and also comprises of a bridge over 213.

ICON called us concerned citizens 'shortsighted' however we, who actually reside here, are being pragmatic and it's ICON who are shortsighted, I hope you will hold them accountable to the Concept Plan. I would hate for you to approve it as drafted and witness residents lose their homes and lives to landslides or fires. I hope you too will be pragmatic.

Jackie Hammond -Williams
16303, Wayne Dr
Oregon City

Pete Walter

From: James Nicita <james.nicita@gmail.com>
Sent: Saturday, August 20, 2022 7:04 PM
To: Dirk Schlagenhauer; Mike Mitchell; Daphne Wuest; Patti Gage; Gregory Stoll; Bob La Salle; cstags@orc.org
Cc: Oregon City Planning
Subject: Public Comment: "Baker Conflict" in GLUA-21-00045 / MAS-21-00006 / VAR-22-00001 Park Place Crossing General Development Plan - Response to Deputy City Attorney, Part 2
Attachments: Ex. A.pdf; Ex. B.pdf; Ex. C.pdf; Ex. D.pdf; Ex. F.pdf; Ex. E.pdf; Ex. G.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Planning Commissioners:

I request that these comments and the attachments be placed in the record of the above-referenced proceedings.

I write to provide a follow-up response to the June 30, 2022 memorandum of the deputy city attorney regarding the case *Baker v. Milwaukie*. I stated in my initial comments dated July 11, 2022 that it would require an extensive discussion in order to respond appropriately. This is the second of such responses. In advance of reading these comments, I hope you will refresh your recollection by reading those comments again, including the attachments: the issues involved are complex, and I hope that you will agree that they require careful consideration and deliberation.

In my July 11 comments I indicated that Ms. Richter's June 30 memorandum was a real-time example of my contention that the city attorney's only client is the city manager, that neither the City Commission, the Planning Commission, nor the Historic Review Board is the city attorney's client, and therefore what the city attorney communicates to the Planning Commission is not unbiased legal advice but rather advocacy on behalf of the city attorney's client, the city manager, and his agents on city staff.

In this memo, I submit to you that this pattern and practice, including in this particular quasi-judicial land use proceeding, is not consistent with procedures set forth in the Oregon Rules of Professional Conduct (ORCP), the ethics rules governing attorneys, and this procedural defect prejudices not only my substantial rights to a full and fair hearing, but the same rights as every other citizen who participates in such a hearing. This violates ORS 197.835(9)(a)(B).

I have previously sent each of you a copy of the ORPC in another similar context; I am attaching them again (Ex. A) for your convenience should you choose to review them as you consider these comments.

A. Demonstration that the City Attorney Does Not Consider the Planning Commission to be the Client.

I can recall that in past City meetings I have heard the city attorney say that the city attorney's client is "the City." I.e., the client is the City of Oregon City as an organization / municipal corporation.

While I accept that answer as far as it goes, both the question and the answer are more complicated. In the City's relation to the outside world, the city attorney clearly represents the City, and the City is the city attorney's client.

Where things get really complicated is, *within* the City of Oregon City, who is the city attorney's client?

The answer is: the city manager.

The city manager's status as the only "client" of the city attorney within the City as a corporation is established by Oregon City charter Section 21(c)(3) (Ex. B) and Oregon City municipal code (OCMC) Section 2.08 (Ex. C)

Section 21(c)(3) states:

*The manager shall designate a city recorder, **shall appoint and may remove appointive city officers and employees** except as charter otherwise provides, and **shall have general supervision and control over them and their work** with power to transfer an employee from one department to another. He shall supervise the departments to the end of obtaining the utmost efficiency in each of them. He shall have no control, however, over the commission or over the judicial activities of the municipal judge.*

(Emphasis added.)

OCMC 2.08 City Attorney states:

2.08.010 Appointed.

The attorney shall be appointed by, and shall serve at the discretion of the manager.

2.08.020 Qualifications.

The attorney shall be admitted to practice law in the state.

2.08.030 Duty to prosecute.

The attorney shall be the public prosecutor of the city. It shall be his duty to diligently inquire into and prosecute in the municipal court all violations and infractions of the laws of the city, and he shall be the legal representative of the city in any case in which the city is a party.

2.08.040 Legal advisor.

*The attorney shall be the **legal advisor** of all **city officers**, and it shall be his duty to prepare all proposed amendments to the charter, ordinances, contracts, bonds or other legal papers on the request of the proper officials, in which the city is a party or interested. He shall perform such other duties as may be prescribed by the provisions of this code or order of the commission.*

(Emphasis added.)

Under the foregoing two provisions, the city manager "employs" the city attorney, but further - and significantly - "controls" the city attorney, including the substance and nature of all communication the city attorney transmits to the City Commission and individual city commissioners, as well as to the Planning Commission and Historic Review Board.

The city manager is therefore, within the city government, the sole "client" of the city attorney.

Please note as well: the City Commission, the Planning Commission, and the Historic Review Board are all missing from the text of OCMC 2.08.040 as to who is entitled to the services of the city attorney as the "legal advisor." If these entities are not entitled to legal advice from the city attorney, they are not the city attorney's "client." This is consistent with the City organizational chart that I passed out during citizen comment earlier this summer (Ex. D), which shows the city attorney squarely under the control and authority of the city manager, whereas the Planning Commission's and Historic Review Board's lines of authority descend from the City Commission.

Here is another point to keep in mind as well. The city manager and the city attorney take the position that *not even an elected city commissioner* is a "city officer" under OCMC 2.08.040; and therefore, even an elected city commissioner is not entitled to legal advice from the "legal advisor" – the city attorney - and, further, an individual city commissioner is outside the "attorney-client privilege" between the city attorney and the city manager (including the city manager's agents, his employees such as planning staff.)

I learned this lesson when I was serving on the City Commission from 2009 to 2011. As established by the attached memo from the city attorney from August 23, 2009 (Ex. E), he specified that he worked "through the City Manager." He also said he would not respond to individual requests from city commissioners, or even the mayor, that were not cleared through either the City Manager or City Commission. (I must confess I am unclear as to why he included the City Commission, when that body is not included in the text of OCMC 2.08.040.)

Later, in 2010, I was concerned about the way city staff and the city attorney had handled a land use appeal, and I asked to obtain internal staff communications that had not been made public during the proceedings. As the attached January 26, 2011 memo (Ex. F) demonstrates, the position of the city attorney was that I as an individual city commissioner could not acquire or obtain any communications between the staff and the city attorney. As an individual commissioner, I was not within the attorney-client privilege between the city attorney and staff. (Again, I do not understand by his own logic why the City Commission could request the documentation; within the City, the Commission is by charter a different legal entity than the city manager, and is not an "officer"

pursuant to OCMC 2.08.040.) The upshot was that I only obtained the information (if indeed I received all of it, which I do not to this day) after the city manager at the time, Mr. Frasher, agreed to provide it to me.

Perhaps the city attorney's rationale for the City Commission's being able to obtain otherwise privileged communication between the city manager and the city attorney is because the City Commission is the city manager's employer.

But the Planning Commission is not. The Planning Commission cannot hire or fire the city manager; the Planning Commission cannot hire and fire the city attorney. The Planning Commission is not mentioned as an entity entitled to the legal advice of the city attorney pursuant to OCMC 2.08.040.

In short, the Planning Commission is not the city attorney's "client." Therefore, the city attorney owes none of the duties to clients imposed on the city attorney by the Oregon Rules of Professional Conduct.

B. The Deputy City Attorney's Communications and Actions Establish That She Does Not Consider the Planning Commission to Be Her "Client," and Therefore Her Communications Are "Advocacy," Not "Advice."

If one reviews key provisions of the Oregon Rules of Professional Conduct, it becomes clear that the deputy city attorney does not consider the Planning Commission to be her client. If indeed the Planning Commission *were* her client, her behavior, communications, and actions towards the Planning Commission would be different.

Specifically, the deputy city attorney would have had to comply with ORPC provisions that she does not comply with.

1. *The deputy city attorney does not give the Planning Commission "candid" legal "advice."*

ORPC 2.1 "Legal Advisor" states as follows:

In representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social and political factors, that may be relevant to the client's situation. (Emphasis added.)

Merriam-Webster's Collegiate Dictionary, Eleventh Edition, at p. 179, defines "candid" in pertinent part: "**2**: free from *bias*, prejudice, or malice : FAIR." (Emphasis added.)

The deputy city attorney's June 30 *Baker* memo is in no conceivable way "candid." I have repeatedly emphasized that it is not "unbiased." As I explained in detail in my initial July 11 response comments, the June 30 memo cherry picks only one case that supports her argument or "spin" of the *Baker* case. A "candid" memo that was actually "advice" would have straightforwardly acknowledged other cases, including those I offered in my July 11 response, that are much more factually on point to the Park Place Crossing application than the one case provided in the June 30 memo. Then, as an "advisor," the deputy attorney would dispassionately, and without bias, work through the legal principles with the Planning Commission members and allow the Planning Commission to come to its own informed conclusion.

That the deputy city attorney did not do this proves that she does not consider the Planning Commission to be her "client." Her June 30 memo is not unbiased legal "advice," but rather biased legal "advocacy."

2. *The deputy city attorney does not consider that she is confronting a "current conflict of interest" between two "clients."*

The deputy city attorney is also not complying with the ORPC provisions regarding conflict of interest. That is because she does not have to if the Planning Commission is not her client.

The *interest* of the city manager and staff, as evinced by the staff report for Park Place Crossing, is approval.

It is clear, on the other hand, that at least some of the Planning Commissioners have serious concerns about the proposal; and the Planning Commission as a whole may have an *interest* in denying the application based on the facts, testimony, law, and public interest.

If the Planning Commission were in fact the deputy city attorney's client, then under the ORPC there would be a "current conflict of interest," which includes instances where "**there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client...**" ORPC 1.7(a)(2). (Emphasis added.)

That is, her representation of the Planning Commission as a client would be materially limited by her responsibilities to city manager (and his agents on city staff.) as a client.

The ORPC *does* permit the deputy city attorney to represent both “clients” in such cases of current conflict of interest. To begin with, there is a particular provision regarding an attorney’s representation of an organization, such as a corporation or a municipal government. That is ORPC 1.13. The last two sections of this rule are pertinent to the current land use proceedings, indeed to every quasi-judicial land use proceeding in Oregon City.

(f) In dealing with an organization's directors, officers, employees, members, shareholders or other constituents, a lawyer shall explain the identity of the client when the lawyer knows or reasonably should know that the organization's interests are adverse to those of the constituents with whom the lawyer is dealing.

(g) A lawyer representing an organization may also represent any of its directors, officers, employees, members, shareholders or other constituents, subject to the provisions of Rule 1.7. If the organization's consent to the dual representation is required by Rule 1.7, the consent may only be given by an appropriate official of the organization other than the individual who is to be represented, or by the shareholders.

In this case, the deputy city attorney *could*, at least hypothetically, represent both the city manager (“officer”) and the Planning Commission (“other constituent”) within the same organization, the City of Oregon City.

However, because of the “current conflict of interest” described above, the deputy city attorney would have to obtain the proper “consent.”

Notwithstanding the existence of a current conflict of interest under paragraph (a), a lawyer may represent a client if:

- (1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;**
- (2) the representation is not prohibited by law;**
- (3) the representation does not obligate the lawyer to contend for something on behalf of one client that the lawyer has a duty to oppose on behalf of another client; and**
- (4) each affected client gives informed consent, confirmed in writing.**

ORPC 1.7(b) (Emphasis added.) The deputy city attorney would have to satisfy all four of the subsections.

The deputy city attorney has certainly not done so in the current Planning Commission hearings on the Park Place Crossing land use proposal.

Further, I honestly cannot remember having heard *any* city attorney of Oregon City acknowledge or recognize that a current conflict of interest exists between city staff and the City Commission, Planning Commission, or Historic Review Board, in quasi-judicial land use proceedings in Oregon City; or, having acknowledged a current conflict of interest, secure the required consent per ORPC 1.7(b).

The only reason I can conceive why the city attorney has never grappled with such a dilemma under the ORPC in regard to the Planning Commission is because the city attorney must take the position that under the city charter and municipal code, the Planning Commission is not the “client.” If it is not the “client,” there is simply no “current conflict of interest” to begin with.

However, such a situation further substantiates that the communication the city attorney transmits to the Planning Commission is biased “advocacy” on behalf of the city manager, rather than unbiased legal “advice.”

3. The deputy city attorney’s June 30 memo is not consistent with the ORPC provisions applicable to “advocates.”

Having established that the Planning Commission is not the city attorney’s “client,” that the city attorney is not the Planning Commission’s “legal advisor,” and that the city attorney does not provide the Planning Commission unbiased legal “advice,” the question remains, what is the relationship between the city attorney and the Planning Commission?

Arguably, rather than the city attorney’s “client,” the Planning Commission is instead a “tribunal.” The definitions in the ORPC define “tribunal” under ORPC 1.0(p), in pertinent part thusly: **“Tribunal” denotes a court, an arbitrator in a binding arbitration proceeding or a legislative body, administrative agency or other body acting in an adjudicative capacity.** (Emphasis added.) This is exactly the role the Planning Commission plays in quasi-judicial land use proceedings like the current Park Place Crossing land use application.

But if that is the case, the city attorney must still adhere to the ORPC provisions that apply to “Advocates” (as opposed to “Advisors”) beginning on p. 20 of the attached ORPC, when the city attorney “advocates” on behalf of her/his client the city manager (and staff) before the Planning Commission as the “tribunal.” That has not happened in these proceedings; certainly not as it pertains to the deputy city attorney’s June 30 *Baker* memo, or indeed with any comments by any other citizen.

ORPC 3.3 is entitled “Candor to the Tribunal.”

Now, even without getting legalistic, it should go without saying that the city attorney, as a matter of forthrightness and fairness, should disclose and be up front about the fact and reality that the city attorney is not the Planning Commission’s client, and that the city attorney is communicating biased advocacy to the Planning Commission to advance the position of the city manager and staff, and is not giving the Planning Commission unbiased legal advice.

I am not going to mince words here. By a long shot, far and away, in my opinion the greatest institutional corruption in Oregon City government, as long as I lived here (15 years), is that the city attorney, who must be versed in the ORPC, and must abide by the ORPC, allows the non-lawyer lay members of the City Commission, Planning Commission, and Historic Review Board – who are NOT learned, expert, and knowledgeable regarding the ORPC – when acting in quasi-judicial land use proceedings, to drift along and BELIEVE and ASSUME that the city attorney is giving them unbiased legal advice, without in fact correcting them, disclosing to them, and informing them of the reality, namely, that the city attorney is instead communicating to them biased advocacy in order to get them to make decisions in the manner that the city manager wants them to.

The evidence is right in the current land use proceedings on Park Place Crossing. When I submitted my original May 21 comments regarding the *Baker* case, I received in reply the attached (Ex. G) email from Chair Schlagenhauser, who stated:

“Thank you for your comment, Jim. I am not a lawyer, but I’ll read through this and ask our attorney for her view of it.” (Emphasis added.)

This response makes it utterly, decisively clear that, at least at the time he wrote that email, Chair Schlagenhauser BELIEVED and ASSUMED that the deputy city attorney provides unbiased legal “advice” to the Planning Commission, as an attorney would to a “client.” I have no evidence that the deputy attorney has ever corrected him and forthrightly disclosed both to him and to the Planning Commission as a whole that what she provides the Planning Commission is not unbiased legal “advice,” but rather “advocacy” to advance the interests of her client the city manager. And in fact, what the Chair got in response to his inquiry to the deputy attorney was not candid advice but the slanted June 30 advocacy piece. This means that the Planning Commission is not making decisions based on the actual law.

And certainly, if the Chair believes that he is getting unbiased legal advice from the city attorney, there is no reason to believe that the rest of the Planning Commission members are not also under the same misimpression.

Over the past 15 years I have watched this process work against the public interest, the interests of the citizens and voters of the City, and the interests of the community as a whole. It has to stop, and stop now.

Beyond the foregoing, however, let’s in fact get “legalistic” and review what the ORPC has to say. A key provision of ORPC 3.3 “Candor to the Tribunal” is ORPC 3.3(a)(2), which states: **“A lawyer shall not knowingly... conceal or fail to disclose to a tribunal that which the lawyer is required by law to reveal.”**

In this case, the city attorney is required to disclose/reveal to the Planning Commission that she/he is the client of the city manager and not the Planning Commission, and that her/his communications to the Planning Commission consist of legal “advocacy” to advance the city manager’s interests, and is not unbiased legal “advice” to the Planning Commission as a client.

This specific obligation again derives from ORPC 1.13(f), quoted above, but restated here with different emphasis:

(f) In dealing with an organization's directors, officers, employees, members, shareholders or other constituents, a lawyer shall explain the identity of the client when the lawyer knows or reasonably should know that the organization's interests are adverse to those of the constituents with whom the lawyer is dealing.

As stated, the City as an organization is the city attorney’s client; but *within* the City, the city attorney must “explain” the identity of the in-house “client” – the city manager – when the city attorney knows that the organization’s interests, as established by the city attorney’s sole in-house client, the city manager, are adverse to the other constituents within the City – including the Planning Commission – with whom the lawyer is dealing.

Again, I have never heard, either in the current proceedings or in any other quasi-judicial land use proceeding, any city attorney ever “explain” such client identity between the various constituents and entities within the City of Oregon City.

4. The institutional system within the City of Oregon City as it pertains to the communications of the city attorney in quasi-judicial land use proceedings constitutes a systemic inconsistency with the procedures set forth in the ORPC; and as such, such procedural violations deny my substantial right to a full and fair hearing, and indeed, they deny every citizen her or his substantial rights to a full and fair hearing in violation of ORS 197.835(9)(a)(B).

The deputy city attorney took my initial comments regarding *Baker* and how the Park Place Concept Plan’s requirements for a “Main Street” building wall supersede and control the Neighborhood Commercial Zone’s allowance of parks and stormwater facilities, and attempted to discredit them with an advocacy piece “spinning” *Baker* with selective, cherry-picked legal authority and biased arguments. She presented this advocacy piece to the Planning Commission as an advocate for, and on behalf of, the city manager, her sole client within the City of Oregon City. It is not “candid advice,” or a presentation of the actual law based on *Baker*. The public interest requires that the Planning Commission decide matters on the actual law.

As Chair Schlaugenhauser’s email demonstrates, he believed that he was receiving unbiased legal advice from the deputy city attorney, but the latter – at least on the available public record – has not disclosed in these proceedings that neither the Chair nor the Planning Commission is being given unbiased legal advice, and that they are not her “client” entitled to unbiased legal advice.

The problem is that the lay, non-lawyer Planning Commissioners, unversed in the ORPC, likely are not sufficiently knowledgeable to be able to make the distinction between the deputy city attorney’s “advocacy” as opposed to “advice.” Believing and assuming that they are in fact getting unbiased “advice,” they will always defer to the deputy city attorney - who is clothed in the official capacity of a City office, and the presumed credibility of that position - and accept the “advocacy” as unbiased “advice.”

It is impossible for ANY citizen to get a full and fair hearing under such circumstances.

Therefore, I respectfully repeat my suggestion in my initial comments, that the Planning Commission retain its own counsel for the remainder of these proceedings, or at a minimum strongly advise the City Commission retain its own counsel for any appeal that might arise.

I further request that the Planning Commission draft its own findings of fact and conclusions of law regarding ORS 197.835(9)(a)(B) as an approval criterion, and not rely on the city attorney or city staff.

Thank you for your consideration of these comments.

James Nicita
Oregon City

Ex. A

Ex. B

Ex. C

Ex. D

Ex. E

Ex. F

Ex. G

OREGON RULES OF PROFESSIONAL CONDUCT

(as amended effective January 1, 2017)

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Ex. A

RULE 1.0 TERMINOLOGY

- (a) "Belief" or "believes" denotes that the person involved actually supposes the fact in question to be true. A person's belief may be inferred from circumstances.
- (b) "Confirmed in writing," when used in reference to the informed consent of a person, denotes informed consent that is given in writing by the person or a writing that a lawyer promptly transmits to the person confirming an oral informed consent. See paragraph (g) for the definition of "informed consent." If it is not feasible to obtain or transmit the writing at the time the person gives informed consent, then the lawyer must obtain or transmit it within a reasonable time thereafter.
- (c) "Electronic communication" includes but is not limited to messages sent to newsgroups, listservs and bulletin boards; messages sent via electronic mail; and real time interactive communications such as conversations in internet chat groups and conference areas and video conferencing.
- (d) "Firm" or "law firm" denotes a lawyer or lawyers, including "Of Counsel" lawyers, in a law partnership, professional corporation, sole proprietorship or other association authorized to practice law; or lawyers employed in a private or public legal aid or public defender organization, a legal services organization or the legal department of a corporation or other public or private organization. Any other lawyer, including an office sharer or a lawyer working for or with a firm on a limited basis, is not a member of a firm absent indicia sufficient to establish a de facto law firm among the lawyers involved.
- (e) "Fraud" or "fraudulent" denotes conduct that is fraudulent under the substantive or procedural law of the applicable jurisdiction and has a purpose to deceive.
- (f) "Information relating to the representation of a client" denotes both information protected by the attorney-client privilege under applicable law, and other information gained in a current or former professional relationship that the client has requested be held inviolate or the disclosure of which would be embarrassing or would be likely to be detrimental to the client.
- (g) "Informed consent" denotes the agreement by a person to a proposed course of conduct after the lawyer has communicated adequate information and explanation about the material risks of and reasonably available alternatives to the proposed course of conduct. When informed consent is required by these Rules to be confirmed in writing or to be given in a writing signed by the client, the lawyer shall give and

the writing shall reflect a recommendation that the client seek independent legal advice to determine if consent should be given.

- (h) "Knowingly," "known," or "knows" denotes actual knowledge of the fact in question, except that for purposes of determining a lawyer's knowledge of the existence of a conflict of interest, all facts which the lawyer knew, or by the exercise of reasonable care should have known, will be attributed to the lawyer. A person's knowledge may be inferred from circumstances.
- (i) "Matter" includes any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter involving a specific party or parties; and any other matter covered by the conflict of interest rules of a government agency.
- (j) "Partner" denotes a member of a partnership, a shareholder in a law firm organized as a professional corporation, or a member of an association authorized to practice law.
- (k) "Reasonable" or "reasonably" when used in relation to conduct by a lawyer denotes the conduct of a reasonably prudent and competent lawyer.
- (l) "Reasonable belief" or "reasonably believes" when used in reference to a lawyer denotes that the lawyer believes the matter in question and that the circumstances are such that the belief is reasonable.
- (m) "Reasonably should know" when used in reference to a lawyer denotes that a lawyer of reasonable prudence and competence would ascertain the matter in question.
- (n) "Screened" denotes the isolation of a lawyer from any participation in a matter through the timely imposition of procedures within a firm that are reasonably adequate under the circumstances to protect information that the isolated lawyer is obligated to protect under these Rules or other law.
- (o) "Substantial" when used in reference to degree or extent denotes a material matter of clear and weighty importance.
- (p) "Tribunal" denotes a court, an arbitrator in a binding arbitration proceeding or a legislative body, administrative agency or other body acting in an adjudicative capacity. A legislative body, administrative agency or other body acts in an adjudicative capacity when a neutral official, after the presentation of evidence or legal argument by a party or parties, will render a binding legal judgment directly affecting a party's interests in a particular matter.

(q) "Writing" or "written" denotes a tangible or electronic record of a communication or representation, including handwriting, typewriting, printing, photostating, photography, audio or videorecording and electronic communications. A "signed" writing includes an electronic sound, symbol or process attached to or logically associated with a writing and executed or adopted by a person with the intent to sign the writing.

Adopted 01/01/05

Amended 01/01/14: "Electronic communications" substituted for "email."

Comparison to Oregon Code

This rule replaces DR 10-101 and is significantly more expansive. Some DR 10-101 definitions were retained, but others were not incorporated into this rule.

The definition of "firm member" was eliminated as not necessary, but a reference to "of counsel" was retained in the definition of "firm." The definition of "firm" also distinguishes office sharers and lawyers working in a firm on a limited basis.

The concept of "full disclosure" is replaced by "informed consent," which, in some cases, must be "confirmed in writing."

The definition of "professional legal corporation" was deleted, as the term does not appear in any of the rules and does not require explanation.

The definitions of "person" and "state" were also eliminated as being unnecessary.

Comparison to ABA Model Rule

The Model Rules do not define "information relating to the representation of a client;" it was added here to make it clear that ORPC 1.6 continues to protection of the same information protected by DR 4-101 and the term is defined with the DR definitions of confidences and secrets. The MR definition of "firm" was revised to include a reference to "of counsel" lawyers. The MR definition of "knowingly, known or knows" was revised to include language from DR 5-105(B) regarding knowledge of the existence of a conflict of interest. The definition of "matter" was moved to this rule from MR 1.11 on the belief that it has a broader application than to only former government lawyer conflicts. The MR definition of "writing" has been expanded to include "facsimile" communications.

CLIENT-LAWYER RELATIONSHIP

RULE 1.1 COMPETENCE

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

Adopted 01/01/05

Defined Terms (see Rule 1.0):

"Reasonably"

Comparison to Oregon Code

This rule is identical to DR 6-101(A).

Comparison to ABA Model Rule

This is the ABA Model Rule.

RULE 1.2 SCOPE OF REPRESENTATION AND ALLOCATION OF AUTHORITY BETWEEN CLIENT AND LAWYER

(a) Subject to paragraphs (b) and (c), a lawyer shall abide by a client's decisions concerning the objectives of representation and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client's decision whether to settle a matter. In a criminal case, the lawyer shall abide by the client's decision, after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial and whether the client will testify.

(b) A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.

(c) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is illegal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.

(d) Notwithstanding paragraph (c), a lawyer may counsel and assist a client regarding Oregon's marijuana-related laws. In the event Oregon law conflicts with federal or tribal law, the lawyer shall also advise the client regarding related federal and tribal law and policy.

Adopted 01/01/05

Amended 02/XX/15: Paragraph (d) added

Defined Terms (see Rule 1.0):

"Fraudulent"
 "Informed consent"
 "Knows"
 "Matter"
 "Reasonable"

Comparison to Oregon Code

This rule has no real counterpart in the Oregon Code. Subsection (a) is similar to DR 7-101(A) and (B), but expresses more clearly that lawyers must defer to the client's decisions about the objectives of the representation and whether to settle a matter. Subsection (b) is a clarification of the lawyer's right to limit the scope of a representation. Subsection (c) is similar to DR 7-102(A)(7), but recognizes that counseling a client about the meaning of a law or the consequences of proposed illegal or fraudulent conduct is not the same as assisting the client in such conduct. Paragraph (d) had no counterpart in the Oregon Code.

Comparison to ABA Model Rule

ABA Model Rule 1.2(b) states that a lawyer's representation of a client "does not constitute an endorsement of the client's political, economic, social or moral views or activities." It was omitted because it is not a rule of discipline, but rather a statement intended to encourage lawyers to represent unpopular clients. Also, MR 1.2(c) refers to "criminal" rather than "illegal" conduct.

RULE 1.3 DILIGENCE

A lawyer shall not neglect a legal matter entrusted to the lawyer.

Adopted 01/01/05

Defined Terms (see Rule 1.0)

"Matter"

Comparison to Oregon Code

This rule is identical to DR 6-101(B).

Comparison to ABA Model Rule

The ABA Model Rule requires a lawyer to "act with reasonable diligence and promptness in representing a client."

RULE 1.4 COMMUNICATION

(a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

Adopted 01/01/05

Defined Terms (see Rule 1.0):

"Knows"
 "Reasonable"
 "Reasonably"

Comparison to Oregon Code

This rule has no counterpart in the Oregon Code, although the duty to communicate with a client may be inferred from other rules and from the law of agency.

Comparison to ABA Model Rule

This is the former ABA Model Rule. ABA MR 1.4 as amended in 2002 incorporates provisions previously found in MR 1.2; it also specifically identifies five aspects of the duty to communicate.

RULE 1.5 FEES

(a) A lawyer shall not enter into an agreement for, charge or collect an illegal or clearly excessive fee or a clearly excessive amount for expenses.

(b) A fee is clearly excessive when, after a review of the facts, a lawyer of ordinary prudence would be left with a definite and firm conviction that the fee is in excess of a reasonable fee. Factors to be considered as guides in determining the reasonableness of a fee include the following:

- (1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;**
- (2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;**
- (3) the fee customarily charged in the locality for similar legal services;**
- (4) the amount involved and the results obtained;**
- (5) the time limitations imposed by the client or by the circumstances;**
- (6) the nature and length of the professional relationship with the client;**
- (7) the experience, reputation, and ability of the lawyer or lawyers performing the services; and**
- (8) whether the fee is fixed or contingent.**

(c) A lawyer shall not enter into an arrangement for, charge or collect:

- (1) any fee in a domestic relations matter, the payment or amount of which is contingent upon the securing of a divorce or upon the amount of spousal or child support or a property settlement;**

(2) a contingent fee for representing a defendant in a criminal case; or

(3) a fee denominated as "earned on receipt," "nonrefundable" or in similar terms unless it is pursuant to a written agreement signed by the client which explains that:

(i) the funds will not be deposited into the lawyer trust account, and

(ii) the client may discharge the lawyer at any time and in that event may be entitled to a refund of all or part of the fee if the services for which the fee was paid are not completed.

(d) A division of a fee between lawyers who are not in the same firm may be made only if:

(1) the client gives informed consent to the fact that there will be a division of fees, and

(2) the total fee of the lawyers for all legal services they rendered the client is not clearly excessive.

(e) Paragraph (d) does not prohibit payments to a former firm member pursuant to a separation or retirement agreement, or payments to a selling lawyer for the sale of a law practice pursuant to Rule 1.17.

Adopted 01/01/05

Amended 12/01/10: Paragraph(c)(3) added.

Defined Terms (see Rule 1.0):

"Firm"

"Informed Consent"

"Matter"

"Reasonable"

Comparison to Oregon Code

Paragraphs (a), (b) and (c)(1) and (2) are taken directly from DR 2-106, except that paragraph (a) is amended to include the Model Rule prohibition against charging a "clearly excessive amount for expenses." Paragraph (c)(3) had no counterpart in the Code. Paragraph (d) retains the substantive obligations of DR 2-107(A) but is rewritten to accommodate the new concepts of "informed consent" and "clearly excessive." Paragraph (e) is essentially identical to DR 2-107(B).

Comparison to ABA Model Rule

ABA Model Rule 1.5(b) requires that the scope of the representation and the basis or rate of the fees or expenses for which the client will be responsible be communicated to the client before or within a reasonable time after the representation commences, "preferably in writing." Model Rule 1.5(c) sets forth specific requirements for a contingent fee agreement, including an explanation of how the fee will be

determined and the expenses for which the client will be responsible. It also requires a written statement showing distribution of all funds recovered. Paragraph (c)(3) has no counterpart in the Model Rule. Model Rule 1.5(e) permits a division of fees between lawyers only if it is proportional to the services performed by each lawyer or if the lawyers assume joint responsibility for the representation.

RULE 1.6 CONFIDENTIALITY OF INFORMATION

(a) A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by paragraph (b).

(b) A lawyer may reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary:

(1) to disclose the intention of the lawyer's client to commit a crime and the information necessary to prevent the crime;

(2) to prevent reasonably certain death or substantial bodily harm;

(3) to secure legal advice about the lawyer's compliance with these Rules;

(4) to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim against the lawyer based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the lawyer's representation of the client;

(5) to comply with other law, court order, or as permitted by these Rules; or

(6) in connection with the sale of a law practice under Rule 1.17 or to detect and resolve conflicts of interest arising from the lawyer's change of employment or from changes in the composition or ownership of a firm. In those circumstances, a lawyer may disclose with respect to each affected client the client's identity, the identities of any adverse parties, the nature and extent of the legal services involved, and fee and payment information, but only if the information revealed would not compromise the attorney-client privilege or otherwise prejudice any of the clients. The lawyer or lawyers receiving the information shall have the same responsibilities as the disclosing lawyer to preserve the information regardless of the outcome of the contemplated transaction.

(7) to comply with the terms of a diversion agreement, probation, conditional reinstatement or conditional admission pursuant to BR 2.10, BR 6.2, BR 8.7 or Rule for Admission Rule 6.15. A lawyer serving as a monitor of another lawyer on diversion, probation, conditional reinstatement or conditional admission shall have the same responsibilities as the monitored lawyer to preserve information relating to the representation of the monitored lawyer's clients, except to the extent reasonably necessary to carry out the monitoring lawyer's responsibilities under the terms of the diversion, probation, conditional reinstatement or conditional admission and in any proceeding relating thereto.

(c) A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.

Adopted 01/01/05

Amended 12/01/06: Paragraph (b)(6) amended to substitute "information relating to the representation of a client" for "confidences and secrets."

Amended 01/20/09: Paragraph (b)(7) added.

Amended 01/01/14: Paragraph (6) modified to allow certain disclosures to avoid conflicts arising from a change of employment or ownership of a firm. Paragraph (c) added.

Defined Terms (see Rule 1.0):

"Believes"

"Firm"

"Information relating to the representation of a client"

"Informed Consent"

"Reasonable"

"Reasonably"

"Substantial"

Comparison to Oregon Code

This rule replaces DR 4-101(A) through (C). The most significant difference is the substitution of "information relating to the representation of a client" for "confidences and secrets." Paragraph (a) includes the exceptions for client consent found in DR 4-101(C)(1) and allows disclosures "impliedly authorized" to carry out the representation, which is similar to the exception in DR 4-101(C)(2).

The exceptions to the duty of confidentiality set forth in paragraph (b) incorporate those found in DR 4-101(C)(2) through (C)(5). There are also two new exceptions not found in the Oregon Code: disclosures to prevent "reasonably certain death or substantial bodily harm" whether or not the action is a crime, and disclosures to

obtain legal advice about compliance with the Rules of Professional Conduct.

Paragraph (b)(6) in the Oregon Code pertained only to the sale of a law practice.

Paragraph (b)(7) had no counterpart in the Oregon Code.

Comparison to ABA Model Rule

ABA Model Rule 1.6(b) allows disclosure "to prevent reasonably certain death or substantial bodily harm" regardless of whether a crime is involved. It also allows disclosure to prevent the client from committing a crime or fraud that will result in significant financial injury or to rectify such conduct in which the lawyer's services have been used. There is no counterpart in the Model Rule for information to monitoring responsibilities.

RULE 1.7 CONFLICT OF INTEREST: CURRENT CLIENTS

(a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a current conflict of interest. A current conflict of interest exists if:

(1) the representation of one client will be directly adverse to another client;

(2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer; or

(3) the lawyer is related to another lawyer, as parent, child, sibling, spouse or domestic partner, in a matter adverse to a person whom the lawyer knows is represented by the other lawyer in the same matter.

(b) Notwithstanding the existence of a current conflict of interest under paragraph (a), a lawyer may represent a client if:

(1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;

(2) the representation is not prohibited by law;

(3) the representation does not obligate the lawyer to contend for something on behalf of one client that the lawyer has a duty to oppose on behalf of another client; and

(4) each affected client gives informed consent, confirmed in writing.

Adopted 01/01/05

Defined Terms (see Rule 1.0):

"Believes"

"Confirmed in writing"

"Informed consent"

"Knows"

"Matter"

"Reasonably believes"

Comparison to Oregon Code

The current conflicts of interest prohibited in paragraph (a) are the self-interest conflicts currently prohibited by DR 5-101(A) and current client conflicts prohibited by DR 5-105(E). Paragraph (a)(2) refers only to a "personal interest" of a lawyer, rather than the specific "financial, business, property or personal interests" enumerated in DR 5-101(A)(1). Paragraph (a)(3) incorporates the "family conflicts" from DR 5-101(A)(2).

Paragraph (b) parallels DR 5-101(A) and DR 5-105(F) in permitting a representation otherwise prohibited if the affected clients give informed consent, which must be confirmed in writing. Paragraph (b)(3) incorporates the "actual conflict" definition of DR 5-105(A)(1) to make it clear that a lawyer cannot provide competent and diligent representation to clients in that situation.

Paragraph (b) also allows consent to simultaneous representation "not prohibited by law," which has no counterpart in the Oregon Code. According to the official Comment to MR 1.7 this would apply, for instance, in jurisdictions that prohibit a lawyer from representing more than one defendant in a capital case, to certain representations by former government lawyers, or when local law prohibits a government client from consenting to a conflict of interest.

Comparison to ABA Model Rule

This is essentially identical to the ABA Model Rule, except for the addition of paragraphs (a)(3) and (b)(3) discussed above; also, the Model Rule uses the term "concurrent" rather than "current." The Model Rule allows the clients to consent to a concurrent conflict if "the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal."

RULE 1.8 CONFLICT OF INTEREST: CURRENT CLIENTS: SPECIFIC RULES

(a) A lawyer shall not enter into a business transaction with a client or knowingly acquire an ownership, possessory, security or other pecuniary interest adverse to a client unless:

(1) the transaction and terms on which the lawyer acquires the interest are fair and reasonable to the client and are fully disclosed and transmitted in writing in a manner that can be reasonably understood by the client;

(2) the client is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent legal counsel on the transaction; and

(3) the client gives informed consent, in a writing signed by the client, to the essential terms of the transaction and the lawyer's role in the transaction, including whether the lawyer is representing the client in the transaction.

(b) A lawyer shall not use information relating to representation of a client to the disadvantage of the client unless the client gives informed consent, confirmed in writing, except as permitted or required under these Rules.

(c) A lawyer shall not solicit any substantial gift from a client, including a testamentary gift, or prepare on behalf of a client an instrument giving the lawyer or a person related to the lawyer any substantial gift, unless the lawyer or other recipient of the gift is related to the client. For purposes of this paragraph, related persons include a spouse, domestic partner, child, grandchild, parent, grandparent, or other relative or individual with whom the lawyer or the client maintains a close familial relationship.

(d) Prior to the conclusion of representation of a client, a lawyer shall not make or negotiate an agreement giving the lawyer literary or media rights to a portrayal or account based in substantial part on information relating to the representation.

(e) A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, except that:

(1) a lawyer may advance court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter; and

(2) a lawyer representing an indigent client may pay court costs and expenses of litigation on behalf of the client.

(f) A lawyer shall not accept compensation for representing a client from one other than the client unless:

(1) the client gives informed consent;

(2) there is no interference with the lawyer's independence of professional judgment or with the client-lawyer relationship; and

(3) information related to the representation of a client is protected as required by Rule 1.6.

(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case

an aggregate agreement as to guilty or nolo contendere pleas, unless each client gives informed consent, in a writing signed by the client. The lawyer's disclosure shall include the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.

(h) A lawyer shall not:

- (1) make an agreement prospectively limiting the lawyer's liability to a client for malpractice unless the client is independently represented in making the agreement;
- (2) settle a claim or potential claim for such liability with an unrepresented client or former client unless that person is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent legal counsel in connection therewith;
- (3) enter into any agreement with a client regarding arbitration of malpractice claims without informed consent, in a writing signed by the client; or
- (4) enter into an agreement with a client or former client limiting or purporting to limit the right of the client or former client to file or to pursue any complaint before the Oregon State Bar.

(i) A lawyer shall not acquire a proprietary interest in the cause of action or subject matter of litigation the lawyer is conducting for a client, except that the lawyer may:

- (1) acquire a lien authorized by law to secure the lawyer's fee or expenses; and
- (2) contract with a client for a reasonable contingent fee in a civil case.

(j) A lawyer shall not have sexual relations with a current client of the lawyer unless a consensual sexual relationship existed between them before the client-lawyer relationship commenced; or have sexual relations with a representative of a current client of the lawyer if the sexual relations would, or would likely, damage or prejudice the client in the representation. For purposes of this rule:

- (1) "sexual relations" means sexual intercourse or any touching of the sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the lawyer for the purpose of arousing or gratifying the sexual desire of either party; and
- (2) "lawyer" means any lawyer who assists in the representation of the client, but does not include other firm members who provide no such assistance.

(k) While lawyers are associated in a firm, a prohibition in the foregoing paragraphs (a) through (i) that applies to any one of them shall apply to all of them.

Adopted 01/01/05

Amended 01/01/13: Paragraph (e) amended to mirror ABA Model Rule 1.8(e).

Defined Terms (see Rule 1.0):

"Confirmed in writing"
 "Information relating to the representation of a client"
 "Informed consent"
 "Firm"
 "Knowingly"
 "Matter"
 "Reasonable"
 "Reasonably"
 "Substantial"
 "Writing"

Comparison to Oregon Code

This rule has no exact counterpart in the Oregon Code, although it incorporates prohibitions found in several separate disciplinary rules.

Paragraph (a) replaces DR 5-104(A) and incorporates the Model Rule prohibition against business transactions with clients even with consent except where the transaction is "fair and reasonable" to the client. It also includes an express requirement to disclose the lawyer's role and whether the lawyer is representing the client in the transaction.

Paragraph (b) is virtually identical to DR 4-101(B).

Paragraph (c) is similar to DR 5-101(B), but broader because it prohibits soliciting a gift as well as preparing the instrument. It also has a more inclusive list of "related persons."

Paragraph (d) is identical to DR 5-104(B).

Paragraph (e) incorporates ABA Model Rule 1.8(e).

Paragraph (f) replaces DR 5-108(A) and (B) and is essentially the same as it relates to accepting payment from someone other than the client. This rule is somewhat narrower than DR 5-108(B), which prohibits allowing influence from someone who "recommends, employs or pays" the lawyer.

Paragraph (g) is virtually identical to DR 5-107(A).

Paragraph (h)(1) and (2) are similar to DR 6-102(A), but do not include the "unless permitted by law" language. Paragraph (h)(3) retains DR 6-102(B), but substitutes "informed consent, in a writing signed by the client" for

"full disclosure." Paragraph (h)(4) is new and was taken from Illinois Rule of Professional Conduct 1.8(h).

Paragraph (i) is essentially the same as DR 5-103(A).

Paragraph (j) retains DR 5-110, reformatted to conform to the structure of the rule.

Paragraph (k) applies the same vicarious disqualification to these personal conflicts as provided in DR 5-105(G).

Comparison to ABA Model Rule

This rule is identical to ABA Model Rule 1.8 with the following exceptions. MR 1.8 (b) does not require that the client's informed consent be confirmed in writing as required in DR 4-101(B). MR 1.8 (h) does not prohibit agreements to arbitrate malpractice claims. MR 1.8 (j) does not address sexual relations with representatives of corporate clients and does not contain definitions of terms.

RULE 1.9 DUTIES TO FORMER CLIENTS

(a) A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless each affected client gives informed consent, confirmed in writing.

(b) A lawyer shall not knowingly represent a person in the same or a substantially related matter in which a firm with which the lawyer formerly was associated had previously represented a client:

(1) whose interests are materially adverse to that person; and

(2) about whom the lawyer had acquired information protected by Rules 1.6 and 1.9(c) that is material to the matter, unless each affected client gives informed consent, confirmed in writing.

(c) A lawyer who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter:

(1) use information relating to the representation to the disadvantage of the former client except as these Rules would permit or require with respect to a client, or when the information has become generally known; or

(2) reveal information relating to the representation except as these Rules would permit or require with respect to a client.

(d) For purposes of this rule, matters are "substantially related" if (1) the lawyer's representation of the current client will injure or damage the former client in connection with the same transaction or legal dispute in

which the lawyer previously represented the former client; or (2) there is a substantial risk that confidential factual information as would normally have been obtained in the prior representation of the former client would materially advance the current client's position in the subsequent matter.

Adopted 01/01/05

Amended 12/01/06: Paragraph (d) added.

Defined Terms (see Rule 1.0):

"Confirmed in writing"

"Informed consent"

"Firm"

"Knowingly"

"Known"

"Matter"

"Reasonable"

"Substantial"

Comparison to Oregon Code

This rule replaces DR 5-105(C), (D) and (H). Like Rule 1.7, this rule is a significant departure from the language and structure of the Oregon Code provisions on conflicts. Paragraph (a) replaces the sometimes confusing reference to "actual or likely conflict" between current and former client with the simpler "interests [that are] materially adverse." The prohibition applies to matters that are the same or "substantially related," which is virtually identical to the Oregon Code standard of "significantly related."

Paragraph (b) replaces the limitation of DR 5-105(H), but is an arguably clearer expression of the prohibition. The new language makes it clear that a lawyer who moves to a new firm is prohibited from being adverse to a client of the lawyer's former firm only if the lawyer has acquired confidential information material to the matter while at the former firm.

Paragraph (c) makes clear that the duty not to use confidential information to the client's disadvantage continues after the conclusion of the representation, except where the information "has become generally known."

Paragraph (d) defines "substantially related." The definition is taken in part from former DR 5-105(D) and in part from Comment [3] to ABA Model Rule 1.9.

Comparison to ABA Model Rule

ABA Model Rule 1.9(a) and (b) require consent only of the former client. The Model Rule also has no definition of "substantially related;" this definition was derived in part from the Comment to MR 1.9.

RULE 1.10 IMPUTATION OF CONFLICTS OF INTEREST; SCREENING

(a) While lawyers are associated in a firm, none of them shall knowingly represent a client when any one of them practicing alone would be prohibited from doing so by Rules 1.7 or 1.9, unless the prohibition is based on a personal interest of the prohibited lawyer or on Rule 1.7(a)(3) and does not present a significant risk of materially limiting the representation of the client by the remaining lawyers in the firm.

(b) When a lawyer has terminated an association with a firm, the firm is not prohibited from thereafter representing a person with interests materially adverse to those of a client represented by the formerly associated lawyer and not currently represented by the firm, unless:

(1) the matter is the same or substantially related to that in which the formerly associated lawyer represented the client; and

(2) any lawyer remaining in the firm has information protected by Rules 1.6 and 1.9(c) that is material to the matter.

(c) When a lawyer becomes associated with a firm, no lawyer associated in the firm shall knowingly represent a person in a matter in which that lawyer is disqualified under Rule 1.9, unless the personally disqualified lawyer is promptly screened from any form of participation or representation in the matter and written notice of the screening procedures employed is promptly given to any affected former client.

(d) A disqualification prescribed by this rule may be waived by the affected clients under the conditions stated in Rule 1.7.

(e) The disqualification of lawyers associated in a firm with former or current government lawyers is governed by Rule 1.11.

Adopted 01/01/05

Amended 12/01/06: Paragraph (a) amended to include reference to Rule 1.7(a)(3).

Amended 01/01/14: Paragraph (c) revised to eliminate detailed screening requirements and to require notice to the affected client rather than the lawyer's former firm.

Defined Terms (see Rule 1.0):

"Firm"

"Know"

"Knowingly"

"Law firm"

"Matter"

"Screened"

"Substantial"

Comparison to Oregon Code

Paragraph (a) is similar to the vicarious disqualification provisions of DR 5-105(G), except that it does not apply when the disqualification is based only on a "personal interest" of the disqualified lawyer that will not limit the ability of the other lawyers in the firm to represent the client.

Paragraph (b) is substantially the same as DR 5-105(J).

Paragraph (d) is similar to DR 5-105 in allowing clients to consent to what would otherwise be imputed conflicts.

Paragraph (e) has no counterpart in the Oregon Code because the Oregon Code does not have a special rule addressing government lawyer conflicts.

Comparison to ABA Model Rule

Paragraph (a) is similar to the ABA Model Rule, but includes reference to "spouse/family" conflicts which are not separately addressed in the Model Rule. Paragraph (b) is identical to the ABA Model Rule.

The title was changed to include "Screening."

RULE 1.11 SPECIAL CONFLICTS OF INTEREST FOR FORMER AND CURRENT GOVERNMENT OFFICERS AND EMPLOYEES

(a) Except as Rule 1.12 or law may otherwise expressly permit, a lawyer who has formerly served as a public officer or employee of the government:

(1) is subject to Rule 1.9 (c); and

(2) shall not otherwise represent a client in connection with a matter in which the lawyer participated personally and substantially as a public officer or employee, unless the appropriate government agency gives its informed consent, confirmed in writing, to the representation.

(b) When a lawyer is disqualified from representation under paragraph (a), no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter unless:

(1) the disqualified lawyer is timely screened from any participation in the matter substantially in

accordance with the procedures set forth in Rule 1.10(c); and

(2) written notice is promptly given to the appropriate government agency to enable it to ascertain compliance with the provisions of this rule.

(c) Except as law may otherwise expressly permit, a lawyer having information that the lawyer knows is confidential government information about a person acquired when the lawyer was a public officer or employee, may not represent a private client whose interests are adverse to that person in a matter in which the information could be used to the material disadvantage of that person. As used in this Rule, the term "confidential government information" means information that has been obtained under governmental authority and which, at the time this Rule is applied, the government is prohibited by law from disclosing to the public or has a legal privilege not to disclose and which is not otherwise available to the public. A firm with which that lawyer is associated may undertake or continue representation in the matter only if the disqualified lawyer is timely screened from any participation in the matter substantially in accordance with the procedures set forth in Rule 1.10(c).

(d) Except as law may otherwise expressly permit, a lawyer currently serving as a public officer or employee:

(1) is subject to Rules 1.7 and 1.9; and

(2) shall not:

(i) use the lawyer's public position to obtain, or attempt to obtain, special advantage in legislative matters for the lawyer or for a client.

(ii) use the lawyer's public position to influence, or attempt to influence, a tribunal to act in favor of the lawyer or of a client.

(iii) accept anything of value from any person when the lawyer knows or it is obvious that the offer is for the purpose of influencing the lawyer's action as a public official.

(iv) either while in office or after leaving office use information the lawyer knows is confidential government information obtained while a public official to represent a private client.

(v) participate in a matter in which the lawyer participated personally and substantially while in private practice or nongovernmental employment, unless the lawyer's former client and the appropriate government agency give informed consent, confirmed in writing; or

(vi) negotiate for private employment with any person who is involved as a party or as lawyer for a party in a matter in which the lawyer is participating personally and substantially, except that a lawyer serving as a law clerk or staff lawyer to or otherwise assisting in the official duties of a judge, other adjudicative officer or arbitrator may negotiate for private employment as permitted by Rule 1.12(b) and subject to the conditions stated in Rule 1.12(b).

(e) Notwithstanding any Rule of Professional Conduct, and consistent with the "debate" clause, Article IV, section 9, of the Oregon Constitution, or the "speech or debate" clause, Article I, section 6, of the United States Constitution, a lawyer-legislator shall not be subject to discipline for words uttered in debate in either house of the Oregon Legislative Assembly or for any speech or debate in either house of the United States Congress.

(f) A member of a lawyer-legislator's firm shall not be subject to discipline for representing a client in any claim against the State of Oregon provided:

(1) the lawyer-legislator is screened from participation or representation in the matter in accordance with the procedure set forth in Rule 1.10(c) (the required affidavits shall be served on the Attorney General); and

(2) the lawyer-legislator shall not directly or indirectly receive a fee for such representation.

Adopted 01/01/05

Defined Terms (see Rule 1.0):

"Confirmed in writing"

"Informed consent"

"Firm"

"Knowingly"

"Knows"

"Matter"

"Screened"

"Substantial"

"Tribunal"

"Written"

Comparison to Oregon Code

This rule has no exact counterpart in the Oregon Code, under which the responsibilities of government lawyers are addressed in DR 5-109 and DR 8-101, as well as in the general conflict limitations of DR 5-105. This rule puts all the requirements for government lawyers in one place.

Paragraph (a) is essentially the same as DR 5-109(B).

Paragraph (b) imputes a former government lawyer's unconsented-to conflicts to the new firm unless the

former government lawyer is screened from participation in the matter, as would be allowed under DR 5-105(I).

Paragraph (c) incorporates the prohibitions in DR 8-101(A)(1), (A)(4) and (B). It also allows screening of the disqualified lawyer to avoid disqualification of the entire firm.

Paragraph (d) applies concurrent and former client conflicts to lawyers currently serving as a public officer or employee; it also incorporates in (d)(2) (i) –(iv) the limitations in DR 8-101(A)(1)-(4), with the addition in (d)(2)(iv) of language from MR 1.11 that a lawyer is prohibited from using only that government information that the lawyer knows is confidential. Paragraph (d)(2)(v) is the converse of DR 5-109(B), and has no counterpart in the Oregon Code other than the general former client conflict provision of DR 5-105. Paragraph (d)(2)(vi) has no counterpart in the Oregon Code; it is an absolute bar to negotiating for private employment while a serving in a non-judicial government position for anyone other than a law clerk or staff lawyer assisting in the official duties of a judicial officer.

Paragraph (e) is taken from DR 8-101(C) to retain a relatively recent addition to the Oregon Code.

Paragraph (f) is taken from DR 8-101(D), also to retain a relatively recent addition to the Oregon Code.

Comparison to ABA Model Rule

Paragraph (a) is identical to the ABA Model Rule, with the addition of a cross-reference to Rule 1.12, to clarify the scope of the rule.

Paragraphs (b) and (c) are identical to the Model Rule, except that the limitation on apportionment of fees does not apply when a former government lawyer is disqualified and screened from participation in a matter. MR 1.10(c) does not prescribe the screening methods; MR 1.0 defines screening as “timely...procedures that are reasonably adequate.”

Paragraphs (d)(2)(i)-(iv) are not found in the Model Rules; as discussed above, they are taken from DR 8-101(A). Paragraph (d)(2)(v) is modified to require consent of the lawyer’s former client as well as the appropriate government agency, to continue the Oregon Code requirement of current and former client consent in such situations. Paragraph (d)(2)(vi) deviates from the Model Rule to clarify that the exception applies to staff lawyers who do not perform traditional “law clerk” functions.

Paragraph (e) has no counterpart in the Model Rules.

Paragraph (f) also has no counterpart in the Model Rules.

RULE 1.12 FORMER JUDGE, ARBITRATOR, MEDIATOR OR OTHER THIRD-PARTY NEUTRAL

(a) Except as stated in paragraph (d) and Rule 2.4(b), a lawyer shall not represent anyone in connection with a matter in which the lawyer participated personally and substantially as a judge or other adjudicative officer or law clerk to such a person or as an arbitrator, mediator or other third-party neutral, unless all parties to the proceeding give informed consent, confirmed in writing.

(b) A lawyer shall not negotiate for employment with any person who is involved as a party or as lawyer for a party in a matter in which the lawyer is participating personally and substantially as a judge or other adjudicative officer or as an arbitrator, mediator or other third-party neutral. A lawyer serving as a law clerk or staff lawyer to or otherwise assisting in the official duties of a judge or other adjudicative officer may negotiate for employment with a party or lawyer involved in a matter in which the clerk is participating personally and substantially, but only after the lawyer has notified the judge or other adjudicative officer.

(c) If a lawyer is disqualified by paragraph (a), no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in the matter unless:

(1) the disqualified lawyer is timely screened from any participation in the matter substantially in accordance with the procedures set forth in Rule 1.10(c); and

(2) written notice is promptly given to the parties and any appropriate tribunal to enable them to ascertain compliance with the provisions of this rule.

(d) An arbitrator selected as a partisan of a party in a multimember arbitration panel is not prohibited from subsequently representing that party.

Adopted 01/01/05

Amended 01/01/14: References in paragraph (a) reversed.

Defined Terms (see Rule 1.0):

"Confirmed in writing"

"Informed consent"

"Firm"

"Knowingly"

"Matter"

"Screened"

"Substantial"

"Tribunal"

"Written"

Comparison to Oregon Code

Paragraph (a) is essentially the same as DR 5-109(A), with an exception created for lawyers serving as mediators under Rule 2.4(b).

Paragraph (b) has no equivalent rule in the Oregon Code; like Rule 1.11(d)(2)(vi) it address the conflict that arises when a person serving as, or as a clerk or staff lawyer to, a judge or other third party neutral, negotiates for employment with a party or a party's lawyer. This situation is covered under DR 5-101(A), but its application may not be as clear.

Paragraph (c) applies the vicarious disqualification that would be imposed under DR 5-105(G) to a DR 5-109 conflict; the screening provision is broader than DR 5-105(I), which is limited to lawyers moving between firms.

Paragraph (d) has no counterpart in the Oregon Code.

Comparison to ABA Model Rule

This is the ABA Model Rule, except that it requires screening substantially in accordance with the specific procedures in Rule 1.10(c). It deviates slightly to clarify that (b) applies to staff lawyers who do not perform traditional "law clerk" functions.

RULE 1.13 ORGANIZATION AS CLIENT

(a) A lawyer employed or retained by an organization represents the organization acting through its duly authorized constituents.

(b) If a lawyer for an organization knows that an officer, employee or other person associated with the organization is engaged in action, intends to act or refuses to act in a matter related to the representation that is a violation of a legal obligation to the organization, or a violation of law which reasonably might be imputed to the organization, and that is likely to result in substantial injury to the organization, then the lawyer shall proceed as is reasonably necessary in the best interest of the organization. Unless the lawyer reasonably believes that it is not necessary in the best interest of the organization to do so, the lawyer shall refer the matter to higher authority in the organization, including, if warranted by the circumstances, referral to the highest authority that can act on behalf of the organization as determined by applicable law.

(c) Except as provided in paragraph (d), if

(1) despite the lawyer's efforts in accordance with paragraph (b) the highest authority that can act on behalf of the organization insists upon or fails to address in a timely and appropriate manner an action or a refusal to act, that is clearly a violation of law, and

(2) the lawyer reasonably believes that the violation is reasonably certain to result in

substantial injury to the organization, then the lawyer may reveal information relating to the representation whether or not Rule 1.6 permits such disclosure, but only if and to the extent the lawyer reasonably believes necessary to prevent substantial injury to the organization.

(d) Paragraph (c) shall not apply with respect to information relating to a lawyer's representation of an organization to investigate an alleged violation of law, or to defend the organization or an officer, employee or other constituent associated with the organization against a claim arising out of an alleged violation of law.

(e) A lawyer who reasonably believes that he or she has been discharged because of the lawyer's actions taken pursuant to paragraphs (b) or (c), or who withdraws under circumstances that require or permit the lawyer to take action under either of those paragraphs, shall proceed as the lawyer reasonably believes necessary to assure that the organization's highest authority is informed of the lawyer's discharge or withdrawal.

(f) In dealing with an organization's directors, officers, employees, members, shareholders or other constituents, a lawyer shall explain the identity of the client when the lawyer knows or reasonably should know that the organization's interests are adverse to those of the constituents with whom the lawyer is dealing.

(g) A lawyer representing an organization may also represent any of its directors, officers, employees, members, shareholders or other constituents, subject to the provisions of Rule 1.7. If the organization's consent to the dual representation is required by Rule 1.7, the consent may only be given by an appropriate official of the organization other than the individual who is to be represented, or by the shareholders.

Adopted 01/01/05

Amended 12/01/06: Paragraph (b) amended to conform to ABA Model Rule 1.13(b).

Defined Terms (see Rule 1.0):

"Believes"

"Information relating to the representation"

"Knows"

"Matter"

"Reasonable"

"Reasonably"

"Reasonably believes"

"Reasonably should know"

"Substantial"

Comparison to Oregon Code

This rule has no counterpart in the Oregon Code.

Comparison to ABA Model Rule

This is the ABA Model Rule, as amended in August 2003, except that in paragraph (g), the words “may only” replace “shall” to make it clear that the rule does not require the organization to consent.

RULE 1.14 CLIENT WITH DIMINISHED CAPACITY

(a) When a client's capacity to make adequately considered decisions in connection with a representation is diminished, whether because of minority, mental impairment or for some other reason, the lawyer shall, as far as reasonably possible, maintain a normal client-lawyer relationship with the client.

(b) When the lawyer reasonably believes that the client has diminished capacity, is at risk of substantial physical, financial or other harm unless action is taken and cannot adequately act in the client's own interest, the lawyer may take reasonably necessary protective action, including consulting with individuals or entities that have the ability to take action to protect the client and, in appropriate cases, seeking the appointment of a guardian ad litem, conservator or guardian.

(c) Information relating to the representation of a client with diminished capacity is protected by Rule 1.6. When taking protective action pursuant to paragraph (b), the lawyer is impliedly authorized under Rule 1.6(a) to reveal information about the client, but only to the extent reasonably necessary to protect the client's interests.

Adopted 01/01/05

Defined Terms (see Rule 1.0):

“Believes”

“Information relating to the representation of a client”

“Reasonably”

“Reasonably believes”

“Substantial”

Comparison to Oregon Code

Paragraph (b) is similar to DR 7-101(C), but offers more guidance as to the circumstances when a lawyer can take protective action in regard to a client. Paragraph (a) and (c) have no counterparts in the Oregon Code, but provide helpful guidance for lawyers representing clients with diminished capacity.

Comparison to ABA Model Rule

This is the ABA Model Rule.

RULE 1.15-1 SAFEKEEPING PROPERTY

(a) A lawyer shall hold property of clients or third persons that is in a lawyer's possession separate from the lawyer's own property. Funds, including advances

for costs and expenses and escrow and other funds held for another, shall be kept in a separate "Lawyer Trust Account" maintained in the jurisdiction where the lawyer's office is situated. Each lawyer trust account shall be an interest bearing account in a financial institution selected by the lawyer or law firm in the exercise of reasonable care. Lawyer trust accounts shall conform to the rules in the jurisdictions in which the accounts are maintained. Other property shall be identified as such and appropriately safeguarded. Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of five years after termination of the representation.

(b) A lawyer may deposit the lawyer's own funds in a lawyer trust account for the sole purposes of paying bank service charges or meeting minimum balance requirements on that account, but only in amounts necessary for those purposes.

(c) A lawyer shall deposit into a lawyer trust account legal fees and expenses that have been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred, unless the fee is denominated as “earned on receipt,” “nonrefundable” or similar terms and complies with Rule 1.5(c)(3).

(d) Upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. Except as stated in this rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property.

(e) When in the course of representation a lawyer is in possession of property in which two or more persons (one of whom may be the lawyer) claim interests, the property shall be kept separate by the lawyer until the dispute is resolved. The lawyer shall promptly distribute all portions of the property as to which the interests are not in dispute.

Adopted 01/01/05

Amended 11/30/05: Paragraph (a) amended to eliminate permission to have trust account “elsewhere with the consent of the client” and to require accounts to conform to jurisdiction in which located. Paragraph (b) amended to allow deposit of lawyer funds to meet minimum balance requirements.

Amended 12/01/10: Paragraph (c) amended to create an exception for fees “earned on receipt” within the meaning of Rule 1.5(c)(3).

Defined Terms (see Rule 1.0):

"Law firm"

"Reasonable"

Comparison to Oregon Code

Paragraphs (a)-(e) contain all of the elements of DR 9-101(A)-(C) and (D)(1), albeit in slightly different order. The rule is broader than DR 9-101 in that it also applies to the property of prospective clients and third persons received by a lawyer. Paragraph (c) makes it clear that fees and costs paid in advance must be held in trust until earned unless the fee is denominated "earned on receipt" and complies with the requirements of Rule 1.5(c)(3).

Comparison to ABA Model Rule

Paragraph (a) has been modified slightly from the Model Rule, which applies only to property held "in connection with a representation," while Oregon's rule continues to apply to all property, regardless of the capacity in which it is held by the lawyer. The Model Rule allows trust accounts to be maintained "elsewhere with the consent of the client or third person." There is no requirement in the Model Rule that the account to be labeled a "Lawyer Trust Account" or that it be selected by the lawyer "in the exercise of reasonable care." The Model Rule also makes no provision for "earned on receipt fees."

RULE 1.15-2 IOLTA ACCOUNTS AND TRUST ACCOUNT OVERDRAFT NOTIFICATION

(a) A lawyer trust account for client funds that cannot earn interest in excess of the costs of generating such interest ("net interest") shall be referred to as an IOLTA (Interest on Lawyer Trust Accounts) account. IOLTA accounts shall be operated in accordance with this rule and with operating regulations and procedures as may be established by the Oregon State Bar with the approval of the Oregon Supreme Court.

(b) All client funds shall be deposited in the lawyer's or law firm's IOLTA account unless a particular client's funds can earn net interest. All interest earned by funds held in the IOLTA account shall be paid to the Oregon Law Foundation as provided in this rule.

(c) Client funds that can earn net interest shall be deposited in an interest bearing trust account for the client's benefit and the net interest earned by funds in such an account shall be held in trust as property of the client in the same manner as is provided in paragraphs (a) through (d) of Rule 1.15-1 for the principal funds of the client. The interest bearing account shall be either:

(1) a separate account for each particular client or client matter; or

(2) a pooled lawyer trust account with subaccounting which will provide for computation of interest earned by each client's funds and the payment thereof, net of any bank service charges, to each client.

(d) In determining whether client funds can or cannot earn net interest, the lawyer or law firm shall consider the following factors:

(1) the amount of the funds to be deposited;

(2) the expected duration of the deposit, including the likelihood of delay in the matter for which the funds are held;

(3) the rates of interest at financial institutions where the funds are to be deposited;

(4) the cost of establishing and administering a separate interest bearing lawyer trust account for the client's benefit, including service charges imposed by financial institutions, the cost of the lawyer or law firm's services, and the cost of preparing any tax-related documents to report or account for income accruing to the client's benefit;

(5) the capability of financial institutions, the lawyer or the law firm to calculate and pay income to individual clients; and

(6) any other circumstances that affect the ability of the client's funds to earn a net return for the client.

(e) The lawyer or law firm shall review the IOLTA account at reasonable intervals to determine whether circumstances have changed that require further action with respect to the funds of a particular client.

(f) If a lawyer or law firm determines that a particular client's funds in an IOLTA account either did or can earn net interest, the lawyer shall transfer the funds into an account specified in paragraph (c) of this rule and request a refund for the lesser of either: any interest earned by the client's funds and remitted to the Oregon Law Foundation; or the interest the client's funds would have earned had those funds been placed in an interest bearing account for the benefit of the client at the same bank.

(1) The request shall be made in writing to the Oregon Law Foundation within a reasonable period of time after the interest was remitted to the Foundation and shall be accompanied by written verification from the financial institution of the interest amount.

(2) The Oregon Law Foundation will not refund more than the amount of interest it received from the client's funds in question. The refund shall be remitted to the financial institution for transmittal

to the lawyer or law firm, after appropriate accounting and reporting.

(g) No earnings from a lawyer trust account shall be made available to a lawyer or the lawyer's firm.

(h) A lawyer or law firm may maintain a lawyer trust account only at a financial institution that:

(1) is authorized by state or federal banking laws to transact banking business in the state where the account is maintained;

(2) is insured by the Federal Deposit Insurance Corporation or an analogous federal government agency;

(3) has entered into an agreement with the Oregon Law Foundation:

(i) to remit to the Oregon Law Foundation, at least quarterly, interest earned by the IOLTA account, computed in accordance with the institution's standard accounting practices, less reasonable service charges, if any; and

(ii) to deliver to the Oregon Law Foundation a report with each remittance showing the name of the lawyer or law firm for whom the remittance is sent, the number of the IOLTA account as assigned by the financial institution, the average daily collected account balance or the balance on which the interest remitted was otherwise computed for each month for which the remittance is made, the rate of interest applied, the period for which the remittance is made, and the amount and description of any service charges deducted during the remittance period; and

(4) has entered into an overdraft notification agreement with the Oregon State Bar requiring the financial institution to report to the Oregon State Bar Disciplinary Counsel when any properly payable instrument is presented against such account containing insufficient funds, whether or not the instrument is honored.

(i) Overdraft notification agreements with financial institutions shall require that the following information be provided in writing to Disciplinary Counsel within ten banking days of the date the item was returned unpaid:

(1) the identity of the financial institution;

(2) the identity of the lawyer or law firm;

(3) the account number; and

(4) either (i) the amount of the overdraft and the date it was created; or (ii) the amount of the returned instrument and the date it was returned.

(j) Agreements between financial institutions and the Oregon State Bar or the Oregon Law Foundation shall apply to all branches of the financial institution. Such agreements shall not be canceled except upon a thirty-day notice in writing to OSB Disciplinary Counsel in the case of a trust account overdraft notification agreement or to the Oregon Law Foundation in the case of an IOLTA agreement.

(k) Nothing in this rule shall preclude financial institutions which participate in any trust account overdraft notification program from charging lawyers or law firms for the reasonable costs incurred by the financial institutions in participating in such program.

(l) Every lawyer who receives notification from a financial institution that any instrument presented against his or her lawyer trust account was presented against insufficient funds, whether or not the instrument was honored, shall promptly notify Disciplinary Counsel in writing of the same information required by paragraph (i). The lawyer shall include a full explanation of the cause of the overdraft.

(m) For the purposes of paragraph (h)(3), "service charges" are limited to the institution's following customary check and deposit processing charges: monthly maintenance fees, per item check charges, items deposited charges and per deposit charges. Any other fees or transactions costs are not "service charges" for purposes of paragraph (h)(3) and must be paid by the lawyer or law firm.

Adopted 01/01/05

Amended 11/30/05: Paragraph (a) amended to clarify scope of rule. Paragraph (h) amended to allow remittance of interest to OLF in accordance with bank's standard accounting practice, and to report either the average daily collected account balance or the balance on which interest was otherwise computed. Paragraph (j) amended to require notice to OLF of cancellation of IOLTA agreement. Paragraph (m) and (n) added.

Amended 01/01/12: Requirement for annual certification, formerly paragraph (m), deleted and obligation moved to ORS Chapter 9.

Amended 01/01/14: Paragraph (f) revised to clarify the amount of interest that is to be refunded if client funds are mistakenly placed in an IOLTA account.

Defined Terms (see Rule 1.0)

"Firm"

"Law Firm"

"Matter"

"Reasonable"

"Writing"

"Written"

Comparison to Oregon Code

This rule is a significant revision of the IOLTA provisions of DR 9-101 and the trust account overdraft notification provisions of DR 9-102. The original changes were prompted by the US Supreme Court's decision in *Brown v. Washington Legal Foundation* that clients are entitled to "net interest" that can be earned on funds held in trust. Additional changes were made to conform the rule to banking practice and to clarify the requirement for annual certification.

Comparison to ABA Model Rule

The Model Rule has no equivalent provisions regarding IOLTA and the trust account overdraft notification programs. In most jurisdictions those are stand-alone Supreme Court orders.

RULE 1.16 DECLINING OR TERMINATING REPRESENTATION

(a) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:

- (1) the representation will result in violation of the Rules of Professional Conduct or other law;**
- (2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client; or**
- (3) the lawyer is discharged.**

(b) Except as stated in paragraph (c), a lawyer may withdraw from representing a client if:

- (1) withdrawal can be accomplished without material adverse effect on the interests of the client;**
- (2) the client persists in a course of action involving the lawyer's services that the lawyer reasonably believes is criminal or fraudulent;**
- (3) the client has used the lawyer's services to perpetrate a crime or fraud;**
- (4) the client insists upon taking action that the lawyer considers repugnant or with which the lawyer has a fundamental disagreement;**
- (5) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;**
- (6) the representation will result in an unreasonable financial burden on the lawyer or has**

been rendered unreasonably difficult by the client; or

(7) other good cause for withdrawal exists.

(c) A lawyer must comply with applicable law requiring notice to or permission of a tribunal when terminating a representation. When ordered to do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation.

(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer may retain papers, personal property and money of the client to the extent permitted by other law.

Adopted 01/01/05

Defined Terms (see Rule 1.0):

"Believes"

"Fraud"

"Fraudulent"

"Reasonable"

"Reasonably"

"Reasonably believes"

"Substantial"

"Tribunal"

Comparison to Oregon Code

This rule is essentially the same as DR 2-110, except that it specifically applies to declining a representation as well as withdrawing from representation. Paragraph (a) parallels the circumstances in which DR 2-110(B) mandates withdrawal, and also includes when the client is acting "merely for the purpose of harassing or maliciously injuring" another person, which is prohibited in DR 2-109(A)(1) and DR 7-102(A)(1).

Paragraph (b) is similar to DR 2-110(C) regarding permissive withdrawal. It allows withdrawal for any reason if it can be accomplished without "material adverse effect" on the client. Withdrawal is also allowed if the lawyer considers the client's conduct repugnant or if the lawyer fundamentally disagrees with it.

Paragraph (c) is like DR 2-110(A)(1) in requiring compliance with applicable law requiring notice or permission from the tribunal; it also clarifies the lawyer's obligations if permission is denied.

Paragraph (d) incorporates DR 2-110(A)(2) and (3). The final sentence has no counterpart in the Oregon Code; it recognizes the right of a lawyer to retain client papers

and other property to the extent permitted by other law. The "other law" includes statutory lien rights as well as court decisions determining lawyer ownership of certain papers created during a representation. A lawyer's right under other law to retain papers and other property remains subject to other obligations, such as the lawyer's general fiduciary duty to avoid prejudicing a former client, which might supersede the right to claim a lien.

Comparison with ABA Model Rule

This is essentially identical to the Model Rule except that MR 1.16(d) refers on to the retention of the client's "papers." The additional language in the Oregon rule was taken from ORS 86.460.

RULE 1.17 SALE OF LAW PRACTICE

(a) A lawyer or law firm may sell or purchase all or part of a law practice, including goodwill, in accordance with this rule.

(b) The selling lawyer, or the selling lawyer's legal representative, in the case of a deceased or disabled lawyer, shall provide written notice of the proposed sale to each current client whose legal work is subject to transfer, by certified mail, return receipt requested, to the client's last known address. The notice shall include the following information:

- (1) that a sale is proposed;**
- (2) the identity of the purchasing lawyer or law firm, including the office address(es), and a brief description of the size and nature of the purchasing lawyer's or law firm's practice;**
- (3) that the client may object to the transfer of its legal work, may take possession of any client files and property, and may retain counsel other than the purchasing lawyer or law firm;**
- (4) that the client's legal work will be transferred to the purchasing lawyer or law firm, who will then take over the representation and act on the client's behalf, if the client does not object to the transfer within forty-five (45) days after the date the notice was mailed; and**
- (5) whether the selling lawyer will withdraw from the representation not less than forty-five (45) days after the date the notice was mailed, whether or not the client consents to the transfer of its legal work.**

(c) The notice may describe the purchasing lawyer or law firm's qualifications, including the selling lawyer's opinion of the purchasing lawyer or law firm's suitability and competence to assume representation of the client, but only if the selling lawyer has made a reasonable effort to arrive at an informed opinion.

(d) If certified mail is not effective to give the client notice, the selling lawyer shall take such steps as may be reasonable under the circumstances to give the client actual notice of the proposed sale and the other information required in subsection (b).

(e) A client's consent to the transfer of its legal work to the purchasing lawyer or law firm will be presumed if no objection is received within forty-five (45) days after the date the notice was mailed.

(f) If substitution of counsel is required by the rules of a tribunal in which a matter is pending, the selling lawyer shall assure that substitution of counsel is made.

(g) The fees charged clients shall not be increased by reason of the sale except upon agreement of the client.

(h) The sale of a law practice may be conditioned on the selling lawyer's ceasing to engage in the private practice of law or some particular area of practice for a reasonable period within the geographic area in which the practice has been conducted.

Adopted 01/01/05

Defined Terms (see Rule 1.0):

"Known"
 "Law firm"
 "Matter"
 "Reasonable"
 "Tribunal"
 "Written"

Comparison to Oregon Code

This rule continues DR 2-111 which, when adopted in 1995, was derived in large part from Model Rule 1.17.

Comparison to ABA Model Rule

The Model Rule requires sale of the entire practice or practice area, and also requires that the selling lawyer cease to engage in the private practice of law, or the area of practice sold, within a certain geographic area. The Model Rule gives the client 90 days to object before it will be presumed the client has consented to the transfer of the client's files. The Model Rule requires notice to all clients, not only current clients, but does not require that it be sent by certified mail. The Model Rule does not address the selling lawyer's right to give an opinion of the purchasing lawyer's qualifications. The Model Rule does not allow for client consent to an increase in the fees to be charged as a result of the sale.

RULE 1.18 DUTIES TO PROSPECTIVE CLIENT

(a) A person who consults with a lawyer about the possibility of forming a client-lawyer relationship with respect to a matter is a prospective client.

(b) Even when no client-lawyer relationship ensues, a lawyer who has learned information from a prospective client shall not use or reveal that information, except as Rule 1.9 would permit with respect to information of a former client.

(c) A lawyer subject to paragraph (b) shall not represent a client with interests materially adverse to those of a prospective client in the same or a substantially related matter if the lawyer received information from the prospective client that could be significantly harmful to that person in the matter, except as provided in paragraph (d). If a lawyer is disqualified from representation under this paragraph, no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter, except as provided in paragraph (d).

(d) When the lawyer has received disqualifying information as defined in paragraph (c), representation is permissible if:

(1) both the affected client and the prospective client have given informed consent, confirmed in writing, or:

(2) the lawyer who received the information took reasonable measures to avoid exposure to more disqualifying information than was reasonably necessary to determine whether to represent the prospective client; and

(i) the disqualified lawyer is timely screened from any participation in the matter; and

(ii) written notice is promptly given to the prospective client

Adopted 01/01/05

Amended 12/11/09: Paragraph (d) amended to conform to ABA Model Rule 1.18 except for prohibition against disqualified lawyer being apportioned a part of the fee.

Amended 01/01/14: Paragraphs (a) and (b) amended slightly to conform to changes in the Model Rule.

Defined Terms (see Rule 1.0):

"Confirmed in writing"

"Informed consent"

"Firm"

"Knowingly"

"Matter"

"Screened"

"Substantial"

"Written"

Comparison to Oregon Code

This rule has no counterpart in the Oregon Code. It is consistent with the rule of lawyer-client privilege that defines a client to include a person "who consults a

lawyer with a view to obtaining professional legal services." OEC 503(1)(a). The rule also codifies a significant body of case law and other authority that has interpreted the duty of confidentiality to apply to prospective clients.

Comparison to ABA Model Rule

This is identical to the ABA Model Rule, except it doesn't prohibit the screened lawyer from sharing in the fee.

COUNSELOR

RULE 2.1 ADVISOR

In representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social and political factors, that may be relevant to the client's situation.

Adopted 01/01/05

Comparison to Oregon Code

This rule has no counterpart in the Oregon Code, although it codifies the concept of exercising independent judgment that is fundamental to the role of the lawyer and which is mentioned specifically in DRs 2-103, 5-101, 5-104, 5-108 and 7-101.

Comparison to ABA Model Rule

This is the ABA Model Rule.

RULE 2.2 [RESERVED]

RULE 2.3 EVALUATION FOR USE BY THIRD PERSONS

(a) A lawyer may provide an evaluation of a matter affecting a client for the use of someone other than the client if the lawyer reasonably believes that making the evaluation is compatible with other aspects of the lawyer's relationship with the client.

(b) When the lawyer knows or reasonably should know that the evaluation is likely to affect the client's interests materially and adversely, the lawyer shall not provide the evaluation unless the client gives informed consent.

(c) Except as disclosure is authorized in connection with a report of an evaluation, information relating to the evaluation is otherwise protected by Rule 1.6.

Adopted 01/01/05

Defined Terms (see Rule 1.0):

"Believes"

"Informed consent"

"Knows"

"Matter"

"Reasonably believes"

"Reasonably should know"

Comparison to Oregon Code

This rule is similar to DR 7-101(D), which was adopted in 1997 based on *former* ABA Model Rule 2.3. Paragraph (b) is new in 2002 to require client consent only when the evaluation poses a risk of material and adverse affect on the client. Under paragraph (a), when there is no such risk, the lawyer needs only to determine that the evaluation is compatible with other aspects of the relationship.

Comparison to ABA Model Rule

This is the ABA Model Rule.

RULE 2.4 LAWYER SERVING AS MEDIATOR

(a) A lawyer serving as a mediator:

- (1) shall not act as a lawyer for any party against another party in the matter in mediation or in any related proceeding; and**
- (2) must clearly inform the parties of and obtain the parties' consent to the lawyer's role as mediator.**

(b) A lawyer serving as a mediator:

- (1) may prepare documents that memorialize and implement the agreement reached in mediation;**
- (2) shall recommend that each party seek independent legal advice before executing the documents; and**
- (3) with the consent of all parties, may record or may file the documents in court.**

(c) The requirements of Rule 2.4(a)(2) and (b)(2) shall not apply to mediation programs established by operation of law or court order.

Adopted 01/01/05

Amended 01/01/14: Original paragraph (c) relating to firm representation deleted to eliminate conflict with RPC 1.12.

Defined Terms (see Rule 1.0):

"Matter"

Comparison to Oregon Code

This rule retains much of *former* DR 5-106.

Comparison to ABA Model Rule

ABA Model Rule 2.4 applies to a lawyer serving as a "third-party neutral," including arbitrator, mediator or in "such other capacity as will enable the lawyer to assist

the parties to resolve the matter." It requires that the lawyer inform unrepresented parties that the lawyer is not representing them and, when necessary, explain the difference in the role of a third-party neutral. The Model Rule does not address the lawyer's drafting of documents to implement the parties' agreement, or the circumstances in which a member of the lawyer's firm can represent a party.

ADVOCATE

RULE 3.1 MERITORIOUS CLAIMS AND CONTENTIONS

In representing a client or the lawyer's own interests, a lawyer shall not knowingly bring or defend a proceeding, assert a position therein, delay a trial or take other action on behalf of a client, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law, except that a lawyer for the defendant in a criminal proceeding, or the respondent in a proceeding that could result in incarceration may, nevertheless so defend the proceeding as to require that every element of the case be established.

Adopted 01/01/05

Amended 12/01/06: Paragraph (a) amended to make applicable to a lawyer acting in the lawyer's own interests.

Defined Terms (see Rule 1.0):

"Knowingly"

Comparison to Oregon Code

This rule retains the essence of DR 2-109(A)(2) and DR 7-102(A)(2), although neither Oregon rule expressly confirms the right of a criminal defense lawyer to defend in a manner that requires establishment of every element of the case.

Comparison to ABA Model Rule

This is the ABA Model Rule, tailored slightly to track the language of DR 2-109(A)(2) and DR 7-102(A)(2).

RULE 3.2 [RESERVED]

RULE 3.3 CANDOR TOWARD THE TRIBUNAL

(a) A lawyer shall not knowingly:

- (1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;**

(2) fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel;

(3) offer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if permitted, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false;

(4) conceal or fail to disclose to a tribunal that which the lawyer is required by law to reveal; or

(5) engage in other illegal conduct or conduct contrary to these Rules.

(b) A lawyer who represents a client in an adjudicative proceeding and who knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if permitted, disclosure to the tribunal.

(c) The duties stated in paragraphs (a) and (b) continue to the conclusion of the proceeding, but in no event require disclosure of information otherwise protected by Rule 1.6.

(d) In an ex parte proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse.

Adopted 01/01/05

Amended 12/01/10: Paragraphs (a)(3) and (b) amended to substitute "if permitted" for "if necessary;" paragraph (c) amended to make it clear that remedial measures do not require disclosure of information protected by Rule 1.6.

Defined Terms (see Rule 1.0):

"Believes"

"Fraudulent"

"Knowingly"

"Known"

"Knows"

"Matter"

"Reasonable"

"Reasonably believes"

"Tribunal"

Comparison to Oregon Code

Paragraph (a)(1) is similar to DR 7-102(A)(5), but also requires correction of a previously made statement that turns out to be false.

Paragraph (a)(2) is the same as DR 7-106(B)(1).

Paragraph (a)(3) combines the prohibition in DR 7-102(A)(4) against presenting perjured testimony or false evidence with the remedial measures required in DR 7-102(B). The rule clarifies that only materially false evidence requires remedial action. While the rule allows a criminal defense lawyer to refuse to offer evidence the lawyer reasonably believes is false, it recognizes that the lawyer must allow a criminal defendant to testify.

Paragraphs (a)(4) and (5) are the same as DR 7-102(A)(3) and (8), respectively.

Paragraph (b) is similar to and consistent with the interpretations of DR 7-102(B)(1).

Paragraph (c) continues the duty of candor to the end of the proceeding, but, notwithstanding the language in paragraphs (a)(3) and (b), does not require disclosure of confidential client information otherwise protected by Rule 1.6.

Paragraph (d) has no equivalent in the Oregon Code.

Comparison to ABA Model Rule

Subsections (4) and (5) of paragraph (a) do not exist in the Model Rule. Also, MR 3.3 (c) requires disclosure even if the information is protected by Rule 1.6.

RULE 3.4 FAIRNESS TO OPPOSING PARTY AND COUNSEL

A lawyer shall not:

(a) knowingly and unlawfully obstruct another party's access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value. A lawyer shall not counsel or assist another person to do any such act;

(b) falsify evidence; counsel or assist a witness to testify falsely; offer an inducement to a witness that is prohibited by law; or pay, offer to pay, or acquiesce in payment of compensation to a witness contingent upon the content of the witness's testimony or the outcome of the case; except that a lawyer may advance, guarantee or acquiesce in the payment of:

(1) expenses reasonably incurred by a witness in attending or testifying;

(2) reasonable compensation to a witness for the witness's loss of time in attending or testifying; or

(3) a reasonable fee for the professional services of an expert witness.

(c) knowingly disobey an obligation under the rules of a tribunal, except for an open refusal based on an assertion that no valid obligation exists;

(d) in pretrial procedure, knowingly make a frivolous discovery request or fail to make reasonably diligent effort to comply with a legally proper discovery request by an opposing party;

(e) in trial, allude to any matter that the lawyer does not reasonably believe is relevant or that will not be supported by admissible evidence, assert personal knowledge of facts in issue except when testifying as a witness, or state a personal opinion as to the justness of a cause, the credibility of a witness, the culpability of a civil litigant or the guilt or innocence of an accused;

(f) advise or cause a person to secrete himself or herself or to leave the jurisdiction of a tribunal for purposes of making the person unavailable as a witness therein; or

(g) threaten to present criminal charges to obtain an advantage in a civil matter unless the lawyer reasonably believes the charge to be true and if the purpose of the lawyer is to compel or induce the person threatened to take reasonable action to make good the wrong which is the subject of the charge.

Adopted 01/01/05

Defined Terms (see Rule 1.0):

"Believes"

"Knowingly"

"Matter"

"Reasonable"

"Reasonably"

"Reasonably believes"

"Tribunal"

Comparison to Oregon Code

Paragraph (a) is similar to DR 7-109(A).

Paragraph (b) includes the rules regarding witness contact from DR 7-109, and also the prohibition against falsifying evidence that is found in DR 7-102(A)(6).

Paragraph (c) is generally equivalent to DR 7-106(C)(7).

Paragraph (d) has no equivalent in the Oregon Code.

Paragraph (e) is the same as DR 7-106(C)(1), (3) and (4).

Paragraph (f) retains the language of DR 7-109(B).

Paragraph (g) retains DR 7-105.

Comparison to ABA Model Rule

Paragraphs (a), (c), (d) and (e) are the Model Code, with the addition of a "knowingly" standard in (a) and (d). Paragraph (b) has been amended to retain the specific rules regarding contact with witnesses from DR 7-109,

beginning with "...or pay...." Paragraph (f) in the Model Rule prohibits requesting a person other than a client to refrain from volunteering information except when the person is a relative, employee or other agent of the client and the lawyer believes the person's interests will not be adversely affected. Paragraph (g) does not exist in the Model Rules.

RULE 3.5 IMPARTIALITY AND DECORUM OF THE TRIBUNAL

A lawyer shall not:

(a) seek to influence a judge, juror, prospective juror or other official by means prohibited by law;

(b) communicate ex parte on the merits of a cause with such a person during the proceeding unless authorized to do so by law or court order;

(c) communicate with a juror or prospective juror after discharge of the jury if:

(1) the communication is prohibited by law or court order;

(2) the juror has made known to the lawyer a desire not to communicate; or

(3) the communication involves misrepresentation, coercion, duress or harassment;

(d) engage in conduct intended to disrupt a tribunal; or

(e) fail to reveal promptly to the court improper conduct by a venireman or a juror, or by another toward a venireman or a juror or a member of their families, of which the lawyer has knowledge.

Adopted 01/01/05

Amended 12/01/06: Paragraph (b) amended to add "on the merits of the cause."

Defined Terms (see Rule 1.0):

"Known"

"Tribunal"

Comparison to Oregon Code

Paragraph (a) has no counterpart in the Oregon Code.

Paragraph (b) replaces DR 7-110, making ex parte contact subject only to law and court order, without additional notice requirements.

Paragraph (c) is similar to DR 7-108(A)-(F).

Paragraph (d) is similar to DR 7-106(C)(6).

Paragraph (e) retains the DR 7-108(G).

Comparison to ABA Model Rule

This is essentially the ABA Model Rule, with the addition of paragraph (e), which has no counterpart in the Model Rule.

RULE 3.6 TRIAL PUBLICITY

(a) A lawyer who is participating or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.

(b) Notwithstanding paragraph (a), a lawyer may state:

- (1) the claim, offense or defense involved and, except when prohibited by law, the identity of the persons involved;**
- (2) information contained in a public record;**
- (3) that an investigation of a matter is in progress;**
- (4) the scheduling or result of any step in litigation;**
- (5) a request for assistance in obtaining evidence and information necessary thereto;**
- (6) a warning of danger concerning the behavior of a person involved, when there is reason to believe that there exists the likelihood of substantial harm to an individual or to the public interest; and**
- (7) in a criminal case, in addition to subparagraphs (1) through (6):**
 - (i) the identity, residence, occupation and family status of the accused;**
 - (ii) if the accused has not been apprehended, information necessary to aid in apprehension of that person;**
 - (iii) the fact, time and place of arrest; and**
 - (iv) the identity of investigating and arresting officers or agencies and the length of the investigation.**

(c) Notwithstanding paragraph (a), a lawyer may:

- (1) reply to charges of misconduct publicly made against the lawyer; or**
- (2) participate in the proceedings of legislative, administrative or other investigative bodies.**

(d) No lawyer associated in a firm or government agency with a lawyer subject to paragraph (a) shall make a statement prohibited by paragraph (a).

(e) A lawyer shall exercise reasonable care to prevent the lawyer's employees from making an extrajudicial

statement that the lawyer would be prohibited from making under this rule.

Adopted 01/01/05

Defined Terms (see Rule 1.0):

"Firm"
 "Knows"
 "Matter"
 "Reasonable"
 "Reasonably should know"
 "Substantial"

Comparison to Oregon Code

Paragraph (a) replaces DR 7-107(A).

Paragraph (b) has no counterpart in the Oregon Code.

Paragraphs (c)(1) and (2) retain the exceptions in DR 7-107(B) and (C).

Paragraph (d) applies the limitation of the rule to other members in the subject lawyer's firm or government agency.

Paragraph (e) retains the requirement of DR 7-107(C).

Comparison to ABA Model Rule

This is essentially the ABA Model Rule, although the Model Rule has an exception in (c) that allows a lawyer to make statements to protect the client from the substantial undue prejudicial effect of recent publicity not initiated by the lawyer or the client. Model Rule 3.6 has no counterpart to paragraphs (c)(1) and (2) or (e).

RULE 3.7 LAWYER AS WITNESS

(a) A lawyer shall not act as an advocate at a trial in which the lawyer is likely to be a witness on behalf of the lawyer's client unless:

- (1) the testimony relates to an uncontested issue;**
- (2) the testimony relates to the nature and value of legal services rendered in the case;**
- (3) disqualification of the lawyer would work a substantial hardship on the client; or**
- (4) the lawyer is appearing pro se.**

(b) A lawyer may act as an advocate in a trial in which another lawyer in the lawyer's firm is likely to be called as a witness on behalf of the lawyer's client.

(c) If, after undertaking employment in contemplated or pending litigation, a lawyer learns or it is obvious that the lawyer or a member of the lawyer's firm may be called as a witness other than on behalf of the lawyer's client, the lawyer may continue the representation until it is apparent that the lawyer's or firm member's testimony is or may be prejudicial to the lawyer's client.

Adopted 01/01/05

Defined Terms (see Rule 1.0):

"Firm"

"Substantial"

Comparison to Oregon Code

This rule retains DR 5-102 in its entirety.

Comparison to ABA Model Rule

This rule is similar to the ABA Model Rule. Paragraph (a) of the Model Rule applies only when the lawyer is likely to be a necessary witness. In the Model Rule, paragraph (b) does not apply if the witness lawyer will be required to disclose information protected by Rule 1.6 or 1.9. Paragraph (c) has no counterpart in the Model Rule.

RULE 3.8 SPECIAL RESPONSIBILITIES OF A PROSECUTOR

The prosecutor in a criminal case shall:

(a) refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause; and

(b) make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, and, in connection with sentencing, disclose to the defense and to the tribunal all unprivileged mitigating information known to the prosecutor, except when the prosecutor is relieved of this responsibility by a protective order of the tribunal.

Adopted 01/01/05

Defined Terms (see Rule 1.0):

"Known"

"Knows"

"Tribunal"

Comparison to Oregon Code

Paragraph (a) is essentially the same as DR 7-103(A).

Paragraph (d) is essentially the same as DR 7-103(B), with the addition of an exception for protective orders.

Comparison to ABA Model Rule

The ABA Model Rule contains four additional provisions: prosecutors are (1) required to make reasonable efforts to ensure that accused persons are advised of the right and afforded the opportunity to consult with counsel; (2) prohibited from seeking to obtain a waiver of important pretrial rights from an unrepresented person; (3) prohibited from subpoenaing a lawyer to present evidence about current or past clients except when the information is unprivileged, necessary to successful completion of an ongoing investigation or prosecution,

and there is no other feasible means of obtaining the information; and (4) prohibited from making extrajudicial public statements that will heighten public condemnation of the accused. The Model Rule also requires prosecutors to exercise reasonable care that other people assisting or associated with the prosecutor do not make extrajudicial public statements that the prosecutor is prohibited from making by Rule .3.6.

RULE 3.9 ADVOCATE IN NONADJUDICATIVE PROCEEDINGS

A lawyer representing a client before a legislative body or administrative agency in a nonadjudicative proceeding shall disclose that the appearance is in a representative capacity and shall conform to the provisions of Rules 3.3(a) through (c), 3.4(a) through (c), and 3.5.

Adopted 01/01/05

Comparison to Oregon Code

This rule has no counterpart in the Oregon Code.

Comparison to ABA Model Rule

This is the ABA Model Rule.

TRANSACTIONS WITH PERSONS OTHER THAN CLIENTS

RULE 4.1 TRUTHFULNESS IN STATEMENTS TO OTHERS

In the course of representing a client a lawyer shall not knowingly:

(a) make a false statement of material fact or law to a third person; or

(b) fail to disclose a material fact when disclosure is necessary to avoid assisting an illegal or fraudulent act by a client, unless disclosure is prohibited by Rule 1.6.

Adopted 01/01/05

Defined Terms (see Rule 1.0):

"Fraudulent"

"Knowingly"

Comparison to Oregon Code

This rule has no direct counterpart in Oregon, but it expresses prohibitions found in DR 1-102(A)(3), DR 7-102(A)(5) and DR 1-102(A)(7).

Comparison to ABA Model Rule

This is the ABA Model Rule, except that MR 4.1(b) refers to "criminal" rather than "illegal" conduct.

RULE 4.2 COMMUNICATION WITH PERSON REPRESENTED BY COUNSEL

In representing a client or the lawyer's own interests, a lawyer shall not communicate or cause another to communicate on the subject of the representation with a person the lawyer knows to be represented by a lawyer on that subject unless:

- (a) the lawyer has the prior consent of a lawyer representing such other person;
- (b) the lawyer is authorized by law or by court order to do so; or
- (c) a written agreement requires a written notice or demand to be sent to such other person, in which case a copy of such notice or demand shall also be sent to such other person's lawyer.

Adopted 01/01/05

Defined Terms (see Rule 1.0):

"Knows"
"Written"

Comparison to Oregon Code

This rule retains the language of DR 7-104(A), except that the phrase "or on directly related subjects" has been deleted. The application of the rule to a lawyer acting in the lawyer's own interests has been moved to the beginning of the rule.

Comparison to ABA Model Rule

This rule is very similar to the ABA Model Rule, except that the Model Rule does not apply to a lawyer acting in the lawyer's own interest. The Model Rule also makes no exception for communication required by a written agreement.

RULE 4.3 DEALING WITH UNREPRESENTED PERSONS

In dealing on behalf of a client or the lawyer's own interests with a person who is not represented by counsel, a lawyer shall not state or imply that the lawyer is disinterested. When the lawyer knows or reasonably should know that the unrepresented person misunderstands the lawyer's role in the matter, the lawyer shall make reasonable efforts to correct the misunderstanding. The lawyer shall not give legal advice to an unrepresented person, other than the advice to secure counsel, if the lawyer knows or reasonably should know that the interests of such a person are or have a reasonable possibility of being in conflict with the interests of the client or the lawyer's own interests.

Adopted 01/01/05

Defined Terms (see Rule 1.0):

"Knows"
"Matter"
"Reasonable"
"Reasonably should know"

Comparison to Oregon Code

This rule replaces DR 7-104(B). It is expanded to parallel Rule 4.2 by applying to situations in which the lawyer is representing the lawyer's own interests. The rule is broader than DR 7-104(B) in that it specifically prohibits a lawyer from stating or implying that the lawyer is disinterested. It also imposes an affirmative requirement on the lawyer to correct any misunderstanding an unrepresented person may have about the lawyer's role. The rule continues the prohibition against giving legal advice to an unrepresented person.

Comparison to ABA Model Rule

This is essentially identical to the ABA Model Rule, with the addition "or the lawyers own interests" at the beginning and end to make it clear that the rule applies even when the lawyer is not acting on behalf of a client.

RULE 4.4 RESPECT FOR THE RIGHTS OF THIRD PERSONS; INADVERTENTLY SENT DOCUMENTS

- (a) In representing a client or the lawyer's own interests, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, harass or burden a third person, or knowingly use methods of obtaining evidence that violate the legal rights of such a person.
- (b) A lawyer who receives a document or electronically stored information relating to the representation of the lawyer's client and knows or reasonably should know that the document or electronically stored information was inadvertently sent shall promptly notify the sender.

Adopted 01/01/05

Amended 12/01/06: Paragraph (a) amended to make applicable to a lawyer acting in the lawyer's own interests.

Amended 01/01/14: Paragraph (b) amended to expand scope to electronically stored information.

Defined Terms (see Rule 1.0):

"Knowingly"
"Knows"
"Reasonably should know"
"Substantial"

Comparison to Oregon Code

This rule had no equivalent in the Oregon Code, although paragraph (a) incorporates aspects of DR 7-102(A)(1).

Comparison to ABA Model Rule

This is essentially the ABA Model Rule, except that the MR does not include the prohibition against “harassment” nor does it contain the modifier “knowingly” at the end of paragraph (a) which makes it clear that a lawyer is not responsible for inadvertently violating the legal rights of another person in the course of obtaining evidence.

LAW FIRMS AND ASSOCIATIONS

RULE 5.1 RESPONSIBILITIES OF PARTNERS, MANAGERS, AND SUPERVISORY LAWYERS

A lawyer shall be responsible for another lawyer's violation of these Rules of Professional Conduct if:

(a) the lawyer orders or, with knowledge of the specific conduct, ratifies the conduct involved; or

(b) the lawyer is a partner or has comparable managerial authority in the law firm in which the other lawyer practices, or has direct supervisory authority over the other lawyer, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

Adopted 01/01/05

Defined Terms (see Rule 1.0):

“Knowledge”

“Knows”

“Law Firm”

“Partner”

“Reasonable”

Comparison to Oregon Code

This rule is essentially the same as DR 1-102(B) although it specifically applies to partners or others with comparable managerial authority, as well as lawyers with supervisory authority.

Comparison to ABA Model Rule

ABA Model Rule 5.1 contains two additional provisions. The first requires partners and lawyers with comparable managerial authority to make reasonable efforts to ensure that the firm has in place measures giving reasonable assurance that all lawyers in the firm conform to the Rules of Professional Conduct. The second requires lawyers having direct supervisory authority over another lawyer to make reasonable efforts to ensure that

the other lawyer conforms to the Rules of Professional Conduct.

RULE 5.2 RESPONSIBILITIES OF A SUBORDINATE LAWYER

(a) A lawyer is bound by the Rules of Professional Conduct notwithstanding that the lawyer acted at the direction of another person.

(b) A subordinate lawyer does not violate the Rules of Professional Conduct if that lawyer acts in accordance with a supervisory lawyer's reasonable resolution of an arguable question of professional duty.

Adopted 01/01/05

Defined Terms (see Rule 1.0):

“Reasonable”

Comparison to Oregon Code

Paragraph (a) is identical to DR 1-102(C).

Paragraph (b) has no equivalent in the Oregon Code.

Comparison to ABA Model Rule

This is the ABA Model Rule.

RULE 5.3 RESPONSIBILITIES REGARDING NONLAWYER ASSISTANCE

With respect to a nonlawyer employed or retained, supervised or directed by a lawyer:

(a) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer; and

(b) except as provided by Rule 8.4(b), a lawyer shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if:

(1) the lawyer orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or

(2) the lawyer is a partner or has comparable managerial authority in the law firm in which the person is employed, or has direct supervisory authority over the person, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

Adopted 01/01/05

Amended 01/01/14: Title changed from “Assistants” to “Assistance” in recognition of the broad range of nonlawyer services that can be utilized in rendering legal services.

Defined Terms (see Rule 1.0):

"Knowledge"

"Knows"

"Law firm"

"Partner"

"Reasonable"

Comparison to Oregon Code

This rule has no counterpart in the Oregon Code. Paragraph (a) is somewhat similar to the requirement in DR 4-101(D), but broader because not limited to disclosure of confidential client information.

Paragraph (b) applies the requirements of DR 1-102(B) to nonlawyer personnel. An exception by cross-reference to Rule 8.4(b) is included to avoid conflict with the rule that was formerly DR 1-102(D).

Comparison to ABA Model Rule

This is similar to the ABA Model Rule, although the Model Rule also requires law firm partners and other lawyers with comparable managerial authority to make reasonable efforts to ensure that the firm has in place measures giving reasonable assurance that the conduct of nonlawyer assistants is compatible with the professional obligations of lawyers. Also, the Model Rule does not have the "except as provided in 8.4(b)" language in paragraph (b), since the Model Rule has no counterpart to DR 1-102(D).

RULE 5.4 PROFESSIONAL INDEPENDENCE OF A LAWYER

(a) A lawyer or law firm shall not share legal fees with a nonlawyer, except that:

(1) an agreement by a lawyer with the lawyer's firm or firm members may provide for the payment of money, over a reasonable period of time after the lawyer's death, to the lawyer's estate or to one or more specified persons.

(2) a lawyer who purchases the practice of a deceased, disabled, or disappeared lawyer may, pursuant to the provisions of Rule 1.17, pay to the estate or other representative of that lawyer the agreed-upon purchase price.

(3) a lawyer or law firm may include nonlawyer employees in a compensation or retirement plan, even though the plan is based in whole or in part on a profit-sharing arrangement.

(4) a lawyer may share court-awarded legal fees with a nonprofit organization that employed, retained or recommended employment of the lawyer in the matter; and

(5) a lawyer may pay the usual charges of a bar-sponsored or operated not-for-profit lawyer

referral service, including fees calculated as a percentage of legal fees received by the lawyer from a referral.

(b) A lawyer shall not form a partnership with a nonlawyer if any of the activities of the partnership consist of the practice of law.

(c) A lawyer shall not permit a person who recommends, employs, or pays the lawyer to render legal services for another to direct or regulate the lawyer's professional judgment in rendering such legal services.

(d) A lawyer shall not practice with or in the form of a professional corporation or association authorized to practice law for a profit, if:

(1) a nonlawyer owns any interest therein, except that a fiduciary representative of the estate of a lawyer may hold the stock or interest of the lawyer for a reasonable time during administration;

(2) a nonlawyer is a corporate director or officer thereof or occupies the position of similar responsibility in any form of association other than a corporation, except as authorized by law; or

(3) a nonlawyer has the right to direct or control the professional judgment of a lawyer.

(e) A lawyer shall not refer a client to a nonlawyer with the understanding that the lawyer will receive a fee, commission or anything of value in exchange for the referral, but a lawyer may accept gifts in the ordinary course of social or business hospitality.

Adopted 01/01/05

Amended 01/01/13: Paragraph (a)(5) added.

Defined Terms (see Rule 1.0):

"Firm"

"Law firm"

"Matter"

"Partner"

"Reasonable"

Comparison to Oregon Code

Paragraph (a)(1) is the same as DR 3-102(A)(1). Paragraph (a)(2) is similar to DR 3-102(A)(2), except that it addresses the purchase of a deceased, disabled or departed lawyer's practice and payment of an agreed price, rather than only authorizing reasonable compensation for services rendered by a deceased lawyer. Paragraph (a)(3) is identical to DR 3-102(A)(3). Paragraphs (a)(4) and 9a)(5) have no counterpart in the Oregon Code.

Paragraph (b) is identical to DR 3-103.

Paragraph (c) is identical to DR 5-108(B).

Paragraph (d) is essentially identical to DR 5-108(D).

Paragraph (e) is the same as DR 2-105, approved by the Supreme Court in April 2003.

Comparison to ABA Model Rule

This is the ABA Model Rule with the addition of paragraphs (a)(5) and (e), which have no counterpart in the Model Rule. Paragraph (a)(5) is similar to MR 7.2(b)(2).

**RULE 5.5 UNAUTHORIZED PRACTICE OF LAW;
MULTIJURISDICTIONAL PRACTICE**

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternate dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission;

(4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice; or

(5) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission.

(d) A lawyer admitted in another jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

(e) A lawyer who provides legal services in connection with a pending or potential arbitration proceeding to be held in his jurisdiction under paragraph (c)(3) of this rule must, upon engagement by the client, certify to the Oregon State Bar that:

(1) the lawyer is in good standing in every jurisdiction in which the lawyer is admitted to practice; and

(2) unless the lawyer is in-house counsel or an employee of a government client in the matter, that the lawyer

(i) carries professional liability insurance substantially equivalent to that required of Oregon lawyers, or

(ii) has notified the lawyer's client in writing that the lawyer does not have such insurance and that Oregon law requires Oregon lawyers to have such insurance.

The certificate must be accompanied by the administrative fee for the appearance established by the Oregon State Bar and proof of service on the arbitrator and other parties to the proceeding.

Adopted 01/01/05

Amended 01/01/12: Paragraph (e) added.

Amended 02/XX/15: Phrase "United States" deleted from paragraphs (c) and (d), to allow foreign-licensed lawyers to engage in temporary practice as provided in the rule.

Defined Terms (see Rule 1.0):

"Matter"

"Reasonably"

"Tribunal"

Comparison to Oregon Code

Paragraph (a) contains the same prohibitions as DR 3-101(A) and (B).

Paragraph (b), (c), (d) and (e) have no counterpart in the Oregon Code.

Comparison to ABA Model Rule

Paragraphs (a), (b) and (c)(1)-(4) are identical to the Model Rule. MR 5.5(d) includes what is (c)(5) in the Oregon rule. Paragraph (e) has no counterpart in the Model Rule.

RULE 5.6 RESTRICTIONS ON RIGHT TO PRACTICE

A lawyer shall not participate in offering or making:

(a) a partnership, shareholders, operating, employment, or other similar type of agreement that restricts the right of a lawyer to practice after termination of the relationship, except an agreement concerning benefits upon retirement; or

(b) an agreement in which a direct or indirect restriction on the lawyer's right to practice is part of the settlement of a client controversy.

Adopted 01/01/05

Comparison to Oregon Code

Paragraph (a) is similar to DR 2-108(A), but in addition to partnership or employment agreements, includes shareholders and operating "or other similar type of agreements," in recognition of the fact that lawyers associate together in organizations other than traditional law firm partnerships.

Paragraph (b) is similar to DR 2-108(B).

Comparison to ABA Model Rule

This is the ABA Model Rule with the addition of the words "direct or indirect" in paragraph (b) to address agreements that are not strictly part of the "settlement agreement."

RULE 5.7 [RESERVED]

PUBLIC SERVICE

RULE 6.1 [RESERVED]

RULE 6.2 [RESERVED]

RULE 6.3 MEMBERSHIP IN LEGAL SERVICES ORGANIZATION

A lawyer may serve as a director, officer or member of a legal services organization, apart from the law firm in which the lawyer practices, notwithstanding that the organization serves persons having interests adverse to a client of the lawyer. The lawyer shall not knowingly participate in a decision or action of the organization:

(a) if participating in the decision or action would be incompatible with the lawyer's obligations to a client under Rule 1.7; or

(b) where the decision or action could have a material adverse effect on the representation of a client of the organization whose interests are adverse to a client of the lawyer.

Adopted 01/01/05

Defined Terms (see Rule 1.0):

"*Knowingly*"

"*Law firm*"

Comparison to Oregon Code

This rule is similar to DR 5-108(C)(10 and (2).

Comparison to ABA Model Rule

This is the ABA Model Rule.

RULE 6.4 LAW REFORM ACTIVITIES AFFECTING CLIENT INTERESTS

A lawyer may serve as a director, officer or member of an organization involved in reform of the law or its administration, notwithstanding that the reform may affect the interest of a client of the lawyer. When the lawyer knows that the interest of a client may be materially benefited by a decision in which the lawyer participates, the lawyer shall disclose that fact but need not identify the client.

Adopted 01/01/05

Defined Terms (see Rule 1.0):

"*Knows*"

Comparison to Oregon Code

This rule is similar to DR 5-108(C)(3).

Comparison to ABA Model Rule

This is the ABA Model Rule.

RULE 6.5 NONPROFIT AND COURT-ANNEXED LIMITED LEGAL SERVICES PROGRAMS

(a) A lawyer who, under the auspices of a program sponsored by a nonprofit organization or court, provides short-term limited legal services to a client without expectation by either the lawyer or the client that the lawyer will provide continuing representation in the matter:

(1) is subject to Rule 1.7 and 1.9(a) only if the lawyer knows that the representation of the client involves a conflict of interest; and

(2) is subject to Rule 1.10 only if the lawyer knows that another lawyer associated with the lawyer in a law firm is disqualified by Rule 1.7 or 1.9(a) with respect to the matter.

(b) Except as provided in paragraph (a)(2), Rule 1.10 is inapplicable to a representation governed by this Rule.

Adopted 01/01/05

Defined Terms (see Rule 1.0):

"Knows"

"Law firm"

"Matter"

Comparison to Oregon Code

This rule has no equivalent in the Oregon Code. It was adopted by the ABA in 2002 to address concerns that strict application of conflict of interest rules might be deterring lawyers from volunteering in programs that provide short-term limited legal services to clients under the auspices of a non-profit or court-annexed program.

Comparison to ABA Model Rule

This is the ABA Model Rule.

INFORMATION ABOUT LEGAL SERVICES

RULE 7.1 COMMUNICATION CONCERNING A LAWYER'S SERVICES

A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading.

Adopted 01/01/05

Amended 12/01/06: Paragraph (a)(5) reworded to conform to former DR 2-101(A)(5).

Amended 01/01/14: Model Rule 7.1 language substituted for former RPC 7.1.

Comparison to Oregon Code

The rule retains the essential prohibition against false or misleading communications, but not the specifically enumerated types of communications deemed misleading.

Comparison to ABA Model Rule

This is the ABA Model Rule.

RULE 7.2 ADVERTISING

(a) Subject to the requirements of Rules 7.1 and 7.3, a lawyer may advertise services through written, recorded or electronic communication, including public media.

(b) A lawyer shall not give anything of value to a person for recommending the lawyer's services except that a lawyer may

(1) pay the reasonable costs of advertisements or communications permitted by this Rule;

(2) pay the usual charges of a legal service plan or a lawyer referral service; and

(3) pay for a law practice in accordance with Rule 1.17.

(c) Any communication made pursuant to this rule shall include the name and contact information of at least one lawyer or law firm responsible for its content.

Adopted 01/01/05

Amended 01/01/14: Revised to track more closely Model Rule 7.2 and eliminate redundant language.

Amended 01/01/17: Revised to remove "not-for-profit" from (2) and to require listing "contact information" in lieu of "office address."

Defined Terms (see Rule 1.0):

"Law firm"

Comparison to Oregon Code

This rule retains DR 2-103's permission for advertising in various media, provided the communications are not false or misleading and do not involve improper in-person contact. It retains the prohibition against paying another to recommend or secure employment, with the exception of a legal service plan or not-for-profit lawyer referral service. The rule also continues the requirement that communications contain the name and office address of the lawyer or firm.

Comparison to ABA Model Rule

This rule is drawn from and is very similar to the ABA Model Rule, except that the MR allows payment only to a lawyer referral service approved by an appropriate regulatory agency. The MR also permits reciprocal referral agreements between lawyers and between lawyers and nonlawyer professionals, which is directly contradictory to Oregon RPC 5.4(e).

RULE 7.3 SOLICITATION OF CLIENTS

(a) A lawyer shall not by in-person, live telephone or real-time electronic contact solicit professional employment when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain, unless the person contacted:

(1) is a lawyer; or

(2) has a family, close personal, or prior professional relationship with the lawyer.

(b) A lawyer shall not solicit professional employment by written, recorded or electronic communication or by in-person, telephone or real-time electronic contact even when not otherwise prohibited by paragraph (a), if:

(1) the lawyer knows or reasonably should know that the physical, emotional or mental state of the target of the solicitation is such that the person could not exercise reasonable judgment in employing a lawyer;

(2) the target of the solicitation has made known to the lawyer a desire not to be solicited by the lawyer; or

(3) the solicitation involves coercion, duress or harassment.

(c) Notwithstanding the prohibitions in paragraph (a), a lawyer may participate with a prepaid or group legal service plan operated by an organization not owned or directed by the lawyer that uses in-person or telephone contact to solicit memberships or subscriptions for the plan from persons who are not known to need legal services in a particular matter covered by the plan.

Adopted 01/01/05

Amended 01/01/14: The title is changed and the phrase "target of the solicitation" or the word "anyone" is substituted for "prospective client" to avoid confusion with the use of the latter term in RPC 1.8. The phrase "Advertising Material" is substituted for "Advertising" in paragraph (c).

Amended 01/01/17: Deleting requirement that lawyer place "Advertising Material" on advertising.

Defined Terms (see Rule 1.0):

"Electronic communication"
 "Known"
 "Knows"
 "Matter"
 "Reasonable"
 "Reasonably should know"
 "Written"

Comparison to Oregon Code

This rule incorporates elements of DR 2-101(D) and (H) and DR 2-104.

Comparison to ABA Model Rule

This rule closely mirrors the Model Rule, although the MR has no counterpart to paragraph (b)(1).

RULE 7.4 [RESERVED]

RULE 7.5 FIRM NAMES AND LETTERHEADS

(a) A lawyer shall not use a firm name, letterhead or other professional designation that violates Rule 7.1. A trade name may be used by a lawyer in private practice if it does not imply a connection with a government agency or with a public or charitable legal services organization and is not otherwise in violation of Rule 7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is a fact.

(e) A lawyer may be designated "Of Counsel" on a letterhead if the lawyer has a continuing professional relationship with a lawyer or law firm, other than as partner or associate. A lawyer may be designated as "General Counsel" or by a similar professional reference on stationery of a client if the lawyer of the lawyer's firm devotes a substantial amount of professional time in the representation of the client.

Adopted 01/01/05

Amended 01/01/14: The rule was modified to mirror the ABA Model Rule.

Defined Terms (see Rule 1.0):

"Firm"
 "Law firm"
 "Partner"
 "Substantial"

Comparison to Oregon Code

This rule retains much of the essential content of DR 2-102.

Comparison to ABA Model Rule

This is the Model Rule.

RULE 7.6 [RESERVED]**MAINTAINING THE INTEGRITY OF THE PROFESSION****RULE 8.1 BAR ADMISSION AND DISCIPLINARY MATTERS**

(a) An applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not:

- (1) knowingly make a false statement of material fact; or**
- (2) fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this rule does not require disclosure of information otherwise protected by Rule 1.6.**

(b) A lawyer admitted to practice in this state shall, within 30 days after receiving notice thereof, report in writing to the disciplinary counsel of the Oregon State Bar the commencement against the lawyer of any disciplinary proceeding in any other jurisdiction.

(c) A lawyer who is the subject of a complaint or referral to the State Lawyers Assistance Committee shall, subject to the exercise of any applicable right or privilege, cooperate with the committee and its designees, including:

- (1) responding to the initial inquiry of the committee or its designees;**
- (2) furnishing any documents in the lawyer's possession relating to the matter under investigation by the committee or its designees;**
- (3) participating in interviews with the committee or its designees; and**
- (4) participating in and complying with a remedial program established by the committee or its designees.**

Adopted 01/01/05

Defined Terms (see Rule 1.0):

"Knowingly"
 "Known"
 "Matter"
 "Writing"

Comparison to Oregon Code

Paragraph (a) replaces DR 1-101, but is broader because the Oregon rule applies only to misconduct in connection with the lawyer's own or another person's application for admission and this rule applies to any "disciplinary

matter." Paragraph (a)(2) replaces DR 1-103(C) but requires only that a lawyer respond rather than "cooperate."

Paragraph (b) is the same as DR 1-103(D). It is placed here because it pertains to the obligations of a lawyer regarding the lawyer's own professional conduct.

Paragraph (c) is the same as DR 1-103(F). It is placed here because it pertains to the obligations of a lawyer regarding the lawyer's own professional conduct.

Comparison to ABA Model Rule

Paragraph (a) is identical to Model Rule 8.1. Paragraphs (b) and (c) have no counterpart in the Model Rules and are taken from the Oregon Code.

RULE 8.2 JUDICIAL AND LEGAL OFFICIALS

(a) A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard to its truth or falsity concerning the qualifications or integrity of a judge or adjudicatory officer, or of a candidate for election or appointment to a judicial or other adjudicatory office.

(b) A lawyer who is a candidate for judicial office shall comply with the applicable provisions of the Code of Judicial Conduct.

Adopted 01/01/05

Defined Terms (see Rule 1.0):

"Knows"

Comparison to Oregon Code

Paragraph (a) is essentially the same as DR 8-102(A) and (B), although the Oregon rule prohibits "accusations" rather than "statements" and applies only to statements about the qualifications of the person.

Comparison to ABA Model Rule

This is the ABA Model Rule, except that the Model Rule also prohibits statements pertaining to "other legal officers."

RULE 8.3 REPORTING PROFESSIONAL MISCONDUCT

(a) A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects shall inform the Oregon State Bar Client Assistance Office.

(b) A lawyer who knows that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office shall inform the appropriate authority.

(c) This rule does not require disclosure of information otherwise protected by Rule 1.6 or ORS 9.460(3), or apply to lawyers who obtain such knowledge or evidence while:

- (1) acting as a member, investigator, agent, employee or as a designee of the State Lawyers Assistance Committee;**
- (2) acting as a board member, employee, investigator, agent or lawyer for or on behalf of the Professional Liability Fund or as a Board of Governors liaison to the Professional Liability Fund; or**
- (3) participating in the loss prevention programs of the Professional Liability Fund, including the Oregon Attorney Assistance Program.**

Adopted 01/01/05

Defined Terms (see Rule 1.0):

"Knows"

"Substantial"

Comparison to Oregon Code

This rule replaces DR 1-103(A) and (E). Paragraph (a) is essentially the same as DR 1-103(A), although the exception for confidential client information is found in paragraph (c). Also, the rule now requires that misconduct be reported to the OSB Client Assistance Office, to conform to changes in the Bar Rules of Procedure that were effective August 1, 2003.

Paragraph (b) has no counterpart in the Oregon Code, although the obligation might be inferred from DR 1-103(A).

Paragraph (c) incorporates the exception for information protected by rule and statute. It also incorporates the exception contained in DR 1-103(E).

Comparison to ABA Model Rule

This is essentially the ABA Model Rule, expanded slightly. Paragraph (c) includes a reference to ORS 9.460(3) to parallel the exceptions in DR 1-103(A). Paragraph (c) in the Model Rule refers only to "information gained...while participating in an approved lawyer assistance program."

RULE 8.4 MISCONDUCT

(a) It is professional misconduct for a lawyer to:

- (1) violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;**
- (2) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;**

(3) engage in conduct involving dishonesty, fraud, deceit or misrepresentation that reflects adversely on the lawyer's fitness to practice law;

(4) engage in conduct that is prejudicial to the administration of justice; or

(5) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate these Rules or other law, or

(6) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.

(7) in the course of representing a client, knowingly intimidate or harass a person because of that person's race, color, national origin, religion, age, sex, gender identity, gender expression, sexual orientation, marital status, or disability.

(b) Notwithstanding paragraphs (a)(1), (3) and (4) and Rule 3.3(a)(1), it shall not be professional misconduct for a lawyer to advise clients or others about or to supervise lawful covert activity in the investigation of violations of civil or criminal law or constitutional rights, provided the lawyer's conduct is otherwise in compliance with these Rules of Professional Conduct. "Covert activity," as used in this rule, means an effort to obtain information on unlawful activity through the use of misrepresentations or other subterfuge. "Covert activity" may be commenced by a lawyer or involve a lawyer as an advisor or supervisor only when the lawyer in good faith believes there is a reasonable possibility that unlawful activity has taken place, is taking place or will take place in the foreseeable future.

(c) Notwithstanding paragraph (a)(7), a lawyer shall not be prohibited from engaging in legitimate advocacy with respect to the bases set forth therein.

Adopted 01/01/05

Amended 12/01/06: Paragraph (a)(5) added.

Amended 02/XX/15: Paragraphs (a)(7) and (c) added.

Defined Terms (see Rule 1.0):

"Believes"

"Fraud"

"Knowingly"

"Reasonable"

Comparison to Oregon Code

This rule is essentially the same as DR 1-102(A).

Paragraph (b) retains DR 1-102(D).

Comparison to ABA Model Rule

Paragraphs (a)(1) through (6) are the same as Model Rule 8.4(a) through (f), except that MR 8.4(a) also prohibits attempts to violate the rules. Paragraph (a)(7) reflects language in Comment [3] of the Model Rule.

Paragraphs (b) and (d) have no counterpart in the Model Rule.

RULE 8.5 DISCIPLINARY AUTHORITY; CHOICE OF LAW

(a) Disciplinary Authority. A lawyer admitted to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction, regardless of where the lawyer's conduct occurs. A lawyer not admitted in this jurisdiction is also subject to the disciplinary authority of this jurisdiction if the lawyer provides or offers to provide any legal services in this jurisdiction. A lawyer may be subject to the disciplinary authority of both this jurisdiction and another jurisdiction for the same conduct.

(b) Choice of Law. In any exercise of the disciplinary authority of this jurisdiction, the Rules of Professional Conduct to be applied shall be as follows:

(1) for conduct in connection with a matter pending before a tribunal, the rules of the jurisdiction in which the tribunal sits, unless the rules of the tribunal provide otherwise; and

(2) for any other conduct, the rules of the jurisdiction in which the lawyer's conduct occurred, or, if the predominant effect of the conduct is in a different jurisdiction, the rules of that jurisdiction shall be applied to the conduct. A lawyer shall not be subject to discipline if the lawyer's conduct conforms to the rules of a jurisdiction in which the lawyer reasonably believes the predominant effect of the lawyer's conduct will occur.

Adopted 01/01/05

Defined Terms (see Rule 1.0):

"Believes"

"Matter"

"Reasonably believes"

"Tribunal"

Comparison to Oregon Code

This rule has no counterpart in the Oregon Code. A similar version based on *former* ABA Model Rule 8.5 was adopted by the Supreme Court in 1996 as Bar Rule of Procedure 1.4.

BR 1.4(a) specifically provides that the Supreme Court's jurisdiction over a lawyer's conduct continues whether or

not the lawyer retains authority to practice law in Oregon and regardless of where the lawyer resides.

BR 1.4(b)(1) is essentially the same as 8.5(b)(1).

BR 1.4(b)(2) applies the Oregon Code if the lawyer is licensed only in Oregon. If the lawyer is licensed in Oregon and another jurisdiction, the rules of the jurisdiction in which the lawyer principally practices apply, or if the conduct has its predominant effect in another jurisdiction in which the lawyer is licensed, then the rules of that jurisdiction will apply.

Comparison to ABA Model Rule

This is the ABA Model Rule, as amended in 2002 in conjunction with the adoption of the amendments to Rule 5.5 regarding multijurisdictional practice. As amended, the rule applies to lawyers not licensed in the jurisdiction if they render or offer to render any legal services in the jurisdiction.

RULE 8.6 WRITTEN ADVISORY OPINIONS ON PROFESSIONAL CONDUCT; CONSIDERATION GIVEN IN DISCIPLINARY PROCEEDINGS

(a) The Oregon State Bar Board of Governors may issue formal written advisory opinions on questions under these Rules. The Oregon State Bar Legal Ethics Committee and General Counsel's Office may also issue informal written advisory opinions on questions under these Rules. The General Counsel's Office of the Oregon State Bar shall maintain records of both OSB formal and informal written advisory opinions and copies of each shall be available to the Oregon Supreme Court, Disciplinary Board, State Professional Responsibility Board, and Disciplinary Counsel. The General Counsel's Office may also disseminate the bar's advisory opinions as it deems appropriate to its role in educating lawyers about these Rules.

(b) In considering alleged violations of these Rules, the Disciplinary Board and Oregon Supreme Court may consider any lawyer's good faith effort to comply with an opinion issued under paragraph (a) of this rule as:

(1) a showing of the lawyer's good faith effort to comply with these Rules; and

(2) a basis for mitigation of any sanction that may be imposed if the lawyer is found to be in violation of these Rules.

(c) This rule is not intended to, and does not, preclude the Disciplinary Board or the Oregon Supreme Court from considering any other evidence of either good faith or basis for mitigation in a bar disciplinary proceeding.

Adopted 01/01/05

Defined Terms (see Rule 1.0):

"Written"

Comparison to Oregon Code

This rule is identical to DR 1-105, amended only to refer to "General Counsel's Office" in the second sentence of

paragraph (a), rather than only to "General Counsel," to make it clear that opinions of assistant general counsel are covered by the rule.

Comparison to ABA Model Rule

This rule has no counterpart in the Model Rules.

DR 1-101	Rule 8.1(a)
DR 1-102(A)(1)	Rule 8.4(a)(1)
DR 1-102(A)(2)	Rule 8.4(a)(2)
DR 1-102(A)(3)	Rule 8.4(a)(3)
DR 1-102(A)(4)	Rule 8.4(a)(4)
DR 1-102(A)(5)	Rule 7.1(a)(5)
DR 1-102(B)(1)	Rule 5.1(c)(1)
DR 1-102(B)(2)	Rule 5.1(c)(2)
DR 1-102(C)	Rule 5.2(a)
DR 1-102(D)	Rule 8.4(b)
DR 1-103(A)	Rule 8.3(a)
DR 1-103(B)	Rule 8.3(b)
DR 1-103(C)	Rule 8.1(a)
DR 1-103(D)	Rule 8.1(b)
DR 1-103(E)	Rule 8.3(c)
DR 1-103(F)	Rule 8.1(c)
DR 1-104	Eliminated
DR 1-105	Rule 8.6
DR 2-101(A)(1)	Rule 7.1(a)(1)
DR 2-101(A)(2)	Rule 7.1(a)(2)
DR 2-101(A)(3)	Rule 7.1(a)(3)
DR 2-101(A)(4)	Rule 7.1(a)(4)
DR 2-101(A)(5)	eliminated
DR 2-101(A)(6)	Rule 7.1(a)(6)
DR 2-101(A)(7)	Rule 7.1(a)(7)
DR 2-101(A)(8)	Rule 7.1(a)(8)
DR 2-101(A)(9)	Rule 7.1(a)(9)
DR 2-101(A)(10)	Rule 7.1(a)(10)
DR 2-101(A)(11)	Rule 7.1(a)(11)
DR 2-101(A)(12)	Rule 7.1(a)(12)
DR 2-101(B)	eliminated
DR 2-101(C)	Rule 7.1(b)
DR 2-101(D)	Rule 7.3(b)

DR 2-101(E)	Rule 7.1(c)
DR 2-101(F)	Rule 7.1(d)
DR 2-101(G)	Rule 7.1(e)
DR 2-101(H)	Rule 7.3(c)
DR 2-102(A)	Rule 7.5(a)
DR 2-102(B)	Rule 7.5(b)
DR 2-102(C)	Rule 7.5(c)
DR 2-102(D)	Rule 7.5(d)
DR 2-102(E)	Rule 7.5(e)
DR 2-102(F)	Rule 7.5(f)
DR 2-103(A)	Rule 7.2(a)
DR 2-103(B)	Rule 7.2(b)
DR 2-103(C)	Rule 7.2(c)
DR 2-104(A)(1)	Rule 7.3(a)
DR 2-104(A)(2)	Rule 7.3(a)
DR 2-104(A)(3)	Rule 7.3(d)
DR 2-104(B)	Eliminated
DR 2-105	Rule 5.4(e)
DR 2-106(A)	Rule 1.5(a)
DR 2-106(B)	Rule 1.5(b)
DR 2-106(C)	Rule 1.5(c)
DR 2-107(A)	Rule 1.5(d)
DR 2-107(B)	Rule 1.5(e)
DR 2-108	Rule 5.6
DR 2-109	Rule 3.1
DR 2-110	Rule 1.16
DR 2-111	Rule 1.17
DR 3-101(A)	Rule 5.5(a)
DR 3-101(B)	Rule 5.5(a)
DR 3-102	Rule 5.4(a)
DR 3-103	Rule 5.4(b)
DR 4-101(A)-C	Rule 1.6(a)-(b)

DR 4-101(D)	Rule 5.3(b)
DR 5-101(A)(1)	Rule 1.7(a)(2)
DR 5-101(A)(2)	Rule 1.7(a)(3)
DR 5-101(B)	Rule 1.8(c)
DR 5-102	Rule 3.7
DR 5-103(A)	Rule 1.8(i)
DR 5-103(B)	Rule 1.8(e)
DR 5-104(A)	Rule 1.8(a)
DR 5-104(B)	Rule 1.8(d)
DR 5-105(A)(1)	Rule 1.7(b)(3)
DR 5-105(B)	Rule 1.0(i)
DR 5-105(C)	Rule 1.9(a)
DR 5-105(D)	Rule 1.9(a)
DR 5-105(E)	Rule 1.7(a)
DR 5-105(F)	Rule 1.7(b)
DR 5-105(G)	Rule 1.8(k)
DR 5-105(H)	Rule 1.9(b)
DR 5-105(I)	Rule 1.10(c)
DR 5-105(J)	Rule 1.10(b)
DR 5-106	Rule 2.4
DR 5-107	Rule 1.8(g)
DR 5-108(A)	Rule 1.8(f)
DR 5-108(B)	Rule 5.4(c)
DR 5-109(A)	Rule 1.12(a)
DR 5-109(B)	Rule 1.11(a)
DR 5-110	Rule 1.8(j)
DR 6-101(A)	Rule 1.1
DR 6-101(B)	Rule 1.3
DR 6-102(A)	Rule 1.8(h)(1)-(2)
DR 6-102(B)	Rule 1.8(h)(3)
DR 7-101(A)	Rule 1.2(a)

DR 7-101(B)	Rule 1.2(a)
DR 7-101(C)	Rule 1.14
DR 7-101(D)	Rule 2.3
DR 7-102(A)(1)	Rule 3.1, 4.4(a)
DR 7-102(A)(2)	Rule 3.1
DR 7-102(A)(3)	Rule 3.3(a)(4)
DR 7-102(A)(4)	Rule 3.3(a)(3)
DR 7-102(A)(5)	Rule 3.3(a)(1)
DR 7-102(A)(6)	Rule 3.4(b)
DR 7-102(A)(7)	Rule 1.2(c)
DR 7-102(A)(8)	eliminated
DR 7-102(B)	Rule 3.3(b)
DR 7-103	Rule 3.8
DR 7-104(A)(1)	Rule 4.2
DR 7-104(A)(2)	Rule 4.3
DR 7-105	Rule 3.4(g)
DR 7-106(A)	Rule 3.4(c)
DR 7-106(B)(1)	Rule 3.3(a)(2)
DR 7-106(B)(2)	eliminated
DR 7-106(C)(1)	Rule 3.4(e)
DR 7-106(C)(2)	eliminated
DR 7-106(C)(3)	Rule 3.4(e)
DR 7-106(C)(4)	Rule 3.4(e)
DR 7-106(C)(5)	eliminated
DR 7-106(C)(6)	Rule 3.5(d)
DR 7-106(C)(7)	Rule 3.4(c)
DR 7-107(A)	Rule 3.6(a)
DR 7-107(B)	Rule 3.6(b)
DR 7-107(C)	Rule 3.6(c)
DR 7-108(A)	Rule 3.5(b)
DR 7-108(B)	Rule 3.5(b)
DR 7-108(C)	eliminated
DR 7-108(D)	Rule 3.5(c)
DR 7-108(E)	Rule 3.5(c)

DR 7-108(F)	Rule 3.5(c)
DR 7-108(G)	Rule 3.5(e)
DR 7-109(A)	Rule 3.4(a)
DR 7-109(B)	Rule 3.4(f)
DR 7-110	Rule 3.5(b)
DR 8-101(A)(1)	Rule 1.11(c) & (d)(i)
DR 8-101(A)(2)	Rule 1.11(d)(ii)
DR 8-101(A)(3)	Rule 1.11(d)(iii)
DR 8-101(A)(4)	Rule 1.11(c) & (d)(iv)
DR 8-101(B)	eliminated
DR 8-101(C)	Rule 1.11(e)
DR 8-101(D)	Rule 1.11(f)
DR 8-102	Rule 8.2
DR 8-103	Rule 8.2(b)
DR 9-101(A)-(C)	Rule 1.15-1(a)-(e)
DR 9-101(D)(1)	Rule 1.15(a)
DR 9-101(D)(2)-(4)	Rule 1.15-2(a)-(h)
DR 9-102	Rule 1.15(i)-(l)
DR 10-101	Rule 1.0

Rule 1.0	DR 10-101
Rule 1.0(i)	DR 5-105(B)
Rule 1.1	DR 6-101(A)
Rule 1.2(a)	DR 7-101(A)&(B)
Rule 1.2(c)	DR 7-102(A)(7)
Rule 1.3	DR 6-101(B)
Rule 1.5(a)	DR 2-106(A)
Rule 1.5(b)	DR 2-106(B)
Rule 1.5(c)	DR 2-106(C)
Rule 1.5(d)	DR 2-107(A)
Rule 1.5(e)	DR 2-107(B)
Rule 1.6(a)-(b)	DR 4-101(A)-(C)
Rule 1.7(a)(1)	DR 5-105(E)
Rule 1.7(a)(2)	DR 5-101(A)(1)
Rule 1.7(a)(3)	DR 5-101(A)(2)
Rule 1.7(b)	DR 5-105(F)
Rule 1.7(b)(3)	DR 5-105(A)(1)
Rule 1.8(a)	DR 5-104(A)
Rule 1.8(b)	DR 4-101(B)
Rule 1.8(c)	DR 5-101(B)
Rule 1.8(d)	DR 5-104(B)
Rule 1.8(e)	DR 5-103(B)
Rule 1.8(f)	DR 5-108(A)
Rule 1.8(g)	DR 5-107
Rule 1.8(h)(1)-(2)	DR 6-102(A)
Rule 1.8(h)(3)	DR 6-102(B)
Rule 1.8(i)	DR 5-103(A)
Rule 1.8(j)	DR 5-110
Rule 1.8(k)	DR 5-105(G)
Rule 1.9(a)	DR 5-105(C)&(D)
Rule 1.9(b)	DR 5-105(H)
Rule 1.10(a)	DR 5-105(G)
Rule 1.10(b)	DR 5-105(J)

Rule 1.10(c)	DR 5-105(I)
Rule 1.11(a)	DR 5-109(B) & 8-101(B)
Rule 1.11(b)	DR 5-105(G)
Rule 1.11(c)	DR 8-101(A)(4)
Rule 1.11(d)(2)(i)-(iv)	DR 8-101(A)(1)-(4)
Rule 1.11(e)	DR 8-101(C)
Rule 1.11(f)	DR 8-101(D)
Rule 1.12(a)	DR 5-109(A)
Rule 1.14	DR 7-101(C)
Rule 1.15-1	DR 9-101(A)-(C) & (D)(1)
Rule 1.15-2(a)-(h)	DR 9-101(D)(2)-(4)
Rule 1.15-2(i)-(l)	DR 9-102
Rule 1.16	DR 2-110
Rule 1.17	DR 2-111
Rule 2.3	DR 7-101(D)
Rule 2.4	DR 5-106
Rule 3.1	DR 2-109 & 7-102(A)(1) & (2)
Rule 3.3(a)(1)	DR 7-102(A)(5)
Rule 3.3(a)(2)	DR 7-106(B)(1)
Rule 3.3(a)(3)	DR 7-102(A)(4)
Rule 3.3(a)(4)	DR 7-102(A)(3)
Rule 3.3(a)(5)	DR 7-102(A)(8)
Rule 3.3(b)	DR 7-102(B)
Rule 3.4(a)	DR 7-109(A)
Rule 3.4(b)	DR 7-102(A)(6) & 7-109(B)&(C)
Rule 3.4(c)	DR 7-106(A) & (C)(7)
Rule 3.4(e)	DR 7-106(C)(1), (3)&(4)

Rule 3.4(f)	DR 7-109(B)
Rule 3.4(g)	DR 7-105
Rule 3.5(b)	DR 7-108(A)&(B) & DR 7-110
Rule 3.5(c)	DR 7-108(D)-(F)
Rule 3.5(d)	DR 7-106(C)(6)
Rule 3.5(e)	DR 7-108(G)
Rule 3.6(a)	DR 7-107(A)
Rule 3.6(b)	DR 7-107(B)
Rule 3.6(c)	DR 7-107(C)
Rule 3.7	DR 5-102
Rule 3.8	DR 7-103
Rule 4.2	DR 7-104(A)(1)
Rule 4.3	DR 7-104(A)(2)
Rule 4.4(a)	DR 7-102(A)(1)
Rule 5.1(a)	DR 1-102(B)(1)
Rule 5.1(b)	DR 1-102(B)(2)
Rule 5.2(a)	DR 1-102(C)
Rule 5.3(B)	DR 4-101(D)
Rule 5.4(a)	DR 3-102
Rule 5.4(b)	DR 3-103
Rule 5.4(c)	DR 5-108(B)
Rule 5.4(d)	DR 5-108(D)
Rule 5.4(e)	DR 2-105
Rule 5.5(a)	DR 3-101
Rule 5.6	DR 2-108
Rule 6.3	DR 5-108(C)(1)&(2)
Rule 6.4	DR 5-108(C)(3)
Rule 7.1(a)(1)	DR 2-101(A)(1)
Rule 7.1(a)(2)	DR 2-101(A)(2)
Rule 7.1(a)(3)	DR 2-102(A)(3)

Rule 7.1(a)(4)	DR 2-102(A)(4)
Rule 7.1(a)(5)	DR 1-102(A)(5)
Rule 7.1(a)(6)	DR 2-101(A)(6)
Rule 7.1(a)(7)	DR 2-101(A)(7)
Rule 7.1(a)(8)	DR 2-101(A)(8)
Rule 7.1(a)(9)	DR 2-101(A)(9)
Rule 7.1(a)(10)	DR 2-101(A)(10)
Rule 7.1(a)(11)	DR 2-101(A)(11)
Rule 7.1(a)(12)	DR 2-101(A)(12)
Rule 7.1(b)	DR 2-101(C)
Rule 7.1(c)	DR 2-101(D)
Rule 7.1(d)	DR 2-101(F)
Rule 7.1(e)	DR 2-101(G)

Rule 7.2(a)	DR 2-103(A)
Rule 7.2(b)	DR 2-103(B)
Rule 7.2(c)	DR 2-103(C)
Rule 7.3(a)	DR 2-104(A)(1)
Rule 7.3(b)	DR 2-101(D)
Rule 7.3(c)	DR 2-101(H)
Rule 7.3(d)	DR 2-104(A)(3)
Rule 7.5(a)	DR 2-102(A)
Rule 7.5(b)	DR 2-102(B)
Rule 7.5(c)	DR 2-102(C)
Rule 7.5(d)	DR 2-102(D)
Rule 7.5(e)	DR 2-102(E)
Rule 7.5(f)	DR 2-102(F)

Rule 8.1(a)	DR 1-101 & 1-103(C)
Rule 8.1(b)	DR 1-103(D)
Rule 8.1(c)	DR 1-103(F)
Rule 8.2(a)	DR 8-102
Rule 8.2(b)	DR 8-103
Rule 8.3(a)	DR 1-103(A)
Rule 8.3(b)	DR 1-103(B)
Rule 8.3(c)	DR 1-103(E)
Rule 8.4(a)(1)-(4)	DR 1-102(A)(1)-(4)
Rule 8.4(b)	DR 1-102(D)
Rule 8.6	DR 1-105

Section 21 City Manager.

- (a) **Qualifications.** The city manager shall be the administrative head of the government of the city. He shall be chosen by the commission without regard to political considerations and solely with reference to his executive and administrative qualifications. He need not be a resident of the city or of the state at the time of his appointment. Before taking office, he shall give a bond in such amount and with such surety as may be approved by the commission. The premiums on such bond shall be paid by the city.
- (b) **Term.** The manager shall be appointed for an indefinite term and may be removed at the pleasure of the commission. Upon any vacancy occurring in the office of manager after the first appointment pursuant to this charter, the commission at its next meeting shall adopt a resolution of its intention to appoint another manager. Not later than four months after adopting the resolution, the commission shall appoint a manager to fill the vacancy.
- (c) **Powers and Duties.** The powers and duties of the manager shall be as follows:
 - (1) He shall devote his entire time to the discharge of his official duties, attend all meetings of the commission unless excused therefrom by the commission or the mayor, keep the commission advised at all times of the affairs and needs of the city, and make reports annually, or more frequently if requested by the commission, of all the affairs and departments of the city.
 - (2) He shall see that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits, and privileges granted by the city are observed.
 - (3) The manager shall designate a city recorder, shall appoint and may remove appointive city officers and employees except as this charter otherwise provides, and shall have general supervision and control over them and their work with power to transfer an employee from one department to another. He shall supervise the departments to the end of obtaining the utmost efficiency in each of them. He shall have no control, however, over the commission or over the judicial activities of the municipal judge.
 - (4) He shall act as purchasing agent for all departments of the city. All purchases shall be made by requisition signed by him or authorized designee.
 - (5) He shall be responsible for preparing and submitting to the budget committee the annual budget estimates and such reports as that body request.
 - (6) He shall supervise the operation of all public utilities owned and operated by the city and shall have general supervision over all city property.
- (d) **Seats at Commission Meetings.** The manager and such other officers as the commission designates shall be entitled to sit with the commission but shall have no vote on questions before it. The manager may take part in all commission discussions.
- (e) **Manager Pro Tem.** Whenever the manager is absent from the city, is temporarily disabled from acting as manager, or whenever his office becomes vacant, the commission shall appoint a manager pro tem, who shall possess the powers and duties of the manager. No manager pro tem, however, may appoint or remove a city officer or employee except with the approval of three members of the commission.
- (f) **Ineligible Persons.** Neither the manager's spouse nor any person related to the manager or his spouse by consanguinity or affinity within the third degree may hold any appointive office or employment with the city.

Ex. B

Chapter 2.08 - CITY ATTORNEY

2.08.010 - Appointed.

The attorney shall be appointed by, and shall serve at the discretion of the manager.

(Prior code §1-11-1)

2.08.020 - Qualifications.

The attorney shall be admitted to practice law in the state.

(Prior code §1-11-2)

2.08.030 - Duty to prosecute.

The attorney shall be the public prosecutor of the city. It shall be his duty to diligently inquire into and prosecute in the municipal court all violations and infractions of the laws of the city, and he shall be the legal representative of the city in any case in which the city is a party.

(Prior code §1-11-3)

2.08.040 - Legal advisor.

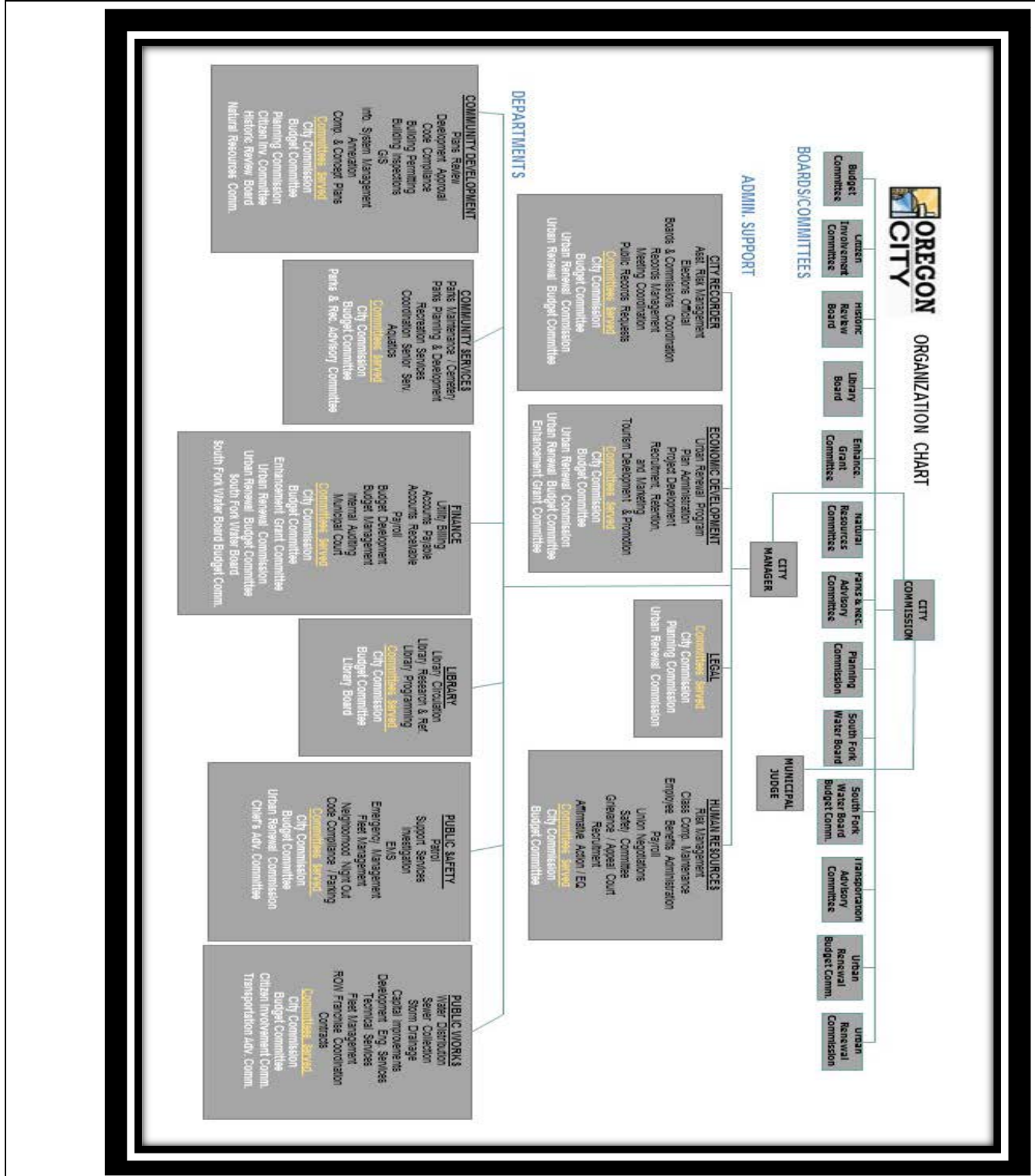
The attorney shall be the legal advisor of all city officers, and it shall be his duty to prepare all proposed amendments to the charter, ordinances, contracts, bonds or other legal papers on the request of the proper officials, in which the city is a party or interested. He shall perform such other duties as may be prescribed by the provisions of this code or order of the commission.

(Prior code §1-11-4)

Ex. C

CITY OF OREGON CITY ORGANIZATIONAL CHART

Ex. D



**Garvey Schubert
Barer**

Memo

To: Mayor Norris and City Commission
From: City Attorney
CC: City Manager
Date: August 20, 2022
Re: Commissioner Nicita's Memorandum of July 7, 2009 on Commission and Staff Communications

In response to requests by the Commission and the Manager, here are my comments on the above memorandum. These comments are limited to those matters in which our office is mentioned in that memorandum.

Commissioner Nicita expresses concerns over our advice on the Cove DDA and Agnes Road issues being sent to the Manager, rather than to all of the City Commission or Urban Renewal Commission. He also notes that I responded to his request regarding the status of the Cove project after Kaiser had withdrawn in a "terse" manner, to the effect that I understood, and still understand, that the use of City Attorney time must be authorized by the relevant commission or the City Manager.

My understanding of my role in advising the City and Urban Renewal Commissions is that I am to work through the City Manager unless the relevant Commission requests otherwise. That means that, if the Mayor or an individual commissioner requests advice, I must clear authority to respond from either the relevant commission or the Manager. If the Commission wishes to change this protocol so that any of the Commission members may request research and advice directly from our office, or to establish a certain amount of hours allocated to each Commissioner, or to allow the Mayor or Urban Renewal Commission Chair to authorize our time, the Commission may certainly undertake these steps.

Similarly, our advice to the City and Urban Renewal commissions is channeled through the City Manager, who has the Charter authority to appoint and remove city officers and employees and has "general supervision and control" over them.¹ While we have occasionally responded directly to issues (e.g., to indicate that the City has separate counsel on urban renewal, ordinance violation or labor relations matters), my understanding of the "chain of command" is that the Manager is responsible to the elected officials and that, in the main, I must provide advice through that office. Again, if the Commission wishes to change that protocol, we will follow that direction.

Regarding the Hermann public records request, we have not been involved in the prosecution of that case in municipal court and we have not been asked to assist the City in response to any public record request.

¹ Charter §21(c)(3).

In his "Discussion Points," Commissioner Nicita raises issues over the role of the Commission, and individual commissioners, in the operations of the City. It is true that the Commission is the body in which policy and legislative authority of the City is vested. It is also true that the City Manager is the "administrative head" of city government. The Commission has the power to pass ordinances and provide policy direction. The important distinction is between the roles of the Commission and individual commissioners. While the *Commission* may require reports, and may hire, fire or discipline the City Manager, or undertake other policy or personnel action, individual commissioners do not have that power unless the Charter or ordinance provide otherwise. The Manager may act at his peril if he or she is unresponsive or hostile to an individual commissioner, but there is no Charter-granted right for an individual commissioner (as opposed to the Commission itself) to have any greater right to undertake these actions individually.

Similarly, the City Attorney advises the City, acting through its manager (for administrative functions) and the City Commission (for policy and certain personnel functions). If the Commission wishes to have the City Attorney advise Commissioners directly outside of City Commission meetings, it may do so. However, that is not my understanding of the present protocol, which the City Commission is free to revise.²

Thank you for the opportunity to respond.

PDX_DOCS:436892.1
DRAFT 6:20 PM

² Commissioner Nicita refers to a response to Commissioner Neeley regarding the CHP management issue. I assume I did so, although I cannot find an email to that effect and do not know whether that response was before or after the Commission became involved in the matter and how extensive that response was. Commissioner Nicita would be correct in his point on consistency, however, and we will seek not to respond causally or otherwise to individual Commissioner requests, but seek to channel them through the Commission or the Manager, as appropriate, unless directed otherwise.



MEMORANDUM

TO: Oregon City Commission
CC: City Manager
City Recorder
FROM: Edward J. Sullivan
DATE: January 26, 2011
RE: Atkinson Church Proceedings

The Development Director contacted our office to say he had been asked by a City Commissioner to provide copies of all internal staff correspondence dealing with the Atkinson Church proceedings, which had been decided by the City's Historic Review Board and City Commission.¹ The request for documents included all correspondence between the Director and our office. I have reviewed these materials and am prepared to provide copies of all these documents to the Manager and City Commission if desired. However, the request raises three issues that the Manager and Commission should consider as a matter of policy in dealing with confidential legal advice:

1. While the City is the client with respect to confidential legal advice, the attorney-client privilege extends to the staff member or members who receive that advice, but staff is not authorized to share that advice. That authority rests with the Commission as a whole or with the City Manager.
2. If the information is shared outside of those two offices, such as to anyone else, including a City Commissioner acting in an individual capacity, the privilege is lost completely and finally. What was privileged and confidential in the communication about the subject matter can no longer be protected.
3. If the Commission wishes to share any attorney-client privileged information outside these two centers of authority, it should establish a policy to do so. Until that is done, the attorney-client privilege for this information may be lost as to the subject matter of the communication. Because of that possibility, I am uncomfortable providing sharing this information until either the Manager, or the Commission as a whole, directs us to do so.

This memorandum contains an analysis of (1) the City of Oregon City's duty to disclose confidential communications between its counsel and City representatives; and (2) the consequences of voluntary disclosure of those records.

¹ The application was approved, there was no further appeal in that case and the matter is now final.

A. Public Records Are Exempt from Disclosure When Privileged By Oregon Law

Under the Oregon Public Records Law, “[e]very person has a right to inspect any public record of a public body in this state, except as otherwise expressly provided by ORS 192.501 to ORS 192.505.” ORS 192.420(1). The communications in question (mostly emails) are public records, which are defined as including “any writing that contains information relating to the conduct of the public’s business.” ORS 192.410(4)(a). The records at issue fit squarely within the “public record” definition because they relate to a particular Historic Review Board decision and contain communications between our firm, the City Manager and the City Manager’s staff, the City Commissioners, and staff members of the City Planning Department regarding a particular land use decision and pertain to the process by which the decision was made. However, the Public Records Law provides that if public records are “confidential or privileged under Oregon law,” they are unconditionally exempt from disclosure. ORS 192.502(9). *Klamath County School District v. Teamey*, 207 Or.App. 250, 260, 140 P3d 1152, rev. den., 342 Or. 46 148 P3d 915 (2006). The scope of this disclosure exemption runs parallel to the definition of the attorney-client privilege in Oregon. “[I]f the requirements of OEC 503 are satisfied, the attorney-client privilege applies” and disclosure under the public law is not required. *Id.* at 261.

The public records sought in the request are covered by the lawyer-client privilege codified by Rule 503 of the Oregon Evidence Code. ORS 40.225. The lawyer-client privilege in Oregon applies to “confidential communications made for the purpose of facilitating the rendering of professional legal services to the client....” OEC 503(2). In this case, the communications appear to be made in confidence between representatives of the client and lawyers of the client, or between the lawyers themselves, and were made for the purpose of facilitating the rendering of professional legal services, as opposed to the purposes of providing commercial or personal advice. There is no indication that this privilege has been waived or that confidentiality has not been maintained regarding the subject matter of these communications. Therefore, the records are exempt from disclosure under the Public Records Law.

B. Voluntary Disclosure of Privileged Communications Waives Privilege as to Other Communications

“Rule 511 provides that disclosure of a significant part of the privileged matter or communication to any person will waive the privilege, unless the disclosure is itself a privileged communication.” Kirkpatrick on Evidence § 511.03.

“Under that rule, when a holder of the lawyer-client privilege voluntarily has disclosed material covered by the privilege, two considerations arise in determining whether a waiver has occurred: (1) whether the disclosure itself was ‘itself a privileged communication’ and, if not, (2) whether the disclosure was of a ‘significant part of the matter or communication.’”

State ex rel. Oregon Health Sciences University v. Haas, 325 Or. 492, 498 (1997).

In this case, providing the records to a Commissioner *in his or her individual capacity* would be considered non-privileged communication. To be privileged, a communication requires three elements.

“First, the communication must be ‘confidential’ within the meaning of OEC 503(1)(b). Second, the communication must be made for the purpose of facilitating the rendition of professional

legal services to the client. Third, the communication must have been between persons described in one of the paragraphs of OEC 503(2)(a) through (e).” *Id.* at 501.

Even if the first test is met because the communication remains confidential, the disclosure to a Commissioner in his or her individual capacity would not meet the criteria of the second or third test. First, disclosure would not be for the purpose of facilitating the rendition of professional legal services. Second, the Commissioner, as an individual, does not fall into the categories of persons described in OEC 503(2)(a) through (e) (various combinations of the client, the client’s representatives, the lawyer and the lawyer’s representatives) because in his or her individual capacity, the Commissioner is not a representative of the client. Therefore, voluntary disclosure to such a person of these privileged records is not itself privileged communication.

Disclosure of the requested records themselves would constitute a “significant part of the matter or communication.” This is in contrast to when a holder of the privilege discloses the underlying *facts* to third persons without waiving the privilege (only actual communications are privileged, not facts).

The consequences of waiving privilege by voluntarily providing privileged communications could potentially be severe:

“The Commentary states that if a significant part of the privileged communication is voluntarily disclosed, then ‘the privilege in question is waived as to other communications on the same subject with the same person, and communications on the same subject with other persons....’ Under this view, waiver extends to the entire subject matter of the privileged communication rather than to merely one specific communication.” Kirkpatrick on Evidence § 511.05.

Therefore, providing a Commissioner, in an individual capacity, with the communications between our firm and various representatives of the City could lead to losing the privilege to all communications regarding the Atkinson Church application if *any other person* requests communications on the same topic.

Although disclosure of these particular records may not be harmful in the case at issue based on the substance contained therein, the confidentiality that the client, i.e., the City, desires to maintain would be at risk if the confidential communications were disclosed in the face of a privilege that could be exercised.

Under the City Charter, the Commission and the Manager have control over the affairs of the City and may determine whether the attorney-client privilege will be waived. If such a written request is made in the future, we will supply such privileged communications to either the Commission or the Manager who can determine whether to waive the privilege. The Commission should provide direction as to how it wishes to treat these matters as a body, so that the City would not lose the privilege inadvertently.

I will be happy to discuss the matter with the Commission at its convenience.



James Nicita <james.nicita@gmail.com>

Public Comment: "Baker Conflict" in GLUA-21-00045 / MAS-21-00006 / VAR-22-00001 Park Place Crossing General Development Plan.

Dirk Schlagenhauser <dschlagenhauser@orccity.org>
To: James Nicita <james.nicita@gmail.com>

Sun, May 22, 2022 at 12:21 PM

Thank you for the comment Jim

I'm not a lawyer but I'll read through this and ask our attorney for her view of it.

Dirk

Sent from my iPhone

On May 21, 2022, at 4:59 PM, James Nicita <james.nicita@gmail.com> wrote:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

[Quoted text hidden]

2 attachments

-  **Baker Conflicts.pdf**
148K
-  **NC Zone Findings.pdf**
159K

Ex. G

GLUA-21-00045: Park Place Crossing General Development Plan:

MAS-21-00006 – General Development Plan (GDP)

VAR-22-00001 – Variance

Type III Quasi-judicial review

Pete Walter, Planning Manager

Planning Commission

8/22/2022



Project Summary

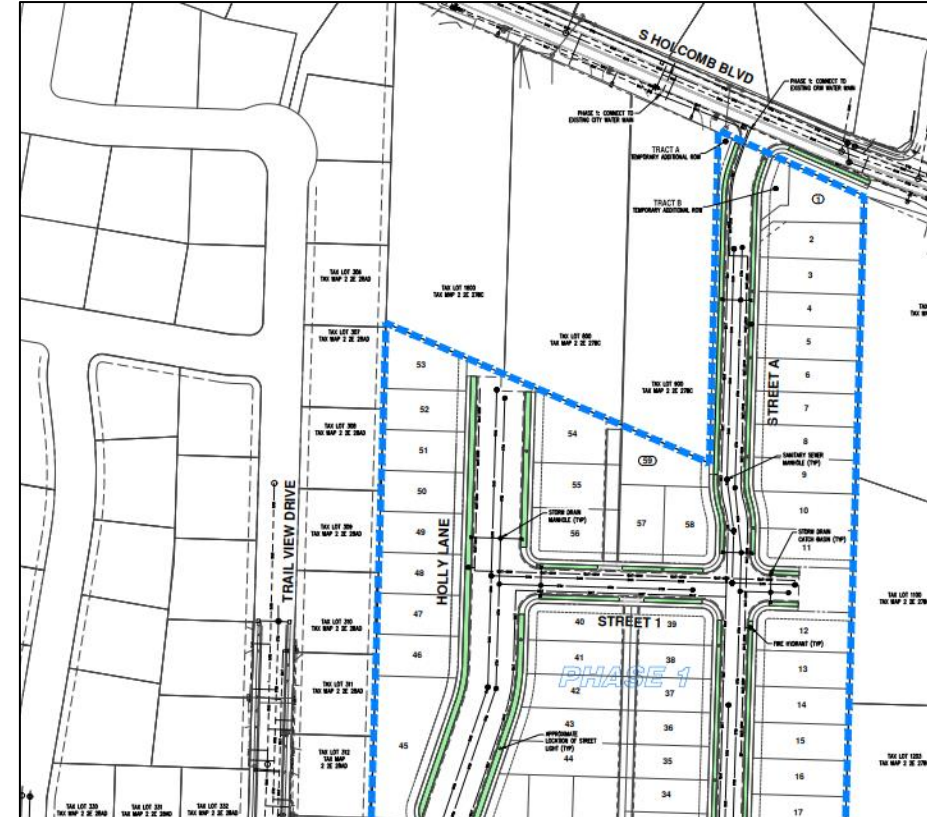
- **General Development Plan (GDP):** The overall long-term approach to development through 2030 for up to 426 residential lots, including supporting parks, trails, and neighborhood commercial and civic spaces. Included in the request for GDP approval is:
 - A modification to street width standards for a limited segment of Holly Lane
 - Adjustments to the following development standards:
 - OCMC 17.08.040 and 17.10.040 Dimensional Standards, including up to 20% reduction of lot sizes, widths, depths, and setbacks
 - OCMC 17.21.090.A for garage placement and design
 - ~~OCMC 17.08.050 and 17.10.050 Density Standards to exceed maximum density by approximately 4%~~
- **Variance:** Request to reduce the minimum lot size for attached single family lots to 1800 square feet.



Park Place Crossing GDP

Items that will be reviewed at time of DDP

- Tree removal and mitigation
- Geologic Hazard compliance
- NROD compliance
- Stormwater designs
- Block lengths
- Final lot sizes and layout
- Further transportation analysis



Previous hearings and continuances:

- April 25th
- May 9th
- May 23rd
- July 11th
- July 27



Tonight's Hearing

1. Staff Report
2. Applicant's Presentation and Questions
3. Public Testimony
4. Applicant rebuttal
5. Planning Commission deliberation
6. Close public record
7. Tentative approval with conditions
8. Continue to Sept 5, 2022 for adoption of final findings



Park Place Crossing GDP

120-Day Land Use Decision Deadline

Extensions may be granted by applicant

Current deadline: October 23, 2022

All local appeals must occur before deadline

- Period in which to appeal Planning Commission decision to City Commission: 14 days from mailing of notice of decision.
- Notice period in advance of City Commission appeal hearing: 20 days



Park Place Crossing GDP

Public Testimony

- Staff provided an updated Public Comment Summary responding to comments received with the revised 8/18/2022 packet.
- Comments attached in Planning Commission Packet:
 - Janice Troxler 8.16.2022
 - Sean McLaughlin 8.16.2022
 - JoAnn Grugan 5.14.2022
- Comments received since 8/15, sent via email to Planning Commissioners today:
 - Steve Sagi 8.22.2022
 - Dan Berge, 8.22.2022
 - Christine Kosinski, 8.22.2022
 - Sharon Neish (3), 8.22.2022
 - James Nicita, w/ Exhibits A-G, 8.20.2022
 - Suze Hammond, 8.21.2022



New Items

•In published agenda packet

- Staff Report – Redlined and Re-published
- Applicant’s final written Argument – letter to PC, 8.19.2022
- Exhibit 7 – A new exhibit submitted 8/17/2022 indicating locations of alley loaded vs. topographically constrained lots
- Applicant memo describing with revised layout, 8.11.2022
- Exhibit 1 – Park Place Crossing Layout Revision, 8.11.2022
- Exhibit 2 – Revised Zone Overlay Map and Density, 8.11.2022
- Housing Types Memo, 8.15.2022
- Public Comment Summary Table UPDATED through 8.15.2022
- Copies of all written testimony received before close of business 8.15.2022.



Park Place Crossing GDP

Summary of Revisions

- Revised layout for park, reduced to 4.3 acres, still consistent with PPCP
- Improved street connectivity and access to park, mixed-use and civic areas
- Livesay Main Street has longer mixed-use frontage
- Overall units reduced to 426 in R-5 and R-10 zone
- 440 total housing units.
 - 287 single-family detached dwelling - 65%
 - 139 single-family attached dwellings – 32%
 - 14 units of Mixed Use – Apartments – 3%.
- Phase 1 reduced to 49 units
- “Paired townhomes” added to Phase 1
- Larger lots abutting existing neighborhoods
- Addition of alleys where feasible
- Increased NC zoning, 3 parcels = 2.43 acres



Items in Applicant's Latest Memo to Planning Commission

II. Concerns regarding proposed Conditions of Approval

- #11: Parks financial guarantee ← NEW
- #53: Hydrology report to discuss maintenance of aquifers ← NEW

III. Responses to Public Comments (a-k)

IV. Argument that the application is subject to Clear and Objective Standards / Needed Housing ← NEW

- City of Oregon City Housing Needs Analysis – Dec. 2021 ← NEW



Revised Layout

UNIT TYPE LEGEND:

[Orange Box]	LOTS CONSOLIDATED AND INCREASED IN SIZE TO MATCH EXISTING ADJACENT PROPERTY LINES, INCREASE TO 10,000 SQ FT WITHIN R-10 ZONE, AND LIMIT NEW LOTS ON PERIMETER OF DEVELOPMENT
[Light Blue Box]	TOWNHOME LOTS
[Dark Blue Box]	PAIRED TOWNHOMES LOTS

PARK PLACE CROSSING RESIDENTIAL UNITS

UNIT TYPE	UNITS
PAIRED TOWNHOMES	18
TOWNHOMES	121
4-5K SQ FT DETACHED	255
>5K SQ FT DETACHED	32
MIXED-USE (APARTMENT)	14
TOTAL	440

PARK PLACE CROSSING PROPORTIONALITY TO PARK PLACE CONCEPT PLAN NORTH VILLAGE

PPCP NORTH VILLAGE TOTAL UNITS	937
PPC TOTAL UNITS	440
PERCENTAGE OF PPCP NORTH VILLAGE	47.0%
TOTAL PPCP NORTH VILLAGE PARK (ACRES)	8
PPC PROPORTIONAL PARK REQUIRED (ACRES)	3.8
*PPC DEDICATED PARK (ACRES)	4.3
REIMBURSED PARK (ACRES)	0.5

* IN ADDITION TO 15.3 ACRES OF OPEN SPACE

PHASED UNIT TYPE AND OPEN SPACE SUMMARY:

PHASE 1:	
• SINGLE FAMILY DETACHED:	31
• SINGLE FAMILY ATTACHED:	18
• MIXED-USE (APARTMENTS):	0
• OPEN SPACE:	0.2± ACRE
PHASE 2:	
• SINGLE FAMILY DETACHED:	114
• SINGLE FAMILY ATTACHED:	121
• MIXED-USE (APARTMENTS):	14
• OPEN SPACE:	6.1± ACRE
PHASE 3:	
• SINGLE FAMILY DETACHED:	52
• SINGLE FAMILY ATTACHED:	0
• MIXED-USE (APARTMENTS):	0
• OPEN SPACE:	0.0± ACRE
PHASE 4:	
• SINGLE FAMILY DETACHED:	44
• SINGLE FAMILY ATTACHED:	0
• MIXED-USE (APARTMENTS):	0
• OPEN SPACE:	7.6± ACRE
PHASE 5:	
• SINGLE FAMILY DETACHED:	35
• SINGLE FAMILY ATTACHED:	0
• MIXED-USE (APARTMENTS):	0
• OPEN SPACE:	1.5± ACRE
PHASE 6:	
• SINGLE FAMILY DETACHED:	11
• SINGLE FAMILY ATTACHED:	0
• MIXED-USE (APARTMENTS):	0
• OPEN SPACE:	0.0± ACRE
TOTAL:	
SINGLE FAMILY LOTS:	426
RESIDENTIAL UNITS:	440
SINGLE FAMILY DETACHED UNITS:	287 (65%)
SINGLE FAMILY ATTACHED UNITS:	139 (32%)
MIXED-USE (APARTMENT) UNITS:	14 (3%)
OPEN SPACE:	15.3± ACRE

Townhome lots relocated away from edges

Revised park layout and size

Added street west of Holly Lane

Paired townhomes

Larger lots abutting existing residential

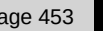
Additional alleys

Increased Mixed Use / Civic Area

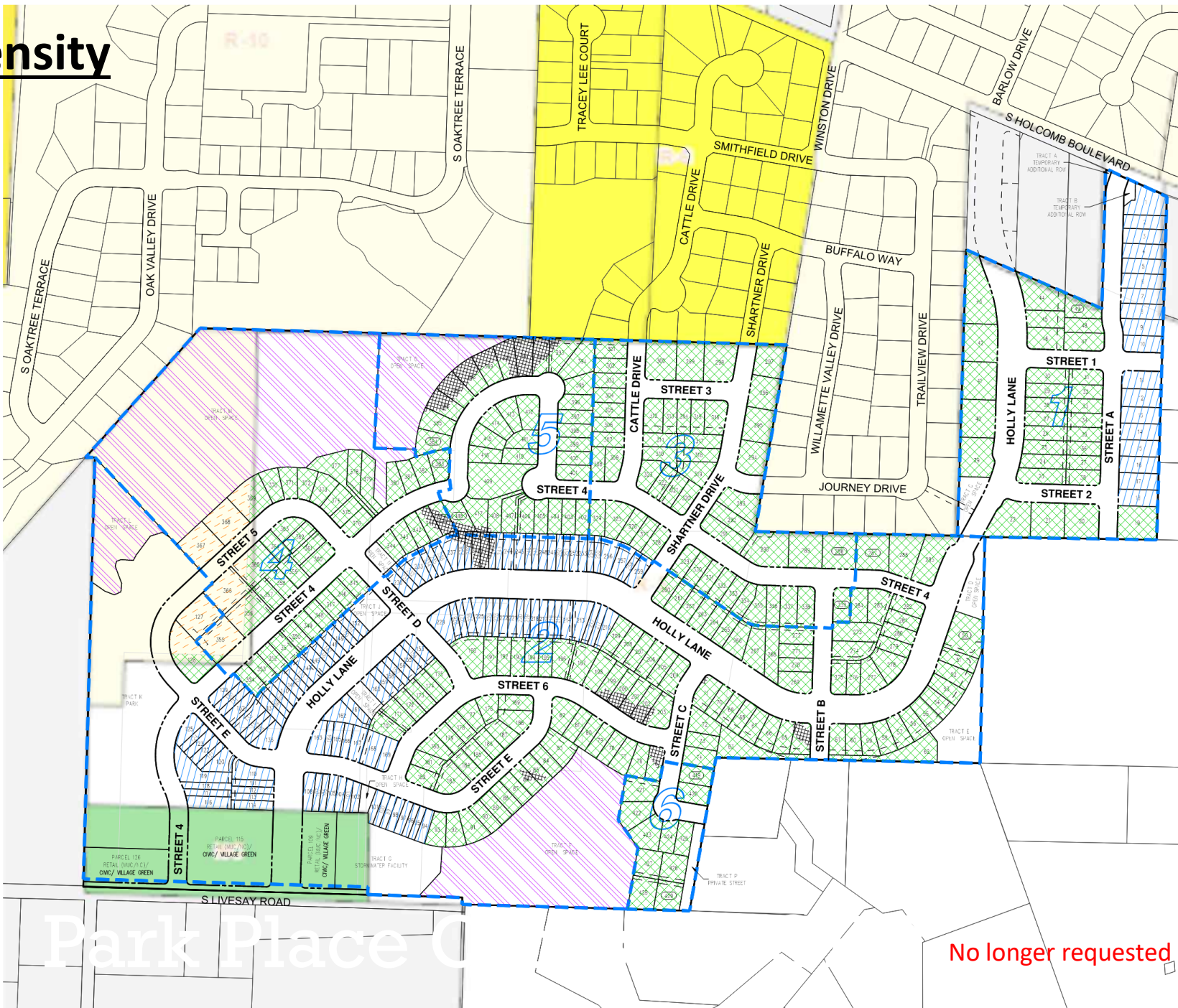


SCALE: 1"=150 FEET

Item 4a.



Density



DENSITY CALCULATIONS

Item 4a.

ACHIEVED DWELLING UNITS
426 DU

NET DEVELOPABLE AREA:
 $33.9 + 9.9 + 1.5 + 1.1 = 46.4$ ACRE

ACHIEVED DENSITY:
 $426/46.4 = 9.2$ DU/ACRE

MINIMUM DWELLING UNITS:
316 DU = 6.8×46.4

COMPOSITE MINIMUM RESIDENTIAL DENSITY:
 $((33.9/46.4) \times 7.0) + ((9.9/46.4) \times 7.0) + ((1.5/46.4) \times 3.5) + ((1.1/46.4) \times 2.0) = 6.8$ DU/ACRE

MAXIMUM DWELLING UNITS:
427 DU = 9.2×46.4

COMPOSITE MAXIMUM RESIDENTIAL DENSITY:
 $((33.9/46.4) \times 8.7) + ((9.9/46.4) \times 12.4) + ((1.5/46.4) \times 4.4) + ((1.1/46.4) \times 2.0) = 9.2$ DU/ACRE

MAXIMUM DWELLING UNITS WITH NROD DENSITY TRANSFER:
469 DU = 9.2×51.0

17.49.240 - NROD DENSITY TRANSFER:
 $13.9 \times (1/3) = 4.6$ ACRE
 $46.4 + 4.6 = 51.0$ ACRE

MAXIMUM DWELLING UNITS WITH 10% DENSITY INCREASE AND NROD DENSITY TRANSFER:
515 DU = 10.1×51.0

17.65.070.C.4 - INCREASE IN ALLOWED MAXIMUM RESIDENTIAL DENSITY OF UP TO TEN PERCENT:
 $9.2 \times 110\% = 10.1$ DU/ACRE

No longer requested

Revised Conditions of Approval

- #5

5. The following adjustments to the Municipal Code are approved and subject to the conditions found in the Notice of Decision.

~~a.~~ OCMC 17.08.040 and 17.10.040 Dimensional Standards, including up to 20% reduction of lot sizes, widths, depths, and setbacks.

a.

b. The requested adjustment to the garage orientation standards in OCMC 17.21.090.A is approved for the lots indicated as topographically constrained on Exhibit 7, "Revised Alley-loaded and Topo Constrained Lot Exhibit" dated 8/17/2022. Corner lots shall use sideloaded garages wherever feasible. is not approved. Since lot layouts and garage locations will be subject to further refinement with subsequent DDP submittals, the applicant shall provide narrative justification for granting the exception to the garage orientation standard to be reviewed with each DDP submittal.



Park Place Crossing GDP

Revised Conditions of

Approval

- #6
- The proportional share will change with the revised number of units to be determined at time of DDP

6. The recommended proportional share amounts in Exhibit 4 for Phase 1 shall be required at the time of final plat for Phase 1, unless amended by an updated transportation study provided by the applicant and reviewed by the City as part of the Phase I DDP review.

TSP Project	Estimated TSP Project Cost (\$000)	Total PM Peak Entering Volume (2035)	\$/trip	Phase 1 Trips	Phase 1 Share \$
Redland/Holly D36	\$1,040	688	\$545	1	\$545
Holcomb/Holly D43	\$1,040	1899	\$1512	61	\$92,232
I-205 SB Ramps/ OR 99E D75	\$2,990	5690	\$525	5	\$2,625
I-205 NB Ramps/ OR 99E D76	\$1,970	6155	\$320	5	\$1,600
Hwy213/Redland D97	\$10,105	6540	\$1545	22	\$33,990
Redland/ Holcomb/ Abernethy	na	2273	na	35	na
Hwy213/Beavercreek D94	\$2,800	6935	\$404	5	\$2,020
Holcomb Blvd Sidewalk Infill W11, W12, W13	\$3,035	1135*	\$2674	50	\$133,700
Holcomb Blvd Bike Lanes B12	\$560	1135*	\$493	50	\$24,650
Holcomb Blvd Pedestrian Crossings C3, C4, C5, C6	\$140	1135*	\$123	50	\$6,150
* Two-way PM peak volume on Holcomb Boulevard east of Redland Road/Holcomb Blvd/Abernethy Road intersection					



Park Place Crossing GDP

Revised Conditions of Approval

- #8

8. Detailed development plans for any phase beyond Phase 1, or 60 residential units, will require additional analysis and implementation of mitigation measures that demonstrate that the transportation system is “capable of serving the proposed development, or will be made capable by the time each phase of the development is completed” in accordance with OCMC 17.65.050.C.3. Specifically, the applicant shall show that improvements have been made to OR-213 and Redland Road and at the intersection of Redland Road/Abernethy Road/Holcomb Boulevard such that v/c standards are met and adequate queue storage is provided before building permits are approved for half the units in Phase 2 ~~before development can be approved.~~



Park Place Crossing GDP

Revised Conditions of Approval

- #11
- “The applicant shall coordinate a deposit in the form of a fee-in-lieu of for parks to be calculated, based on the total number of units in Phase 1 at \$5,065.83 per unit for park land cost plus \$3,882.38 per unit for park improvement costs increased at 18% per annum, to be paid at the time of final plat recording of Phase 1 of the project. This amount shall be held by the City in the form of a surety until at least 4.3 acres of park land in the location identified in the General Development Plan is dedicated to the City. The 4.3 acres of park land shall be dedicated to the City at the time of final plan recording of Phase 2 of the development. Upon dedication of the land, the surety shall be released.”



Revised Conditions of Approval

- #27(C)

27. To provide street connectivity and walkability to meet the intent of the Park Place Concept Plan, the applicant shall provide for the following in future DDP applications:

- Wherever feasible, utilize traffic calming measures, low speed limits, and tight curb radii to promote slow vehicle speeds.
- Marked crosswalks with curb extensions shall be provided at all Holly Lane intersections.
- ~~Provide an additional local street connection to the east of Holly Lane and South of Street E.~~
- Meet the maximum block spacing of 530 feet throughout the development, except where topographic constraints prevent practicability.
- If the maximum block length is exceeded, pedestrian accessways shall be provided no further than 330 feet from the nearest street intersection.



Park Place Crossing GDP

Revised Conditions of Approval

- #27(C) and (D)

27. To provide street connectivity and walkability to meet the intent of the Park Place Concept Plan, the applicant shall provide for the following in future DDP applications:

- Wherever feasible, utilize traffic calming measures, low speed limits, and tight curb radii to promote slow vehicle speeds.
- Marked crosswalks with curb extensions shall be provided at all Holly Lane intersections.
- ~~Provide an additional local street connection to the east of Holly Lane and South of Street E.~~
- Meet the maximum block spacing of 530 feet throughout the development, except where topographic constraints prevent practicability.
- If the maximum block length is exceeded, pedestrian accessways shall be provided no further than 330 feet from the nearest street intersection.



Park Place Crossing GDP

Revised Conditions of Approval

- #31B

31. Driveways shall be limited to provide for the following on all local streets:

a. No driveway approach, including wings, shall be more than 50% of the width of the lot.

~~b. Curb space for on street parking shall be present on 50% or greater of the total block face. For example, for a block that is 400 feet long, 200 feet of curb space shall be available for on street parking, with minimum on street parking space measured at 22 feet of curb length.~~

~~e.b.~~ Shared driveways may be utilized to meet these conditions

~~e.c.~~ Alleys may be utilized as an alternative to driveways to meet these conditions

~~e.d.~~ Alley width may be reduced to 12-foot one-way circulation, to reduce amount of impervious surface needed, if approved by the City Engineer.



Park Place Crossing GDP

Revised Conditions of Approval

- #46

46. Where block lengths exceed 530 feet, e~~Each~~ DDP shall provide updated plans ~~with off-street and~~ bicycle/pedestrian accessway locations ~~shall be~~ spaced at intervals not exceeding 330 feet ~~of~~ frontage. from the nearest street intersection. (DS)



Conditions of Approval

- #53

53. The applicant shall provide a hydrology report that addresses the effect of the stormwater outfall upon the local watershed with each DDP. The hydrology report must address the discharges erosion and landslide effect on the downhill slope, the stabilization of the uphill slope, and the environmental impact on the downhill slope as well as how the underground aquifers will be maintained. (DS)



Revised Conditions of Approval

- #57

~~57. Future Type III Master Plan refinement review to address the multiple outstanding discretionary issues listed below shall be accomplished before or as part of each Detailed Development Plan review:~~

~~a. A feasibility study addressing how a street connection from the development site to Redland Road would be provided.~~

~~b. How the applicant will achieve a balance between urban design and the natural topography of the site, if retaining wall heights over 3.5 feet are proposed~~

~~c. Analysis of alley feasibility/practicability and mitigation where alleys are not proposed~~

~~d. Local street connectivity and block lengths~~

~~e. Density and increases to the total number of units~~



Park Place Crossing GDP

Revised Conditions of Approval

- #56

56. ~~Left turn lanes will be needed at the intersection of the future Holly Lane and Holcomb Boulevard. While that intersection is not a part of this GDP, right of way dedication shall be further reviewed in Phase 1 DDP to determine if the appropriate amount of right of way is provided for the necessary left turn lanes.~~ Further traffic analysis shall be provided for the intersection of Holly Lane and Holcomb Boulevard to determine the appropriate amount of right-of-way at that intersection and its approach south into the site along Holly Lane. This shall be reviewed as part of the Phase 1 DDP. (DS)



Conditions of Approval

- #9a - Vehicle trip mitigation on local streets
9. Mitigation for livability impacts to existing residential streets (Cattle Drive, Winston Drive, etc) and proposed Street A shall be as follows:
- a. At the time street connections are made to Cattle Drive and Shartner Drive, the applicant shall add traffic calming elements within the new streets near the connecting points to Cattle Drive, Shartner Drive, Journey Drive, Smithfield Drive and Winston Drive including speed humps, traffic circles, or chicanes, to promote safe speeds. The applicant shall also provide traffic volume and speed data at up to three selected locations to the City to enable the City to evaluate the potential for a traffic calming and/or a speed limit change to 20 mph on the existing local streets. The data shall be provided with any DDP application that includes street connections to Cattle Drive, Shartner Drive, or Journey Drive.



Conditions of Approval

- #9 b – Vehicle trip mitigation on local streets
 - b. The applicant shall measure average daily trip volume on Winston Drive, Cattle Drive and Shartner Drive and proposed Street A at the time of each DDP application that would route trips on these streets. If trips (total existing plus new) are projected to exceed 2,000 per day on any of these streets, the applicant shall implement one or more of the following transportation improvements:
 - i. Implement the proposed phased barrier system to ensure that ADT on existing local streets Winston Drive, Cattle Drive and Shartner Drive and proposed Street A does not exceed 2,000 vehicle per day;
 - ii. Ensure a secondary street connection is provided to the south connecting to Redland Road, reducing northbound congestion and so that drivers have multiple route choices. The street connection to Redland Road shall be open and available before the units that would increase local street volumes beyond 2000 trips per day are occupied.
 - iii. Provide a full street connection to Livesay Road and make the improvements required by Clackamas County in Condition 47.



Conditions of Approval

- #10 – Redland Road

10. The applicant shall provide a timeline and plan to complete the Holly Lane to Redland Road connection with the submittal of Detailed Development Plans for phases 4-6, or concurrent with Clackamas County's planned Transportation System Plan Projects 1109 and 1120 for improvements to Holly Lane Bridge and the Holly Lane / Redland Road intersection, whichever occurs first.



Annexation and Zone Change Application

- The application and the staff report and decision for the annexation and zone change, files AN 17-04 ZC 17-05, is added to the record.



Review Subject Only to Clear and Objective Conditions of Approval

- ORS 197.307(4) requires an evaluation of housing applications against clear and objective conditions, unless a local government has adopted an alternative approval process under ORS 197.307(6). The master plan review of OCMC 17.65 represents that alternative review tract.
- In 2018 annexation and zone change application, this application was premised on the election to proceed with a master plan approval. For example, with respect to housing, the annexation / zone change application says:

“The North Village Plan within the Park Place Concept Plan calls for a mixture of housing types and densities, as well as neighborhood commercial and institutional uses within the annexation area. The future master plan will implement these land uses.” P 32.
- Condition 4 requiring a master plan review only reaffirmed the applicant’s election during the annexation / zone change. The applicant did not challenge or otherwise object to that election when it was made.



Protection of the NC Area and the Park Place Concept Plan (Baker issue)

- The park has been moved to the west and north, restoring the NC zoned area and most of the PPCP mixed use area for mixed use.
- Nearly all of Livesay Rd can accommodate mixed uses consistent with the adopted site plan and design review standards – maximum 5' setback, front-orientation, parking in the rear – this will result in a “desirable sense of enclosure”.
- All of the cases cited to date deal with unambiguous, mandatory plan requirements – The PPCP offers a conceptual framework only
- The PPCP does not mandate: (1) only commercial / residential mixed uses in the NC zone or (2) an uninterrupted building wall. Allowing the eastern portion to accommodate a stormwater facility does not violate any PPCP provision



Condition of Approval #11 – Parks Guarantee

Calculation:

Deferred dedication of 4.3 acres to phase 2

Fee calculation is based on:

Land Price: avg. price per acre of comparable undeveloped land

+

Park improvement cost



Park Place Crossing GDP

Condition of Approval #11 – Parks Guarantee Calculation

Land Value Calculation:

Comparables

Location	Sale Date	Acreage	Sale Price	Price per acre
16433 Front Ave	4/22/2020	0.41	\$ 195,000	\$ 475,610
13930 Forsythe	for sale	0.94	\$ 529,000	\$ 562,766
16175 Apperson	10/31/2021	0.74	\$ 420,000	\$ 567,568
16294 Hunter	10/30/2020	0.29	\$ 137,000	\$ 472,414
				\$ 519,589 AVG

- Land Costs: \$519,589 or \$11.90 / square foot
- 4.3 acres = 187,308 square feet
- 187,308 sf / 440 units = 425.70 sf / unit
- 425.70 x \$11.90 = \$5,065.83
- Phase I: 49 units @ \$5,065.83 = \$248,225.67 Land Cost



Park Place Crossing GDP

Condition of Approval #11 – Parks Guarantee Calculation

Park Improvement Cost Calculation

- Hazelnut Grove Park Improvement Costs (3.5 acres) = \$1.35 million
- Development cost per acre = \$9.12 / square foot
- 4.3 acres = 187,308 square feet
- 187,308 sf / 440 units = 425.70 sf / unit
- Cost per unit 425.70 sf / unit x \$9.12 = \$3,882.38 / unit



Park Place Crossing GDP

Condition of Approval #11 – Parks Guarantee Calculation

- Total Phase I Park Improvement Cost:
 - 49 units X \$3,882.38 / unit = \$190,236.82
- Total Phase I Land Cost:
 - 49 units @ \$5,065.83 / unit = \$248,225.67
- Total Park Land + Park Improvements Cost **\$438,462.486**
- Construction Cost Index 18% / year



Park Place Crossing GDP

Condition of Approval #11 – Parks Guarantee Calculation

Staff suggested revision to Condition #11:

- “The applicant shall coordinate a deposit in the form of a fee-in-lieu of for parks to be calculated, based on the total number of units in Phase 1 at \$5,065.83 per unit for park land cost plus \$3,882.38 per unit for park improvement costs increased at 18% per annum, to be paid at the time of final plat recording of Phase 1 of the project. This amount shall be held by the City in the form of a surety until at least 4.3 acres of park land in the location identified in the General Development Plan is dedicated to the City. The 4.3 acres of park land shall be dedicated to the City at the time of final plan recording of Phase 2 of the development. Upon dedication of the land, the surety shall be released.”



Park Place Crossing GDP

Staff Recommendation

1. Close public hearing
2. Tentative approval with conditions
3. Continue to Sept 5, 2022 for adoption of final findings.



Comment Cards PC 7.25.2022 Park Place Crossing

Item 4a.

OC Planning Commission Meeting 2022.07.25 Huang

OC Planning Commission Meeting 2022.07.25 Mansouri

COMMENT FORM

#1



PLEASE PRINT CLEARLY

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- Limit Comments to **3 MINUTES**.
- Give to the Clerk in Chambers **prior** to the meeting.

Date of Meeting

7/25/2022

Item Number From Agenda

NAME:

Tom Guil

ADDRESS:

Street:

City, State, Zip:

PHONE NUMBER:

E-MAIL ADDRESS:

Tguil @ comcast.net

SIGNATURE:

Tom Guil

COMMENT FORM

#2



PLEASE PRINT CLEARLY

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

Date of Meeting

11-25-22

Item Number From Agenda

2

NAME:

CHRISTINE KOSINSKI

ADDRESS:

Street:

HOLLY LN

City, State, Zip:

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE:

Christine Kosinski

CONTINUANCE OF GLUA-21-00045 / MAS-21-00006 / VAR-22-00001 Park Place Crossing General Development Plan

Public Comments by:

Enoch Huang

Oregon City

Introduction

- We are not opposed to development
- We are not short-sighted
- We are not naïve
- We see problems with the Park Place Crossing General Development Plan
 - Affordable housing vs. maximizing profits

The *Vasa* of Sweden

- Warship built on the orders of the King of Sweden Gustavus Adolphus in 1626
- Swedish Navy
 - small to medium-sized ships
 - a single gundeck
 - normally armed with thirty-six (36) 12-pound and smaller cannon
- The *Vasa* was to be the pride of the fleet...
 - The King changed the design and ordered seventy two (72) 24-pound cannons
 - Required a second row of cannons



The *Vasa* of Sweden

- Heavy wooden sculptures celebrating Sweden and the king were placed on the sterncastle



The maiden voyage

- August 10, 1628
 - Calm weather
 - Mild breeze from the southwest
- Gun ports were opened to fire a salute to the city of Stockholm
- Thousands of citizens and foreign ambassadors were on hand to celebrate the launch



The maiden voyage

- A gust of wind forced her to her port side
- Water rushed into the open gun ports and filled the hold, sinking the ship 20 minutes after launch
 - Sank to a depth of 32 m (105 ft)
 - Only 120 m (390 ft) from shore
- The masts of the ship were still above water in full view of all of the citizens of Stockholm



What went wrong?

- High center of gravity
 - High superstructures
 - Heavy ornamentation
 - Extra weight from more and heavier guns
- Keel width too narrow
 - Stability testing by having 30 sailors run from side to side
 - Vice Admiral Fleming stopped the testing after 3 passes fearing the ship would capsize
 - The King was in Poland fighting the war and pushing for the *Vasa* to be launched



How does this relate to PPC?

- Variations from the Concept Plan may have unintended consequences
- Density *does* matter
 - ICON made it clear in July 11th meeting
 - “We are not building the minimum number of lots”
- Don’t ignore the warning signs
- Don’t let the insistence of the developer make you compromise your common sense
- Don’t let poor planning and execution make PPC stand out in the “harbor” of Oregon City

CONTINUANCE OF GLUA-21-00045 / MAS-21-00006 / VAR-22-00001 Park Place Crossing General Development Plan

Public Comments by:

Roya Mansouri

Oregon City

Variances from Park Place Concept Plan

- <https://www.orcity.org/publicworks/park-place-concept-plan>
- Green Edges
- Housing Density
- Importance of green space for children in an urban setting

Green Edges

- (Page 1) The use of green edges to define neighborhoods and buffer developments
- (Page 1-3) Edges around and between residential areas and existing neighborhoods are defined by open spaced (primarily corresponding to natural areas) and larger rear setbacks for new lots that border existing neighborhoods.

Green Edges

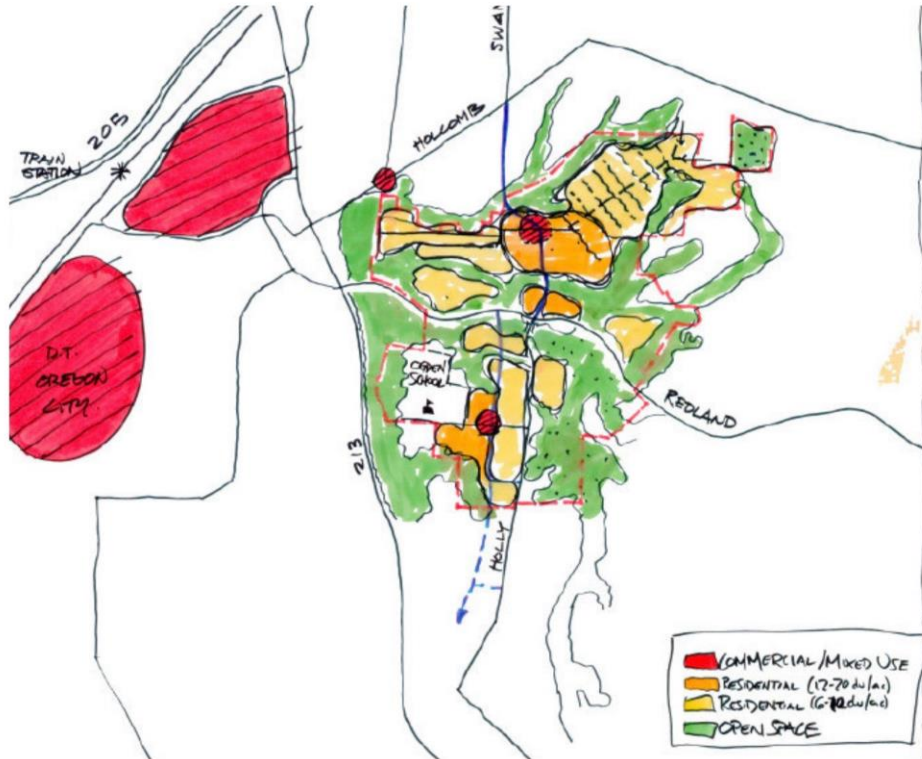


- 9 lots in contact with our lot
- Unclear where there are green edges for buffering
- In this and other past alternate diagrams, buffer zones were visible at other points but not along UGB

Alternative Designs

C. Charrette Process

Charrette Summary/ Alternatives Summary



Unique features of the Holly-Swan Extension include:

- A new road parallel to the existing Holly Lane that terminates at Redland
- An extension of Holly Lane to Swan Avenue
- An extension of Upper Livesay Road to the existing street network within the Trailview Estates Neighborhood

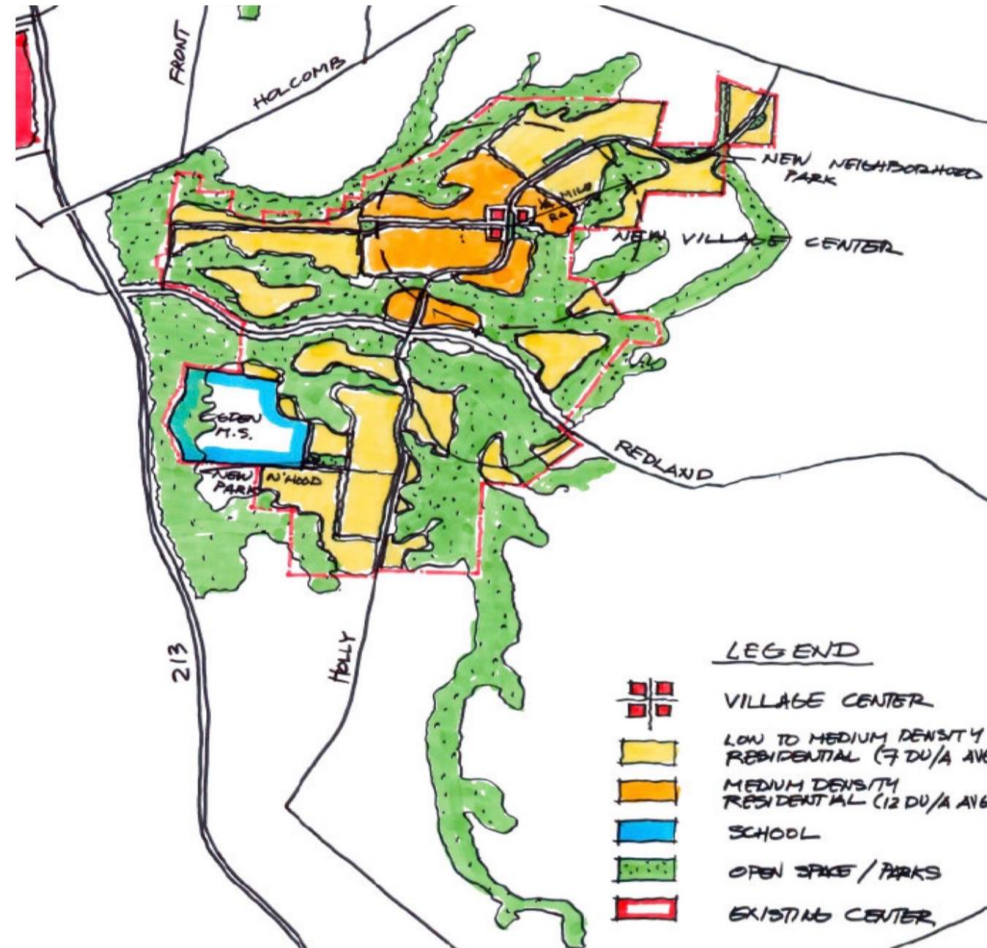
Holly/Swan Extension

Alternative Designs

C. Charrette Process

Unique features of the Holly Lane Extension include:

- Extension of Holly Lane north of Redland to Holcomb Avenue, east of Trailview
- Retention of the existing single-family residential pattern, south of Redland
- Incorporation of medium density housing and neighborhood commercial-oriented land uses around a node at Upper Livesay and Holly Lane.

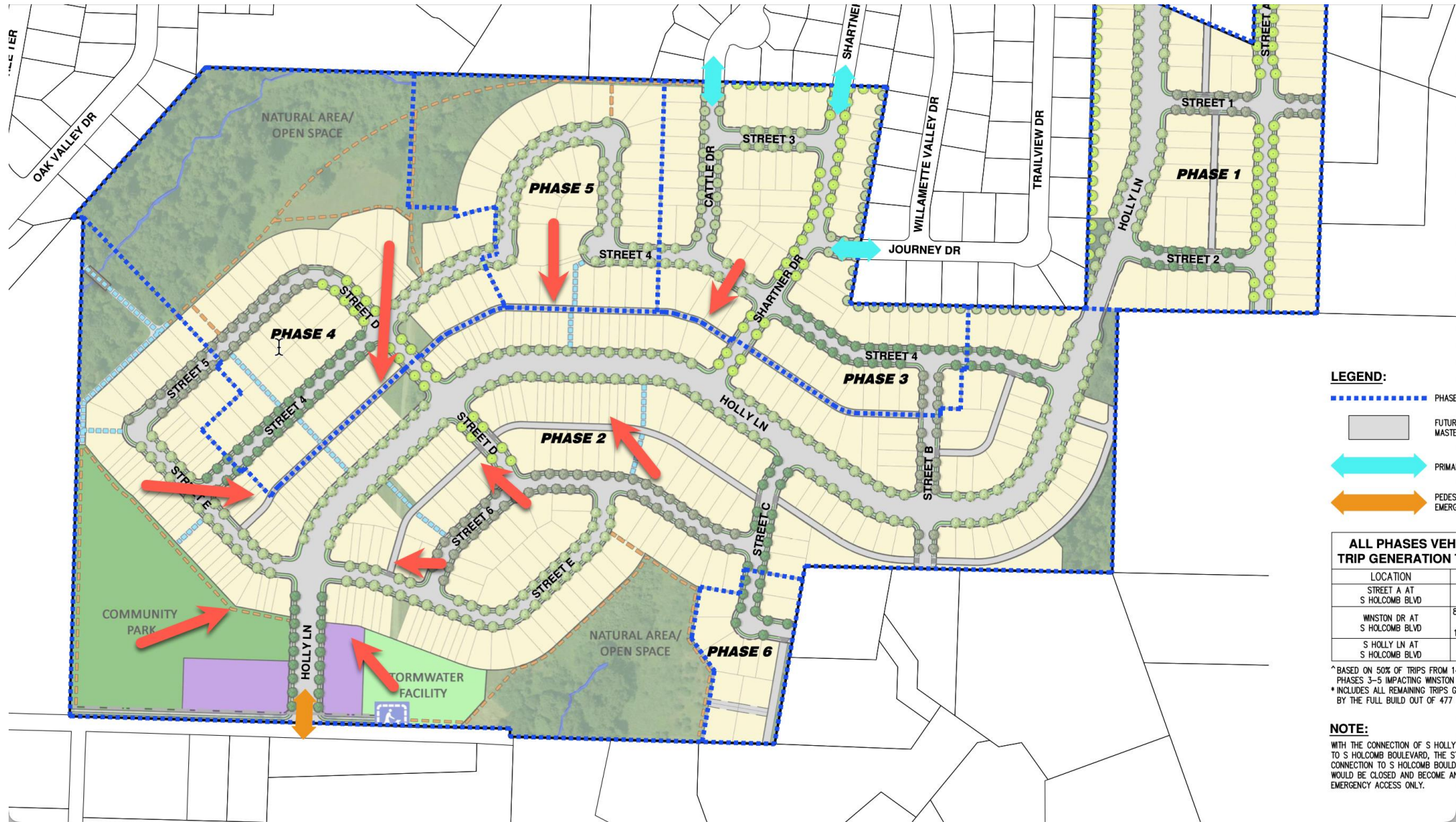


Holly Lane Extension

Housing density

- (Page 3) Existing low-density clusters
 - Properties along Lower Livesay Road and Holly Lane are expected to remain as low-density clusters in the foreseeable future. They will have the potential to transition to medium-density residential uses over time. However, in the near term they are expected to retain the lowest densities within the planning area.

Highest density lots are along Holly Lane



Impact of Increased Density Housing

- Examples of medium density housing:



Impact of Increased Density Housing

The Planet Camazotz

vs.

Happy Valley



Examples of Increased Density Housing

Can you find the park?



Increased Housing Density – The Dark Side

- Argument is to create increased affordability. However, increasing density does not necessarily make the houses cheaper, just increases how many houses can be sold at a still high premium by keeping square footage but limiting green space .
- The original Park Place Crossing Plan was designed to be a village, not a dystopic neighborhood devoid of green space except in small, not easily accessible designated areas.

The Village Green



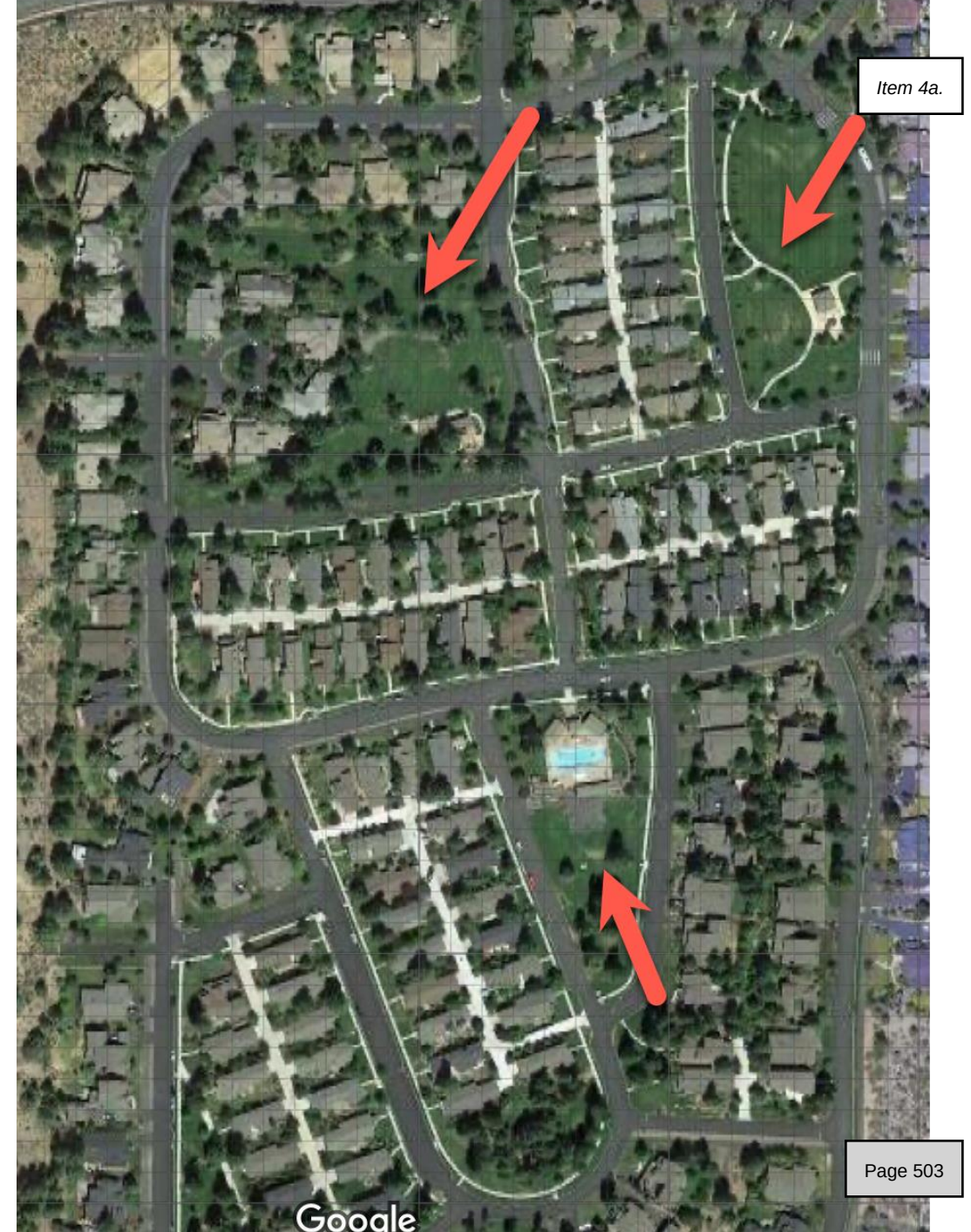
A Better Way: The Parks at Broken Top

Item 4a.

—as part of a 68 acre plan, [the builders] designed two community parks, and the open space areas. The landscape features include a park shelter with arbors, a pavilion with an interactive water feature, green spaces with native plants, and bicycle trails. This Craftsmen Style neighborhood enlisted Neo-Traditional design elements like alley fed garages that encourages pedestrian friendly streets and sidewalks and bike trails that are heavily used for recreation.



A Better Way



Community Gardening in Germany – The Schrebergarten

Named after Dr. Moritz Schreber – a 19th century German doctor. He insisted that children in the increasingly industrialised cities needed space to run around, and burn off energy.

Helped lower-income families as well as families living during the World Wars grow their own fruits and vegetables and prevented starvation

Today provide classes and workshops to teach people how to sow, garden, preserve seeds, etc.



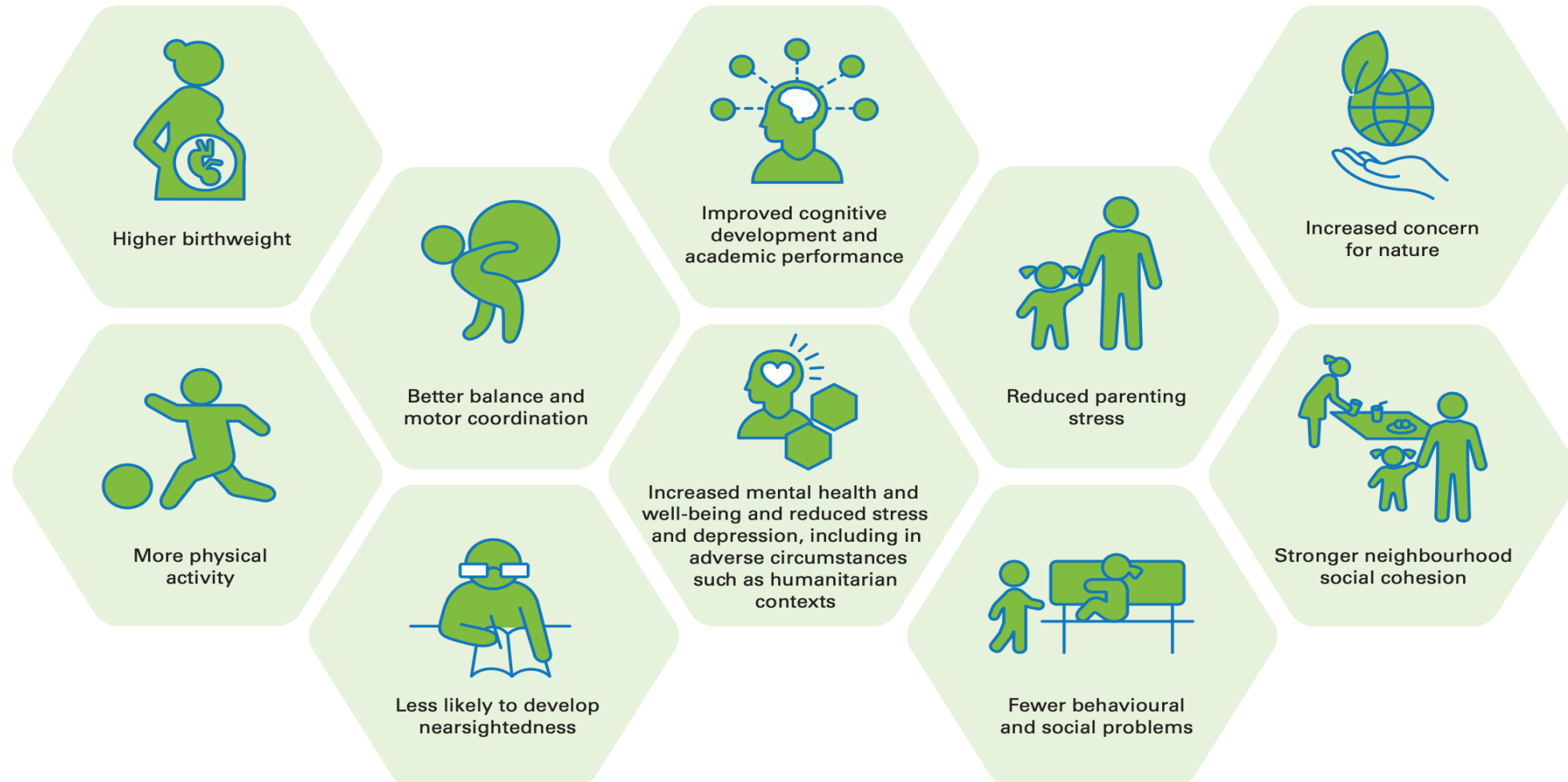
Why is Green Space So Important?

- The Necessity of Urban Green Space for Children's Optimal Development – a discussion paper produced by Unicef
- Examples of green space may include public and private parks, grassy lawns, home and community gardens, playgrounds, agricultural land, overgrown vacant lots, street trees, roadside verges, and green roofs.
- Violence and crime tend to decrease around green spaces, likely a result of increased social cohesion, more people spending time outdoors, and the perception of orderly, maintained spaces.

Benefit of Green Spaces

- In general, the greater diversity of natural elements in the space, the better, as the diversity enables a richer set of experiences for children.
- These elements may include a diversity of perennial plants, edible plants, trees, vines and shrubs, water elements, birds and other wildlife, shaded and sunny spaces
- Where possible, local and indigenous vegetation, adapted to the soil and climate, should be preserved or planted.

Positive Impact from Green Spaces



Community Actions for Increasing Green Space

Recommended Actions for Municipal Governments



Set child-responsive building and infrastructure regulations, land-use standards and plans, including standards for safe and accessible green spaces.

Support real estate developers to meet and exceed regulations on the inclusion of safe and accessible green space by new developments.



Conclusion

- Increased density of housing does not necessarily result in increased affordability, increased health, or increased social cohesion.
- It is important to have significant green space in urban/suburban settings in order to increase social cohesion, decrease anxiety and depression, increase livability and can be a significant sales point for all individuals seeking *healthy* and affordable living.
- The PPC was designed to be more of a village with a village green and increased green space/decreased density would be in keeping with this model

Conclusion

- Oregon City, the City of Trees, has an opportunity to be on the cutting edge of helping to design and create a truly modern, progressive design of urban living that integrates open spaces, sports fields, playgrounds, natural interactive areas, and community gardens for the health and benefits of all Oregonians choosing to live in this space.

Comment Cards PC 7.11.2022

Steve Sagi 7.11.2022

James Nicita 7.11.2022

Joanna Stram 7.7.2022

Nick Veroske Support Letter 7.6.2022

OCBA Support Comment Letter 7.6.2022

PC 7.11.2022 Planning slides

COMMENT FORM

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Date of Meeting

7/11/2021

Item Number From Agenda

1

NAME:

IAN Grady

ADDRESS:

Street:

15021 Journey Dr.

City, State, Zip:

OC. 97045

PHONE NUMBER:

503-557-2993

E-MAIL ADDRESS:

mg91976@msn.com

SIGNATURE:

ian grady

COMMENT FORM



PLEASE PRINT CLEARLY

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Date of Meeting

7/11/2022

Item Number From Agenda

1

NAME:

Becky Gray

ADDRESS:

Street:

16300 Trailview Drive

City, State, Zip:

Oregon City, OR, 97045

PHONE NUMBER:

503-810-4949

E-MAIL ADDRESS:

BeckyGray1110@comcast.net

SIGNATURE:

Becky Gray

COMMENT FORM



PLEASE PRINT CLEARLY

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Date of Meeting

7-11-22

Item Number From Agenda

NAME:

Steve Sagi

ADDRESS:

Street:

16401 Cattle Dr.

City, State, Zip:

Oregon City, OR 97045

PHONE NUMBER:

503-969-6311

E-MAIL ADDRESS:

sagmanaur@yahoo.com

SIGNATURE:

COMMENT FORM



PLEASE PRINT CLEARLY

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Date of Meeting

7/11/22

Item Number From Agenda

NAME:

Stephen VanHavertbeke

ADDRESS:

Street:

16477 Oaktree Terr

City, State, Zip:

Oregon City, OR

PHONE NUMBER:

503.806.8631

E-MAIL ADDRESS:

steve@vanhavertbeke.org

SIGNATURE:

Stephen VanHavertbeke

COMMENT FORM



PLEASE PRINT CLEARLY

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

Date of Meeting

7-11-22

Item Number From Agenda

PARK PLACE CROSSING

NAME:

CHRISTINE ROSINSKI

ADDRESS:

Street: HOLLY LN

City, State, Zip:

PHONE NUMBER:

503-654-1025

E-MAIL ADDRESS:

SIGNATURE:

Christine Rosinski

COMMENT FORM



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Date of Meeting

7/11/02

Item Number From Agenda

GLUA-21-00045

NAME:

KENT ZIGLER

ADDRESS:

Street: 2142 MARYWOOD CT

City, State, Zip: WEST Linn, OR

PHONE NUMBER:

97068

E-MAIL ADDRESS:

KENT ZIGLER1@AOL.COM

SIGNATURE:

Kent H. Zigler

COMMENT FORM



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Date of Meeting

7/11/

Item Number From Agenda

1

NAME:

TOM GEIL

ADDRESS:

Street: 16470 TRAILVIEW

City, State, Zip: OR 97015

PHONE NUMBER:

503-846-9267

E-MAIL ADDRESS:

SIGNATURE:

COMMENT FORM



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Date of Meeting

7-11-22

Item Number From Agenda

1

NAME:

RANDY POINDEXTER

ADDRESS:

Street: 1633 E TRAILVIEW DR.

City, State, Zip: OREGON CITY, OR 97045

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE:

COMMENT FORM



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- Give to the Clerk in Chambers **prior** to the meeting.

Date of Meeting

July 11, 2022

Item Number From Agenda

Park Place Crossing

NAME:

James Nicity

ADDRESS:

Street:

302 Bluff St.

City, State, Zip:

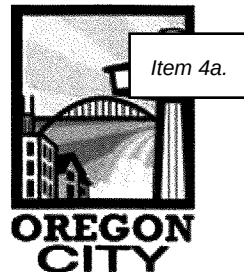
OC 97045

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE:

COMMENT FORM



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- Give to the Clerk in Chambers **prior** to the meeting.

Date of Meeting

7/11/22

Item Number From Agenda

NAME:

Mark Hutt Bennett

ADDRESS:

Street:

15025 Smithfield P

City, State, Zip:

OC. OR 97045

PHONE NUMBER:

(503) 307-0791

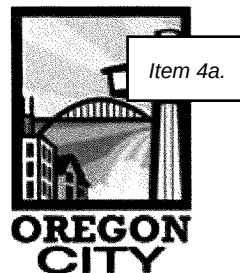
E-MAIL ADDRESS:

thesundancetid596@gmail.com

SIGNATURE:

Mark Hutt Bennett

COMMENT FORM



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- Limit Comments to **3 MINUTES**.
- Give to the Clerk in Chambers **prior** to the meeting.

Date of Meeting 7/11/22

Item Number From Agenda 1

NAME:

Dan Fowler

ADDRESS:

Street:

City, State, Zip: Oregon City, OR 97045

PHONE NUMBER:

503-351-4500

E-MAIL ADDRESS:

danf@abernethycenter.com

SIGNATURE:

Dan Fowler

Key points for 7/11/22 Icon/City meeting

- Good evening Members of the Planning Commission. Thank you for the time to allow me to voice some concerns about the proposed Park Place Crossing General Development Plan. I just want to say that at first, I wasn't against the proposed development. However, when I found out that the thru street to connect to Redland has been removed from the equation, at least for now, that raised a lot of red flags with me.
 - Pinch point issue
 - From what I understand, Phases 2-6 of the proposed Plan is contingent on a pinch point directly behind the home located at 15058 Journey Drive, AKA Tax Lot 314. Holly Lane and Street A would be the only other access to the future phases besides the current access on Winston Drive. I believe Icon has purchased that house with the intent to possibly utilize the back corner of the property to help with the pinch point. It also has been pointed out that due to HOA bylaws for that property, Icon cannot legally sell or utilize any portion of that property without direct HOA consent. Currently, the HOA is not approving any alteration to the property.
 - On Plan drawing EXH-6 a detail of the pinch point is shown. A typical Collector Road is shown that is 85' wide, whereas the proposed modified Collector Street is only 57'. That is a difference of 28'! I could understand if Icon was asking for a variance of 3' or maybe even 5', but they are proposing it to be 1/3 smaller than the City's standard. There is a reason there are standards for roads and this proposal clearly does not meet the standard, and it's not even close. Matter of fact, it barely meets the width needed to be classified as a Local Road of 54'. To compound the issue, at the pinch point there will be a slight curve in the road as seen on EXH-5. Until Icon can install a Collector Road that meets the standard, they should not be allowed to construct that road.
 - Traffic study
 - Was the traffic study performed considering all the other nearby new housing developments? About ¼ mile east on Holcomb almost 100 new homes were built over the past 2 years. Icon is currently building another 120+ homes across the street on Holcomb over the next 2 years. With the proposed almost 500 houses to be built over the next few years in the Trailview neighborhood that will add about 1,400 cars (2 per household) in about a 1/2-mile radius to Holcomb Blvd traffic. This will have a great impact on the congestion down the hill on Holcomb onto Redland. These are just the 3 developments that I know of, I'm sure there are more coming.
 - In the study it seems that they are proposing that some of the traffic will be on Shartner Lane. Although this is true regarding the new added on section of Shartner Lane, a good portion of the traffic will be utilizing the current portion of Cattle Drive traveling into the new development. It is unlikely drivers would travel on Cattle Drive turn on Buffalo Way and then to Shartner when they could simply travel down Cattle Drive into the new development and then make

the proper turns at Street 3 and 4. Using existing portion of Cattle Drive would be the most direct route to the housing marked Phase 2, most of 3, 4 and 5. These phases contain about 85% of the houses in the plan, approximately 400 homes or 800 cars.

- If you look at the existing Cattle Drive road, just prior to the new extension, there is a bit of an S-turn in the road between Buffalo Way and proposed Street 3. It doesn't look like much on the map, but if you were to drive that section right now there is impeded vision coming around the turns due to the fence line in front of the greenspace and if any cars are parked on the road. To add to the vision impediment there is a slight incline on Cattle Drive just before that turn. I live on that S-turn and I must be extremely careful coming around that first turn to make sure no one is coming the other way, and this is with virtually no traffic on the street currently. With the potential of 800 cars added to the traffic on that road, I believe this could become a major potential for accidents to occur. I would hope Icon and the traffic study is being diligent in taking into these considerations since it would be virtually impossible to address this situation after the homes are built.
- Parking
 - With the houses being stacked on top of each other, it doesn't appear there will be very much street parking in this development.
- Eminent Domain
 - I have a bad feeling if this project moves forward and is allowed to be built that down the road it will be found that the points I brought up above, among others, will then be addressed and the only solution at that time would be to use eminent domain to acquire the properties needed to make this work. Is that a fair solution? To take over people's property that are currently unwilling to sell so Icon can put in this development. The reason why myself and many others have bought homes in this area is to be away from all of the congestion found closer to the City. It seems like the proper way of doing this, is to do it correctly up front and wait for Icon to acquire the needed properties to Redland as described in the original Plan, and not rush this thru.

Steve Sagi
16401 Cattle Drive
503-969-6311

Pete Walter

From: James Nicita <james.nicita@gmail.com>
Sent: Monday, July 11, 2022 3:05 PM
To: Dirk Schlagenhauer; Mike Mitchell; Bob La Salle; Daphne Wuest; Patti Gage; Gregory Stoll; cstaggs@orcify.org
Cc: Oregon City Planning
Subject: Public Comment: "Baker Conflict" in GLUA-21-00045 / MAS-21-00006 / VAR-22-00001 Park Place Crossing General Development Plan - Response to Deputy City Attorney Pamplin Media Group - Former commissioner_ Park Place fiasco falls on city manager.pdf; Van Dyke v Yamhill Cnty Or LUBA 2018.pdf
Attachments:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Planning Commissioners:

Please find attached for addition to the record in the above referenced case an article I recently wrote for the Oregon City News on the Park Place Crossing land use application. In addition, please add to the record these comments, which I respectfully submit in response to the June 30, 2022 memorandum from the deputy city attorney, Carrie Richter, regarding the Supreme Court case *Baker v. City of Milwaukie*, regarding the question as to whether the Park Place Concept Plan prevails over the Neighborhood Commercial zone in case of conflicts between the plan and the zoning ordinance.

In my article, I make the following statement:

Unfortunately, unlike in most other cities, in Oregon City the city manager, rather than the city council, hires the city attorney. Therefore, in my opinion, within the "municipal corporation" of Oregon City, these city attorneys owe their loyalty and ethical duties to their true, actual, and primary client, i.e., the city manager — the one person with the power to fire them.

Because of this, I believe that in land-use hearings neither the City Commission, nor by extension the Planning Commission (or the Historic Review Board), ever get unbiased legal "advice" from the city attorneys. Instead, the city attorneys communicate to these bodies legal "advocacy," that is, the city manager's — and staff's — preferred interpretation of the code, in order to convince these bodies to decide matters in the way the manager wants.

Ms. Richter's June 30 memo is an example, in real-time, of my contention.

Her memo is not unbiased legal advice. It is pure advocacy to advance a preferred interpretation and result that the city manager and staff want: namely, approval of the Park Place Crossing proposal, even to the detriment of the public interest of Oregon City and its citizens, and the evisceration of the Park Place Concept Plan.

I would overwhelm the Planning Commission if I tried at one time to respond to each contention in Ms. Richter's advocacy piece. I will have to do so over time, in discrete responses. As a point of departure, however, I do feel compelled to respond to her basic contention regarding the *Baker* case. I cite her argument in *italics*, then I respond with my own comments in **bold**:

In *Baker v City of Milwaukie*, the city of Milwaukie's zoning ordinance allowed a density of 39 units per acre on a particular piece of property, while the city's later-adopted comprehensive plan allowed only 17 units per acre. After the city issued building permits for neighboring property to develop at the more intensive density provided in the zoning ordinance, the plaintiffs filed a writ of mandamus to compel the city to suspend issuance of the building permits and amend the city's zoning ordinance to conform to the comprehensive plan's less intensive development density. The plaintiffs also sought to compel the city to modify the zoning to conform to the comprehensive plan. Agreeing with the plaintiffs, the Supreme Court explained that zoning is subordinate to planning because zoning is "the means by which the comprehensive plan is effectuated." The court held that the comprehensive plan controlled over the inconsistent and subordinate zoning ordinance that allowed for more intensive development than contemplated in the plan.

That said, in *Marracci v. City of Scappoose*, a case decided after *Baker*, the Court of Appeals considered a *Baker* challenge to a city decision to deny a conditional use permit for multi-family housing within a high density residential zone where multi-family development was contemplated. 26 Or App 131, 552 P2d 552, rev den, 276 Or 133 (1976). The court explained that *Baker* "does not stand for the proposition that every land-use determination must at all times literally comply with the applicable comprehensive plan." In that case, the Court found that, since the city of Scappoose's plan did not contain a timeline or other guidance on when more restrictive zoning may evolve into conformity with the plan, the policy judgment about what future use of land was best left to the local government.

JN Response: The proof that this is an advocacy piece and not unbiased legal advice is that it selects only one case that cites *Baker*, a case that Ms. Richter uses in support of the particular position she is advancing on behalf of her client, the city manager. Ms. Richter would have the Planning Commission believe that *Baker* only applies to conflicts over density.

Unbiased legal advice to the Planning Commission, by contrast, would have disclosed to the Planning Commission that cases have applied the *Baker* rule to a much broader range of plan conflicts than those pertaining to density. Here is a sampling from a brief search on a legal database:

A number of LUBA cases have cited *Baker* in considering local land use decisions on roads or trails that conflict with either comprehensive plans or transportation systems plans. Needless to say, these cases have nothing to do with density.

-
-
-
- *JCK Enterprises v. City of Cottage Grove*,
- LUBA No. 2011-045 (2011) ("The city's TSP is part of the city's comprehensive plan, and to the extent there is any conflict between the TSP and the CGDC [Cottage Grove Development Code] on this point, the CGDC must give way.
- *Baker v. City of Milwaukie*,
- 271 Or 500, 533 P2d 772 (1975).") This case was decided after *Baker*
- and
- *Marracci*.
-
-
-
- *GPA1 v City of Corvallis*,
- LUBA No. 2016-078 (2016)

-
-
-
- *Van Dyke v. Yamhill County*,
- 2018-061 (2018) (trail). This case is attached, with pertinent language highlighted in yellow. Please note again that this case is much more recent than
- *Baker*
- and *Marracci*.
- LUBA certainly did not think that *Baker*
- reduces everything to mere “policy judgment.” A comprehensive plan means something.
-

One case I found addressed a conflict regarding a plan’s requirement for sidewalks. Again this has nothing to do with density.

- *Wicks-Snodgrass v. City of Reedsport*, LUBA No. 95-240 (1997).

In short, I don’t believe the Planning Commission is getting unbiased legal advice, and it absolutely needs unbiased legal advice, particularly in a land use proceeding as consequential as the Park Place Crossing. It also needs independent legal counsel whose ethical and fiduciary obligations are strictly, and only, to the Planning Commission, and not to the city manager.

I hope the Planning Commission will consider one of the following options:

-
-
- Retain independent counsel to advise it for the remainder of the Park Place Crossing proceedings; hired on the contractual basis
- that such counsel will recognize that its fiduciary obligations lie only with the Planning Commission.
-
-
-
- Vote to request at the next meeting of the City Commission that the latter retain independent legal counsel for the Planning
- Commission for the remainder of the Planning Commission proceedings on Park Place Crossing; hired on the contractual basis that such counsel will recognize that its fiduciary obligations lie only with the Planning Commission..
-

-
-
- **Recommend to the City Commission in its decision document or otherwise that the City Commission retain independent legal counsel**
- **for the City Commission for any local appeal of the Park Place Crossing land use decision from the Planning Commission; hired on the contractual basis that such counsel will recognize that its fiduciary obligations lie only with the City Commission.**
-

Thank you for considering these comments.

James Nicita
Oregon City



Facebook Twitter (/#twitter) Google+ (/#google_plus)
Email (/#email) LinkedIn (/#linkedin)

Former commissioner: Park Place fiasco falls on city manager

James Nicita June 01 2022

James Nicita: Oregon City officials can ensure Icon develops in strict compliance with concept plan.

Recent editorials in this newspaper on the proposed Park Place Crossing development give the impression that the land-use hearings on this proposal have become a train wreck of sorts, and they criticize the developer, Icon Construction, for the proposal's shortcomings.

I agree in part, but respectfully dissent, in part. In my opinion, primarily liability for any train wreck lies with our city manager, Tony Konkol, in both his breach of his charter duties and his poor management and oversight of planning in Oregon City.

To frame my convictions, let me relate how I came to Oregon City. In 2006, I was working as a senior planner for a surveying and civil engineering firm that specialized in small infill subdivisions. I visited Oregon City to secure development approval for one such subdivision out along Maplelane Road. On these visits, I was attracted to Oregon City's historic character, and discovered the house in which I now live.

As a planner, both my firm and I had ethical duties to advance the interests of our developer clients. If our clients wanted to "swing for the fence" and maximize profit by squeezing as many lots into a subdivision as they could, we would use our talents and skills to do everything that was legally and ethically within the limits: ask for variances, argue for a certain interpretation of code, etc.

Sometimes, the reviewing authority would give a response akin to "You gotta be kidding." If they had discretion, planners in certain jurisdictions would tell us that the public interest was not served by our proposal, and they would flatly deny our application. Then we would go back and change the application, for example, to propose fewer lots. It was still profitable; it just wasn't as profitable as the "swing for the fence."

With the Park Place Crossing application, Icon and its consultants are "swinging for the fence," and in a manner that I believe not only contravenes the public interest, but also crosses the line into noncompliance with the Park Place concept plan. The proposal as submitted virtually destroys the central feature of the Park Place concept plan itself: namely, the little "Main Street" village along Livesay Road.

The proposal maximizes lots — and profit — by placing many extra lots directly on top of a large park mapped out in the concept plan. To compensate, the proposal shifts the park down to the north side of Livesay Road, and virtually wipes out the north side of the "Main Street" village.

Park Place developers now envision one rump corner of small retail, rather than the robust four-block Main Street village of mixed uses, including 2-3 floors of residential densities above street-level commercial, that the text of the concept plan describes.



Figure 9: Planned PPCMP area with conceptual park area

Figure 10: Conceptual PPCP park area

COURTESY PHOTO: CITY OF OC - Park Place developers now envision one rump corner of small retail, rather than the robust four-block Main Street village of mixed uses that the text of the concept plan describes.

(<https://pamplinmedia.com/images/artimg/00003736939036-0600.jpg>)

Item 4a.

But the village is key to the livability and quality of life strategies of the entire concept plan: for example, by allowing residents to obtain a substantial variety of goods and services within walking/biking distance, and thereby reducing vehicle trip generation in and out of the neighborhood.

On the one hand, Icon's consultants are doing what they are obligated to do in "swinging for the fence," making arguments and offering evidence that their proposal complies with the concept plan, the comprehensive plan and city code. I get that. I've done that. On the other hand, however, Icon and its consultants have breached the limits.

But the train wreck results from the city's response.

In other jurisdictions, city staff would have told Icon, "You gotta be kidding," and would have rejected the application instantly as noncompliant, or alternatively, recommended denial in the staff report to the subsequent review authority.

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Instead, Oregon City staff simply folded on the opening offer.

Worse, the staff report aggressively advocates for Planning Commission approval of the proposal, and tries to obscure how badly the proposal does not comply with the Park Place concept plan and municipal codes.

Here, the buck stops with the city manager, Tony Konkol, who is himself a trained and certified planner. The City Charter imposes on him the specific duty to "see that all ordinances are enforced." That would include plans, such as the Park Place concept plan, which are adopted via ordinance. I have a long list of ways in which I believe Konkol has breached this particular charter duty, including some that have compromised the integrity of the review of the Park Place Crossing proposal.

The citizens of Oregon City, through their elected City Commission representatives in enacting the ordinance adopting the Park Place concept plan, have mandated through the text of that plan that "main street" design standards will be promulgated for the "Main Street" village along Livesay Road.

Konkol served for years as the City's community development director. During that time, the Park Place concept plan's mandate for "main street" design standards went unfulfilled. Now as city manager, he is in ongoing breach of his duties under the charter to see that this particular aspect of the Park Place concept plan is enforced.

Konkol has also overseen the recent chaos in the planning division, including the recent high turnover, staff departures and formal citizen complaints.

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Because all city staff are employees and agents of the city manager, the charter duty to ensure compliance with city code accrues to them as well. That should go without saying. Konkol is ultimately liable for the staff report's acceptance of the unlawful evisceration of the "Main Street" village.

I struggle to think that Kelly Reid, the staff planner assigned to the Park Place Crossing application, and her supervisor, new community development director Aquila Hurd-Ravich, would actually want to wipe out the "Main Street" village in the Park Place concept plan. Urban design was by far the most inspiring part of my planning education; I can't imagine that it would not have inspired theirs as well, at least to some degree.

But if their boss Konkol does not care about the "Main Street" village, (as his failure to bring forth the "main street" design standards suggests), and he gives his staff strict marching orders to secure approval of the current application notwithstanding its evisceration of the village, what are they to do?

The same could be said regarding two of Konkol's other employees, city attorney Bill Kabeiseman and the deputy city attorney, Carrie Richter. Outside of Oregon City, these two attorneys represent citizens groups in public interest land use cases, with a good track record. Ms. Richter, assigned to the Park Place Crossing hearings, trained as an architect prior to attending law school.

Unfortunately, unlike in most other cities, in Oregon City the city manager, rather than the city council, hires the city attorney. Therefore, in my opinion, within the "municipal corporation" of Oregon City, these city attorneys owe their loyalty and ethical duties to their true, actual, and primary client, i.e., the city manager — the one person with the power to fire them.

Because of this, I believe that in land-use hearings neither the City Commission, nor by extension the Planning Commission (or the Historic Review Board), ever get unbiased legal "advice" from the city attorneys. Instead, the city attorneys communicate to these bodies legal "advocacy," that is, the city manager's — and staff's — preferred interpretation of the code, in order to convince these bodies to decide matters in the way the manager wants.

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Page 530

To me it's all a big conflict of interest, but I certainly do not remember ever having heard the city attorneys (or their predecessor) disclose such a conflict of interest, raise the issue of whether such a conflict exists.

Item 4a.

In a normal city, the city attorneys would shut down the Park Place Crossing "swing for the fence" application as grossly noncompliant with the Park Place concept plan: they would proactively raise a big red flag of noncompliance to staff, and failing that, to the final decision makers and the public, in a public hearing.

But in Oregon City the Park Place Crossing train, as if without a brakeman, jumped the tracks, and we now have the current train wreck.

My past experience as a private planning consultant practicing in other jurisdictions, as well as my often-frustrating experience both as an elected and as an appointed Oregon City official participating in panel reviews of initial applications and appeals of land use proposals, gave me the sense of a continuum. Some cities are hard-nosed, and reject initial land use applications regularly, unless an applicant meets the high bar of public interest.

Oregon City, unfortunately, is on the other end of the continuum. It seems to have a dispiriting lack of self-respect and self-esteem, to the point where caving on land use applications is the default, to the detriment of citizens' quality of life.

Oregon City's Planning Commission could begin the long twilight process of changing these old patterns. It could self-confidently look Icon in the eye and say, "You gotta be kidding." If the Planning Commission denied the unlawful "swing for the fence" application, Icon and its consultants would come back with a compliant one.

A D V E R T I S I N G | Continue reading below

Ideally, approval of that subsequent application would be based on removal of the parkland away from the "Main Street" village on Livesay Road and would be conditioned upon 1) the adoption of the "main street" design standards required by the Park Place concept plan, and 2) compliance by all future development in the "Main Street" village with those design standards.

The very good news is, Icon can do it right. In fact, I would say that Icon is particularly suited to developing Park Place Crossing in strict compliance with the Park Place concept plan. When I think of what the "Main Street" village in Park Place would look like, the image that comes to mind is West Linn's historic Willamette district, where Icon constructed an extension to the district in architectural styles consistent with its historic character. (<https://pamplinmedia.com/images/artimg/00003736938896-0600.jpg>)



COURTESY PHOTO: JIM NICITA - Icon constructed an extension to West Linn's Willamette district, in architectural styles consistent with its historic character.

Here in Oregon City, working within Historic Review Board review, Icon renovated the historic M.M. McCarver House and constructed surrounding homes that are in design delightfully sympathetic to the original home's 1850s board-and-batten style.

If Icon can do it right, there is no reason why Oregon City shouldn't do it right.

Former Oregon City Commissioner and Historic Review Board member James Nicita has earned degrees in planning and law.

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Emily Freebird • 15 days ago
wonderfully put Jim, and thank you for all your insights- which based on the park place hearing- are fully supported by the residents of OC
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Douglas D • 15 days ago
Well said Jim. Carefully reasoned and carefully supported.
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patti r webb • 16 days ago • edited
Well said Mr Nicita. Thank you very much.
Myself and many, many others are tired of Mr Konkle and his staff forgetting that they are employed to serve the citizens of Oregon City, not the City Manager.
With a mayoral election nearing, I've heard many voters voice just one requirement- replace Konkle. Please, please replace Mr Konkle with a City Manager that works for the best interests of Oregon City and its citizen's livability, not the benefit of outside developers. Thank You
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**JIM VAN DYKE, JULIE VAN DYKE, MARK
VAN DYKE, VELMA VAN DYKE,
RIVERVIEW FARMS INC., BEN VAN
DYKE, BEN VAN DYKE FARMS INC.,
BRIAN SCHMIDT,
SCOTT BERNARDS, LESTER SITTON,
BROOK SITTON, ALLEN SITTON,
TIM PFEIFFER, MARYALLICE PFEIFFER,
RICHARD CLOEPFIL, CHRISTY
CLOEPFIL,
TOM HAMMER, KELSEY FREESE,
HAROLD KUEHNE, JOLENE KUEHNE,
ERIC HUEHNE, MARK GAIBLER, GREG
MCCARTHY, DARREN SUTHERLAND,
and B.J. MATTHEWS, Petitioners,
and
KRIS WEINBENDER, Intervenor-
Petitioner,
v.
YAMHILL COUNTY, Respondent.**

LUBA No. 2018-061

**LAND USE BOARD OF APPEALS OF THE
STATE OF OREGON**

December 20, 2018

FINAL OPINION AND ORDER

Appeal from Yamhill County.

Wendie L. Kellington, Lake Oswego, filed the petition for review and argued on behalf of petitioners and intervenor-petitioner. With her on the brief

Page 2

was Kellington Law Group PC.

Timothy S. Sadlo, Assistant Yamhill County Counsel, McMinnville, filed the response brief and argued on behalf of respondent.

BASSHAM, Board Member; ZAMUDIO, Board Member, participated in the decision.

RYAN, Board Chair, did not participate in the decision.

You are entitled to judicial review of this Order. Judicial review is governed by the provisions of ORS 197.850.

Page 3

Opinion by Bassham.

NATURE OF THE DECISION

Petitioners appeal Ordinance 904, which amends the county transportation system plan (TSP) to (1) acknowledge county ownership of a 12.48-mile segment of a railroad corridor, and (2) authorize development of a recreational trail within a 2.82-mile segment of the corridor that runs between the cities of Yamhill and Carlton.

FACTS

The rail corridor at issue is part of a longer rail corridor that was established by the Oregon Central Railroad Company in 1872, after the railroad acquired deeds to the 60-foot-wide corridor from adjoining property owners. Rail operations ceased in the early 1980s, and some of the track was removed. Since the 1990s, various groups have advocated converting the corridor to a recreational trail. In 2012, the county adopted Ordinance 880, which amended the TSP to designate the entire corridor segment within the county as a future rails-to-trails project, and recommended acquiring portions of the corridor and constructing a recreational path within the existing railroad right of way.

The county obtained grants to study a rails-to-trails conversion, including design of three bridges that must be constructed. Starting in 2015, the county held a number of planning sessions. In November 2017, the county paid the then-current owner of the rail corridor \$1.4 million for a quitclaim deed to a 12.48-mile segment of the rail corridor (the corridor).

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On April 3, 2018, the county initiated legislative proceedings leading to the adoption of

the ordinance challenged in this appeal. The ordinance (1) acknowledges that the county owns the 12.48-mile segment of the rail corridor,¹ and (2) authorizes "immediate development" of a 2.82-mile segment that runs between the cities of Yamhill and Carlton. This 2.82-mile segment of the corridor is largely within an area that is planned for agricultural use and zoned exclusive farm use (EFU), although on a portion of the segment half of the corridor is zoned Agriculture-Forestry Small Holding District (AF-10).

Although the proceedings were conducted pursuant to county procedures that govern legislative decisions, which generally do not require individual notice, the county mailed notice of hearings to property owners within 750 feet of the corridor. On May 3, 2018, the planning commission conducted a hearing, at which petitioners, who own agricultural land adjacent to the corridor, appeared in opposition. Petitioners provided testimony regarding impacts of the proposed trail on adjoining farm practices. Among the issues raised by the Oregon Farm Bureau and others was whether proposed construction of the recreational trail required findings of compliance with ORS 215.296, which generally require findings that non-farm uses allowed in the EFU zone do not force a significant change in accepted farm practices on

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surrounding lands devoted to farm use, or significantly increase the cost of accepted farm practices on such lands. *See* n 4. In addition, opponents raised issues regarding whether the county is the legal owner of the corridor, taking the position that, notwithstanding the quitclaim deed granted to the county, when the railroad use ceased in the 1980s the ownership of the corridor reverted to the adjoining landowners.

A motion to recommend approval of the draft ordinance failed, 4-4, and the planning commission ultimately voted to forward the ordinance to the board of commissioners without recommendation.

On May 11, 2015, the assistant county counsel (who was also acting as the applicant) submitted proposed findings taking the position that the proposed recreational trail is not subject to ORS 215.296. In the alternative, the proposed findings addressed the requirements of ORS 215.296 and the testimony regarding impacts on farm practices and concluded that ORS 215.296 is satisfied, based on identified means of mitigation or minimization of impacts to farm practices. Record 322.

On May 15, 2018, the board of commissioners conducted a hearing on the ordinance. At the conclusion of the May 15, 2018 hearing, the three commissioners deliberated and voted 2-1 against the proposal, with Commissioner Starrett and Olson voting against. Record 223. Following the May 15, 2018 hearing, county counsel, the county administrator and the deputy county administrator met with Commissioner Olson in a successful attempt to

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persuade him to change his vote. On May 22, 2018, the county mailed notice that the board of commissioners would reconsider the May 15, 2018 vote at a May 31, 2018 formal session.

On May 30, 2018, the commissioners met in formal session. Although the notice stated that no additional testimony would be received, the commissioners allowed public testimony. At the conclusion of the session, Commissioner Olson made a motion to reconsider the original motion that was rejected on May 15, 2018. The motion to reconsider passed 2-1. On reconsideration, the motion to approve the proposed ordinance passed 2-1. Exhibit A of Ordinance 904 consists of revised findings proposed by the assistant county counsel, which include additional findings and conditions intended to ensure compliance with ORS 215.296.

This appeal followed.

INTRODUCTION

Petitioners advance six assignments of error. The fifth and sixth assignments of error involve procedural or process matters that we address first, because their resolution could affect how we resolve the remaining assignments of error. We next address the first, second and third assignments of error, which challenge the county's findings regarding compliance with ORS 215.296 and county land use regulations implementing ORS 215.296. Finally, we address the fourth assignment of error, which challenges the county's failure to

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adopt findings addressing the issue raised below regarding whether the county legally owns the corridor.

FIFTH ASSIGNMENT OF ERROR

As noted, the county processed the application as a legislative action. Petitioners argue that both the county code and state law required the county to process the application under quasi-judicial procedures, subject to ORS 197.763 and local quasi-judicial equivalents. Among other things, petitioners argue that the county's failure to process the application under quasi-judicial procedures meant that petitioners were denied several procedural protections, including the right to a request continuance of the evidentiary hearing and a decision free of undisclosed ex parte contacts pursuant to ORS 215.422(3) and Yamhill County Zoning Ordinance (YZCO) 1402.

We agree with petitioners. As explained under the first and third assignments of error, discussed below, the proposed recreational path is a transportation facility or improvement allowed in the county EFU zone as a conditional use, pursuant to YCZO 402.04(N).² A proposed land use that

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requires a conditional land use permit must be processed under quasi-judicial procedures. YCZO

402.04 specifies that conditional uses in the EFU zone are subject to conditional use criteria in YCZO 1202 and 402.07(A), and "shall be reviewed under the Type B procedure of Section 1301," which is one of the county's quasi-judicial review procedures. For that reason alone, we agree with petitioners that the county erred in processing the application under county legislative, rather than quasi-judicial, land use procedures.

In addition, we agree with petitioners that under state law the decision must be viewed as a quasi-judicial decision. In *Strawberry Hill 4-Wheelers v. Board of Comm.*, 287 Or 591, 602-603, 601 P2d 769 (1979), the Oregon Supreme Court established a three-factor test to determine whether a land use matter is quasi-judicial or legislative:

1. Is the process bound to result in a decision?
2. Is the making of the decision bound to apply preexisting criteria to concrete facts?
3. Is the matter directed at a closely circumscribed factual situation or a small number of persons?

No factor is determinative, but answering two or three of the questions in the affirmative suggests that the matter is quasi-judicial in nature. *Id.*

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Petitioners argue that all three factors point to the conclusion that the matter is quasi-judicial, and we agree. The process was initiated by a land use application that, among other things, sought final county land use approval to construct improvements for a proposed transportation facility. The county argues that the board of commissioners could have tabled proceedings on the application at any point, and was free at all times to refuse to make any decision on the application. However, the county cites to nothing in the county code or elsewhere that purports to authorize the county to refuse to make a decision

on a land use application pending before it that, among other things, seeks approval to construct a transportation facility.

The second factor—application of preexisting criteria to concrete facts—also points to a quasi-judicial decision. As discussed below, the county was required to apply discretionary approval standards that implement ORS 215.296, which address impacts on farm practices on land adjoining the 2.82-mile segment of rail corridor. As noted, the county's findings in fact address compliance with ORS 215.296, address a number of specific impacts to farm practices that were raised by participants below, and impose conditions intended to mitigate or avoid such impacts.

For similar reasons, the third factor—whether the matter is directed at a closely circumscribed factual situation or relatively small number of persons—also points to a quasi-judicial decision. The county argues that the proposed 2.82-mile segment of trail, once constructed, will be enjoyed by many

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thousands of bicyclists and pedestrians from across the county and the region, and further that the farm impacts addressed in the decision affect 40 different parcels and 34 different property owners. However, in the context of a transportation facility the focus under this factor is not on the number of people that will use the facility on a daily or annual basis, as otherwise this factor would suggest that approval of virtually any and all transportation facilities would constitute legislative decisions. The focus instead is on whether the characteristics of the proposed transportation facility, including its size and location, are such that the land use consequences are disproportionately concentrated on a relatively small pool of persons, as opposed to a larger region or the general population. Here, the decision approves construction of a 2.82-mile recreational path that, surrounding farmers allege, will cause specific and direct adverse impacts on a relatively small number of adjacent

farm operations. We conclude that the third *Strawberry Hill* factor is met and consideration of all three factors indicates that the county's action is quasi-judicial in nature.

Accordingly, the county erred in processing the application under its legislative rather than its quasi-judicial procedures. Consequently, the county was required to process the application pursuant to quasi-judicial procedures at YCZO 1301, and further was required to conduct any land use hearings pursuant to procedures implementing ORS 197.763.

Under ORS 197.835(9)(a)(B), LUBA shall remand a decision where the local government "[f]ailed to follow the procedures applicable to the matter

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before it in a manner that prejudiced the substantial rights of the petitioner." Petitioners argue that the county's failure to follow quasi-judicial procedures prejudiced their substantial rights, noting the planning commission rejected their request to continue the initial evidentiary hearing to allow submission of additional evidence, a request that the county is obligated to grant under local quasi-judicial procedures implementing ORS 197.763(6). The county generally disputes that any procedural error prejudiced petitioners' substantial rights, but does not respond to petitioners' specific allegations of prejudice for failure to comply with ORS 197.763. Accordingly, we agree with petitioners that the county's failure to follow quasi-judicial procedures implementing ORS 197.763 prejudiced their substantial rights, and that remand is necessary for the county to review the application under the appropriate quasi-judicial procedures.³

The fifth assignment of error is sustained.

SIXTH ASSIGNMENT OF ERROR

As noted, the application initially failed to gain approval at the May 15, 2018 board of

commissioners' meeting. However, on May 30, 2018, the commissioners met and voted 2-1 to reconsider their May 15, 2018 decision and ultimately voted 2-1 to approve the application. Petitioners argue that the May

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15, 2018 denial was the county's final decision, because the motion for reconsideration was improper under YCZO 900, section 5.02, which provides:

"A motion to reconsider any item may be made only by a commissioner who voted with the majority on the question or a commissioner who was absent for the vote. Such a motion can be made only at the same meeting that the original motion was adopted, or at the next formal session."

Petitioners contend that the motion to reconsider was improper because the "item" voted on at the May 31, 2018 meeting—approval or denial of the application based on modified findings and additional conditions of approval—was not the same "item" that was the subject of the May 15, 2018 vote resulting in denial of the application. Because the findings and conditions were modified, petitioners argue, the matter before the commissioners was not the same "item" and therefore YCZO 900, section 5.02 does not provide a basis to reconsider the county's otherwise final May 15, 2018 denial.

The county does not respond to petitioners' arguments regarding the meaning of "item" and whether YCZO 900, section 5.02 is properly understood to allow reconsideration of an item that, following the initial vote, has been modified. Nonetheless, petitioners' arguments do not provide a basis for reversal or remand. As explained, remand is necessary for the county to conduct new proceedings that comply with quasi-judicial procedures, the result of which will be a new vote on whether or not to approve the application. Accordingly, there is no point in

resolving petitioners' challenges to the alleged error in reconsidering the May 15, 2018 denial.

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We do not reach the sixth assignment of error.

FIRST AND THIRD ASSIGNMENTS OF ERROR

Under the first assignment of error, petitioners challenge the county's finding that the application is not subject to the standards in ORS 215.296(1).⁴ Petitioners also challenge the county's alternative findings of compliance with ORS 215.296. Alternatively, petitioners argue that even if ORS 215.296 does not apply to the proposed transportation facility, the facility is a conditional use under the county's EFU zone, and therefore subject to YCZO 402.07(A), which implements ORS 215.296 in identical terms. For the same reason, petitioners argue under the third assignment of error that the application is subject to the conditional use standards at YCZO 1202, which the county failed to address. Finally, petitioners argue that a portion of the rail corridor is within the AF-10

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zone, a residential zone in which a transportation facility of this kind is not authorized at all.

As discussed under the fifth assignment of error, remand is necessary in any event for the county to conduct new evidentiary proceedings consistent with ORS 197.763, which will result in a new decision based on a different evidentiary record and, most likely, different findings. Accordingly, we address here only the legal issues raised by the parties regarding the applicable criteria. For the reasons below, we agree with petitioners that the proposed facility is a conditional use in the county EFU zone and hence subject to the standards at YCZO 402.07(A) and 1202. Because the standards at YCZO 402.07(A) replicate the standards at ORS 215.296, we need not resolve whether ORS 215.296 applies directly.

Finally, because the decision must be remanded for a new decision based on new evidentiary proceedings, we do not reach petitioners' adequacy and evidentiary challenges to the county's present findings of compliance with ORS 215.296.

A. YCZO 402.04(N)

As noted above, Ordinance 904 approves the "immediate development" of a 2.82-mile segment of the rail corridor as a recreational bicycle and pedestrian path, including construction of a bridge. Under the third assignment of error, petitioners argue that the approved development is a "transportation facility[y] or improvement[]" listed as a conditional use in the county EFU zone

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under YCZO 402.04(N). *See* n 2. YCZO 402.04(N) authorizes as a conditional use in the EFU zone:

"Roads, highways and other transportation facilities and improvements not allowed under Subsections 402.02(K) or 402.04(J), subject to compliance with OAR 660-12."

The county's findings do not address YCZO 402.04(N) or take the position that the proposed facility is not a facility described in YCZO 402.04(N). On appeal, we do not understand the county to dispute that a recreational path of the kind approved here is a "transportation facilit[y] and improvement[]" for purposes of YCZO 402.04(N), and hence categorized as a conditional use in the county EFU zone. Nonetheless, the county argues that no conditional use permit under YCO 402.04(N) is needed in this case for the approved development, because the transportation facility is authorized in the county TSP pursuant to Ordinance 880. As noted, in 2012, the county adopted Ordinance 880, which amended the TSP to designate the entire corridor segment within the county as a future rails-to-trails project, and recommended acquiring portions of the corridor and

constructing a recreational path within the existing railroad right of way. We do not understand the county to dispute that, in the absence of Ordinance 880, a conditional use permit would be required to authorize construction of the recreational path. However, the county contends that no conditional use permit is required in this case because the county's TSP already authorizes the proposed development.

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We disagree with the county. That the county's TSP includes language recommending that the county acquire property to develop a transportation facility does not mean that whatever land use permits are required to actually construct the facility under the local code or state law are thereby waived. The county could of course choose to approve whatever land use permits are required under law at the same time it approves an amendment to its TSP, but the latter is not a substitute for the former, or vice versa.

The county correctly notes that a decision that determines "final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility which is otherwise authorized by and consistent with the comprehensive plan and land use regulations" is excluded from the definition of "permit" at ORS 215.402(4).⁵ That class of decisions is also excluded from the definition of "land use decision" subject to LUBA's review,

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at ORS 197.015(10)(b)(D).⁶ However, that class of decisions does not include land use decisions that are subject to discretionary conditional use permit approval standards. Stated differently, a decision that approves, for example, the "final engineering design" or "construction" of a transportation facility that is otherwise authorized by and consistent with a local TSP would fall within the definitional exclusions to ORS 215.402(4)(c) and ORS 197.015(10)(b)(D) only if there were no discretionary land use

approval standards that must be applied to that decision, for example, if a transportation facility or improvement is an outright permitted use in the applicable zone. However, where the proposed facility is categorized as a conditional use in the applicable zone the local government can approve construction of the facility only after first addressing the applicable conditional use standards.

The county also cites to OAR 660-012-0050(3), part of the Transportation Planning Rule addressing project development.⁷ We understand

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the county to argue that approval of the proposed recreational path constitutes "project development," which need not require any land use decision-making, and that all land use authorizations necessary to approve the recreational path

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were fully accomplished by the adoption of Ordinance 880. However, OAR 660-012-0050(3) provides no support for that argument. As OAR 660-012-0050(4) and (5) make clear, project development can avoid application of land use standards and decision-making only if all applicable standards have been applied and required decision-making have been made by the time of project development. The county did not, in adopting Ordinance 880 or at any other prior time, apply to the proposed facility the conditional use standards that govern development of transportation facilities in the county EFU zone under YCZO 402 and 1202. Nothing cited to us in OAR 660-012-0050 or elsewhere purports to authorize the county to waive otherwise applicable, mandatory, discretionary land use approval standards when approving a transportation facility or improvement.

In sum, we agree with petitioners that the proposed facility is a conditional use in the county

EFU zone, and the county erred in failing to apply the applicable conditional use standards at YCZO 402 and 1202. Relatedly, we agree with petitioners that a decision approving a transportation facility under discretionary conditional use permit standards in YCZO 402 and 1202 is a "permit" decision as defined at ORS 215.402. *See* n 5. As a consequence, the application for the proposed transportation facility must be approved subject to procedures consistent with ORS 215.416.

The third assignment of error is sustained.

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B. AF-10 Zone

As noted, a portion of the rail corridor adjoins a residential area zoned AF-10, and the AF-10 zone apparently extends to the midpoint of the rail corridor, so in that portion half of the corridor is zoned EFU and half AF-10. Petitioners argue that the AF-10 zone does not allow as a conditional or permitted use a transportation facility of this kind, and is in fact prohibited.⁸

The county does not dispute that the AF-10 zone does not allow the proposed recreational trail. However, we understand the county to argue that the prohibition on non-listed uses in the AF-10 zone cannot prevent the county from approving a non-listed recreational trail use in the AF-10 zoned portion of the corridor, because the TSP as amended by Ordinance 880 recommends that the county acquire the rail corridor and construct a trail on a portion of the corridor.⁹ **Although not entirely clear, the county appears to be arguing that any conflict between the AF-10 zone and the TSP must be resolved in favor of the**

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TSP, because the TSP is part of the comprehensive plan, and hence hierarchically superior to the zoning ordinance. *See Baker v. City of Milwaukie*, 271 Or 500, 514, 533 P2d 772 (1975) (a zone cannot allow a residential density

that is prohibited by the underlying comprehensive plan designation).

The county's decision does not address the AF-10 zone prohibition on unlisted uses, including transportation facilities such as the proposed trail, and nothing in the record cited to us suggests that the county even considered the issue. We agree with petitioners that remand is necessary for the county to consider that issue and adopt any findings or measures necessary to avoid or resolve conflict between the TSP and the AF-10 zone.¹⁰

C. ORS 215.296

Under the first assignment of error, petitioners challenge the county's conclusion that ORS 215.296 does not apply to the proposed recreational trail. Petitioners also challenge the adequacy and evidentiary support for the county's alternative findings that the requirements of ORS 215.296 are met, with the conditions imposed.

As explained above, the proposed trail is a conditional use in the county EFU zone under YCZO 402.04(N), which is subject not only to the conditional use permit standards at YCZO 1202, but also the farm impact standards at

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YCZO 402.07(A), which is the local implementation of ORS 215.296.¹¹ Thus, even if ORS 215.296 does not apply directly, its substantive requirements apply via YCZO 402.07(A). Accordingly, there is no need in this opinion to resolve the rather complex legal arguments regarding whether ORS 215.296 applies directly.¹²

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Because the substantive requirements of ORS 215.296(1) and YCZO 402.07(A) are identical, the county's findings addressing the statute can also serve to address the code equivalent. However, there is no point in resolving the parties' disputes over the adequacy and evidentiary support for the

present findings of compliance with ORS 215.296, because the decision must be remanded in any event for new evidentiary proceedings, and on remand the evidence and likely the findings addressing the farm impact standards will

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change. Accordingly, we decline to resolve petitioners' challenges to the adequacy and evidentiary support for the present findings.

The third assignment of error is sustained; the first assignment of error is sustained in part.

SECOND ASSIGNMENT OF ERROR

The county's findings address whether the proposed plan amendment is consistent with the statewide planning goals. With respect to Goal 3, the findings state that due to compacted rail ballast within the corridor "[m]uch of the corridor is no longer suitable for growing crops[.]" Record 23. Petitioners challenge that finding, arguing that is not supported by substantial evidence. Petitioners cite to testimony that surrounding farmers grow crops within the rail corridor (presumably in areas not covered by rail ballast). Further, petitioners argue that whether the land remains "agricultural land" subject to Statewide Planning Goal 3 (Agricultural Lands) depends not only on whether the soils can grow crops, but also whether the land is "necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands." OAR 660-033-0020(1)(a)(C). Petitioners cite to testimony that some of the farmers who own or farm land on both sides of the corridor drive equipment across the corridor at frequent intervals during harvest operations.

The county responds that the county's findings of consistency with Goal 3 are supported by substantial evidence. The county argues that the fact that some farmers may (illegally) grow crops within the corridor does not

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undermine the county's finding that much of the rail corridor is covered with compacted ballast. The county also argues that the county did not find, and did not need to find, that the rail corridor is no longer "agricultural land" for purposes of Goal 3, only that the proposed recreational path is consistent with Goal 3. We agree with the county. A recreational trail approved under the applicable standards can be consistent with Goal 3, even if the rail corridor still qualifies as "agricultural land" as defined in Goal 3. Petitioners' arguments under the third assignment of error thus do not provide a basis for reversal or remand.

The second assignment of error is denied.

FOURTH ASSIGNMENT OF ERROR

As explained above, opponents argued to the county that the county did not in fact own the rail corridor, which according to opponents' legal theory had reverted to the adjoining land owners when the railroad use ceased in the 1980s. The county's findings did not address that issue. On appeal, petitioners argue that the county has the burden to demonstrate that it is the legal owner of the rail corridor, which as a matter of law can be established only if the county files and prevails in a quiet title action in circuit court, the only review body with jurisdiction to definitely determine ownership. Alternatively, petitioners argue that even if the county does not have that burden, the county is nonetheless obligated to adopt findings addressing the issue and establishing that it is feasible for the county to prevail in a quiet title action.

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The county responds that the county, as deed owner of the rail corridor, has sufficient authority, without more, to file a land use application to develop the corridor, and that the county has no obligation to establish by means of a quiet title action or any other process that no other person is the legal owner as a condition precedent to proceeding on its land use application.

We agree with the county. While the county requires the landowner or authorized agent to sign the land use application form, the undisputed fact that the applicant owns the deed to the subject property is sufficient, without more, to authorize the county to proceed on the application. The applicant is not required to file and win a quiet title action in circuit court as a condition precedent to filing the application, simply because another party disputes the applicant's title under a legal theory that can be resolved only in circuit court. In such circumstances, neither the county nor LUBA is in a position to resolve the legal dispute over whether the applicant/deed owner's title is good. For that reason, the county is also not obligated to adopt findings resolving the title dispute.

In circumstances where consent or lack of ownership has a bearing on an approval criteria, for example where proposed development relies upon a third-party easement to establish access required by code, we have held that the decision-maker may be required to impose conditions to ensure that the required easement or consent is obtained prior to construction. *See, e.g., Culligan v. Washington County*, 57 Or LUBA 395 (2008) (where subdivision

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relies on private easement for access but the scope of easement is disputed, the decision maker can approve the application with conditions that ensure that the dispute is resolved prior to construction). However, ownership of the subject property is not an approval criterion in the present case and has no bearing, as far as petitioners have established, on any approval criteria. We have never held that the applicant has the obligation to quiet title in the subject property where some doubt is raised during the proceedings below as to the legality of that title, or that the decision-maker is obliged to adopt findings addressing the likelihood that the applicant will prevail in a quiet title action, and we decline to so hold now. Petitioners' arguments under this assignment of error do not provide a basis for reversal or remand.

The fourth assignment of error is denied.

The county's decision is remanded.

Footnotes:

¹ Petitioners contend, and the county does not dispute, that amending the TSP to acknowledge ownership of the rail corridor was intended to facilitate obtaining future grants necessary to plan for and develop the recreational trail.

² YCZO 402.04 provides, in relevant part:

"The following uses are allowed in the Exclusive Farm Use District upon conditional use approval. Approval of these uses is subject to the Conditional Use criteria and requirements of Section 1202, and subsection 402.07(A) of this ordinance and any other provision set forth below. Applications shall be reviewed under the Type B procedure of Section 1301:

"* * * * *

"N. Roads, highways and other transportation facilities and improvements not allowed under Subsections 402.02(K) or 402.04(J), subject to compliance with OAR 660-12."

³ Petitioners also advance arguments under the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution. Because we sustain the fifth assignment of error on sub-constitutional grounds, there is no need to address petitioners' constitutional arguments.

⁴ ORS 215.296(1) provides:

"A use allowed under ORS 215.213 (2) or (11) or 215.283 (2) or (4) may be approved only where the local

governing body or its designee finds that the use will not:

"(a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or

"(b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use."

⁵ ORS 215.402(4) provides:

"'Permit' means discretionary approval of a proposed development of land under ORS 215.010 to 215.311, 215.317, 215.327 and 215.402 to 215.438 and 215.700 to 215.780 or county legislation or regulation adopted pursuant thereto. 'Permit' does not include:

"* * * * *

"(c) A decision which determines final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility which is otherwise authorized by and consistent with the comprehensive plan and land use regulations[.]"

⁶ ORS 197.015(10)(b)(D) excludes from the definition of "land use decision" at ORS 197.015(10)(a) a decision of a local government that "determines final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility that is otherwise authorized by and consistent with the comprehensive plan and land use regulations."

⁷ OAR 660-012-0050(3) provides, in relevant part:

"Project development addresses how a transportation facility or improvement authorized in a TSP is

designed and constructed. This may or may not require land use decision-making. The focus of project development is project implementation, e.g. alignment, preliminary design and mitigation of impacts. During project development, projects authorized in an acknowledged TSP shall not be subject to further justification with regard to their need, mode, function, or general location. For purposes of this section, a project is authorized in a TSP where the TSP makes decisions about transportation need, mode, function and general location for the facility or improvement as required by this division.

"(a) Project development does not involve land use decision-making to the extent that it involves transportation facilities, services or improvements identified in OAR 660-012-0045(1)(a); the application of uniform road improvement design standards and other uniformly accepted engineering design standards and practices that are applied during project implementation; procedures and standards for right-of-way acquisition as set forth in the Oregon Revised Statutes; or the application of local, state or federal rules and regulations that are not a part of the local government's land use regulations.

"(b) Project development involves land use decision-making to the extent that issues of compliance with applicable requirements requiring interpretation or the exercise of policy or legal discretion or judgment remain outstanding at the project development phase. These requirements may include * *

* transportation improvements required to comply with ORS 215.296 or 660-012-0065(5). When project development involves land use decision-making, all unresolved issues of compliance with applicable acknowledged comprehensive plan policies and land use regulations shall be addressed and findings of compliance adopted prior to project approval."

8. YZCO 501.02 and 501.03 list the permitted and conditional uses allowed in the AF-10 zone. Petitioners are correct that neither YZCO 501.02 nor 501.03 list a recreational trail or similar transportation facility as an allowed use. YZCO 501.04 states that "[u]ses of land and water nor specifically mentioned in this section are prohibited in the AF-10 District." Thus, petitioners appear to be correct that the proposed recreational trail is prohibited in the AF-10 zone.

9. The county also suggests that AF-10's prohibition on unlisted uses cannot preclude approval of the trail because the rail corridor has been a transportation facility since 1872. Response Brief 32-33. If the county is arguing that the recreational trail represents a lawful nonconforming use in the AF-10 zone, the argument is not developed sufficiently for review.

10. Such measures could be as simple as a condition limiting construction of the recreational trail to the EFU-zoned half of the corridor.

11. YCZO 402.07(A) provides:

"In the Exclusive Farm Use District, prior to establishment of a conditional use, the applicant shall demonstrate compliance with the following criteria in addition to other requirements of this ordinance:

"1. The use will not force significant change in accepted farming or forest practices on surrounding lands devoted to farm or forest use.

"2. The use will not significantly increase the cost of accepted farming or forest practices on surrounding lands devoted to farm or forest use."

¹². Briefly, the statutory authority to allow transportation facilities such as the proposed recreational path in the county's EFU zone is ORS 215.283(3), which delegates to the Land Conservation and Development Commission (LCDC) the authority to identify which transportation facilities not authorized in ORS 215.283(1) or (2) may be allowed in the EFU zone without a goal exception, but subject to ORS 215.296. LCDC duly promulgated OAR 660-012-0065, a rule that is part of the administrative rule implementing Statewide Planning Goal 12 (Transportation Facilities). OAR 660-012-0065 applies to all rural areas, not limited to EFU lands or resource lands. OAR 660-012-0065(3) sets out a list of transportation facilities and improvements that may be approved on rural lands that do not require a goal exception. Among the listed uses are "Bikeways, footpaths and recreation trails[.]" OAR 660-012-0065(3)(h). However, OAR 660-012-0065(3) does not mention ORS 215.296. The only mention of ORS 215.296 that occurs in OAR 660-012-0065 is in subsection (5), which is specific to facilities in EFU zones and forest zones. OAR 660-012-0065(5) subjects five of the facilities listed in OAR 660-012-0065(3), not including "Bikeways, footpaths and recreation trails," to an alternatives analysis, "in addition to demonstrating compliance with the requirements of ORS 215.296[.]" That parenthetical reference to ORS 215.296 is ambiguous, and can be read in context to indicate that LCDC intended that ORS 215.296 apply *only* to the five facilities subject to the alternatives analysis under OAR 660-012-0065(5), and no other facilities listed in OAR 660-012-0065(3).

The record includes a 2015 memorandum from staff at the Department of Land Conservation and Development (DLCD), taking the position that LCDC intended ORS 215.296 to

apply to recreation trails on EFU land. Record 621-22. Also in 2015, DLCD staff testified to the legislature that recreational trails allowed in the EFU zone under ORS 215.283(3) and OAR 660-012-0065 are subject to ORS 215.296. Response Brief App 3. In the findings, the county disagreed with DLCD staff, and interpreted OAR 660-012-0065 to apply ORS 215.296 only to the five facilities identified in OAR 660-012-0065(5). Although we need not and do not resolve the dispute on this point, there is no question that OAR 660-012-0065 and related administrative rules are ambiguous and unclear on this issue. LCDC may wish to consider amending OAR 660-012-0065 or OAR 660-033-0120, Table 1, to make its intent more clear.

Pete Walter

From: Joanna Strahm <joannastrahm@gmail.com>
Sent: Thursday, July 7, 2022 1:32 PM
To: Planning
Subject: written testimony for Project ID: GLUA-21-00045

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commision,

I am submitting my written testimony below prior to the July 11th meeting for the project: GLUA-21-00045 / MAS-21-00006 / VAR-22-00001

IKON & AKS engineering have repeatedly avoided discussing the serious issues with the proposed plan. I am extremely concerned about the power dynamic between Oregon City and these companies.

This development must be planned with all current and future OC residents in mind only.

I am concerned about major traffic safety issues, not only during the construction phase but also forever after for everyone in this community and those who travel through it:

vehicle congestion

vehicle/pedestrian/pet/bicycle safety

construction vehicle noise pollution/debris/air and water way pollution along one major route (Holcomb) for several years

wildfire/natural disaster evacuation

I urge you to take control back of this planning process.

Sincerely,

Joanna Strahm

Mother, Wife, Small Business Owner, living in the Park Place Neighborhood

--

Joanna Strahm

Owner

pronouns:she/her

@SmallBakingCo

[Instagram](#) [Facebook](#) [Web](#)



Nicholas R. Veroske
 3870 NW Banff Drive
 Portland, OR 97229-8222
 Tel: 503-617-7662
 Cell/Text: 503-577-6903
 Email: nick@willamette-equities.com

July 6, 2022

Oregon City Commissioners
 City of Oregon City
 625 Center Street
 Oregon City, OR 97045

***Delivered by email this date to
 Jakob Wiley for entry into the
 public record.***
jwiley@orc.org

RE: Park Place Crossing Workforce Housing Development

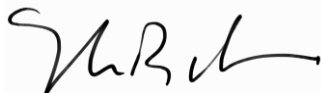
Dear City Commissioners:

Economist Bill Conerly stated last year that a key challenge employers face is finding housing for employees necessary for their business vitality. At a median house price approaching \$700,000, Oregon City has already priced first-time buyers out of the market. (Source: [Oregon City, OR 97045 \(altos.re\)](https://www.altos.re/)) A study by ECONorthwest in 2018 said that over 56,000 families statewide were spending more than 50% of their household income on housing and that this was a key contributor to temporary homelessness. Furthermore, they said that more supply would help alleviate price pressures at all levels of housing, contributing to affordability for first-time buyers.

Park Place Crossing spans a 20-year effort by multiple agencies to bring much-needed housing to City of Oregon City in conformance with Statewide Planning Goals and Metro's Urban Growth Management Functional Plan. It's mix of single family detached homes, attached townhomes and mixed-use residential zonings will help meet regional goals for increased availability of affordable housing and community diversity. In the process, the developer will pay approximately \$1,000,000 to \$1,800,000 to the City as proportional share payments to contribute to the improvement of bike lanes, pedestrian crossings and sidewalks as well as improvements to six major intersections. Throughout construction of the homes, the homebuilders will pay over \$15,000,000 in system development charges (SDCs) for future improvements to transportation, water and sanitary sewer capital improvements throughout the City, and will pay additional fees to expand and improve parks, stormwater infrastructure, and schools. This project has many winners.

Please work with this developer in approving the Park Place Crossings land-use application tonight so that this much needed development can move forward, helping to assure that new generations of Oregon City families can find homes near their birth places, their families and their work places.

Thank you.



Nick Veroske
 Oregon City Business Owner
 Developer of Workforce Housing since 1997
 Former Community Bank Director
 YMCA Board of Trustees since 2000.
 Founding Director of the Oregon City Business Alliance

July 6, 2022

Oregon City Planning Commission
625 Center Street
Oregon City, Oregon 97045

Re: Letter of Support

Dear OC Planning Commission,

We at the Oregon City Business Alliance want to express our strong support for the Park Place Crossing land-use application. At this point it has become obviously clear that our city and surrounding communities are experiencing a tremendous shortage of affordable and diverse housing options. It is estimated that we are short over 100,000 housing units at the present time to serve existing families. It is also estimated that there is a need to produce over 30,000 new housing units per year for the next 20 years to satisfy this need. How are we going to do it? Quite simply it comes down to increasing the supply of buildable land to meet the deficiency. Nothing else will accomplish it.

The Park Place Crossing project has been in the planning stages since 2002, 20 years ago, when Metro added to the land that was already in the UGB in the area. This helped facilitate an opportunity to construct a new road connection between Redland Road and Holcomb Blvd without having to cross steep canyons. In the proposed masterplan for this development it is anticipated that this connection will be made at the intersection of Holly Lane and Redland Road at a future date on land the developer already owns. The project includes a wide range of housing types ranging from detached single family homes to attached townhomes. In addition, a new community park will be created to serve the needs not only of the Park Place Crossing neighborhoods but for others already living in the area.

Approximately 20 acres of open space will also be dedicated for the protection of creeks, hillsides, and other natural features for the benefit of wildlife and greenbelts. The developer also plans on expending approximately \$1,000,000.00 to \$1,800,000.00 to the City as their proportional share of costs to construct bike lanes, pedestrian crossings and sidewalks to Holcomb Blvd. and transportation improvements to six major intersections including Hwy. 213 and Beavercreek Road. It is anticipated that the new construction of homes will also generate over \$15,000,000.00 in system development charges (SDCs) for future improvements in water, sanitary and storm sewer, roads, parks and schools.

We at the OC Business Alliance understand that many people are very resistant to change in their lives and communities. All cities experience this and unfortunately the silent majority of families that live in the existing neighborhoods or hope to move into the new homes usually never show up at public hearings to express their support. We also recognize that most of objections come from nearby citizens that already live in a home that was built which also most likely experienced opposition to their housing project. Do they wish that their home was never constructed in the first place? We very seriously doubt that. We respect their right to voice their opinion but we also recognize that without planned growth our communities and local businesses will suffer.

In summary, we recognize that without new housing stock being added to the available inventory of homes for sale prices will simply keep going higher and higher due to a continued lack of supply to meet

the ever growing demand. The legislature had to intervene with the seriousness of the shortage by creating new infill density laws called "missing middle housing" to help address this shortage. Unfortunately, the consequences of additional homes in family's backyards might receive an even bigger backlash from neighbors rather than the new communities. Only time will tell how these new laws (HB 2001 and SB 458) will play out. Therefore, we strongly urge that you approve the Park Place Crossing land-use application with conditions as deemed appropriate so that the affordable housing crisis can be addressed and somewhat alleviated now rather than later if at all.

Respectfully,

A handwritten signature in black ink, appearing to read "Kent Ziegler". The signature is fluid and cursive, with the first name "Kent" and last name "Ziegler" clearly distinguishable.

Kent Ziegler
President, OC Business Alliance

GLUA-21-00045: Park Place Crossing General Development Plan:

MAS-21-00006 – General Development Plan (GDP)

VAR-22-00001 – Variance

Type III Quasi-judicial review

Pete Walter, Planning Manager

Planning Commission

July 11, 2022



Previous hearings and continuances:

1. April 25th, 2022
2. May 9th, 2022
3. May 23rd, 2022 continued until tonight July 11



Tonight's Hearing

1. Applicant's Presentation (20 minutes) and Questions
2. Take public testimony from anyone who may wish to comment
3. Planning Commission discussion and motion to continue to July 25, 2022.
4. Staff will provide updated findings for July 25, 2022.



Park Place Crossing GDP

120-Day Land Use Decision Deadline

Extensions may be granted by applicant

Current deadline: September 23, 2022

All local appeals must occur before deadline

- Period in which to appeal Planning Commission decision to City Commission: 14 days from mailing of notice of decision.
- Notice period in advance of City Commission appeal hearing: 20 days



Park Place Crossing GDP

New Items

• In published agenda packet

- Applicant's Plan Revisions and Additional Information
- Applicant's Analysis of Daily Traffic Volumes
- “Baker v. City of Milwaukie” memo from Deputy City Attorney Carrie Richter
- Public Comment Summary Table UPDATED through July 1.
- Copies of all written testimony received before EOB July 1.

• Sent by Email from Staff to Planning Commission

- Public testimony from July 1 through today:
 - Joanna Stram
 - OCBA – Kent Ziegler
 - Nick Veroske
 - Christine Kosinski
 - Steve Sagi
 - James Nicita



Park Place Crossing GDP

Future Hearing Schedule – if continued

1. Agenda packet with new information posted on July 18
2. Continued hearing July 25, 7:00 PM
 - Additional public comment will be accepted.





Park Place Concept Plan

March 12, 2008
Version 1.4

Park Place Concept Plan Project Advisory Committee (PAC)

Jerry Herrmann – Oregon City Natural Resource Committee
Joe Marek – Clackamas County Transportation
Nancy Walters – Oregon City Historic Review Board
Tim Powell – Oregon City Planning Commission
Mike Riseling – Oregon City School District
Melanie Paulo - Oregon City Transportation Advisory Committee
Gary DiCenzo – Housing Authority of Clackamas County
Ted Schumaker – Oregon City Park and Recreation Advisory Committee
Linda Royer – Livesay Road
Karen Kelly – South of Holcomb Boulevard
Carter Stein – North of Holcomb Boulevard
Michael Kehoe – Holly Lane
Rod Moxley – Holly Lane
Ralph Kiefer – Park Place Neighborhood Association
Charlie Bottita – South of Holcomb Boulevard
Jackie Hammond-Williams – Livesay Road
Doug Neeley – Oregon City Transportation Advisory Committee
Ron Stewart - Oregon City School District
Don Sligar - Oregon City Natural Resource Committee
Steve VanHaverbeke – Park Place Neighborhood Association
Roger Rada - Oregon City School District
Kent Ziegler – Development Interest
Nancy Yuill - Clackamas Community Land Trust
Gene Stringham - Holcomb Outlook CPO
Kami Kehoe – Holcomb Outlook CPO
Steve Morrow – Small Business Owner
Ray Valone - Metro
Ben Baldwin – Tri-Met
Lorraine Gonzales – Clackamas County Planning
Gail Curtis - ODOT
Andrew Johnson - ODOT
Stacy Humphrey – Department of Land Conservation and Development
Ron Weinman – Clackamas County Transportation
Karen Buehrig – Clackamas County Planning

Park Place Concept Plan

March 12, 2008

City of Oregon City

Christina Robertson-Gardiner
Pete Walter
Dan Drentlaw
Nancy Kraushaar

Metro

Raymond Valone

SERA

Tim Smith
Matt Arnold
David Berniker
Allison Wildman
Eric Ridenour
Michelle Marx
Robin Moodie

Johnson Gardner

Jerry Johnson

David Evans & Associates

Tom Puttman
Jennifer Hoglund
Kelly Rodgers
Josh Cerra

Angelo Planning Group

Frank Angelo
Shayna Rehberg

Kittelson & Associates

Phill Worth
Andrew Cibor
Nick Foster

Cogan Owens Cogan

Matt Hastie
Ellie Fiore

EFA

Ray Bartlett

GRI

Tova Peltz

Acronyms

ADA	Americans with Disabilities Act
ADU	Accessory Dwelling Unit
CEG	Certified Engineering Geologist
CIP	Capital Improvement Plan
CRW	Clackamas River Water
EDU	Equivalent Dwelling Unit
EIS	Environmental Impact Statement
GIS	Geographic Information System
HCA	Habitat Conservation Area
HUD	U.S. Dept. of Housing and Urban Development
LF	Linear Foot
LID	Local Improvement District
LIDAR	Light Detection and Ranging
MDD	Maximum Daily Demand
MHI	Median Household Income
MSTIP	Major Streets Improvement Program
DOGAMI	Oregon Department of Geology and Mineral Industries
OCSD	Oregon City School District
ODOT	Oregon Department of transportation
ORS	Oregon Revised Statutes
PAC	Project Advisory Committee
PE	Public Engineer
SAFTEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
SDC	System Development Charge
SFWB	South Fork Water Board
TSP	Transportation System Plan
TCSD	Tri-City Sewer District
UGB	Urban Growth Boundary
WWTP	Wastewater Treatment Plant



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1. Executive Summary

In 2002, nearly 500 acres of rural land located just east of Oregon City was brought into the Portland Metropolitan Urban Growth Boundary (UGB) to accommodate future growth. The Park Place Concept Plan was developed to help the City of Oregon City prepare for this growth by working with local citizens, area stakeholders, and local and regional jurisdictions to develop a common vision for the area. This vision provides a framework for growth that respects and augments the area's context, history, and natural systems. The Park Place Concept Plan emphasizes good urban design, multi-modal connectivity, opportunities for place-making and cultivating community, diversity, and, above all, a way to provide for future growth in a sustainable manner. Ultimately, the Park Place Concept Plan will ensure that the land brought in is planned in an efficient and sustainable manner that will maximize the use of the available lands while protecting the natural resources in the study area.

Key components of the Park Place Concept Plan include:

- Two primary north-south connections between Holcomb Boulevard and Redland Road (Swan Avenue and Holly Lane)
- Two distinct mixed-use neighborhoods (North Village and South Village) that accommodate 1,459 new dwelling units
- Neighborhood-oriented commercial nodes that integrate commercial land uses, residential land uses, and public open space
- An area for a new civic institution, like a library or community center
- An 8-10 acre community park and a 3-5 acre neighborhood park
- A mix of housing types and ranges of affordability
- An extensive system of off-street and on-street trails and pedestrian/bicycle connections
- Innovative, green on-site stormwater treatment methods
- Protected sensitive areas, including drainages and steep slopes
- Streets and buildings oriented for solar access
- The use of green edges to define neighborhoods and buffer developments
- Integration of parks and open spaces into existing and future neighborhoods

The following list describes these components and how elements of the Park Place Concept Plan comply with the established evaluation criteria (see page 71 in Appendix). These planning principles are based on the core values developed during the planning process and applicable local and regional community development standards and practices.

Community Design

Identifiable centers and green edges: The preferred alternative includes two discrete mixed-use/commercial centers, one on Livesay Road and another in the southern portion of the study area near Donovan Road supported by the enhanced transportation system. Each center provides for a mix of civic and commercial uses and spaces to serve the planning area. Edges around and between residential areas and existing

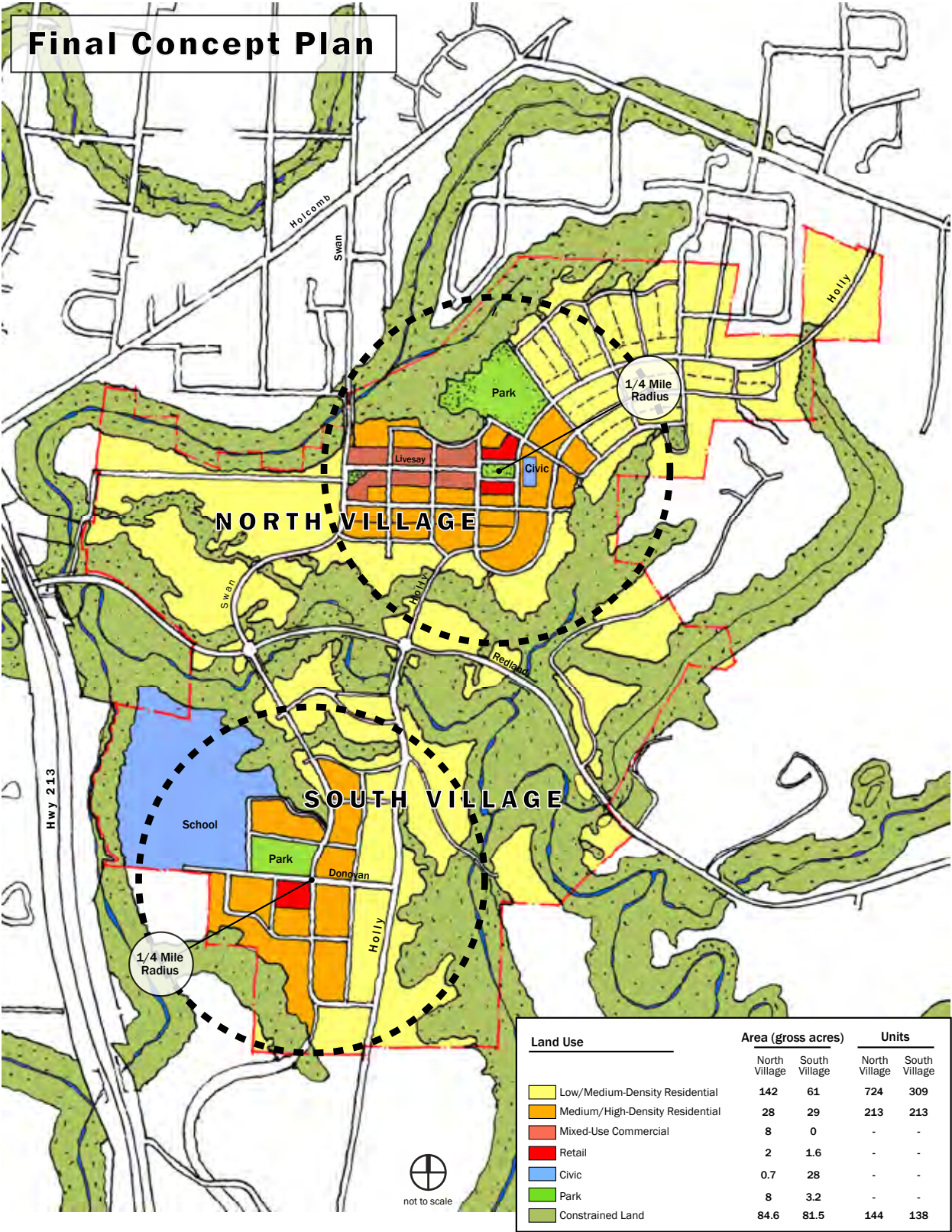


Figure 1-1. Park Place Concept Plan Urban Growth Diagram

This map is for concept planning purposes only. The specific locations of natural resource boundaries, open space, parks, land uses, roads, trails, infrastructure and related improvements may change and is subject to on-site verification and design at the time of development.

neighborhoods are defined by open spaced (primarily corresponding to natural areas) and larger rear setbacks for new lots that border existing neighborhoods.

Existing low-density clusters: Properties along Lower Livesay Road and Holly Lane are expected to remain as low-density clusters in the foreseeable future. They will have the potential to transition to medium-density residential uses over time. However, in the near term they are expected to retain the lowest densities within the planning area.

Mix of housing types and densities: The Park Place Concept Plan recommends and provides for a mix of different Comprehensive Plan and zoning designations that allow and/or require different densities and housing types, including low, medium and high densities, single-family homes on a range of lot sizes, townhouses, duplexes, multi-family units and mixed commercial/residential uses. Section 4 describes recommended residential densities and housing types in more detail.

Housing affordable to range of incomes: As noted above, the Plan provides or allows for a range of housing types and densities, including those that are most likely to be affordable to households or families with lower incomes, including single-family homes on small lots, townhouses, duplexes and multi-family units. The Plan also identifies potential zoning or development code strategies for distributing less expensive housing units among different areas rather than concentrating them all in one place. Finally, the Plan also incorporates policies aimed at working with other local housing agencies and non-profit organizations to achieve housing goals.

Greenway, street lighting, street furnishings: The Park Place Concept Plan includes recommendations for street and other standards, including those for neighborhood commercial or mixed-use areas, and provisions for street lighting, furnishings, trees and other amenities, as well as public gathering places.

One or more mixed use centers: The Plan includes two mixed-use centers. One is located along upper Livesay Road in the approximate center of the northern portion of the planning area, and is surrounded by medium and higher density housing. The second center is located to the west of the Holly Lane area near Donovan Road and Swan Avenue. This center is proposed to be located near high density residential uses, across the road from a park and in conjunction with some type of civic use. Twin north/south street corridors link these centers to one another and the surrounding Plan area, increasing their attractiveness and viability.

Central public space: Public gathering spaces are recommended and illustrated within or directly adjacent to both of the mixed-use centers described above.

Future school sites: Metro's Title 11 requirements stipulate that school sites should be identified, if needed. A preliminary projection of school age children

in the planning area, in conjunction with a review of Oregon City School District enrollment data, indicates that there will not be a need for an entire elementary, middle or high school, and that in the short to medium term, existing surrounding schools will be able to accommodate school needs. This issue should continue to be monitored by the City and school district as the area continues to be developed.

Natural Resources

Parks and open space per guidelines: The Park Place Concept Plan incorporates a significant amount of open space, located in conjunction with environmentally constrained and natural areas within the planning area. The amount of open space exceeds Metro and City guidelines. Two developed neighborhood and/or community parks are proposed within the planning area, consistent with recommended local and national acreage guidelines and service areas.

Trail and open space connections: The Park Place Concept Plan identifies a substantial, interconnected network of trails corresponding to the open space system, and in some cases parallel to road corridors. Proposed trail locations are consistent with the City's adopted Trails Master Plan and other local and regional plans, help connect activity centers, and provide alternatives to travel by automobile.

Protect natural resources: As noted above, the Park Place Concept Plan identifies a significant open space network and natural resource protection areas. They will be protected by a range of local regulations, as well as public ownership or easements, where feasible, that will prohibit or limit development and related adverse effects.

Avoid development in stability hazard areas: The City's existing development regulations will be applied and enhanced to direct development away from or mitigate the impacts of development within slope stability hazard areas.

Water, Wastewater, and Stormwater Infrastructure

Mimic existing hydrology: The Park Place Concept Plan has been developed in a manner that minimizes impacts to the existing hydrological conditions of the study area. Moreover, the stormwater concept plan and recommendations seek to utilize existing natural drainage features and low-impact development best practices to most mimic existing hydrologic functions.

Consistent with capacity of infrastructure: Preliminary review of local public facility master plans indicates that sufficient wastewater and water capacity exists to accommodate projected levels of development within the study area. The Park Place Concept Plan identifies potential improvements to existing or future facilities to ensure that water, wastewater treatment and stormwater management needs can be met.

Optimize existing infrastructure: The water and stormwater infrastructure improvements of the Park Place Concept Plan have been developed to utilize existing infrastructure to the extent possible. Due to the nature and intensity of development forecasted within the Park Place Concept Plan area, water and stormwater infrastructure systems will need to be upgraded and upsized. Stormwater infrastructure improvements will seek to mimic existing drainage patterns minimizing the need for significant stormwater facility development.

Transportation

Streets sized to handle future growth: A network of local, collector, and arterial streets provide the area with sufficient capacity and connectivity to meet anticipated travel demands, well into the future. Access to HWY 213 and I-205 will be provided by an improved 5-lane Redland Road corridor, (unless a smaller cross section is proven adequate) designated as a Minor Arterial. Holcomb Boulevard will serve the area as a 2- to 3-lane Minor Arterial. Holly Lane and Swan Avenue, designated as Collectors, will both be extended and improved to provide pedestrian, bicycle, and auto/transit facilities from Holcomb Boulevard to south of Donovan Road. Donovan Road and the eastern half of Livesay Road are designated as Neighborhood Collectors with a 2-lane cross section and amenities to meet the needs of the adjacent land uses. Local streets will be sized appropriately to meet traffic needs while contributing to traffic safety and promoting use of alternative modes of travel.

Provide safe environment for all modes of travel: Safe travel by each mode of travel is inherent in the design and layout of the Plan's transportation system. Conflict points between autos and pedestrians/bicycles are minimized and treated appropriately, wherever they occur. Uses that generate large numbers of pedestrians and bicyclists are directly linked to neighborhoods with appropriately sized and designed facilities to safely meet the travel needs.

Opportunities for all modes of travel: The Park Place Concept Plan identifies facilities that provide for a full range of travel modes, including an adequate road system for automobiles, bicycle lanes, sidewalks and trails that provide multiple opportunities for bicycle and pedestrian travel, and a looped transit system that will enhance public transit travel opportunities. The network of streets is designed to easily disperse vehicular traffic, readily accommodate transit, and fully integrate pedestrian and bicycle travel.

Connectivity within and outside study area: The Park Place Concept Plan incorporates a well-connected transportation system with two primary north/south travel routes (Holly and Swan corridors) providing connectivity both within and outside of the planning area. Similarly, Redland Road serves the same purpose for east/west travel through the area, complemented by Holcomb Boulevard. Local streets in a grid pattern will provide strong connectivity within individual sub-areas of neighborhoods.

Minimize increases in impervious surfaces: Transportation network redundancy, interconnected streets, and an emphasis on pedestrian, bicycle, and transit

amenities work together to manage the need for impervious surface. Stormwater management techniques that store and treat transportation system run-off within the public right-of-way minimizes the adverse impact of impervious surfaces.

Minimize adverse impacts on existing properties: To the greatest extent possible, the Park Place Concept Plan minimizes impacts to existing properties. Strategies to do so include:

- Providing a parallel collector route to Holly to reduce impacts on properties along that street.
- Designing streets and intersections in the context of the land uses they serve.
- Considering development parameters, such as parcel size and access locations, while laying out the transportation network.
- Providing design flexibility in roadway alignments, while diligently preserving safety and capacity for all travel modes.

Financing and Other Criteria

Funding sources pay for facilities and services: The financing of public improvements needed for Park Place's urban development is projected for transportation, water, wastewater, stormwater, and parks. Once the Park Place Concept Plan is adopted, Oregon City and the regional agencies that fund or own elements of the services will have to amend their master plans and systems development charges.

Transportation improvements: ODOT, Metro, Clackamas County, and Oregon City own various elements of the transportation network. Many of the roadways that ODOT and Metro are responsible for, will have to be constructed regardless of Park Place developing. Areas adjacent to Park Place also are developing and creating the need for many of the roadway improvements that are also needed by Park Place development.

Water: The regional service provider already has capacity for water treatment, storage and delivery to Park Place. Development of a water distribution system in Park Place will largely be paid for by properties that develop.

Wastewater: The regional service provider already has wastewater treatment and transmission lines near Park Place. Developing a wastewater collection system in Park Place will largely be paid for by properties that develop.

Stormwater: Natural storm drainages exist in Park Place, so that as development occurs on-site, roadway improvements will include installation of stormwater management improvements. Developing properties in Park Place will be responsible for constructing these improvements.

Parks: The two parks identified in the Concept Plan have to be integrated into Oregon City's parks master plan and at that time decide how to fund the proposed parks. It may be funded entirely from system development charges or as an integral part of the master plan's financing strategies.

2. Background

1. Introduction

Concept plans describe how an area is expected to develop over time. In general, they identify the general location and intensity of land uses, including a variety of housing types (affordable and market-rate), commercial and industrial land uses, parks, open spaces, and schools. They describe how basic services, such as transportation facilities (streets, sidewalks, transit routes, etc.), utilities, and stormwater facilities, are provided. Additionally, they demonstrate how environmental resources and sensitive habitats will be protected. Finally, concept plans establish implementation, phasing, and financial strategies to help guide future growth.

The concept planning process is established by State legislation, specifically Senate Bill 100, which requires that all regional growth agencies (in this case Metro) review their existing urban growth boundary (UGB) every five years and adjust it accordingly to accommodate the latest 20-year growth projections. Metro brought the Park Place study area into the Portland UGB in 2002 after an extensive technical analysis of the region. As such, Oregon City was required to initiate a concept planning process for the UGB expansion areas to adequately plan for future growth. The outcome of this planning process is the Park Place Concept Plan (“Concept Plan”).

The Park Place Concept Plan is organized as follows:

- The **Background** chapter summarizes the Plan’s guiding core values, existing conditions, and opportunities and constraints.
- The **Concept Plan** chapter presents the vision and design principles for the area, and provides detailed descriptions of the Plan elements.
- The **Implementation** chapter recommends implementation strategies and regulatory amendments based on feedback from service providers and members of the consultant team.
- The **Finance and Funding** chapter summarizes the costs associated with new growth and proposes a variety of ways to pay for it.

The Park Place Concept Plan is supplemented with a Technical Appendix, which provides comprehensive descriptions and details of the Plan elements.

2. Core Values

Early in the concept planning process, the project team worked with community members to develop a set of “core values,” or aspects of the community they think are important. Preliminary core values were drawn from *Envision Park Place* (2005) and then refined through an iterative process involving members of the Project Advisory Committee (PAC) and participants in the first two Community Forums.

Planning Process

Summer 2006

- *Public Outreach*
- *Background information collection and existing conditions analysis*
- *Core Values development*
- *Community Information Night*
- *Community Forums 1 and 2*

October 2006

Design Charrette

- *Day 1: Site Tour*
- *Day 2: Sketch Diagram Concepts*
- *Day 3: Refined Alternatives*
- *Day 4: Refine Preferred Alternative*
- *Day 5: Presentation of Preferred Alternative*

Winter - Spring 2006-07

- *Concept Refinement*
- *Develop Implementation Strategies*
- *Community Forum #4*
- *Planning Commission Hearing*
- *City Council Hearing / Adoption*

2007 and Beyond

- *Annexation*

Evaluation criteria were derived from the core values, which were then used to evaluate plan alternatives and the preferred plan. (Evaluation criteria can be found in Appendix D.) The core values are organized into three categories: Environment, Community Design, and Transportation/Traffic. A fourth category (“Other Core Values”) captures core values that do not readily fit within the other categories. The Park Place Core Values are as follows:



Livesay Creek

Environment

- We value natural resources in our neighborhood, including streams, aquifers, wetlands, woods, mature trees, viewsheds, hillsides and wildlife habitat, including migratory corridors for wildlife. Such features should be incorporated in the design of neighborhoods and specific developments.
- We value distinguishing between developed and natural areas with buffers.
- We value an interconnected system of neighborhood and community parks, recreation areas, open spaces and pathways that provide recreational opportunities and allow residents to feel connected to the natural environment.
- We value connections among community-oriented facilities and other destinations.
- We value a sustainable approach to planning and development that minimizes negative impacts on the natural environment and property owners, including impacts associated with runoff, flooding, landslides, steep slopes, geologic hazards, erosion, street lighting, traffic and other factors.



Public Involvement

Community Design

- We value the rural character of the Park Place Concept Plan area and a planning approach that will allow us to maintain this rural feeling as the area develops and grows.
- We value a choice of housing types, densities and price ranges, including housing that is affordable to existing and future residents of all ages and incomes, and that complements existing landscapes, environments and architectural styles.
- We value our history and seek to preserve and incorporate historical and artistic elements in the design and development of our community.
- We value high quality design that makes efficient use of land, provides transitions between urban and rural areas and incorporates sustainable/“green” design principles and practices.
- We value having the civic and retail services that provide for the community’s basic day-to-day needs located within the community.

Transportation/Traffic

- We value a safe, interconnected system of roads and other transportation facilities that allows people to move freely within the neighborhood and connects them to other parts of the city and region.
- We value a system of roads, trails and pathways that allow people to travel by a full range of transportation modes - bicycle, horse, walking, automobile and transit.
- We value a transportation system that safely connects residents to shopping, parks and other community facilities within the Park Place neighborhood.
- We value a transportation system that limits congestion without overbuilding roads and provides adequate facilities to address traffic conditions (intersection improvements, adequate road capacity, etc.).
- We value the use of traffic calming tools such as traffic islands, roundabouts, curvilinear streets, curb extensions and other methods.

Other Core Values

- We value local shops (e.g., Steve's Market) and other employment opportunities.
- We value, clear, complete, timely and open communication, and meaningful opportunities for involvement in the planning process.
- We value protection of property owners' rights.
- We value security and safety.
- We value phased development that provides adequate public services and infrastructure such as police, fire protection and schools in place before, or as development is allowed to occur.
- We value adequate schools, teachers and other resources needed to educate our children.
- We value the use of innovative funding methods to pay for enhanced levels of public service.

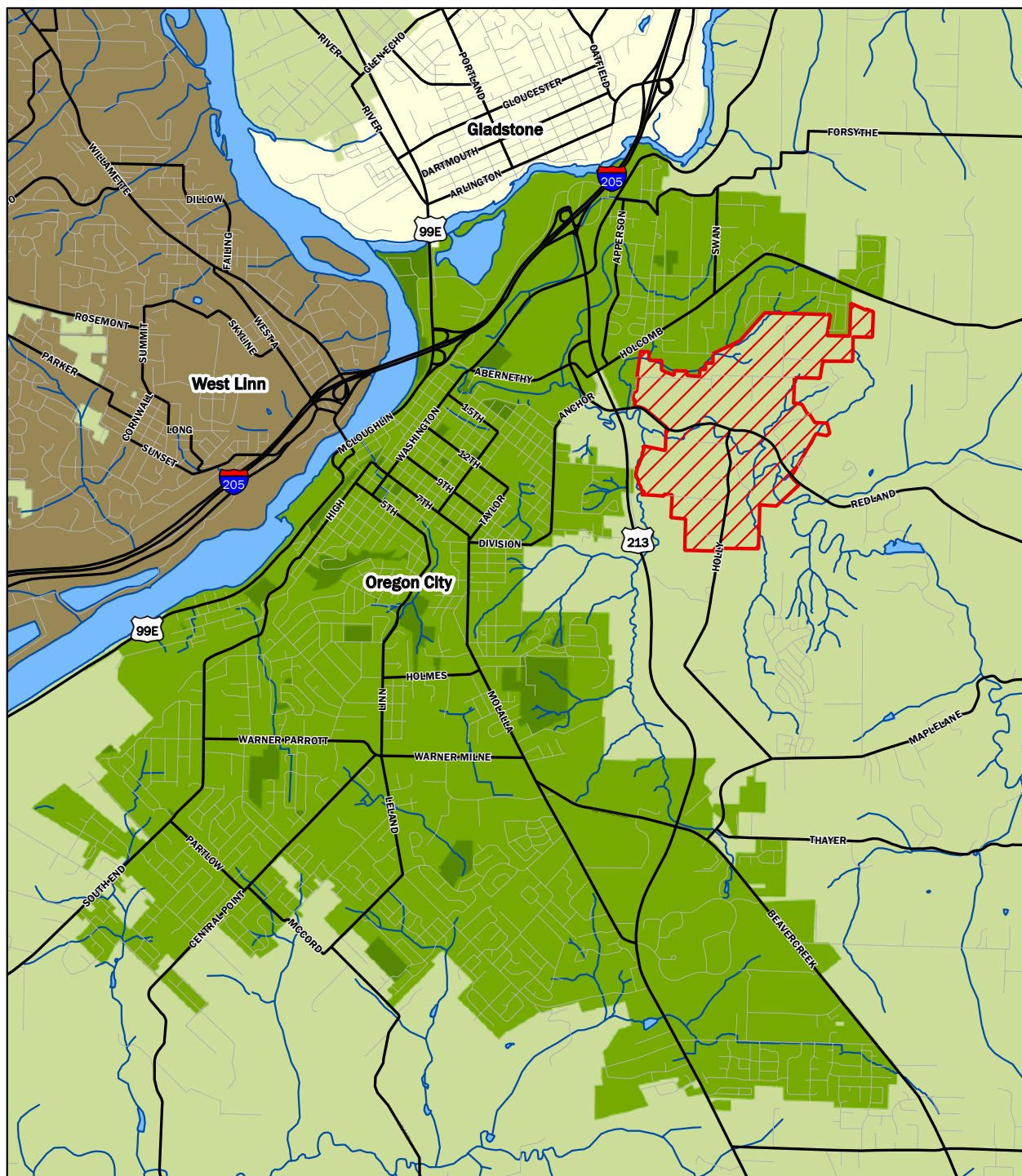


Holcomb Boulevard

3. Existing Conditions

The full Existing Conditions analysis for each of the Plan elements is provided in Appendix B of this document. A summary of the document follows.

The Park Place study area is adjacent to Oregon City's Park Place neighborhood on the eastern edge of the City (Figure 2-1). 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 1980's, but were not annexed into the City of Oregon City. The remaining approximate 300 acres were brought into the UGB in 2002.



Source: Oregon City GIS, 2006; RLIS 2006

- Oregon City
- Clackamas Co.
- Gladstone
- project boundary
- West Linn

Park Place Concept Plan

Area Context

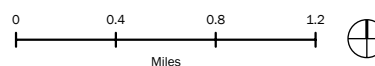


Figure 2-1. Park Place Study Area

This map is for concept planning purposes only. The specific locations of natural resource boundaries, open space, parks, land uses, roads, trails, infrastructure and related improvements may change and is subject to on-site verification and design at the time of development.

The study area is comprised of 138 individual property owners. To date, the largest amount of acreage 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. Consequently, any large-scale development based on a comprehensive vision for the area may take many years to be realized unless a significant number of people are compelled to sell property to a single entity.

Land Use

The primary existing land uses in the study area are rural farms, low-density residential housing, and civic uses (i.e., schools and churches). There are no commercial, office, or industrial land uses within the study area; the closest commercial nodes are located on Holcomb Boulevard near Front Avenue, and at the intersection of Redland Road and Holcomb Boulevard. A regional shopping center may be developed a half-mile from the western edge of the study area, which will influence the type and subsequent success of future land uses and traffic patterns in the study area.

The majority of the housing in the study area is located along Livesay Road and Holly Lane. These areas are generally characterized by low to moderately angled slopes and minimal wildlife habitat. Houses in the study area were constructed as early as 1900 and as recently as 2005; the majority of the housing was constructed between 1960 and 1980. Modest cottages, farm houses, and ranch style houses comprise the architectural styles in the study area. The study area is surrounded by pockets of higher-density, single-family residential subdivisions: Barlow Crest, Trailview Estates, Meadowridge Estates, and Holcomb Ridge.

Buildable Land

The term “buildable land” is defined by Metro as land that is suitable for development or redevelopment (after considering issues like steep topography, wetlands and waterways, habitat areas, easements, and land for public services, like roads, schools, and parks), and is used to calculate future land use densities. This calculation is required by Title 11 of Metro’s *Urban Growth Functional Plan*, which states that new urban area plans must provide “for average residential densities of at least 10 dwelling units (du) per acre of net vacant buildable land.” The average residential density is only applicable to areas added to the UGB in 2002; the area added to the UGB in the 1980s was calculated at the lower density of four dwelling units per acre.

The Park Place buildable lands methodology aggregates all of the vacant and developable land (as determined by Metro and real estate market experts) in the area and removes land that have slopes greater than 25%, a “high” or “moderate” Habitat Conservation Area rating (includes designated wetlands and essential riparian habitat), established easements, or a registered historic building. Twenty-four percent of the total is subtracted to account for new

Land Use

General Findings

- Existing land uses are primarily rural farm, low-density residential and civic
- Majority of existing housing is located along Livesay Road and Holly Lane
- Most of the housing was built between 1960 and 1980
- Study area consists of varied topography with limited access points
- The study area must accommodate a minimum of 1,458 new dwelling units

Table 2-1. Buildable Land Summary

2002 UGB Expansion Area	
Vacant + Developable Land	246.9 acres
Constrained Land	-103.4 acres
New Roads and Utilities	-34.4 acres
Net Buildable Land	109.1 acres
Units (10 du/acre)	1,091 units
1980 UGB Expansion Area (Livesay Area)	
Vacant + Developable Land	171.6 acres
Constrained Land	-48.7 acres
New Roads and Utilities	-31.2 acres
Net Buildable Land	93.4 acres
Units (4 du/acre)	367 units
Park Place Study Area Total	1,458 units

roads, stormwater facilities, and future civic uses, like schools and libraries. This final number is then multiplied by the required minimum densities for the area: 10 dwelling units for the area added to the UGB in 2002 and 4 dwelling units for the area added to the UGB in the 1980s.

The result of this analysis is that a minimum of **1,458 dwelling units** (Table 2-1) are required in the Park Place Concept Plan study area at build-out. For a more detailed description of the buildable lands methodology and analysis, please refer to Appendix E.

Regulatory Conditions

Development of a Concept Plan fulfills regional planning requirements as established in the Metro 2040 Plan and Urban Growth Management Functional Plan. These regional plans as well as local comprehensive plans and codes are responsible for complying with and implementing Statewide Planning Goals.

Regulatory Conditions

General Findings

- *Primary elements of the Concept Plan include: Governance, Housing, Transportation and protection of Natural Resources*
- *Elements of the plan are illustrated in an Urban Growth Diagram*
- *Majority of the study area is to consist of single family housing*
- *Upon adoption of the Concept Plan, the City will determine Comprehensive Plan designations and an annexation strategy*

The Concept Plan must include the following elements: governance, housing plans (including minimum density, diversity, and affordability), commercial and industrial land uses as needed, a conceptual transportation plan, natural resources and protection plan, a public facilities plan, and a plan for public schools. Conceptual plans for these elements must reflect and account for policies and projects established in the City's Comprehensive Plan, Transportation System Plan, Trails Master Plan, and Parks and Recreation Master Plan. Ultimately these element plans will be presented as a report and illustrated in an Urban Growth Diagram.

Following adoption of the Park Place Concept Plan and any necessary plan amendments by City Council, the next step in the process is for the City to determine the appropriate Comprehensive Plan designations based on the Preferred Concept Diagram, and to develop an Annexation Strategy. As part of annexation, the City will adopt zoning for the Park Place plan area according to the Comprehensive Plan designations. It is anticipated that most of the buildable land in the plan area will be designated for medium- and medium/low-density housing (e.g., single-family homes on medium-sized lots), which is compatible with existing uses and development patterns.

However, Title 11 requirements from Metro's Functional Plan require a minimum density of 10 units per net buildable acre in new urban areas. Given an exception for land in Park Place that is not considered new urban area, buildable land in Park Place will need to accommodate 1,458 housing units. As a result, implementation measures in the study area will need to allow for mixed-use designations and more medium- and high-density housing. Creation of a new residential zone, modification of existing zones and regulations, including master planning requirements, and establishment of clear and strong policies in the Park Place Concept Plan are designed to meet housing targets and to implement the type and intensity of development that is envisioned in the Final Concept Plan.



Livesay Road

Transportation

The study area is served by a multi-modal transportation system that includes roadway, transit, bicycle, and pedestrian facilities and services. Isolated locations on the roadway system experience congestion and delays. However, applicable agency standards are met at all study area intersections and road segments.

The Highway 213 corridor is approaching capacity, particularly on the segment between Redland Road and the I-205 interchange. Federal appropriations have been obtained through the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFTEA-LU) for the planning of improvements, including funding for an Environmental Impact Statement (EIS) and preliminary engineering for the I-205/OR 213 interchange.

The public transit system provides limited service to this low-density, suburban location. Additionally, the bicycle and pedestrian systems are incomplete, but plans exist to make incremental improvements. Until pedestrian, bicycle, and transit improvements are made, current conditions will make travel by these modes undesirable and will promote greater vehicular trip-making.

Water, Wastewater, and Stormwater Infrastructure

Limited water service exists within the study area except for a small portion of Livesay Road, which is served by the Oregon City water distribution system. Capacity exists within the Oregon City system to be expanded within the study area. Transmission mains, owned by Clackamas River Water, run through the study area to serve communities outside the study area.

Limited wastewater collection exists within the study area. Many properties are on septic systems. Two-trunk interceptor lines, owned by the Tri-City Sewer District, pass through the study area and convey wastewater flows from Country Village and Ogden Middle School. These two interceptors connect within the study area and their flows are conveyed by the Highway 213/ Newell interceptor to the wastewater treatment plant. These interceptors and the treatment plant have capacity to serve future development within the study area.

Stormwater is presently managed in the study area with roadside ditches and natural drainage channels. No major stormwater infrastructure facilities exist beyond these surface facilities. All stormwater within the study area is conveyed to Abernethy Creek, Newell Creek, and Livesay Creek. Abernethy Creek and Newell Creek are subject to occasional flooding; however, no significant flood damage is known to have occurred in the study area since the 1996 flood.

Transportation

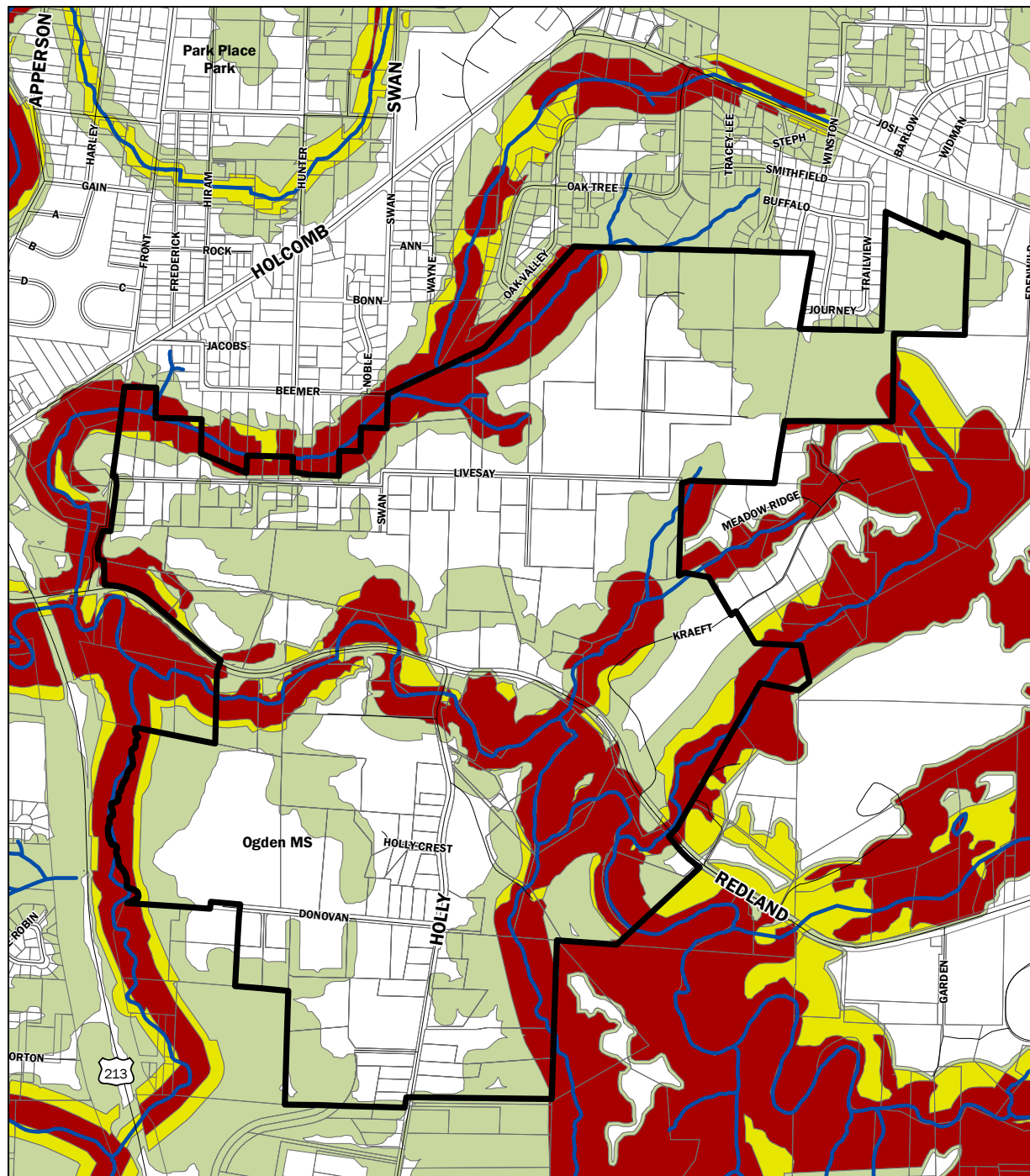
General Findings:

- *Very limited transit service*
- *Incomplete pedestrian system*
- *Limited system does not promote walking*
- *Incomplete bicycle system*

Water Infrastructure

General Findings:

- *Limited water distribution*
- *Capacity exists in the water system to serve the study area*
- *Limited wastewater collection*
- *Wastewater Treatment Plant and interceptors have capacity to serve the study area*
- *A natural stormwater drainage system exists*



■ High ■ Low
■ Moderate ■ Non-Regulated Goal 5 Resources - (No HCA designation)

Park Place Concept Plan Habitat Conservation Area (HCA) Values

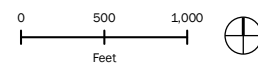


Figure 2-2. Habitat Conservation Areas

This map is for concept planning purposes only. The specific locations of natural resource boundaries, open space, parks, land uses, roads, trails, infrastructure and related improvements may change and is subject to on-site verification and design at the time of development.

Natural Resources

Through evaluation and mapping efforts performed by Metro, Habitat Conservation Areas (HCA) in the study area have been established. Metro created an inventory map showing areas of greatest significance, called “regionally significant habitat,” which includes riparian areas, wildlife habitat, and parks and open spaces. From this map, Metro established a Habitat Conservation Area Map (Figure 2-2) which identifies the highest value streamside habitat that will be subject to regulatory performance standards and best management practices. The Habitat Conservation Area Map also helped inform the buildable lands analysis.

Geologic Conditions

The study area is located in the Abernethy Creek drainage of the Willamette Valley. The Abernethy Creek drainage consists of a narrow meandering creek fed by Newell and Holcomb Creeks and flows directly into the Willamette River, immediately northwest of the study area. The drainage is characterized by steep canyons that are subject to ongoing slope processes (Figure 2-3). The local geology is dominated by the fine-grained facies of the Missoula Flood deposits (Madin, in press) primarily comprised of silt, sand, and gravel of late Pleistocene age. These deposits generally form terraces at the lower extent of the local creeks and mantle slopes up to about elevation 200 to 250 ft. In the low-lying areas within the floodplain of Abernethy Creek is alluvium and Pleistocene-age Willamette Silt, which consists of fine-grained sands, silt and clay with scattered lenses of fine- to medium-grained sand. At the north edge of the study area (along Holcomb Boulevard, at the south end along Holly Lane and at the southwest edge, adjacent to Newell Creek Canyon), mudstone, claystone, and sandstone of the Troutdale Formation are present, typically in steep canyons and ridges. Geomorphic and geologic evidence indicates these tributary canyons of Abernethy Creek have been modified by ongoing, large-scale landslides (Figure 2-4). The Oregon Department of Geology and Mineral Industries’ (DOGAMI) preliminary geologic map of the area indicates an inferred trace of the Oatfield Fault may extend into the northwest portion of the study area; however there is no direct evidence that the fault exists in this area (Madin, in press).

Due to the topographic and geologic conditions in the study area, there is a history of landslides within the Abernethy Creek drainage that have damaged property and infrastructure (Burns, 1993, 1998). In addition, recent mapping of landslide geomorphology in Oregon City using LIDAR imagery and aerial photographs indicates the tributary canyons of Abernethy Creek have been modified by ongoing large-scale landslides (Madin and Burns, 2006). A full discussion of the consultant’s technical analysis and recommendations are in the Appendix K.

Natural Resources

General Findings:

- *Regionally Significant Habitats areas have been inventoried*
- *Habitat Conservation Areas have been identified including three major riparian corridors: Livesay Creek, Abernethy Creek, and Newell Creek*
- *Development best management practices have been established*

Geotechnical

General Findings:

- *Study area is characterized by steep canyons*
- *Study area is dominated by weathered siltstone and mudstone*
- *Canyon and hillsides are subject to ongoing slope processes*

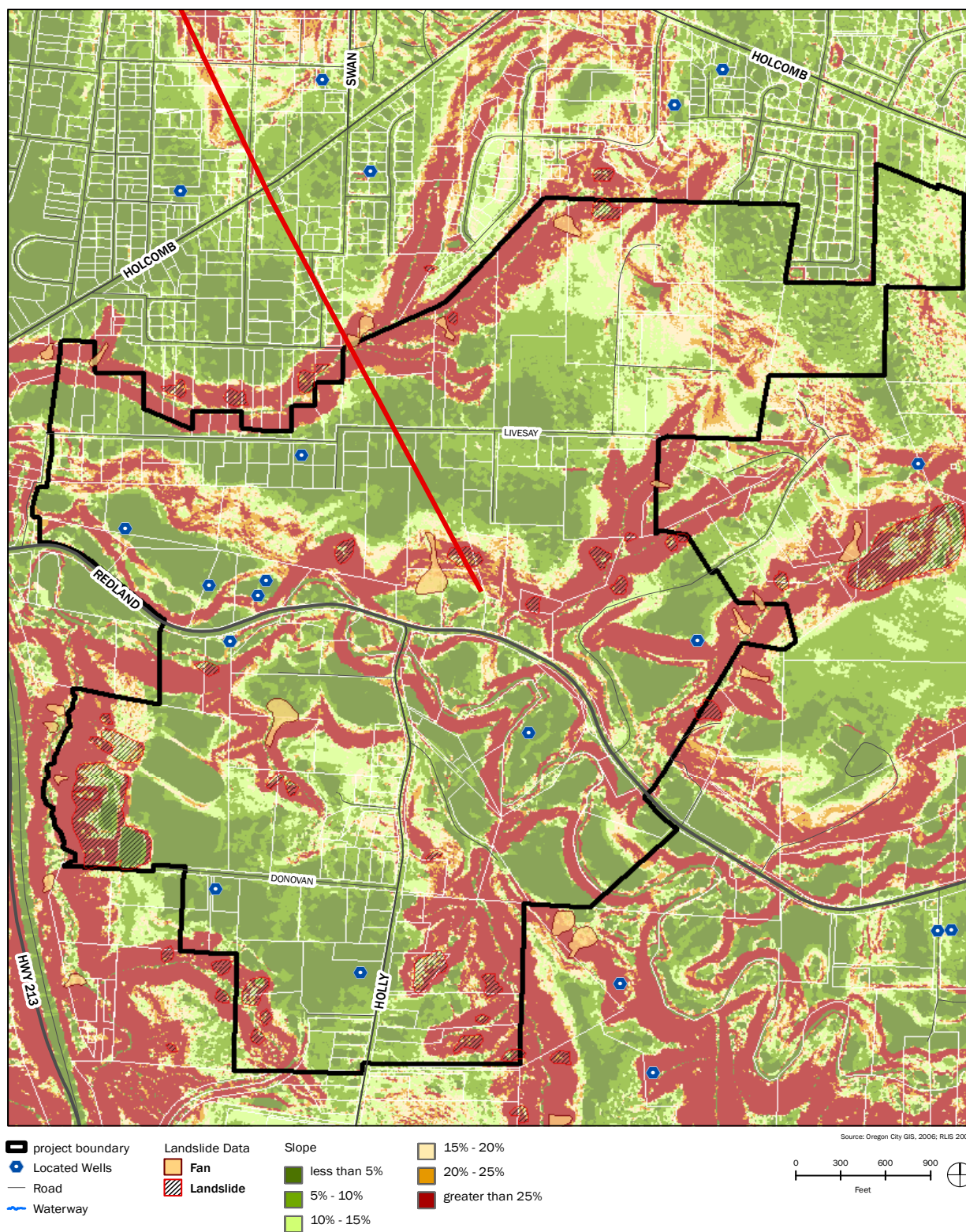


Figure 2-3. Steep Slopes and Landslide Geomorphology

This map is for concept planning purposes only. The specific locations of natural resource boundaries, open space, parks, land uses, roads, trails, infrastructure and related improvements may change and is subject to on-site verification and design at the time of development.

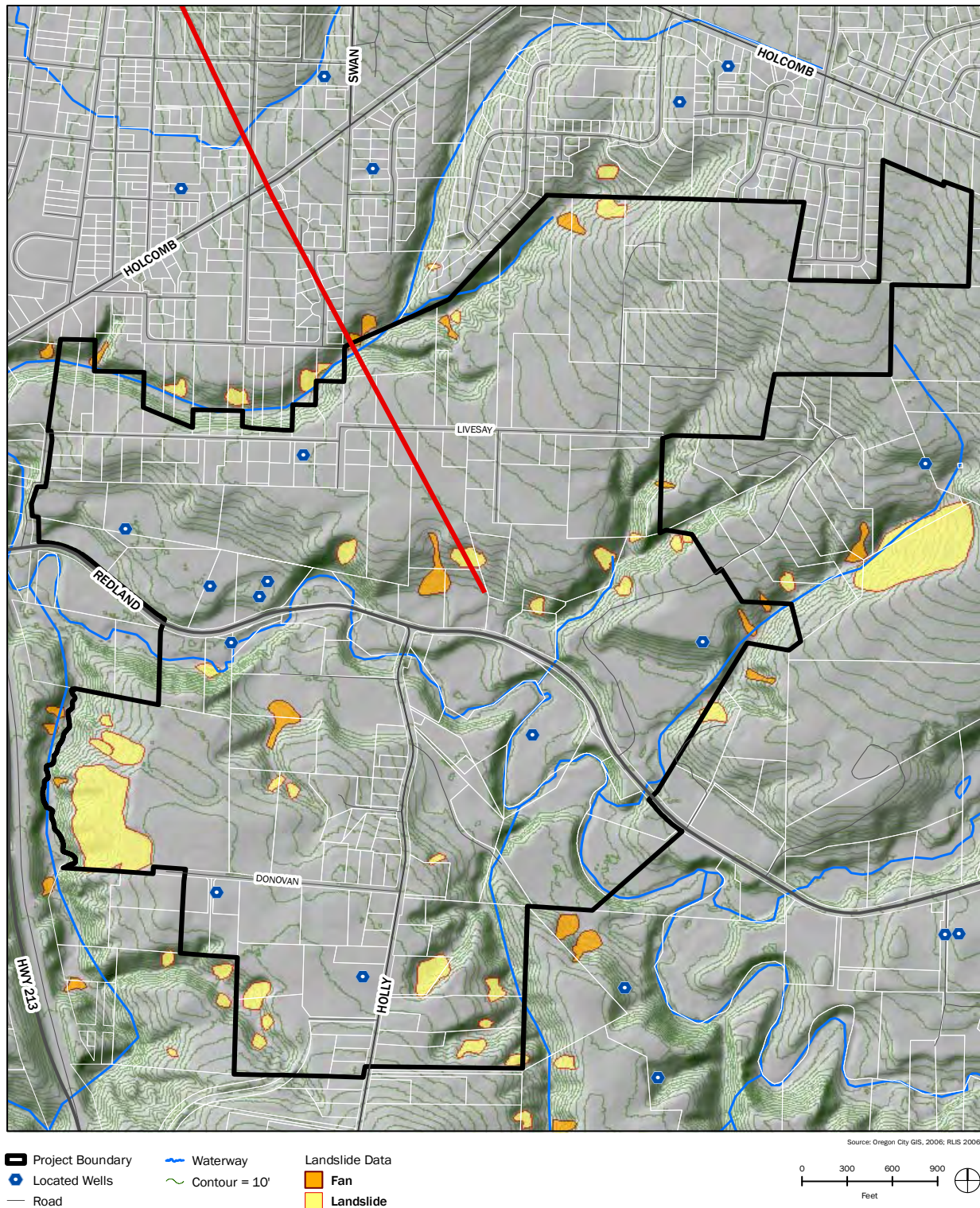


Figure 2-4. Landslide Geomorphology

This map is for concept planning purposes only. The specific locations of natural resource boundaries, open space, parks, land uses, roads, trails, infrastructure and related improvements may change and is subject to on-site verification and design at the time of development.

Market Assessment

The study area is characterized by varied topography, with limited access points and visibility. As a result, the predominant land uses in the area are expected to be residential. However, a moderate level of commercial (retail and office) development can be supported in the study area, which would serve the Park Place neighborhood and surrounding environs, as well as assist in organizing the Plan. The Portland metropolitan area economy has been enjoying a period of substantial employment growth. Trends in the commercial and industrial markets also indicate better than reported rates of growth and greater optimism for future space needs. Population growth held steady during the recent economic decline in the area, and the recent employment growth indicates that the level of growth can be sustained.

The retail market is currently sound in the Oregon City area, although there is a notable lack of regional-draw retail space. Retail is an area of obvious opportunity in the Oregon City area as population and associated levels of local buying power increase. The pending development of a major regional retail center in the immediate area will address this need for the broader community. Because of this development (and other physical circumstances of the study area), retail development in the study area will be limited to neighborhood supported uses.

The study area is expected to support between 20,000 and 40,000 square feet of retail space when fully developed. The area has limited access points, making it an unlikely candidate for more regional-serving retail services. From a market perspective, a commercial center that can capitalize on through traffic from existing arterials will increase the viability of retail space, particularly during the study area's build-out period.

Office space demand within the study area will respond to community needs, supported by the area's population base and industrial activity. Likely tenant types would include medical office, insurance brokerages, realty companies, title companies, and other professional office users. These types of office tenants will often utilize ground floor commercial space, as they have a significant amount of customer traffic, but could be located in more traditional office configurations.

Commercial development in the planning area is not seen as necessary for the success of the area, which is expected to be developed largely as residential. The commercial needs of the planning area can be met outside of the concept planning area by existing and planned developments. However, commercial development can serve to organize the Park Place Concept Plan by providing a "center" to the community. In addition, commercial development can meet some of the needs of the community, providing a marketable amenity for residential development while reducing trips out of the neighborhood.

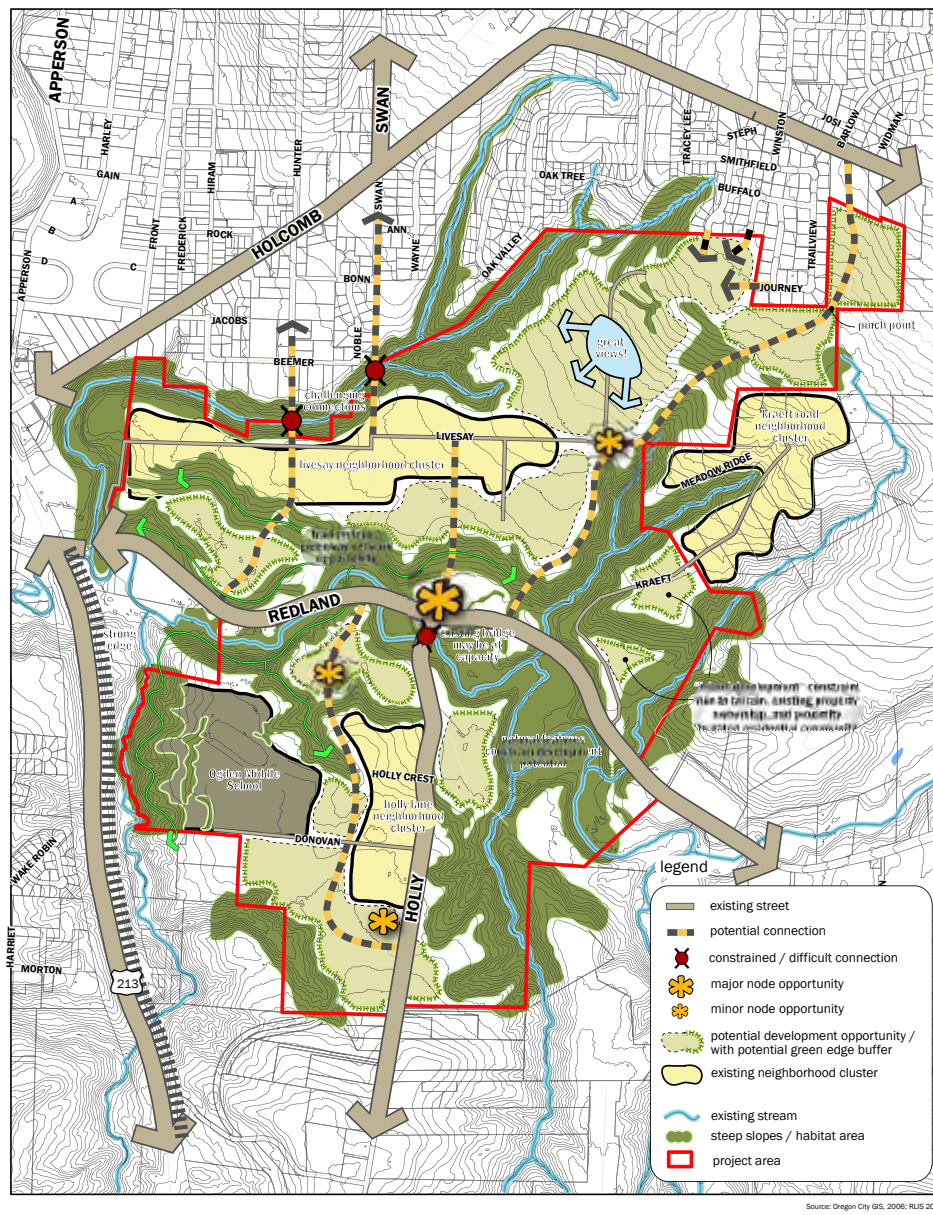
Market Conditions

General Findings:

- *Predominant land use is residential*
- *Oregon City is growing - primarily residential growth*
- *Current shortage of regional retail*
- *Retail suffers from lack of exposure, and being located on the edge of an urban area*
- *Future retail limited to neighborhood uses*
- *20,000 - 40,000 square feet of retail could be supported in the study area*
- *Local office including medical office, insurance brokerages, realty companies, title companies and other professional office uses are often willing to utilize ground floor commercial space in order to attract foot traffic.*

4. Opportunities and Constraints

The opportunities and constraints diagram (Figure 2-5) synthesizes findings from the existing conditions analysis and integrates input from the public meetings. The diagram was refined at the second community forum and updated for the design charrette in October 2006.



Park Place Concept Plan: Opportunities and Constraints

Figure 2-5. Opportunities and Constraints

This map is for concept planning purposes only. The specific locations of natural resource boundaries, open space, parks, land uses, roads, trails, infrastructure and related improvements may change and is subject to on-site verification and design at the time of development.

Opportunities & Constraints

Key elements of the opportunities and constraints diagram include:

- The study area currently consists of two neighborhood clusters: Holly Lane neighborhood cluster and the Livesay neighborhood cluster.
- The majority of the study area's buildable land (development opportunity sites) are located north of Redland Road.
- Opportunity to surround new and existing development with green buffers.
- The northeast portion of the area has great views to the south and west. Development layout lends itself to a (east-west) solar orientation.
- Sensitive areas (waterways, floodplains, wetlands, habitat conservation areas, and areas with slopes in excess of 25%) are treated as limited development zones.
- Opportunity to establish an extensive off-street trail network
- The study area has limited opportunities for north-south roadway connections due to steep slopes and sensitive habitat areas.
- The existing Holly Lane bridge is approaching capacity.
- Livesay Creek is both an opportunity (resource, habitat, aesthetic) and a constraint (difficult to connect across).
- Opportunities exist for major and minor nodes at the confluence of major roadways and on flat lands.
- Lower Livesay is a challenging area to redevelop due to limited access, steep slopes, and numerous small lots.

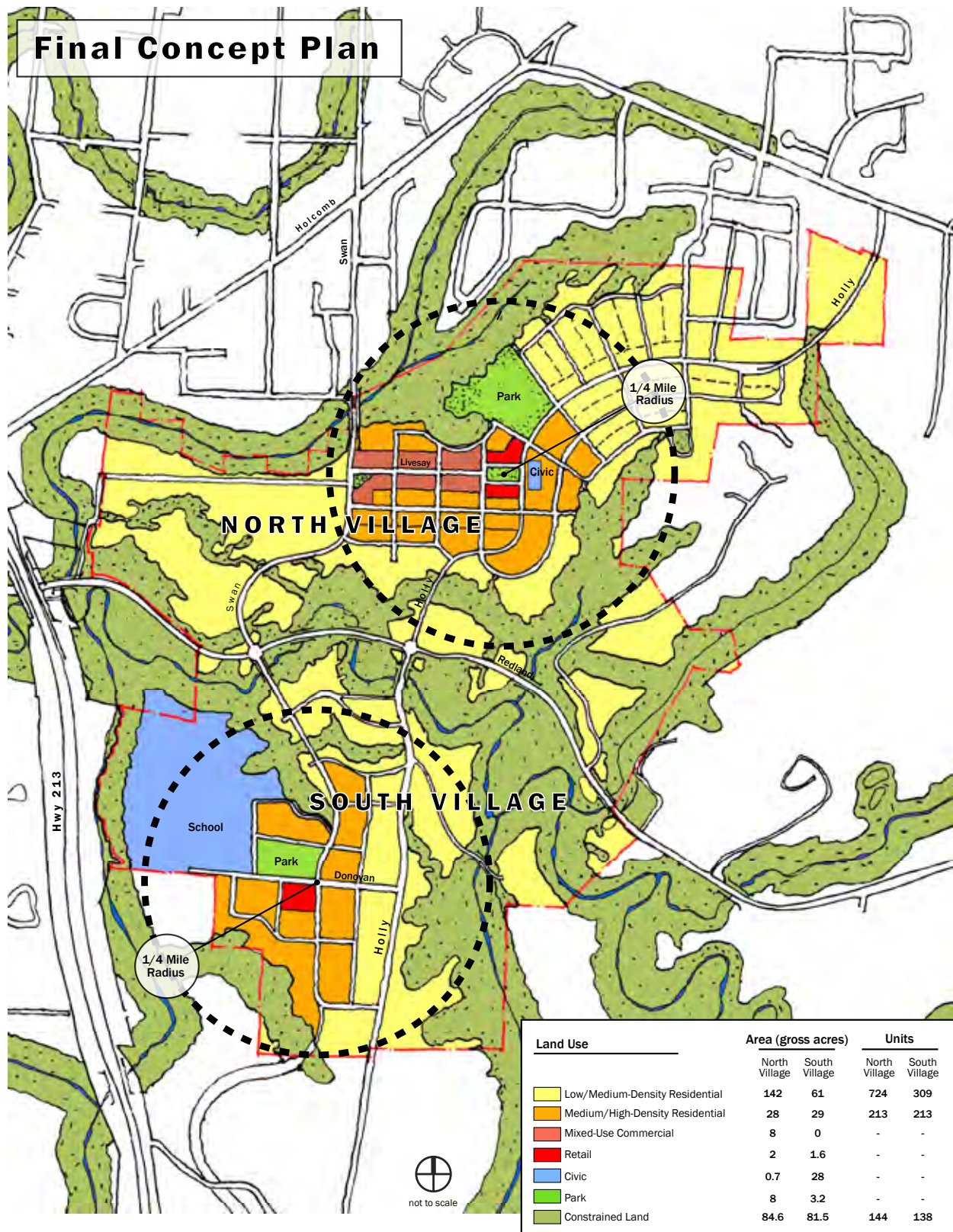


Figure 3-1. Park Place Concept Plan Urban Growth Diagram

This map is for concept planning purposes only. The specific locations of natural resource boundaries, open space, parks, land uses, roads, trails, infrastructure and related improvements may change and is subject to on-site verification and design at the time of development.

3. Park Place Concept Plan

1. Introduction

A series of growth alternatives for the Park Place study area were developed during a multi-day planning charrette the week of October 15, 2006 in Oregon City. The charrette (summarized on page 22; see Appendix C for detailed descriptions and sketches) consisted of interactive meetings, site tours, design sessions, and a series of public forums. Charrette participants included members of the project's Project Advisory and Technical Advisory Committees, local and regional service providers, Oregon City staff, property owners, developers, and citizens living in and around the Park Place study area. This intensive and transparent planning process resulted in a mutually agreed upon vision for the study area that became the foundation of the Park Place Concept Plan ("Concept Plan"). Following the charrette, the Park Place Concept Plan was refined to more accurately reflect the location of existing and proposed streets, natural resource areas, buildable lands, and to respond to remarks from the final public meeting.

The Concept Plan identifies the approximate location of land uses, public facilities and roads. Specific locations for these elements will be determined as part of more detailed future planning and development processes.

2. Concept Plan

The vision for the Park Place Concept Plan is to provide a framework for growth that respects and augments the area's context, history, and natural systems. The Park Place Concept Plan emphasizes good urban design, connectivity, opportunities for place-making and cultivating community, diversity, and, above all, a way to provide for future growth in a sustainable manner.

The key components of the Concept Plan (Figure 3-1) include:

- Two primary north-south connections between Holcomb Boulevard and Redland Road (Swan Avenue and Holly Lane)
- Two distinct mixed-use neighborhoods (North Village and South Village) that accommodate 1459 new dwelling units
- Neighborhood-oriented commercial nodes that integrate commercial land uses, residential land uses, and public open space
- An area for a new civic institution, such as a library or community center
- A mix of housing types and ranges of affordability
- An extensive system of off-street and on-street trails and pedestrian/bicycle connections
- Innovative, "green" on-site stormwater treatment methods
- Protected sensitive areas, including drainages and steep slopes
- Streets and buildings oriented for solar access
- The use of green edges to define neighborhoods and buffer developments
- Integration of parks and open spaces into existing and future neighborhoods

Park Place Concept Plan Charrette Summary



photos from top: charrette participants on a tour of the study area; members of the project team working on various growth alternatives; fielding questions and concerns at the first public forum; community member evaluating one of the growth concepts

Day 1 (Sunday, October 15)

- Reviewed Core Values and Evaluation Criteria (see Appendix B1) with stakeholders.
- Reviewed the opportunities and constraints diagram with stakeholders.
- Conducted a site tour of selected locations in the study area.

Day 2 (Monday, October 16)

- Held a stakeholder meeting to identify potential opportunities and constraints to creating the Park Place Concept Plan.
- Developed five preliminary planning alternatives (afternoon).
- Held Public Open House to review and comment on preliminary alternatives (evening).

Day 3 (Tuesday, October 17)

- Met with public agency representatives and others who were unable to attend Day 2 stakeholder meetings and/or decided to return for additional individual meetings.
- Narrowed five preliminary planning alternatives to two refined alternatives.
- Evaluated refined alternatives using evaluation criteria/core values (afternoon). Held second Public Open House to review and comment on two refined alternatives (evening).

Day 4 (Wednesday, October 18)

- Held stakeholder group meetings with public agency representatives, property owners, neighborhood group representatives and others, including PAC members to review refined alternatives and recommend a Preferred Alternative (morning).
- Refined the Preferred Alternative based on feedback from morning stakeholder group meetings (afternoon).

Day 5 (Thursday, October 19)

- Continued to refine the Preferred Alternative (morning and afternoon).
- Held final public meeting (Clackamas Community College) to present the Preferred Alternative (evening).

Design Principles

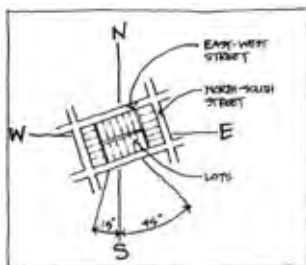
The following design principles were developed during the planning charrette. Both the core values and the design principles helped shape the various elements of the Final Concept Plan.



Create neighborhood centers in the heart of the community. All great neighborhoods have a center that acts as the heart of the community and provides a sense of place.



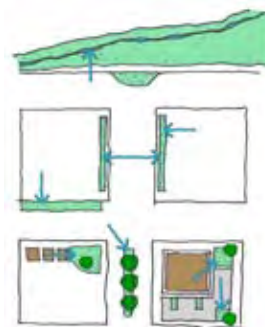
Create a mix of housing types that include ranges of affordability. One way to provide neighborhood diversity is to enable the development of a variety of housing types and sizes. This also allows people to stay in the neighborhood for long periods of time as they transition through the various stages of life.



Design for solar access. Maximizing solar access provides better daylight and ventilation, opportunities for using renewable energy systems (i.e., solar power) and improves the energy-efficiency of buildings.



Integrate existing open spaces and parks into existing and future neighborhoods. Linking new parks with existing natural areas, provides a greater range of open space options for residents and encourages better neighborhood connectivity.



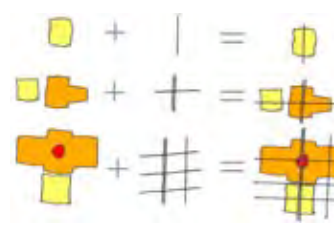
Integrate stormwater management. By treating or detaining stormwater on site, there is less need for costly infrastructure. On site treatment also improves overall water quality.



Integrate a network of streets and trails into neighborhoods. People are more likely to walk to destinations and for recreation if a safe and convenient system is in place.



Utilize existing green edges to define neighborhoods. Providing "green edges" or buffers between development provides opportunities for better neighborhood connectivity, wildlife habitat preservation, a more rural, park-like environment, and greater privacy.



Link land use and transportation. As communities develop, it is important to provide transportation connections that are commensurate with the intensity of adjacent land uses. It is important to provide transportation options for all residents and visitors, including children, the elderly, and those with disabilities.

3. Plan Elements

The Plan accommodates a minimum of 1,458 dwelling units with a variety of housing types. An additional ~280 units can be accommodated in the “green fingers” or constrained land. These figures were derived from the Buildable Lands Analysis, which is summarized in Chapter 2 and in its entirety in Appendix E.

A market analysis conducted in Fall 2006 determined that the study area can support approximately 40,000 square feet of new commercial development: 30,000 square feet in the North Village and 10,000 square feet in the South Village.

The following section describes the elements of the Park Place Concept Plan in detail and how the evaluation criteria and design principles are applied.

Land Use: The Villages

The Park Place Concept Plan proposes a mix of residential, commercial, park and open space, and civic land uses. Redland Road serves as the logical division between two neighborhoods: North Village and South Village. Neighborhood-oriented nodes serve as the heart of these new neighborhoods and provide a variety of civic and commercial spaces. These nodes are centrally located in the neighborhoods along existing and future roadways and are surrounded by medium density residential land uses that transition to lower-density residential land uses. In response to the market analysis findings, the Concept Plan appropriates enough land for 30,000 square feet of commercial development in the North Village and 10,000 square feet of commercial development in the South Village.

North Village

The majority of new growth (approximately 936 units) is proposed to be accommodated in the North Village neighborhood, north of Redland Road (Figure 3-2). A new main street along Upper Livesay Road between the Holly Lane and Swan Avenue Extensions, called “Livesay Main Street,” serves as

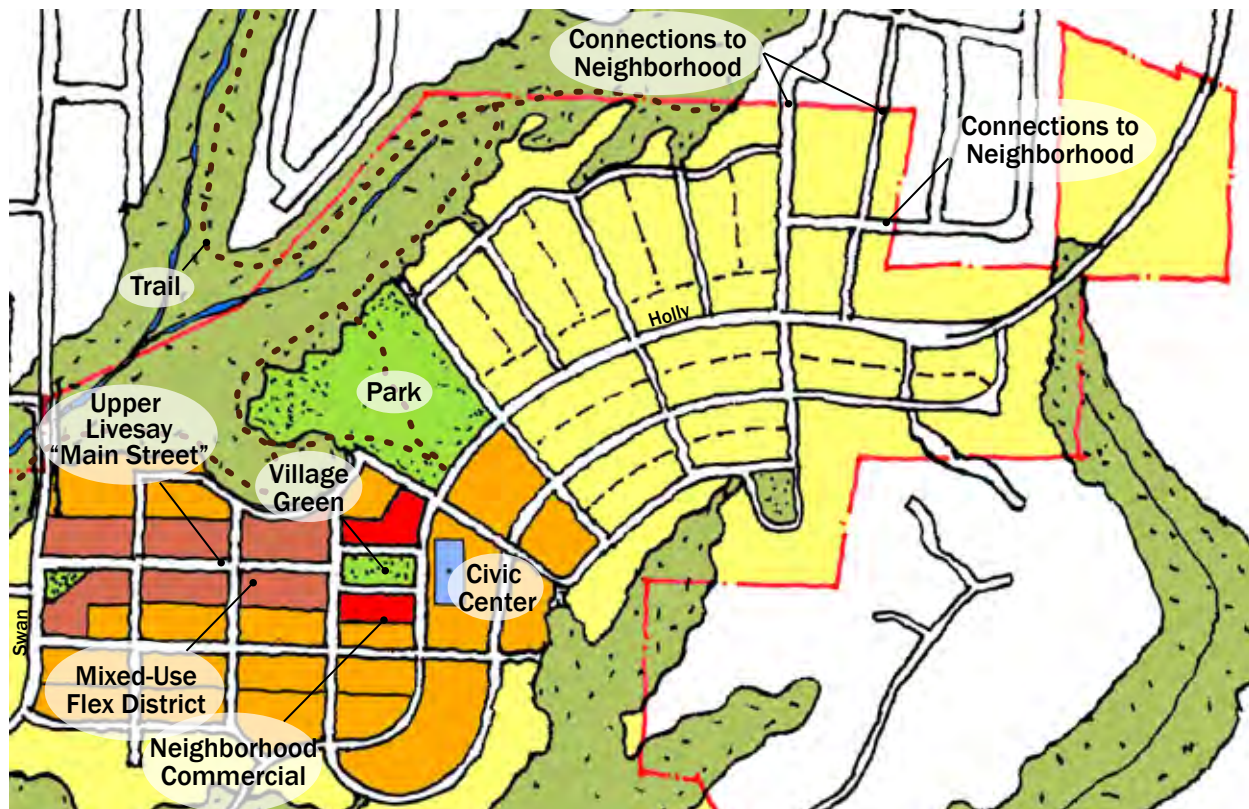


Figure 3-2. North Village Neighborhood

This map is for concept planning purposes only. The specific locations of natural resource boundaries, open space, parks, land uses, roads, trails, infrastructure and related improvements may change and is subject to on-site verification and design at the time of development.

the heart of the North Village. The Livesay Main Street is envisioned to have wide sidewalks, landscaped stormwater facilities (bioswales), pedestrian-scale lighting, street trees, and benches. The roadway terminates at the junction of the Holly Lane Extension with a Village Green and civic building (i.e., library, community center, environmental interpretative center, or post office). This mixed-use district is surrounded by medium-density housing (figures at right), which is within walking distance of the core area, and single-family housing that blends into the surrounding existing single-family residential neighborhoods. Small-scale commercial businesses, like a coffee shop, bookstore, dry cleaners, or café, are proposed to anchor the intersection of Holly Lane Extension and Livesay Main Street and surround the Village Green.

The land uses along Livesay Main Street are envisioned to be a mix of residential and commercial uses (e.g., ground-floor, neighborhood-oriented commercial with housing or offices above). The buildings should convey a rich palette of architectural elements that distinguish the Village from the existing auto-oriented commercial uses and a proposed regional shopping center in the area bounded by Washington Street, Abernethy, and Highway 213. The types of elements incorporated into the design of the street facing façade should include large storefront windows, recessed entry ways, awnings and canopies, building lighting, and a rhythm of columns and/or pilasters that break the façade into smaller, more intimate modules.

In order to ensure that architectural design elements are integrated into future development in the North Village, it is necessary to develop implementation measures that reflect these elements. As part of the implementation measures proposed for Park Place, the City's existing Neighborhood Commercial (NC) zone will be modified to include "main street" standards for use in creating vibrant neighborhood centers in the North and South Villages.

The Park Place Concept Plan includes a general street plan and street cross-sections as well as an overview of natural resource planning in Park Place, with recommended extension of density transfer provisions to all natural resource overlay zones occurring in the Park Place plan area. These implementation measures are described in more detail in Chapter 4 of this document and Appendix I.

South Village

The South Village is located at the intersection of Swan Avenue and Donovan (Figure 3-3). The South Village proposes a small neighborhood commercial node with a 3 - 5 acre park (figures at left) surrounded by a significant amount of medium-density housing; however, it will probably be some time before the existing single-family residential neighborhoods experience sufficient pressure to redevelop. Civic landmarks in the South Village include the existing Ogden Middle School and a new park. Similar to the North Village, these uses are surrounded by medium- and low-density housing.



New mixed-use development and civic node in the North Village



A variety of housing types and densities is proposed in both the North Village and the South Village



Taller buildings and a mix of uses provide a desirable sense of enclosure around the civic space in the North Village

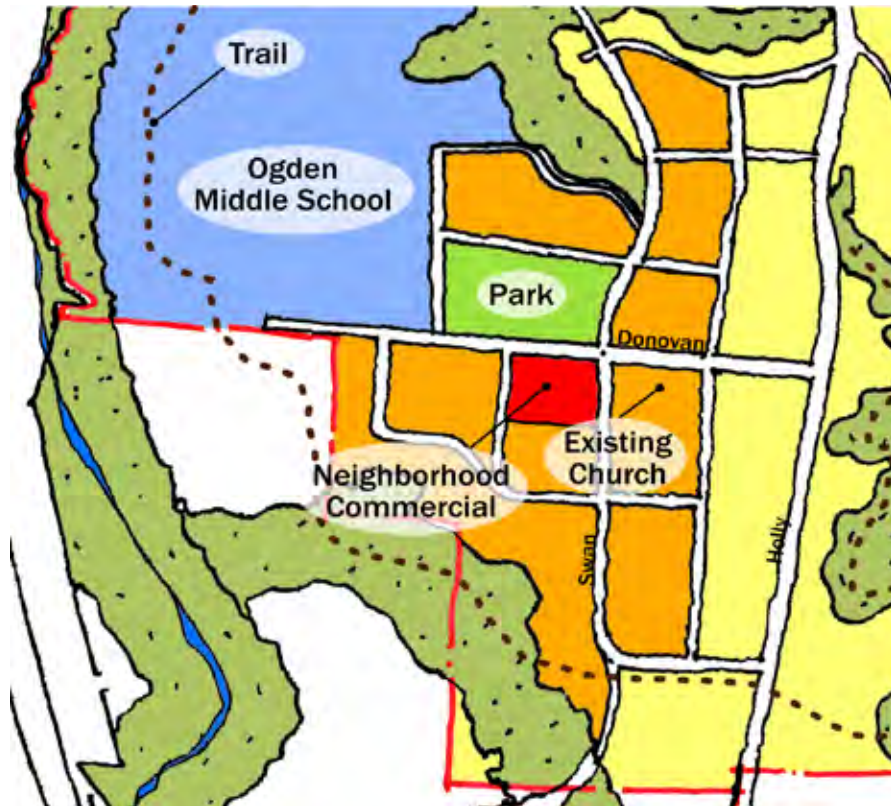


Figure 3-3. South Village Neighborhood

This map is for concept planning purposes only. The specific locations of natural resource boundaries, open space, parks, land uses, roads, trails, infrastructure and related improvements may change and is subject to on-site verification and design at the time of development.



Street trees, on-street parking, pedestrian-scale lighting, and street furniture create interesting places to meet in the community

Housing

The primary land use proposed in the Park Place Concept Plan is residential. Of the approximately 408 net buildable acres in the study area, approximately 360 acres are proposed for residential use. Residential land will be provided in a range of very low-density (R-10) zones to neighborhood commercial (NC) zones. In order to provide attractive and affordable housing for a variety of incomes and household types. It is recommended that a new residential zone (R-5), modifications to existing zones, additional design standards for attached single-family housing (townhouses and rowhouses), and multi-family housing be instituted to implement the Park Place Concept Plan. Recommended residential types and zones include:

Low-Density Residential (R-10, maximum 4 units/acre)

- Single-family detached dwelling units (including manufactured homes)
- Accessory dwelling units (ADUs)

Low/Medium-Density Residential (proposed R-5, minimum 6 units/acre)

- Single-family detached dwelling units (including manufactured homes)
- Accessory dwelling units (ADUs)
- Single-family attached dwelling units (townhouses/rowhouses)
- Two-family dwelling units (duplexes)

Park Place Concept Plan Housing Development Types

Houses don't always have to be large to provide a quality living space. A variety of housing sizes and types attract a mixture of ages, incomes, family structures and lifestyles to help create a richer, more diverse community.



Single-Family Housing

Part of the challenge of meeting the housing needs of a growing and thriving region is to offer housing types that address the values that drive demand for detached, single family housing, but with smaller spaces and smaller price tags.

Single-family houses can be a range of sizes, styles, and colors. Above all, they should be community-oriented with architectural elements that encourage “eyes on the street” and neighbor interaction.



Multi-Family Housing

Multi-family housing clustered around common open spaces (instead of parking lots) help foster a sense of community that usually isn't found in conventional apartment complexes. Vehicle access is provided in the rear and with alleys.

There are a variety of ways to provide quality, community-oriented apartments. In some cases, apartment complexes can be designed to look like single-family residences and contain six or seven apartments. This provides density without dramatically changing the character of the neighborhood.

Medium/High-Density Residential (R-3.5, minimum 9 units/acre)

- Single-family detached dwelling units (including manufactured homes)
- Single-family attached dwelling units
- Two-family dwelling units (duplexes)
- Multi-family dwelling units (proposed)

Neighborhood Commercial (NC)

- Dwelling units above ground floor (if in conjunction with a permitted or conditional use)



One example of a “Green Finger” - development buffer and greenway

The needed mix of housing units is shown in Table 3-1. These figures mirror the ratio of existing housing types in Oregon City according to the 2000 Census. Additional information about the affordability of housing is provided in the following section.

Type of Housing	Number of Units Needed
Single-Family Residential Detached	950
Two-Family Residential Attached (Duplex)	87
Manufactured Home in Park	48
Single-Family Residential Attached	9
Multi-Family Residential	282
Accessory Dwelling Units	17
Group Quarters	65
TOTAL	1,458

The City’s lowest-density zoning is recommended for the “green fingers” of natural resource and environmentally sensitive lands in Park Place. These areas are appropriate for low-density development and will be protected, in part, by the City environmental overlay zones which restrict development altogether in certain areas or reduce the allowable density of residential development in other areas.

Table 3-1. Type and Amount of Housing Needed

Table 3-2 identifies the potential number of housing units of different types that could be developed within the concept planning area based on proposed zoning. The low/medium-density zone is more likely to be the site of manufactured homes and ADUs than the medium/high-density zone. The distribution of housing types in Table 3-2 however, represents only one scenario for accommodating needed housing within zones proposed for Park Place. It is possible that housing types may develop in different ratios, including development of attached single-family housing in the low/medium-density residential zone.

Schools

No new school sites are identified in the Park Place Concept Plan. The two existing elementary schools near the study area, Park Place Elementary and Holcomb Elementary, currently have capacity for an additional 300 students.

Moreover, future enrollment for these elementary schools is projected to remain relatively flat, as new households in their service area are projected to include fewer young children. Ogden Middle School is currently at its preferred capacity. Although enrollment figures are expected to increase slightly with the addition of new households to Park Place, this growth is expected to be gradual and not significant enough to trigger the need for a new middle school.

Based on enrollment projection assumptions used by the Oregon City School District, which vary for different types of housing units, development in the study area is expected to result in the following approximate number of additional students when the area is completely developed:

Table 3-2. Type and Amount of Housing By Land Use Designation

Residential Land Use Designation/Zone	Number of Units Needed	Housing Type
Low/medium-density residential (yellow) – minimum 6 units/acre	907	Single-Family Residential Detached (including Manufactured Homes)
	17	Accessory Dwelling Units (ADUs) sited with Single-Family Residential
Sub-total	924	
Medium/high-density residential (orange) - minimum 9 units/acre	117	Single-Family Residential (Detached and Attached)
	369	Two-Family Residential Attached (Duplex) and Multi-Family Residential
	65	Group Quarters
Sub-total	551	
Total	1,475	

- 350 elementary school students
- 150 middle school students
- 150 high school students

These increases in enrollment are expected to occur gradually over the next five to twenty years, depending on the pace of annexation and development in the planning area. Given the additional capacity of existing schools, these additional students would not create the need for a new elementary school which averages about 500 students in the Oregon City School District. Similarly, the increase in enrollment would not result in the need for an entire new middle school, which averages about 700 students in the District. Therefore, no additional school site is recommended in the Park Place Concept Plan.

Parks and Open Space

The Park Place Concept Plan incorporates a significant amount of open space, mostly attributed to environmentally-constrained natural areas within the planning area. This open space network takes the form of “green fingers.” These

“green fingers” consist of sensitive habitat and drainage areas that frame pockets of development while protecting the existing natural habitat. The proposed “green fingers” provide a buffer between resource areas, existing development, and new development. The “green fingers” also serve as a signature element for the burgeoning neighborhood, especially when they are combined with the Plan’s proposed system of trails and pathways. This open space concept can be realized through local regulation, sensitive development practices, and through public acquisition. The amount of open space proposed in the Plan exceeds Metro and City guidelines.

As discussed, the Park Place Concept Plan includes a neighborhood park in both the North Village and the South Village. These parks are shown in locations that optimize the following concept planning criteria:

- Locate parks adjacent to future village centers in order to maximize proximity and therefore walkability for the greatest number of residents;
- Locate parks adjacent to civic uses such as schools or other facilities in order to synergize with existing or planned public amenities;
- Locate parks on sites that are relatively flat in order to accommodate the need for play fields; and
- Locate parks adjacent to existing natural areas so as to integrate open spaces with parks. This may allow for reduced park areas by allowing passive recreation areas to occur in natural open space areas.

There may be other locations within the proposed neighborhood fabric that meet these criteria and the locations indicated on the Urban Growth Diagram should not be taken as absolute. The parks were shown in these locations because they meet these criteria. It is essential that any alternative sites identified in the future meet the same or similar criteria.

The City’s existing Park and Master Plan identifies the need for two developed parks in this area to meet its standard of having neighborhood or community parks within ½ mile of all residents. According to conversation with Jim Row, (former) Oregon City Park and Recreation Planner, The Oregon City Park and Recreation Master Plan, National Recreation and Park Association’s park and recreation facility guidelines, and information compiled by Cogan Owens Cogan, a single park would not meet this standard. Such national and local guidelines typically indicate standards of between 1-3 acres of neighborhood parks per 1,000 residents, 2-4 acres of community parks per 1,000 residents and overall goals of six to 10 acres of developed park facilities per 1,000 residents. These standards indicate the need for 18-30 acres of developed parks, including neighborhood and community or other developed park facilities in the planning area, assuming a buildout population of about 3,000 residents. The proposed number of facilities and acres of developed parks is generally consistent with these targets.

The parks shown on the Urban Growth Diagram are located in their respective neighborhood centers and are surrounded by commercial, civic uses, and medium density housing. The parks are intended to provide basic recreational opportunities for residents and may include amenities such as play equipment, athletic fields, picnic tables or shelters, walking trails, and other features. The neighborhood park in the North Village is approximately eight to ten acres and within walking distance of the Livesay Main Street. The South Village neighborhood park is approximately three to five acres and surrounded by medium/high-density residential. These two parks are consistent with the type of parks identified as needed in the City's *Parks and Recreation Master Plan* (2004) and with recommended national acreage guidelines and service areas.



Open Space - Natural Area



Neighborhood Park

Transportation

The core values and guiding principles of the Park Place Concept Plan describe a multi-modal transportation system that is fully integrated with the land uses it serves. By design, the system is inherently sustainable, safe, and interconnected and serves the local and regional travel anticipated for the area.

Regional Growth Impacts

Substantial growth in local and regional travel is anticipated over the next 25 years. The Highway 213 corridor will be hardest hit, with travel demands growing by nearly 50 percent to almost 60,000 vehicle-trips a day. Improvements to this corridor would be very costly and face many difficult challenges to overcome. City and regional planners agree that this vital facility must be protected by enhancing the City's transportation system to better serve local travel.

Redland Road, Holcomb Boulevard, and Holly Lane are also forecast to experience significant increases in travel demands. Each corridor is constrained by narrow rights-of-way, physical features, and/or difficult topography that make improvements difficult. Nonetheless, it is imperative that the local transportation system be improved and expanded to better serve the Oregon City area and protect the regional resources of HWY 213 and I-205. Therefore, the Park Place Concept Plan provides for a transportation system that addresses these constraints while minimizing the adverse impact of local and regional growth.

Holly Lane and Swan Avenue Extensions

Holly Lane serves a vital role in both the local and the regional context as the only continuous north/south travel corridor on the east side of HWY 213. Holly Lane connects the northern area of Oregon City to many key destinations in the hilltop area of the city, such as Berryhill Shopping Center, Clackamas Community College, Oregon City High School, City Hall, and many other retail and employment locations. As a result, this corridor is expected to see travel demands increase by nearly 13,000 vehicles per day to a total of more than 16,000 vehicles per day. Were this to occur, Holly Lane would need to provide five lanes near its intersection with Redland Road and three lanes for the remainder of its length. In addition, Redland Road would need to provide six lanes (unless a smaller cross section is proven adequate) near its intersection with Holly Lane and five lanes for the remainder of its length to Abernethy Road.

The cost and feasibility of these improvements is questionable. Much of the Holly Lane corridor has a very narrow right-of-way with many single-family residences that take direct access from Holly Lane. Climbing sections of Holly Lane will be very costly to reconstruct and face several engineering challenges. The existing two-lane bridge across Abernethy Creek would need to be demolished and replaced with at least a five-lane bridge. Finally, much of Redland Road is significantly constrained by topography on the north side and the Abernethy Creek on the south side.

The Park Place Concept Plan provides for a parallel, collector-level corridor to Holly Lane, referred to as the Swan Avenue extension, as a solution to the issues described above. Establishing this corridor from Forsythe Road to points well south of Donovan Road ensures that the existing Holly Lane can remain a two-lane, collector-level facility, south of Redland Road. The Swan Avenue extension will include bridges across the Livesay Creek canyon and Abernethy Creek, creating much needed connections between adjacent neighborhoods and providing adequate capacity and system redundancy critically needed during times of emergency. In addition, Holly Lane would be extended north from Redland Road to connect with Holcomb Boulevard, providing good access, connectivity, and system redundancy to the area.

The Swan Avenue extension provides the opportunity for a continuous, north/south, collector-level facility that is fully equipped to serve all travel modes. The facility will include sidewalks and on-street striped bike lanes on both sides and accommodate future transit service. Equipped as such, Swan Avenue is anticipated to attract 10,000 to 12,000 vehicles a day, while Holly Lane is only required to serve 4,000 to 6,000 vehicles per day. This allows the existing Holly Lane to remain a two-lane road with improvements to address safety concerns and manage travel speeds.

There are many other benefits derived from the Swan Avenue extension, such as:

- the Livesay Creek Canyon is finally overcome as a barrier of access to schools, parks, retail uses, and neighborhoods, which reduces demands on Redland and Holcomb and reduces out-of-direction travel;
- the new Swan Avenue-Abernethy Creek bridge provides a critical connection that is out of the flood plain, redundant to the Holly Lane-Abernethy Creek bridge crossing, and improves system connectivity and local access;
- areas north and south of Redland Road are more accessible and achieve higher levels of development as a result;
- the Swan Avenue connection from Livesay Road to Redland Road alleviates the need for the existing Livesay Road intersection with Redland Road and dramatically reduces the likelihood of cut-through traffic using lower Livesay Road;
- improvement requirements for Redland Road are appreciably reduced, lowering costs and environmental impacts; and,
- a more complete, robust, and redundant multi-modal transportation system can be developed that is cost-effective and environmentally sound.

The Swan Avenue-Livesay Creek Canyon bridge and the Swan Avenue-Abernethy Creek bridge are vital links in the local and regional transportation system and critical components to the viability of the land use concept. These allow

a continuous collector-level corridor to be created. This alleviates the need to widen and significantly improve the Holly Lane corridor, which minimizes adverse impacts to existing properties along Holly Lane. The connections provide for more direct routes between key destinations in and around the study area. This reduces out-of-direction travel, particularly travel on Holcomb Boulevard and Redland Road. Finally, these connections provide convenient access to a large enough population base to fully support the north and south mixed-use village areas.

Sustainability

A sustainable transportation system is achieved through a number of specific components. Many of the new public rights-of-way will be equipped with on-site storm water and water quality management techniques that minimize or eliminate the need to carry run-off to treatment facilities. All rights-of-way will be equipped to serve pedestrian and bicyclists (with the possible exception of Holly Lane south of Redland Road), which will reduce the need for vehicular travel. The pattern of classified streets in the Plan naturally accommodates transit service to and through the area, creating a viable alternative to vehicular travel for most types of trips. The redundant and interconnected network of facilities distributes traffic, shortens trip lengths, and optimizes opportunities for non-auto travel. These components work in combination to provide a sustainable transportation system and minimize the adverse impacts of impervious surface and vehicular travel.

Land Use and Transit

The Land Use component of the Park Place Concept Plan achieves a level of residential density that is considered transit-supportive. As such, there is a much greater likelihood that transit service will be extended to this area. The potential exists for services to connect the Park Place area to the Oregon City Transit Center (which connects Oregon City the greater Portland region) and the Clackamas Community College Transit Center (which connects multiple areas of Oregon City). Said services are likely to greatly improve the number of transit riders in the planning area.

Nature and the Pedestrian/Bicycle System

The natural beauty of the Park Place area is a tremendous asset that justifies a high-quality pedestrian and bicycle system to access it. People are drawn to this beauty and desire to see it, as they travel, and spend time in it, as they recreate. The natural surroundings will be a stimulus for activity, which is best served by a pedestrian and bicycle system associated with public rights-of-way and on trails. Therefore, all public streets (any street owned by a public agency) will be equipped with sidewalks on both sides, sized appropriately to the adjacent land uses and expected pedestrian activity. On-street striped bike lanes will exist on most of the classified roadways (any roadway functionally classified as a collector or above by any public agency) to safely accommodate and delineate bike routes. A system of hard- and soft-surface trails will intertwine with the public rights-of-way to provide direct access to nature for both modes. The result is a natural

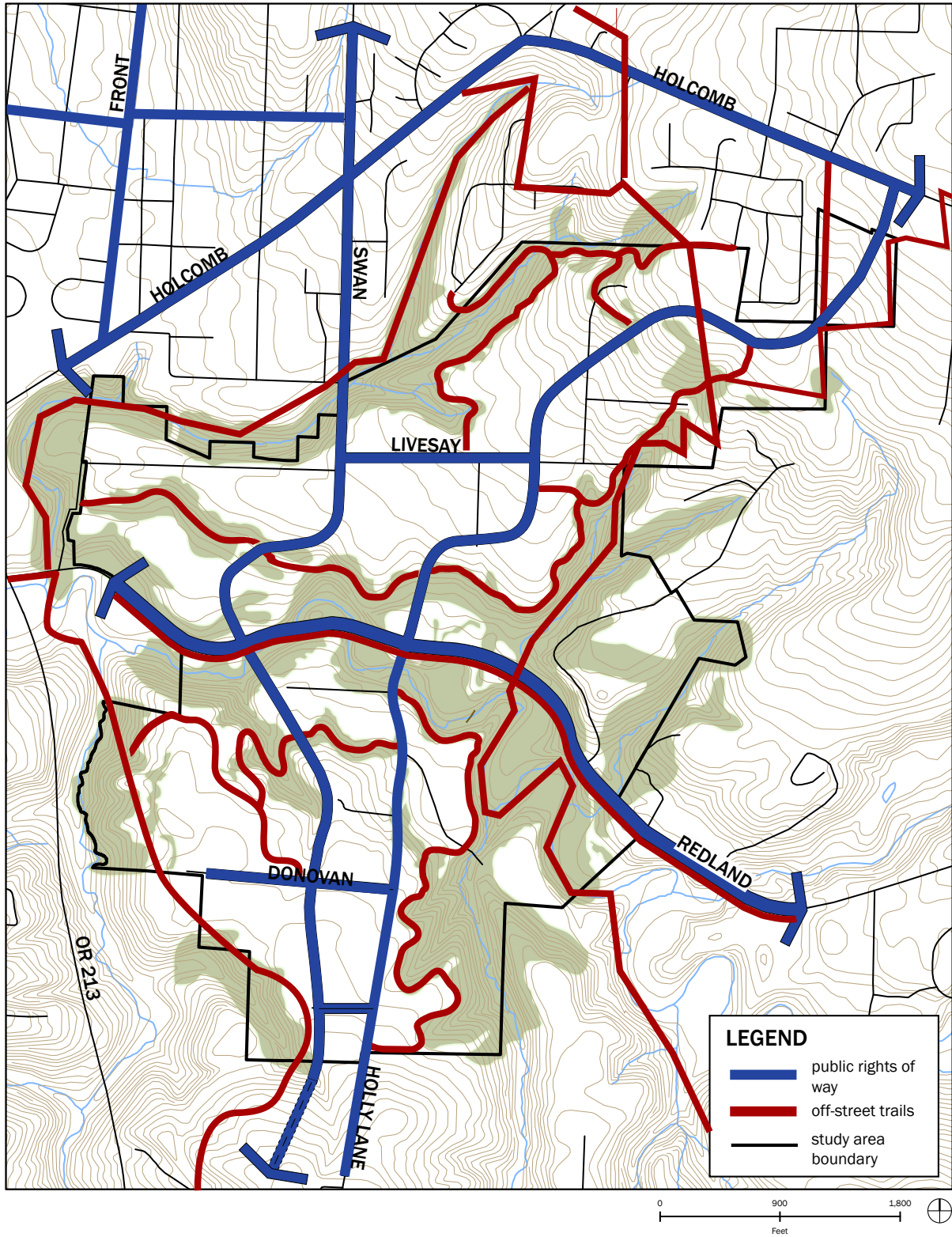


Figure 3-4. Concept Plan Street System Map

This map is for concept planning purposes only. The specific locations of natural resource boundaries, open space, parks, land uses, roads, trails, infrastructure and related improvements may change and is subject to on-site verification and design at the time of development.

environment, complemented by a robust pedestrian/bicycle network that is expected to stimulate a much higher level of pedestrian and bicycling activity than in many other areas of the region.

The following sections provide a description of each mode of travel in Park Place and the recommended multi-modal system to support those modes.

Street System

A network of streets is necessary to satisfy the core values of the Plan and meet the needs of the traveling public. The Concept Plan Street System Map (Figure 3-4) and the Concept Plan Functional Classification Map (Figure 3-5), depict this system of streets and the way in which each is anticipated to function. Each street is carefully sized to carry the expected travel demand it is intended to serve, while minimizing the impact of unnecessary impervious surface. Described below are the functional classifications applied to roadways within the planning area. Other improvements (e.g., intersection improvements) will be evaluated and designed in more detail as development occurs. They could include a mix of traffic signals and/or roundabouts, as well as additional turn lanes.

Functional Classification

Roadways within the plan area are categorized into different groups. These groups are referred to as “functional classifications” and are defined in the City of Oregon City’s Transportation System Plan (TSP). Roadway classifications applied within the Park Place neighborhood include Minor Arterial, Collector, Neighborhood Collector, and Local Street.

Minor Arterial streets are roadways that “connect principal traffic generators; carry local traffic between neighborhoods and to community and regional facilities within a city.”

Collector streets are typically characterized by a 2 or 3-lane cross-section, low to moderate traffic volumes, trip lengths, and traffic speeds.

The primary function of Neighborhood Collectors is to provide local access and circulation. The roadway typically has low traffic volumes and speeds to ensure livability and safety.

Minor Arterial

Redland Road is the only street classified as a Minor Arterial within the Park Place Concept Plan area, since it connects area residents to the Highway 213 corridor (Expressway classification) and to downtown Oregon City via Abernethy Road, another Minor Arterial. Other streets with the same designation in the Park Place vicinity include Anchor Way, Abernethy Road, Clackamas River Drive, Holcomb Boulevard, and Washington Street.

Collector

The existing Holly Lane is designated a Collector street, because it connects area residents to Redland Road and Maplelane Road, both of which are Minor Arterials. Other Collector streets in the vicinity include Forsythe Road, Front Avenue and Swan Avenue, north of Holcomb Boulevard. The extensions of Swan Avenue (from Holcomb Boulevard to south of Donovan) and Holly Lane (from Redland Road north to Holcomb Boulevard) are also designated as Collector facilities. This designation is chosen because of the anticipated function each extension will serve, connecting between Minor Arterial streets and linking neighborhoods to several areas of the city.

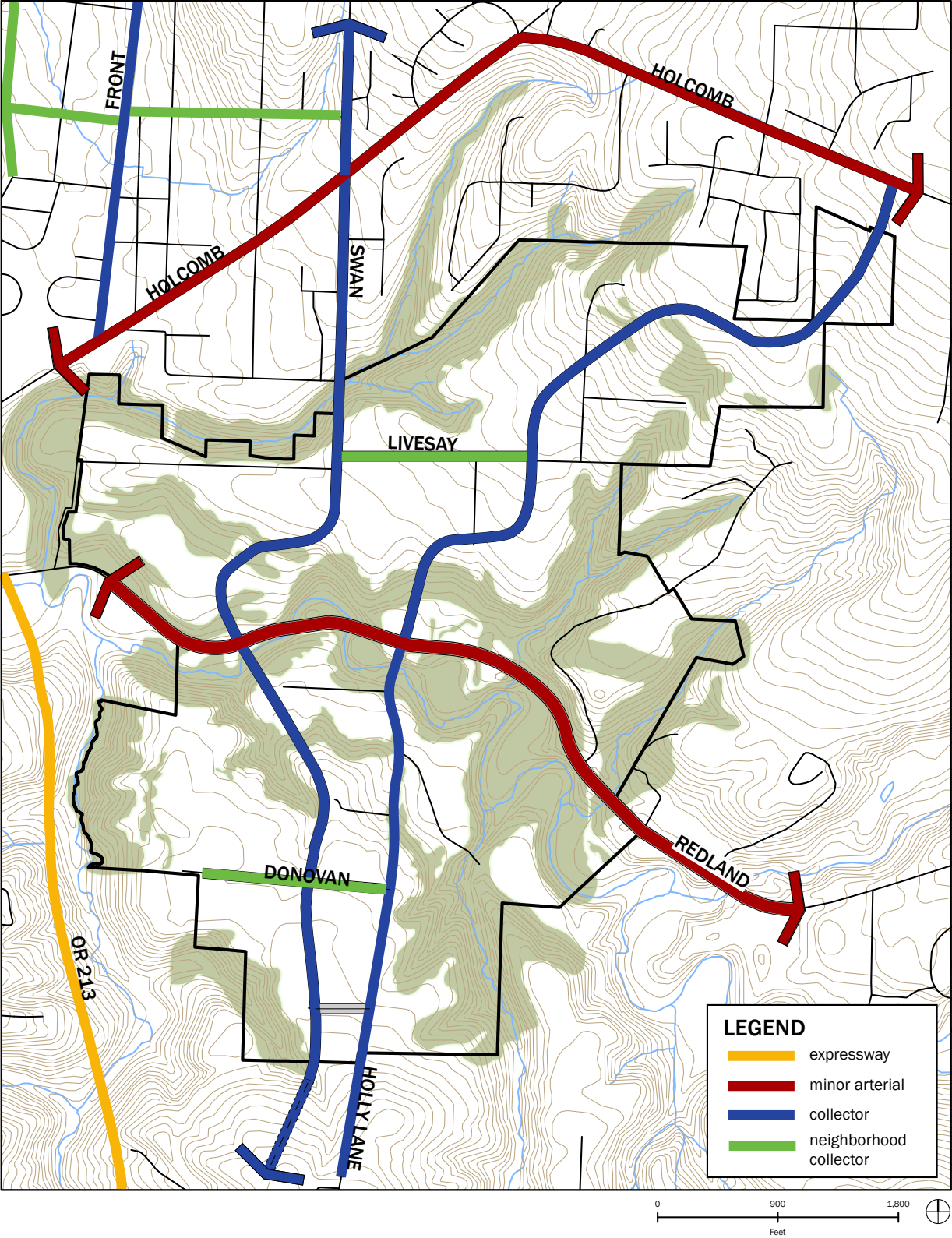


Figure 3-5. Concept Plan Functional Classification Map

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Neighborhood Collector

Livesay Road, between Swan Avenue and Holly Lane, and Donovan Road, from Holly Lane to Ogden Middle School, are designated as Neighborhood Collectors. Apperson Boulevard and Cleveland Street are other Neighborhood Collectors in the vicinity.

Local Street

A Local street is one that “provides direct access to adjacent properties and land uses within neighborhoods; lowest mobility function and highest accessibility function; low traffic volumes and speeds; through traffic discouraged; typically 2-lane sections; on-street parking encouraged; typically stop-sign control at intersections with collector and arterial streets; sidewalks and landscaping are required; and, bicycle lanes are optional.” All roadways not depicted in Figure 3-5 will be constructed as local streets.

Sizing

The Concept Plan Functional Classification Map (Figure 3-5) illustrates the basic street sizes expected as a part of implementing the Park Place Concept Plan. As shown, only the segment of Redland Road between Swan Avenue and Highway 213 is expected to require four travel lanes of capacity (unless a smaller cross section is proven adequate). All other roadways only require two travel lanes, one in each direction.

Tables 3-1 and 3-2 summarize proposed functional classification of each roadway in the Park Place Concept Plan and list features and the range of right-of-way to

Table 3-3. Functional Classification of Park Place Roadways

Roadway	Functional Classification
Redland Road	Minor Arterial
Holly Lane: South of Redland Road	Collector
Holly Lane: North of Redland Road	Collector
Swan Avenue: South of Holcomb Boulevard	Collector
Livesay Road: Holly Lane to Swan Avenue	Neighborhood Collector
Donovan Road: Holly Lane to Ogden Middle School	Neighborhood Collector

Functional Classification	Total ROW (Feet)	Standard Widths of Features (Feet)					
		Each Side				Other	
		Travel Lanes	Bike Lanes	Sidewalks	Planter Strips	Median	Parking
Minor Arterial	64-114	12-24	6	7	0-10	0-12	0-8
Collector	60-86	11	6	6	0-10	0-12	0-16
Neighborhood Collector	52-81	11	0 or 5	5	10	0-11	8-16
Local Street	42-54	8	0	5	5	0	0-8

Table 3-4. Right-of-Way Required for Each Functional Class

accommodate the street. The City's typical cross section requirements have flexibility, with many features being optional. The City has final authority over determining the appropriate cross section features and right-of-way width to require for all roadways constructed within the city limits.

Typical Cross Sections

Figures 3-A through 3-J correspond with the recommended cross sections for key facilities within the Park Place Concept Plan area. These figures correspond to the Concept Sizing Map (Figure 3-6) and illustrate the desired features for different street segments within the plan area. (It should be noted that Figure 3-B is not located on Figure 3-6 due to the streets being located outside of the study area.) Planter strips and medians are anticipated to work as water quality mitigation features where they are depicted. A brief description of each is provided below.

Minor Arterial

Figure 3-A, Redland Road 5-Lane Cross Section, illustrates an example cross section for Redland Road. The combination of regional and Concept Plan growth results in travel demands on Redland Road potentially requiring a typical five-lane cross section from the Abernethy-Holcomb intersection to Swan Avenue. Redland Road follows the Abernethy Creek corridor and is constrained by gentle to moderate slopes of adjacent hills. As such, widening of this corridor will be difficult. However, there is an opportunity to accommodate bicyclists and pedestrians on a shared use trail that parallels Abernethy Creek, in lieu of being in the Redland Road right-of-way. All reasonable efforts to minimize the typical cross section, while providing a safe and multi-modal facility, are encouraged.

While it is reasonable to pursue sufficient right-of-way to accommodate a 5-lane cross section, a Redland Road Corridor study to evaluate the impacts of widening the existing roadway should be completed prior to construction of any major improvements in this area



Figure 3-A: Redland Road 5-Lane Cross Section

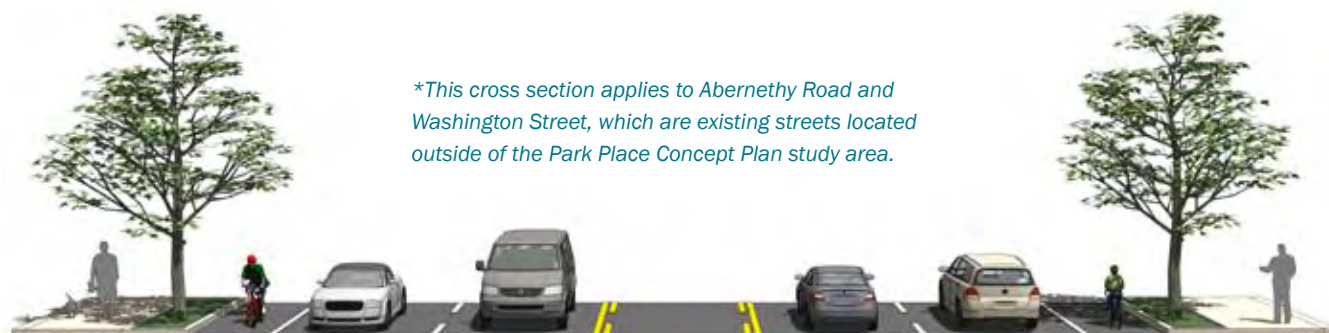


Figure 3-B. Minor Arterial 5-Lane Cross Section*

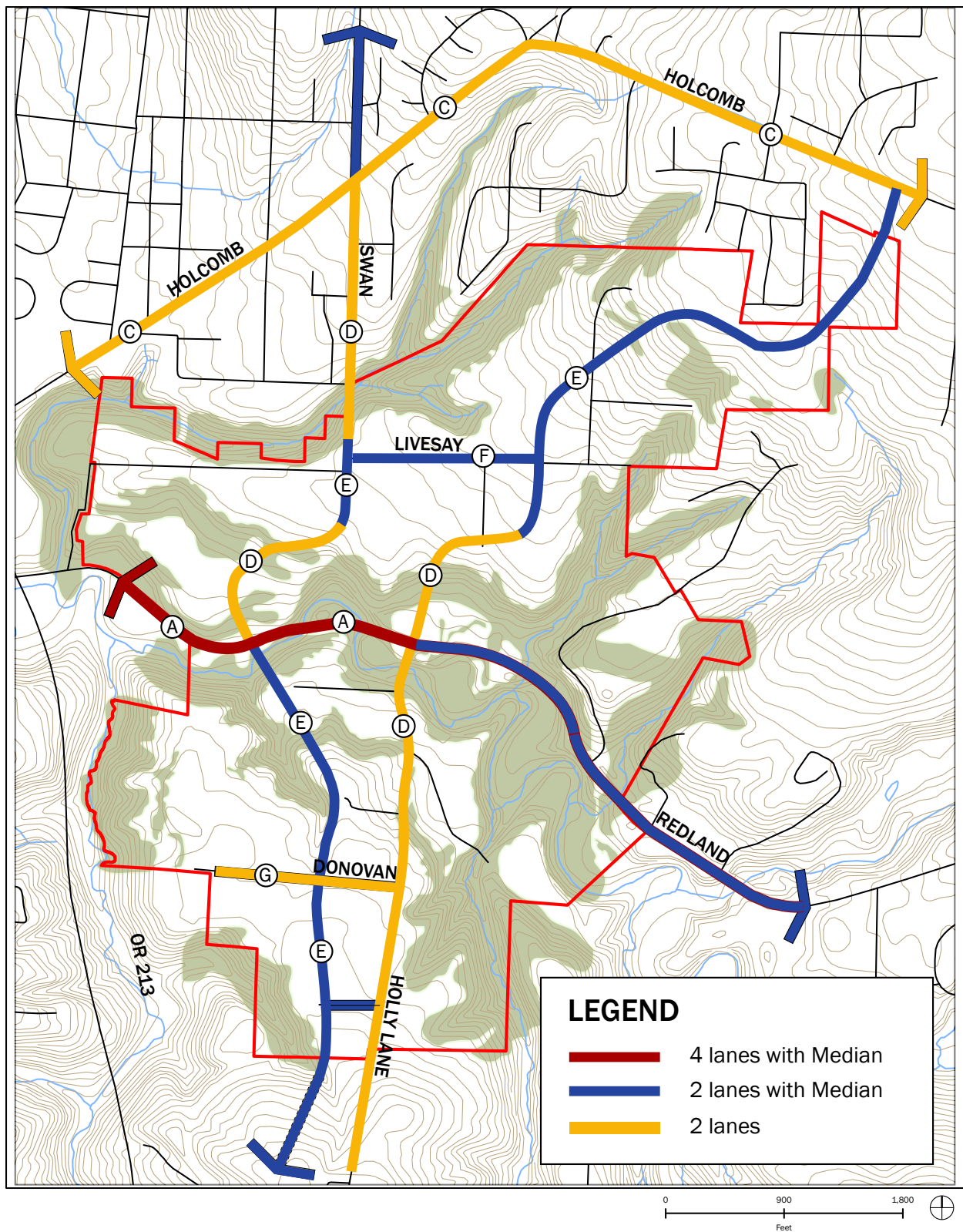


Figure 3-6. Concept Plan Street Sizing Map with Proposed Cross Section Designations

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due to the sensitivity of the Abernethy Creek and Newell Creek Watersheds. Further widening should be phased only as capacity needs are confirmed through future analyses.

Figure 3-B, Minor Arterial 5-Lane Cross Section, represents the type of cross section anticipated for Abernethy Road and Washington Street. Each is expected to be a five-lane roadway, with on-street bike lanes and sidewalks on both sides.

Figure 3-C, Minor Arterial 2-Lane Cross Section, illustrates a cross section that would be appropriate for Holcomb Boulevard and Anchor Way. The rights-of-way for both facilities are narrow and each must overcome grades, therefore, it is appropriate to keep the cross section as narrow as possible, without compromising safety or functionality.

Collector

Several sample cross sections illustrate the range of options considered for



Figures 3-C and 3-D. Narrow Minor Arterial 2-Lane Cross Section and Collector 2-Lane Cross Section

The major differences between a narrow 2-lane Minor Arterial and a 2-lane Collector are its functional classification, the width of the bicycle lanes and the width of the sidewalks.

this area. Figure 3-D, Collector Narrow 2-Lane Cross Section, provides a very narrow cross section; devoid of planter strips, medians, and on-street parking; for use in areas with steep grades and/or in a bridge section. This cross section may be appropriate for the climbing segments of Swan Avenue from Redland toward Livesay and of Holly Lane from Redland toward Donovan and Redland toward Livesay.

Collector segments occurring on flat to gentle grades afford the opportunity to provide several cross section amenities. Figure 3-E, Collector 3-Lane Cross



Figure 3-E. Collector 3-Lane Cross Section

Section, includes the planter strip and median and represents a cross section desired for Swan Avenue south of Redland and for Holly Lane north of Redland. The planter strip and median better integrate the street with adjacent land uses and provide for the necessary storm water management features.

Neighborhood Collector

Sections of Livesay and Donovan are designated as Neighborhood Collector and Figures 3-F and 3-G represent cross sections desired for these streets. The designated section of Livesay is anticipated to function like a main street in the mixed-use commercial node, as shown in Figure 3-F, Neighborhood Collector as Main Street. As such, on-street parking and wide sidewalks with plantings and other pedestrian amenities are desirable. Traffic speeds and vehicle volumes would be low enough that bikes can safely share the road with vehicles.

Figure 3-G, Neighborhood Collector with Bike Lanes, illustrates a potential treatment that may be appropriate for Donovan. Because Donovan connects to Ogden Middle School, there is a greater need for a delineated bicycle facility. Therefore, this cross section provides on-street bike lanes and only one lane of on-street parking.



Figure 3-F. Neighborhood Collector as Main Street



Figure 3-G. Neighborhood Collector with Bike Lanes

Local

Many local streets are anticipated in the Park Place Concept Plan. A variety of cross sections is available and should be used to fit the character of the development, creating the strongest integration of land use and transportation. Figures 3-H through 3-J represent different ways in which the Local street integrates with the neighborhood it serves and accommodates pedestrian, bicycle, and motor vehicle travel. The local street system provides an excellent opportunity to comprehensively integrate innovative stormwater facilities and systems. These systems are discussed in greater detail in the next section.



Figure 3-H. Local Street with On-Street Parking



Figure 3-I. Hillside Local Street With Stormwater Swale

Transit

TriMet is the transit agency responsible for providing public transportation services to the Park Place planning area. Figure 3-7 shows proposed transit routes within the planning area. The routes provide bus service to the following locations:

- along Holcomb Boulevard between its intersection with Redland Road and the Holly Lane extension;
- along Holly Lane from Holcomb Boulevard to Maplelane Road;
- along Swan Avenue from Holcomb Boulevard to Donovan Road, and
- along Redland Road west of Holly Lane.



Figure 3-J. Local Street with No On-Street Parking

Ideally, buses would travel along these routes at 15-minute headways during the peak hours and at lesser frequencies during the rest of the day, depending on demand. This plan would provide Park Place residents with a viable alternative to driving their own cars to reach destinations that are too far for bicycling or walking.

Achieving this level of transit service is dependent on the amount of transit demand generated by the planning area. Transit service to the area can be expected to evolve over time, as growth occurs and is accommodated in transit-supportive development densities. The evolution would likely start with increased service on the existing route to better serve the commuter peaks and provide a longer span of service. As the transportation network is expanded and population densities increase, improvements could include extensions of existing routes and increased service frequencies. Finally, transit demands reach the point where new routes are justified for better coverage to this newly developed area, as illustrated in Figure 3-7.

Pedestrian and Bicycle

Area residents will be able to travel throughout the Park Place planning area by walking or biking on a system of trails and on-street facilities that are seamlessly interconnected with the local and regional trails system.

Trails

Figure 3-8 illustrates the trail system throughout the planning area. Local, community, and regional trails connect to the Park Place Concept Plan trails that link to parks, open space, and community destinations. Many of these trails could include a soft-surface to accommodate equestrian activity, while others would have an all-weather surface. (The Park Place Concept Plan is aspirational with respect to equestrian facilities. Equestrian facilities are likely to occur outside of public street rights-of-way.) These trails provide recreational opportunities in addition to providing safe routes of travel for bicyclists and pedestrians. The following trail types and standards are described in greater detail in the Oregon City Trails Master Plan.

Regional Trails: These trails are part of a larger trail system and may be identified in the Metro Regional Trails map. They provide access to areas within and outside the City of Oregon City. Regional trails typically are paved and wider than community or local trails, providing access to multiple types of users, including people walking, bicycling, jogging or roller-blading.

Community Trails: These trails serve residents throughout the community and provide links both within and between different neighborhoods and community destinations within the city. They are designated as community trails in the Oregon City Trails Master Plan map. Community trails typically are wider than local trails and provide access to multiple types of users, similar to regional trails. Trails surfaces (paved or unpaved) and widths may vary depending on topography, other environmental conditions and level of use.

Local Trails: Local trails primarily serve residents within a single neighborhood or portion of the city. They provide links within neighborhoods to or between local destinations such as schools, parks or shopping areas, or within natural areas or parks. Trails surfaces (paved or unpaved) and widths may vary depending on topography, other environmental conditions and level of use. Due to the constrained Redland Road corridor, pedestrian and bicycle facilities will occur as a part of the typical cross section, or shall be separated and treated as a multi-use, accessible all-weather trail system.

On-Street Bicycle and Pedestrian Facilities

Figure 3-9 depicts the on-street facilities for bicycles and pedestrians. Sidewalks will be constructed on both sides of all new roads and will be added to both sides of all collector- and arterial-level roadways within the planning area, in order to accommodate pedestrians. On-street bike lanes are anticipated for Holly, Swan, and Donovan. Livesay will operate as a shared-use facility, equal in treatment to all Local streets. Due to the constrained Redland Road corridor, pedestrian and bicycle facilities may occur as a part of the typical cross section, or separated and treated more like an all-weather trail system.

These two systems of bicycle and pedestrian facilities will connect Park Place residents to parks, open spaces, centers of commercial activity, and the regional transportation system without requiring them to step into a car. The robustness of these systems is in response to the desires of the community and the quality of the natural environment.

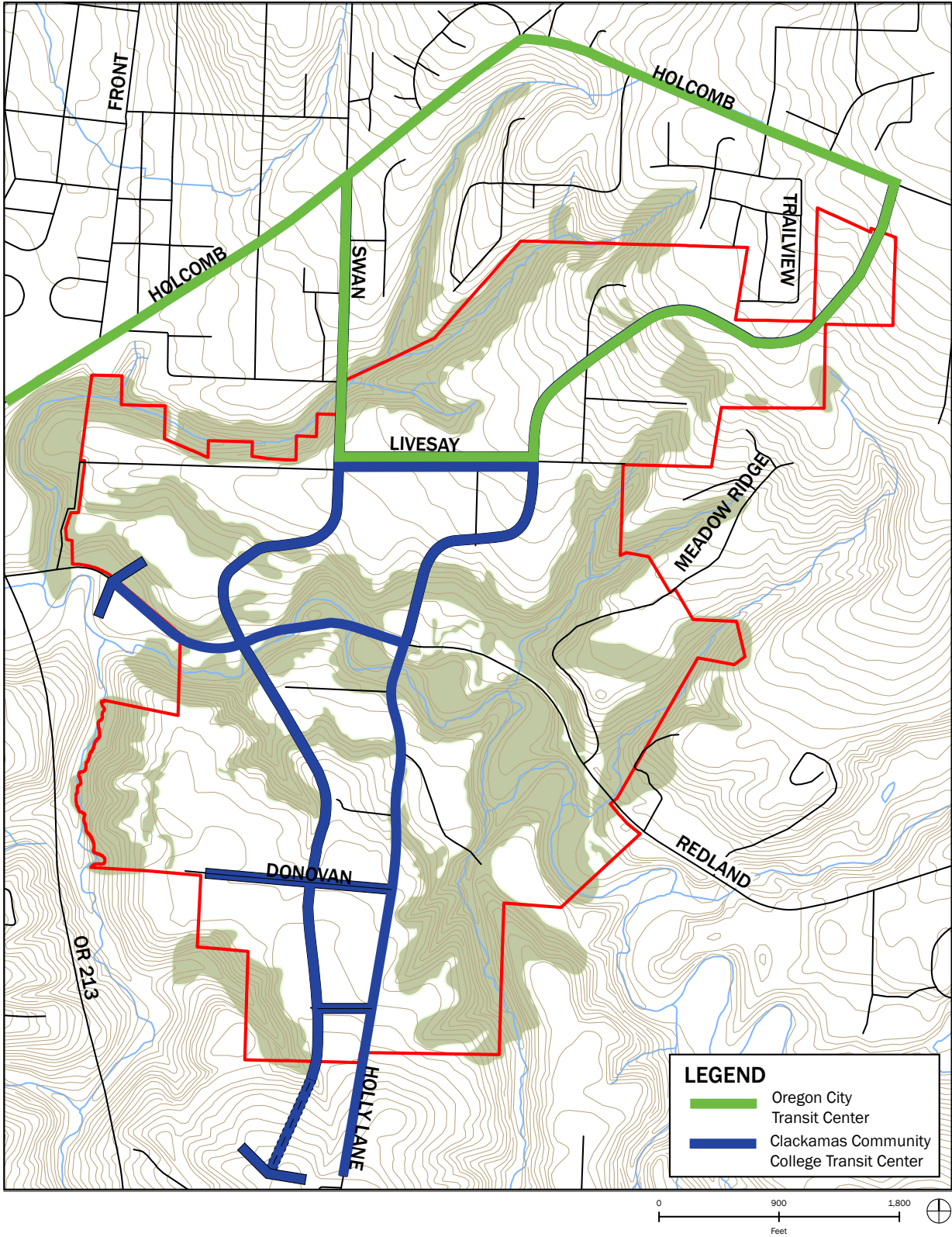


Figure 3-7. Proposed Transit Routes

This map is for concept planning purposes only. The specific locations of natural resource boundaries, open space, parks, land uses, roads, trails, infrastructure and related improvements may change and is subject to on-site verification and design at the time of development.

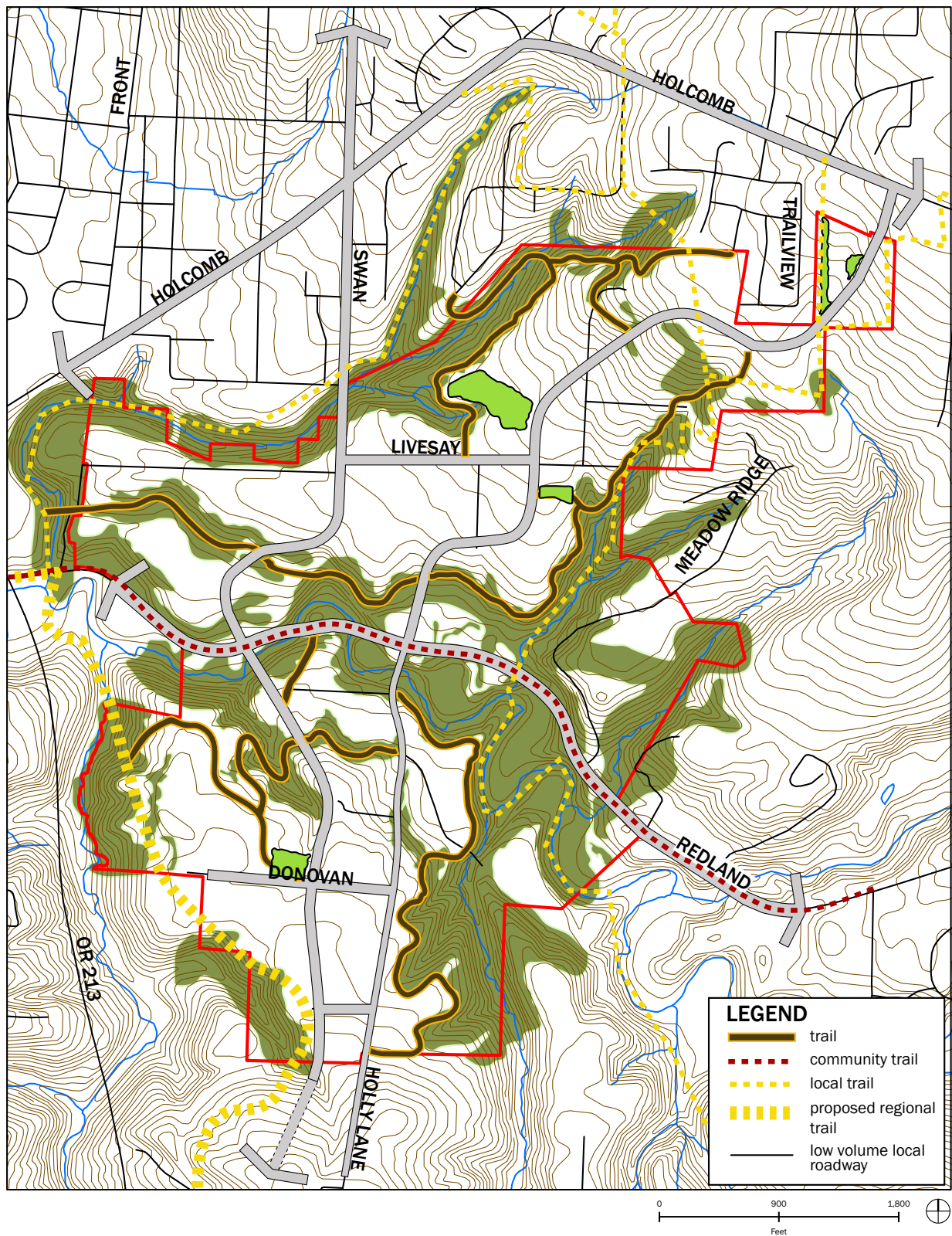


Figure 3-8. Proposed Trail System

This map is for concept planning purposes only. The specific locations of natural resource boundaries, open space, parks, land uses, roads, trails, infrastructure and related improvements may change and is subject to on-site verification and design at the time of development.

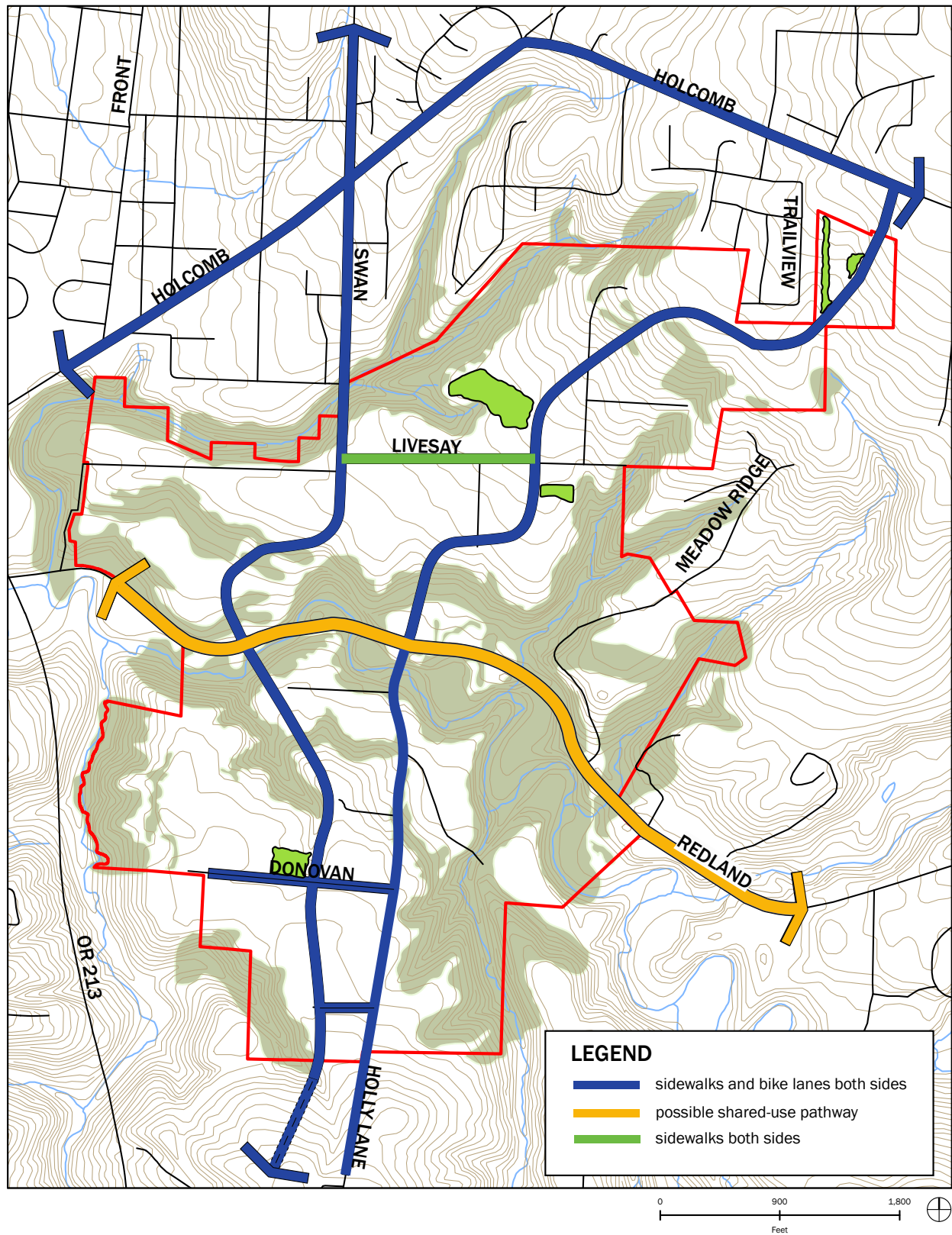


Figure 3-9. Proposed Bicycle and Pedestrian System

This map is for concept planning purposes only. The specific locations of natural resource boundaries, open space, parks, land uses, roads, trails, infrastructure and related improvements may change and is subject to on-site verification and design at the time of development.

Water, Wastewater, Stormwater Improvements

As described in the existing conditions chapter, water infrastructure is limited within the concept plan area. Of the water infrastructure that does exist, there are two systems. The existing water system located in the area of the future North Village is owned and operated by the City of Oregon City. The existing water system located in the area of the future South Village is owned and operated by Clackamas River Water (CRW). The CRW system should be preserved to continue to provide water transmission to areas outside of the concept plan area.

Based on these existing conditions, it is recommended that the existing City of Oregon City water system be expanded to serve the entire Park Place Concept Plan area. This system should be constructed, owned and operated by the City of Oregon City. The existing CRW system should be preserved to continue to provide water transmission to the customer areas outside the UGB. A future study is needed to analyze CRW/OC systems to assure maximum efficiency.

Water Supply Improvements

Based on the existing conditions review, there is limited capacity in the existing water system to serve the Park Place Concept Plan area.

According to the Oregon City Water Master Plan the current water demand in the Park Place Lower Zone is split between Barlow Crest Reservoir and Mountainview Reservoir. While Mountainview has ample storage capacity (10.5 million gallons) to satisfy both existing and future demand, Barlow Crest reservoir (1.75 million gallons) will ultimately require expansion. According to the master plan, complete buildout of the whole area will require 3.23 million gallons of capacity at Barlow Crest. Expansion is needed to include additional storage capacity within the Park Place Lower Zone. As development may occur outside the concept plan area, additional reservoir capacity may be needed. A potential location for this reservoir has been shown on the water system concept plan; however, it is for reference only and has not been included in design and cost estimate activities. The location of this reservoir is consistent with the City's Water Master Plan. The location and size of this future reservoir should be established based on future concept plan refinement.

Distribution Improvements

The proposed water system improvements are based on future system improvements assumed in the City of Oregon City Water Master Plan and modified to fit the Park Place Concept Plan. The Water Master Plan shows the future system as an expansion of the City water system that currently exists to the north of the concept plan area.

The proposed water main system improvements are shown in Figure 3-10. Water main improvements consist of new water mains ranging from 8-inches to 16-inches. Four connections are recommended to the existing water system to

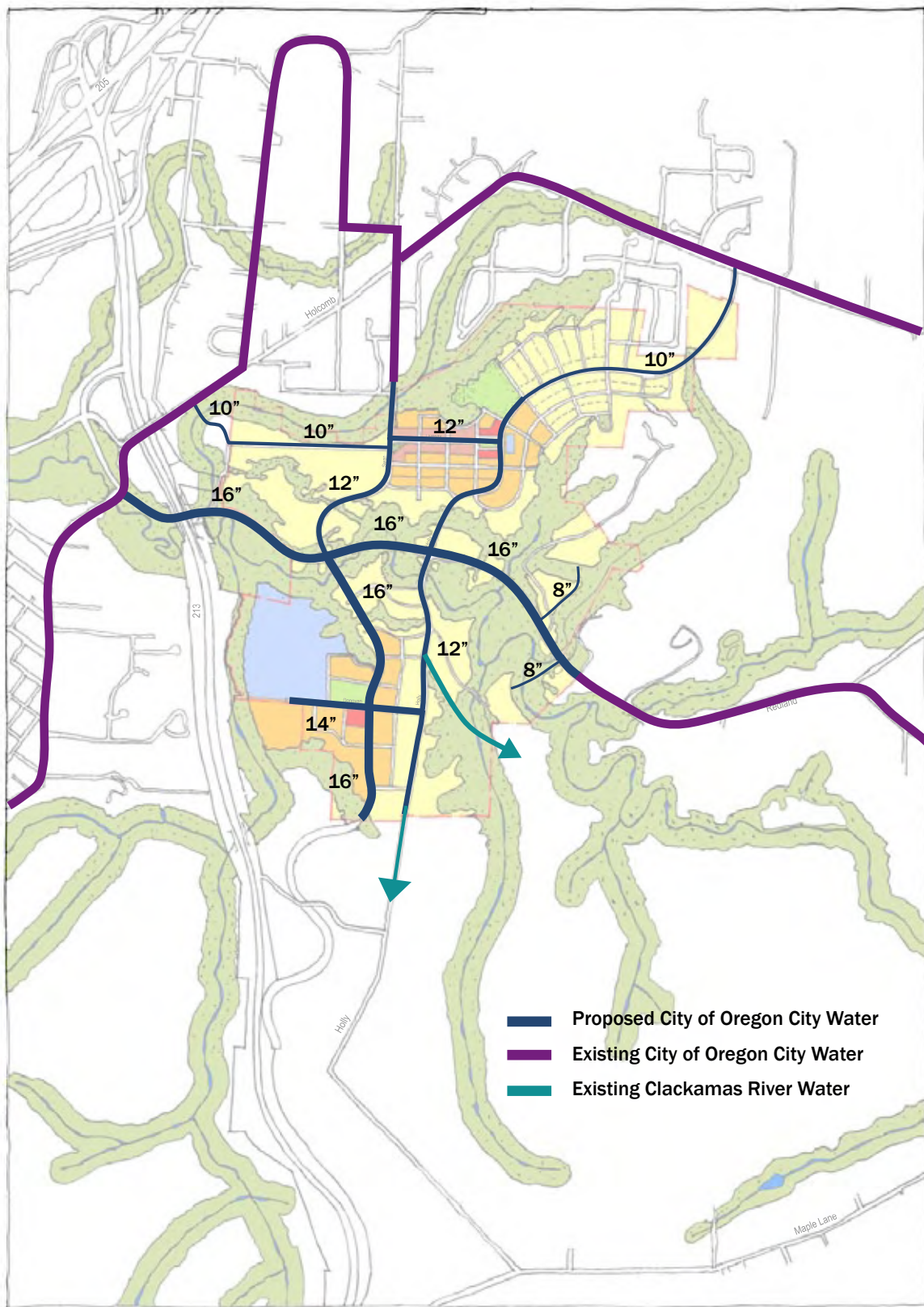


Figure 3-10. Proposed Water System Improvements

This map is for concept planning purposes only. The specific locations of natural resource boundaries, open space, parks, land uses, roads, trails, infrastructure and related improvements may change and is subject to on-site verification and design at the time of development.

provide sufficient system looping and redundancy. A new 16-inch water main should be provided along Redland Road. A new water main, with pipe sizes varying from 10-16-inches, should be provided along Holly Lane and the Holly Lane Extension. A new 16-inch water main should be provided along the new Swan Road. A new water main, with pipe sizes ranging from 10- to 12-inches, should be provided along Livesay Road. Smaller water mains will be needed to serve development within each Village. These pipes are generally anticipated to be a minimum of 8-inches, as established by City of Oregon City standards, however larger sizes may be required to meet fire flow requirements.

Preliminary pipe size estimates were developed based on fire flow requirements and demand flows. The fire flows used were 3,000 gpm for 3 hours applied to both new and existing buildings. The existing school was assumed to require the new school fire flow rate of 5,000 gpm for 4 hours. In most cases pipe sizes are controlled by the sum of Maximum Daily Demand (MDD) and fire flow. MDD was determined based on housing densities shown on the "Preferred Alternative" dated 10/19/06 showing the Swan Avenue Extension. All pipe size estimates are preliminary and should be revised with detailed flow modeling. Size calculations assume that flow velocities should be kept at or below 10 ft per second.

The grid network created by this new system should alleviate existing system pressure issues. As such, the existing pump station located along Livesay Road should be able to be removed. The existing CRW water transmission mains, located along Holly Lane and Redland Road, should remain as the concept plan area develops in order to provide continued water service to CRW customers.

Wastewater Infrastructure System Improvements

Existing public wastewater services within the concept plan area is limited. As such, new wastewater infrastructure will need to be developed to service future development within the concept plan area. A new 36-inch interceptor should be constructed along Redland Road to service the entire concept plan area. This interceptor should serve both the concept plan area and existing service areas. An additional wastewater collection system will need to be constructed to serve future development within the North and South Villages.

Ownership of the new 36-inch interceptor should remain with TCSD as it conveys wastewater from both the Park Place Concept Plan area and areas outside the Park Place Concept Plan area. The existing TCSD wastewater system should remain and continue to provide wastewater conveyance to areas outside of the Park Place Concept Plan area. For areas inside the Park Place Concept Plan area boundary, these areas should transition to the new City of Oregon City wastewater system.

Wastewater Treatment Improvements

Improvements to the existing TCSD treatment plant are not expected to be required as the capacity of the existing plant is adequate to meet additional

flows generated by future development within the concept plan area. In addition, adequate capacity exists in the TCSD conveyance system to convey wastewater from the concept plan area to the treatment plan.

Wastewater Collection System Improvements

The proposed wastewater system improvements are shown in Figure 3-11. Due to the topography of the concept plan area, the future areas of the North Village and South Village should be easily conveyed to Redland Road. The existing 12-inch wastewater system, currently owned and operated by TCSD, should be upgraded to a 36-inch interceptor. This upgrade should occur from the existing point of connection at Redland and Highway 213 and continue to the eastern edge of the Park Place Concept Plan area. The upgraded interceptor should serve both the Park Place Concept Plan area and the existing areas currently managed by the existing 12-inch pipe.

The North Village should be served with three wastewater trunks. A new 10-inch wastewater line should be provided along Livesay Road and connect to the new 36-inch Redland Road wastewater at the intersection of Redland Road and Livesay Road. A new 12-inch wastewater line should be provided from the North Village main street down the Swan Avenue extension to the new 36-inch Redland Road wastewater system. A new wastewater system, ranging from 10- to 12-inches, should be provided along the Holly Lane extension to convey wastewater from the upper reaches of the North Village.

The South Village should be served with two wastewater trunks. A new 12-inch wastewater system should be provided from the South Village down the Swan Avenue extension to the new 36-inch Redland Road wastewater interceptor. The existing Holly Lane wastewater line should be upgraded to a 10- to 12-inch system to convey wastewater from the South Village.

Stormwater Infrastructure System Improvements

The area is comprised of three drainage basins: Abernethy Creek, Newell Creek and Livesay Creek. As noted in the existing conditions, no major stormwater infrastructure exists within the Park Place Concept Plan area other than roadside ditches and natural drainage channels. It is recommended that a low-impact stormwater approach be developed with a goal of mimicking the natural hydrological conditions of the three watersheds of the Park Place Concept Plan area. These three drainage basins should be used to delineate the stormwater approach for the Park Place Concept Plan.

Stormwater Management Approach

The general approach of the stormwater management system for the Park Place Concept Plan is to establish a system that mimics the natural hydrology of the site to the extent practicable. In pursuing this design goal, the Park Place Concept Plan area has been separated into three distinct systems based on the boundaries of the existing watersheds. The stormwater system within each drainage basin should utilize the combination of centralized and

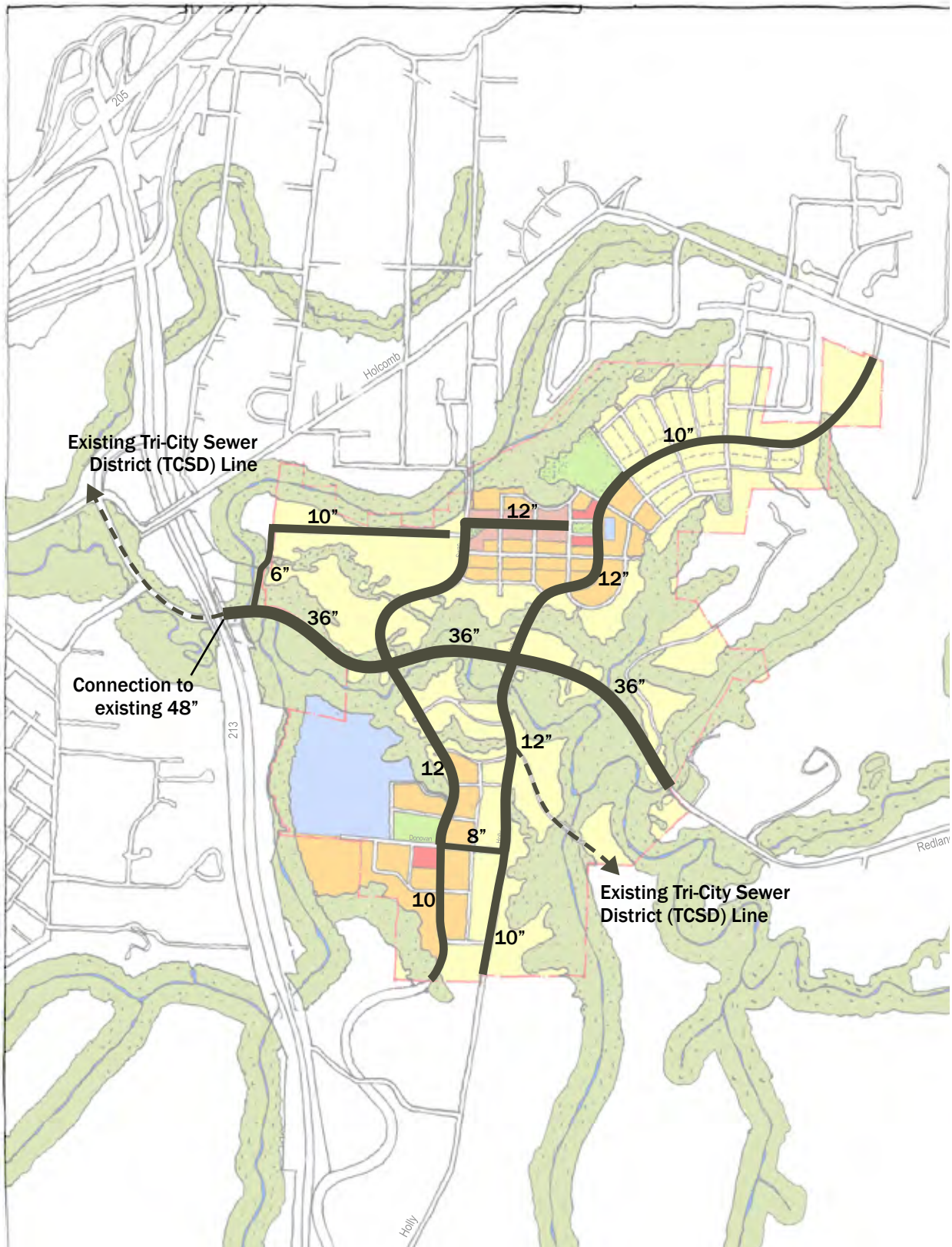


Figure 3-11. Proposed Wastewater System Improvements

This map is for concept planning purposes only. The specific locations of natural resource boundaries, open space, parks, land uses, roads, trails, infrastructure and related improvements may change and is subject to on-site verification and design at the time of development.

decentralized low-impact stormwater best management practices to manage stormwater generated from the Park Place Concept Plan area.

Central to the stormwater approach of the Concept Plan, is a stormwater hierarchy focused on managing stormwater in a naturalistic manner at three separate scales: **site**, **street** and **neighborhood** (vs. a one-size fits all approach).

Tier 1 – Site Specific Stormwater Management Facilities (Site)

All private property within the study area should utilize site specific (or on-site) low-impact stormwater facilities to manage stormwater on-site to the extent practicable. The objective of these facilities is to reduce the quantity (flow and volume) through detention and retention/infiltration of stormwater generated from private property as well as improve the water quality of stormwater.

These facilities are comprised of three types: impervious area reduction facilities, stormwater management facilities, and infiltration only facilities.

Impervious area reduction facilities are focused on preventing the generation of stormwater in the first place and include porous pavement and ecoroofs.

Stormwater management facilities are focused on managing the stormwater in stormwater planters, stormwater swales, and vegetated infiltration basins.

These facilities may be used for single-family residential, multi-family residential, commercial, and open space. Most site specific facilities should be privately owned and maintained except facilities located within public open space.

Tier 2 – Green Streets Stormwater Management Facilities (Street)

In urban environments, much of the stormwater quantity and pollution issues are attributed to streets. An innovative, low-impact manner in which to address this reality is through the use of Green Streets. Green Streets are streets that integrate the management of stormwater into the street design itself to provide a stormwater management benefit as well as an urban design element and they may potentially reduce the need for downstream stormwater facilities such as large stormwater ponds.



Capturing stormwater run-off from buildings in landscaped swales



Ecoroof



Examples of Tier 1 and Tier 2 stormwater facilities



Example of a Tier 3 stormwater facility

Green streets can serve as both stormwater management facilities and stormwater conveyance facilities. As a stormwater management facility, their objective is to minimize stormwater runoff generated from streets and reduce pollutants. As a stormwater conveyance facility, their objective is to convey stormwater from both private property and streets to regional stormwater management facilities. Green Streets typically take the form of vegetated swales located along the street with curb cuts to allow street runoff to enter them. In more urban areas, stormwater planter boxes mimicking the look of street tree wells may be used. Most Green Street stormwater facilities should be publicly owned and maintained.

Tier 3 – Regional Stormwater Management Facilities (Neighborhood)

Regional stormwater management facilities are focused on managing large stormwater flows and volumes that may be passed through Tier 1 and Tier 2 facilities. Moreover, they provide additional water quality benefits prior to discharging stormwater to the existing creeks. These stormwater facilities are typically to be located adjacent to the existing streams and should take on a more naturalistic form such as a wetland pond. Most regional stormwater management facilities should be publicly owned and maintained.

The stormwater system concept plan (Figure 3-12) shows generally how this stormwater approach should be implemented for the Park Place Concept Plan area.

Stormwater Conveyance Approach

Surface conveyance, in the form of swales and ditches, should be provided as a means to convey stormwater via gravity from private property and streets to the existing creeks to the extent practicable. Piped conveyance will be required but should be kept to a minimum if possible.

Natural Resources and Hazards

Significant natural resources exist within the Park Place Concept Plan area and are generally located adjacent or near Abernethy Creek, Livesay Creek and Newell Creek. In order to protect these natural resources, an inventory map, which delineates natural resource areas of greatest significance (including riparian areas, wildlife habitat, and parks and open spaces) and a habitat conservation area map, which identifies the highest value riparian areas, were utilized to help determine where to build, where to build with restrictions, and where not to build within the Park Place Concept Plan area (Figure 3-13).

The Park Place Concept Plan was significantly shaped by the existing natural resources of the concept plan area. The vast majority of development within the Park Place Concept Plan area is targeted outside all habitat conservation areas (HCA) except for infrastructure improvements such as roads and very low-density housing. As such, regulations and restrictions associated with development within HCAs may be avoided. Voluntary best management

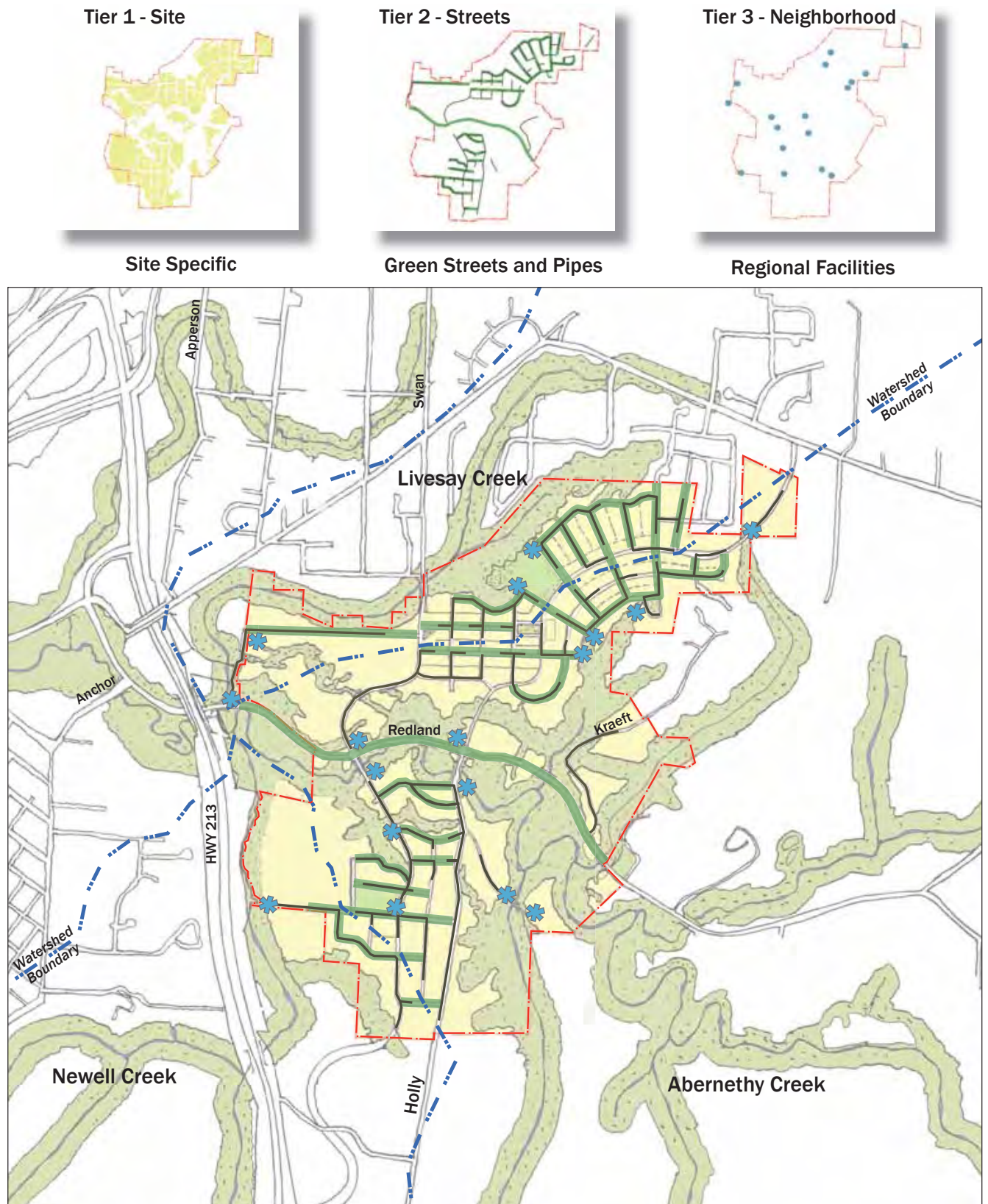


Figure 3-12. Proposed Stormwater Management

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The Nature in Neighborhoods program is an effort to protect clean water and health natural areas for fish, wildlife and people. Much of the Concept Plan has been developed to meet Nature in Neighborhood design goals including:

- *Conserving and improving streamside, wetland and floodplain habitat and their connections*
- *Conserving large areas of contiguous habitat and avoid habitat fragmentation*
- *Conserving and improving connections between riparian corridors and upland habitat*
- *Conserving and improving unique and at-risk habitats*
- *Promoting habitat-friendly development practices*

practices (Chapter 4) have been identified however to help guide development in a manner that further protects existing natural resources within the study area.

Metro has inventoried and classified much of the study area. They will only regulate the “high” and “medium” quality habitat. This habitat is generally riparian in nature. As such, upland areas, which are considered a low quality habitat area, are generally not regulated as HCA's. Regarding what to do with the “No HCA” areas, it is recommended that the City of Oregon City continues to try to apply voluntary standards - Nature in Neighborhoods - where applicable. These regulations will not mandate that we protect the “No HAC” areas. However, it is our hope that they supply sufficient guidance.

In general, it is recommended that the City incorporate Best Management Practices including reducing paved, impermeable surfaces, using permeable pavement, providing fish and wildlife crossings of roadways, and landscaping adjacent to Habitat Conservation Areas (HCAs) into its code and criteria for all development in Park Place. The code sections that could potentially be updated to incorporate these practices are included with the implementation measures in Appendix J.

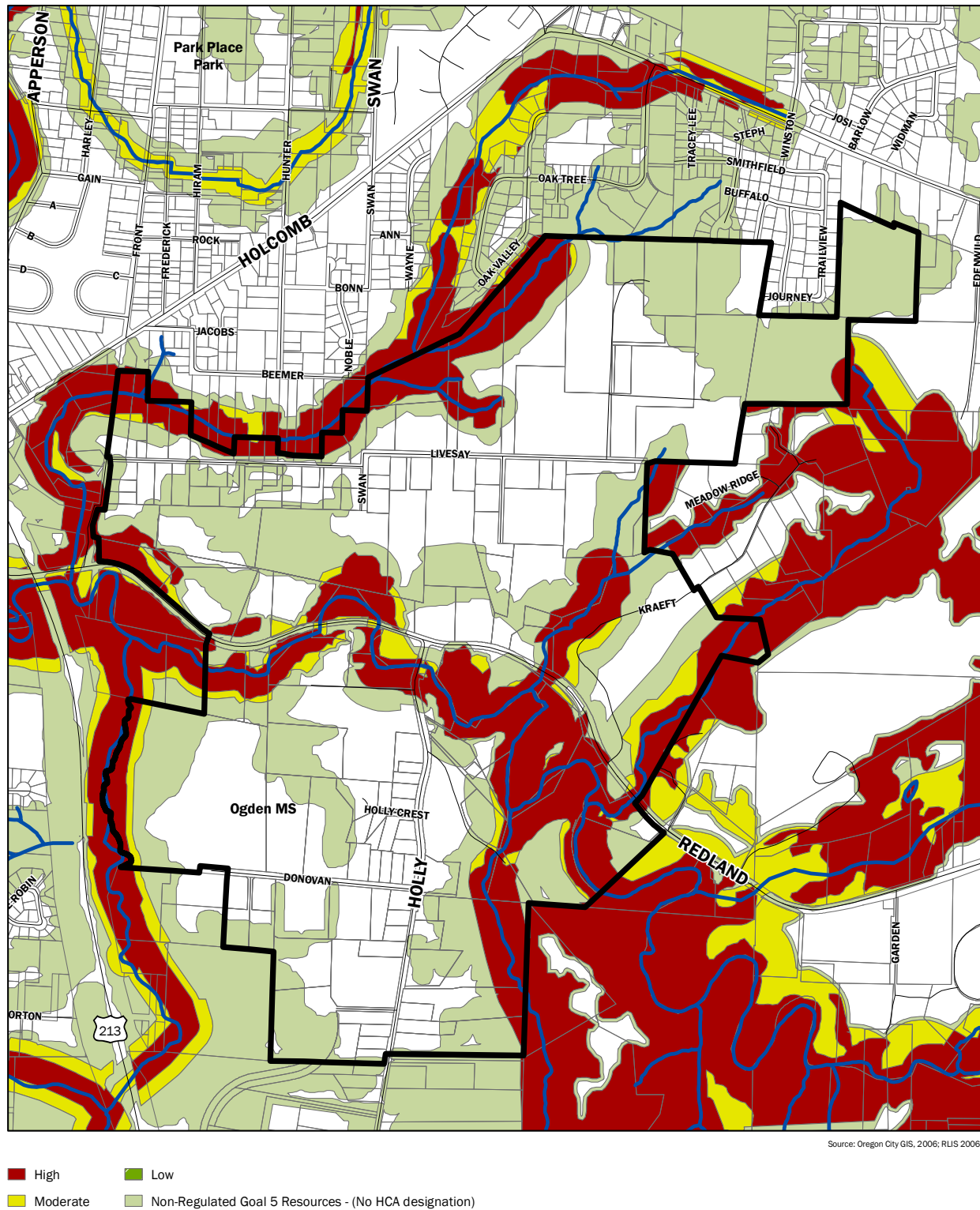
The City currently has three environmental overlay zones that would apply to areas in Park Place: the Flood Management Overlay Zone, the Geologic Hazards (Steep Slopes) Overlay Zone, and the Water Resource Overlay Zone. It is anticipated that these areas will be primarily zoned with the City's lowest density residential plan designation and zoning (R-10 zone). Density transfers are already allowed in the City's Water Resources Overlay Zone. Measures recommended for implementing the Park Place Concept Plan include extending density transfer provisions to the other two overlay zones, as well as encouraging the use of conservation easements and other incentives to protect natural areas and trail corridors. (See Appendix I.) Further, a composite environmental overlay zone is being proposed to comprehensively manage natural resources in Park Place.

Slope Instability

Landslides have occurred within the study area and in adjacent areas with similar topography, geology, and groundwater conditions. With regard to slope instability, most of the known slope instability has occurred on the steeper slopes on ravines along streams and drainages. The Park Place Concept Plan identifies areas with slopes of 25% or more as open space that will remain undeveloped. Limiting development in these areas is an appropriate measure to limit the risk of slope instability and landslides impacting future development. In addition, for the purpose of this Concept Plan, it is recommended that further site-specific study be conducted for future developments, in accordance with the City's municipal code Chapter 17.44, for managing geologic hazards and in accordance with the following recommendations.

Additionally, the City should expand the definitions included in the City of Oregon City Municipal Code, Chapter 17.44.020, to include the Portland State University

Figure 3-13. Habitat Conservation Areas



Park Place Concept Plan

Habitat Conservation Area (HCA) Values

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study, “Landslides in the Portland, Oregon, Metropolitan Area Resulting from the Storm of February 1996: Inventory Map, Database and Evaluation” (Burns and others, 1998); the DOGAMI Open File Report O-06-27, “Map of Landslide Geomorphology of Oregon City, Oregon, and Vicinity Interpreted from LIDAR Imagery and Aerial Photographs” (Madin and Burns, 2006); and the upcoming “Preliminary Geologic Map of the Oregon City Quadrangle, Clackamas County, Oregon” (Madin, in press), as references for identifying mapped landslides and landslide materials, “landslide areas,” “unstable slopes,” “unstable soils,” and debris fans.

It is also recommended that the City require a geotechnical evaluation/investigation as part of any future development in areas with slopes of 25% or steeper and within a 200-ft setback of the crest and toe of these slopes, and in areas previously mapped as landslides. This would include all new construction, including additions to existing homes such as swimming pools and retaining walls, installation of underground utilities, new access driveways and/or roadways, and similar types of projects that require significant earthwork. The geotechnical evaluation/investigation should address the slope hazards in the development and specifically address how the proposed development will limit the risk of future slope instability, prior to issuing a building permit. The geotechnical evaluation/investigation should also address setbacks from existing slopes and recommendations for cut and fill and on-site stormwater management, as described in more detail below. In addition, the City should require special inspection by the geotechnical engineer during construction of soil- and foundation-related elements and a summary letter of compliance upon completion of the work.

The actual scope of the geotechnical evaluation/investigation will depend somewhat on the location within the study area and the proposed development. For example, for development in areas that will likely require little if any earthwork, a reconnaissance-level site evaluation may be adequate prior to issuing a building permit. However, if the new development requires cuts deeper than about 5 ft into the existing hillsides, the geotechnical engineer may need to consider performing subsurface explorations, such as test pit excavations and/or shallow borings, as part of their evaluation/investigation. For any development within or adjacent to mapped landslide areas or debris fans, or any development that requires excavations deeper than about 10 ft into the existing hillside, it would be prudent to perform a more-detailed, comprehensive geotechnical investigation prior to issuing a building permit. An engineering geologist should provide site-specific geologic input for any development with proposed cuts deeper than about 10-feet and all evaluations within the limits of mapped landslide areas and debris fans. Implementation strategies for these recommendations follow in Chapter 4.



4. Implementation

1. Compliance with Title 11

Concept Plans are regulated by Title 11 in Metro's Urban Growth Management Functional Plan. Title 11 and the Park Place Concept Plan are intended to lay a foundation for urbanization of areas added to the region's Urban Growth Boundary (UGB) in a way that reasonably provides public facilities and services, offers transportation and housing choices, supports economic development, and protects natural resources.

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 strives to provide the Park Place plan area with development flexibility, housing choices, transportation choices, natural resource protection, access to open space and recreation, educational opportunities, and economic activity. To support these goals, it is recommended that the set of policies addressing housing, parks, schools, economic development, natural resources, transportation, and other public facilities included in the Park Place Concept Plan be adopted by reference into the City's Comprehensive Plan. The following sections provide overviews of these elements and their associated goals, policies, and implementation strategies. For more detailed descriptions of these elements and their compliance with Title 11, please refer to the Appendices.

Annexation

Chapter 14 of the City's existing code establishes regulations for annexation. These regulations require an application process, hearings, and review by the Planning Commission and City Commission before the annexation is decided by Oregon City voters.

In addition to a legal description of the proposed annexation area, written consent of property owners, site plans, and an application fee, an annexation

proposal must provide statements addressing the following:

- availability, capacity and status of existing water, wastewater, drainage, transportation, park and school facilities;
- increased demand for such facilities to be generated by the proposed development, if any, at this time;
- additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;
- method and source of financing required to provide additional facilities, if any;
- overall development concept and methods by which the physical and related social environment of the site, surrounding area and community will be enhanced;
- 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; and
- 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.

The Planning Commission's recommendation to the City Commission and the City Commission's decision as to whether to advance the proposal to the voters for a decision depend on whether adequate access and public facilities and services can be provided; impacts to Goal 5 resources, natural hazard areas, and the overall economic, social, and physical community are avoided or are minimal; and the proposal complies with goals and policies in the City's Comprehensive Plan.

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.

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.

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.

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.

Land Use

Following are land use policies related to housing, commercial, and industrial developments. Other land uses (e.g., schools, parks, and public facilities) are addressed separately.

Housing

The following steps have been taken in the concept planning process to comply with Title 11 as it relates to housing.

- Zone adequate land to allow for a variety of housing types and densities as outlined in more detail in Chapter 3. The zoning mix allows the City to meet Metro targets for housing based on average densities required in the two different portions of the planning area.
- Create opportunities for mixed residential and commercial uses through amendments to and application of the city's mixed use zone.
- Locate denser housing types adjacent to commercial areas and civic uses.
- Zone land in a way that allows for housing types and densities typically more affordable to households with low and moderate incomes (see Chapter 3 for an assessment of this issue).

While the Park Place Concept Plan allows for opportunities to meet affordable housing needs without subsidy, the reality of the housing market in Oregon City and the Portland Metropolitan region is that some subsidy by public agencies and non-profit organizations will be required to achieve affordable housing goals for this area. The following goal, policies and implementation strategies can be used to meet affordable housing objectives, as well as more general housing goals.

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.

Policies

- Apply zoning designations that allow for achievement of the goal above.
- Create flexibility in development standards to allow for alternative housing types such as zero lot-line development, cluster housing, and accessory dwelling units.
- Ensure connectivity of residential areas to commercial areas and parks and open space by creating regular street grid patterns where topography allows and providing a complete sidewalk network.
- Ensure that residential neighborhoods are bordered by parks and/or open space. Streets should be integrated with a network of bikeways, trails and/or pedestrian paths where possible.
- Orient residential streets to maximize solar exposure for energy conservation where possible.
- Link the density of housing to the hierarchy of the street network.
- Work with other public agencies, non-profit organizations and developers to encourage production of affordable housing that meets the needs of residents with low and moderate incomes.
- Provide a transition or buffer between existing and new residential development.
- Support architectural integrity and variety in residential and mixed-use neighborhoods.

Implementation Strategies

- Work with local groups to develop affordable housing strategies for Park Place, including incentives for developers to build affordable housing and for moderate-income home ownership.
- Update city and county zoning ordinances and development codes as needed to allow for innovative development and zoning mechanisms that will add to the affordable housing stock, including establishing minimum densities, allowing for density bonuses, reducing minimum lot sizes, and establishing other provisions in the zoning code to reduce housing costs associated with the price of land while protecting community character.
- Create design standards for Park Place in order to ensure diverse, compact, attractive, and community-oriented residential development and compatibility with existing and surrounding neighborhood character and scale.
- Allow for a variety of lot sizes within a subdivision by permitting average density calculations for subdivisions over 25 units.

Table 4-1. Affordable Housing in Oregon City

Percentage of MHI	Percentage of Households	Percentage Difference	Affordable Rent/ Mortgage
0-30% MHI	11%	-	\$341
0-50% MHI	20%	9%	\$569
0-80% MHI	38%	18%	\$911

- Consider density bonuses for developers who provide affordable housing units.
- Provide a gradual transition in zoning and allowed densities between existing residential development and new or future residential development and/or require larger setbacks between existing and new residential development.
- Consider adopting additional architectural design standards for residential development and consider developing and adopting architectural variety requirements for subdivision development.
- Create flexibility in development standards to allow for alternative housing types such as zero lot-line development, cluster housing and accessory dwelling units.
- update the City's zoning ordinances to allow for master planning of developments of 10 acres or more in Park Place.

Affordability

Affordable housing is typically defined as housing which does not cost more than 30% of a household's income. For rental units, housing costs include rent and utilities, while housing costs for homeowners includes mortgage payments, taxes and insurance.

Extremely low income households are typically defined as those earning less than 30% of median household income; very low income households as those earning less than 50% of median household income; and low income households are those making between 50% and 80% of median income. These income ranges have been used to estimate the cost of housing that would be considered

Household size	Area Median Income	Affordable monthly housing costs (100%)	Household Income (80%)	Affordable Monthly Housing Costs (80%)	Household Income (50%)	Affordable Monthly Housing Costs (50%)	Household Income (30%)	Affordable Monthly Housing Costs (30%)
1	47,500	1,188	38,000	950	23,750	594	14,250	356
2	54,313	1,358	43,450	1,086	27,150	679	16,300	408
3	61,125	1,528	48,900	1,223	30,550	764	18,350	459
4	67,875	1,697	54,300	1,358	33,950	849	20,350	509
5	73,313	1,833	58,650	1,466	36,650	916	22,000	550
6	78,750	1,969	63,000	1,575	39,400	985	23,650	591
7	84,188	2,105	67,350	1,684	42,100	1,053	25,250	631
8	89,625	2,241	71,700	1,793	44,800	1,120	26,900	673

Table 4-2. Affordability by Income, Portland Metro Area (HUD), 2007

affordable to households with very low, low, and moderate incomes. Table 4-1 shows the results of this analysis for Oregon City.

According to the 2000 Census, the median household income (MHI) for Oregon City is \$45,531. Table 4-2 shows the area median income (AMI) by household size, and corresponding affordable housing costs. Census data for the Park Place Concept Plan area is not available since its boundaries do not correspond to census block boundaries.

Title 11 requires that the planning area allow for development of affordable housing without public subsidy. The zoning proposed for the planning area theoretically provides opportunities to develop housing that would be affordable to residents with a full range of incomes, assuming a similar mix of income levels to the city as a whole. As a result, the concept plan meets the requirements of Title 11 and ORS related to housing. However, some form of public subsidy is expected to be necessary to meet the affordable housing goals of the Park Place Concept Plan. Its goals call for a range of housing types to meet the needs of renters at all income levels and to provide opportunities for home ownership for moderate-income households. Without some subsidy and/or actions by local governments or non-profit organizations, it is unlikely that the desired range of housing products will be developed. Given the rate of housing price increases in the area, many of the multi-family units, attached and detached single-family homes will be built for market rate home ownership.

Proposed land use designations for the Park Place plan area allow for a range of housing types (described in Chapter 3). Typically, the types of housing most affordable to people with low and moderate incomes are single-family homes on small lots, attached single family homes, duplexes and multi-family housing, as accessory dwelling units, and single-family rental homes. Extremely low and very low income households typically reside in multi-family housing. These types of housing are expected to account for a significant portion of all housing units in the plan area – 370-500 units (25%-35%), depending on the proportion of higher density detached single-family homes that fall into affordable price ranges. This range is consistent with the percentage of lower income households that could be expected to need housing units in the area, if they are representative of the City as a whole.

In order to meet the affordable housing goals, it is anticipated that the City will work with other public agencies, non-profit groups and developers to identify funding opportunities to further increase the supply of affordable housing in the area. Potential partners include Clackamas Community Land Trust, Northwest Housing Alternatives, Housing Authority of Clackamas County and Clackamas County Social Services.

Table 4-3. Proposed Area of Commercial Uses in Park Place

Type of Commercial Use	Proposed Zone	Land Area (SF)	Floor Area (SF)
Retail	Neighborhood Commercial (NC)	79,191	39,595

Commercial and Industrial Development

Commercial Development

The Neighborhood Commercial (NC) zone recommended in the North and South Villages will accommodate commercial development. The NC zone will be targeted for primarily retail use. Table 4-3 identifies the amount of land proposed for each of this zone and targeted uses.

Assuming an approximately 50% lot coverage, the NC zone yields about 0.91 acre (39,595 sq. ft.) of building area and the same for parking and landscaping. This falls within the range of retail building area that market consultant Johnson Gardner estimated that Park Place could support.

Industrial Development

Potential industrial uses in the area would be constrained by limited access and suitable buildable land (large sites with little or no slope). Land zoned industrial to the north of Park Place focused around an I-205 interchange and land with existing and planned industrial zoning (as part of a concept plan) for the Beavercreek area directly south of Park Place provide suitable and adequate industrial land for the City. No industrially zoned land is recommended or planned for Park Place.

Economic and Commercial Development Goals, Policies, and Implementation Strategies

Goal

Establish opportunities to create neighborhood commercial and mixed use centers which provide area residents with opportunities to shop and work, consistent with the core values of this plan.

Policies

- Establish two neighborhood commercial/mixed use centers that allow for small scale, neighborhood oriented commercial development, as well as mixed residential/commercial development and public buildings and gathering places.
- Locate neighborhood commercial and mixed use centers in close proximity to denser residential development, as well as parks and community facilities.

- Ensure that roads, pathways and other transportation facilities are designed in a way that supports mixed use/commercial areas and provides adequate access to them by all modes of travel.

Implementation Strategies

- Implement and update design standards for neighborhood commercial and mixed use areas, including storefront windows, street-level entrances, streetscape elements such as weather protection and street trees, and restrictions of mid-block driveways, to ensure they are developed in an attractive, walkable and efficient manner and promote.
- Work with existing and future neighborhood residents, as well as community business groups to identify and attract an appropriate mix of businesses to commercial and mixed use centers in the planning area.
- Identify small-scale food production as an allowed use in commercial and possibly residential zones.

Transportation

The Park Place Concept Plan includes a multi-modal transportation system that complies with city, regional, and statewide transportation plans and ensures a safe and adequate multi-modal transportation system to meet the forecast travel needs of the planning area. The Conceptual Transportation Plan comprises street, transit, bicycle, and pedestrian facilities and services that make each mode viable to meet certain travel needs, while minimizing the need to travel in single-occupant motor vehicles. Plan components include the following:

1. A functionally classified set of streets that provide appropriate connections within and across the planning area and adequately serve local and longer-distance vehicular travel (Figure 3-4). An emphasis of the Plan is to expand the City's functionally classified network such that it protects the Highway 213 corridor as a regional facility of critical importance.
2. A network of local and higher-order streets that provides redundancy for emergency access, appropriate ventilation to neighborhoods and commercial nodes of activity, and efficient connections to minimize travel distances (Figure 3-5).
3. A variety of street cross sections that reflect the needs of adjacent land uses and respond to the constraints of topography, limited rights-of-way, and the costs of construction (Figures 3-A through 3-J).
4. A network of on-street and off-street pedestrian and bicycle facilities that meet the needs of commuters, recreationalists, residents, and employees (Figures 3-8 and 3-9). These facilities are planned to provide safe routes to schools and other key pedestrian/bicycle generators in the planning area. In addition, they provide seamless connections to anticipated transit service in the area. Finally, the comprehensive nature of this network promotes these modes as viable options for a variety of trip purposes.
5. A conceptual routing of future transit service that connects the planning area to major transit centers in the Oregon City area, as well as key destinations within Oregon City (Figure 3-7).

Construction cost estimates for the planned transportation improvements have been prepared and a conceptual financing plan has been developed. These estimates are located in the following chapter: Funding and Finance.

Transportation Goals, Policies, and Implementation Strategies

Goal

Plan for and implement a safe, interconnected system of roads and other transportation facilities that allows people to move freely within the neighborhood and connects them to other parts of the city and region.

Policies

- Support and encourage Metro and ODOT to construct improvements to regional and state facilities (e.g., I-205, Highway 213 and the Sunrise Corridor) to accommodate proposed growth inside and surrounding the planning area.
- Develop and apply basic road standards based on transportation analysis and land use goals adequate to serve area residents and businesses.
- Require that needed improvements to transportation facilities necessitated by new development be made or funded as part of the development process; condition development approval on construction of or financial commitments for improvements.

Implementation Strategies

- Identify updates to City, County and regional transportation plans to incorporate proposed improvements to major facilities.
- Include proposed transportation improvements in the city's Capital Improvement Plan (CIP).
- Apply appropriate road standards as development occurs and facilities are designed and constructed.
- Coordinate with Clackamas County in planning for improvements to existing county facilities (e.g., Holly Lane and Redland Road).
- Update the city's System Development Charge for transportation, consistent with the need and cost for future improvements in the planning area.
- Evaluate and minimize or mitigate environmental impacts of future transportation improvements.
- Update City standards for green streets as needed to implement the Park Place Concept Plan.

Natural Resources and Hazards

A key part of protecting existing natural resources is to use the best development practices available in these areas. For the Park Place Concept Plan development, Metro's *Nature in Neighborhood* design guidelines were followed. These guidelines, though voluntary, are very applicable to achieving the environmental protection goals of the Park Place Concept Plan. As the Park Place Concept Plan develops, the Table 4-4 provides a list of best development practices that should

be considered. The implementation measures described in Appendix I identify the City code sections which could incorporate these best development practices.

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 land slides and other such areas.

Policies

- Distinguish between areas where development will not be allowed and where development can occur but with lower densities or other limitations as documented on concept area maps and refined during more detailed mapping that may occur as part of the development process.
- Apply existing city regulations related to stream buffers, trees preservation, restrictions on steep slope development and other issues.
- Reference most recently available geological maps in Oregon City zoning ordinance provisions.
- Require geotechnical evaluation for new construction and future development in areas with slopes of 25% or greater and within 200 feet of the crest and toe of such slopes.
- Require geotechnical evaluation for new construction and future development in areas mapped as landslides or landslide materials
- Require development-specific investigation related to slope stability be conducted by a qualified professional engineer (PE) and certified engineer geologist (CEG).
- Manage and protect archeological and historic resources within the planning area, consistent with the City and state requirements and policies.
- Conserve and improve streamside, wetland, and floodplain habitat and their connections.
- 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 and tree protection, and significant fish and wildlife habitat, shall be approved prior to development of property located in the concept plan area. Tree protection should include provisions to protect trees in area within the city's UGB but not yet annexed. Protection of fish and wildlife habitat should address riparian and upland areas. Methods to protect these

Table 4-4. Best Management Practices for Non-Habitat Conservation Areas¹

Part (a): Design and Construction Practices to Minimize Hydrologic Impacts
1. Amend disturbed soils to original or higher level of porosity to regain infiltration and stormwater storage capacity.
2. Use pervious paving materials for residential driveways, parking lots, walkways, and within centers of cul-de-sacs.
3. Incorporate stormwater management in road right-of-ways.
4. Landscape with rain gardens to provide on-lot detention, filtering of rainwater, and groundwater recharge.
5. Use green roofs for runoff reduction, energy savings, improved air quality, and enhanced aesthetics.
6. Disconnect downspouts from roofs and direct the flow to vegetated infiltration/filtration areas such as rain gardens.
7. Retain rooftop runoff in a rain barrel for later on-lot use in lawn and garden watering.
8. Use multi-functional open drainage systems in lieu of more conventional curb-and-gutter systems.
9. Use bioretention cells as rain gardens in landscaped parking lot islands to reduce runoff volume and filter pollutants.
10. Apply a treatment train approach to provide multiple opportunities for storm water treatment and reduce the possibility of system failure.
11. Reduce sidewalk width and grade them such that they drain to the front yard of a residential lot or retention area.
12. Reduce impervious impacts of residential driveways by narrowing widths and moving access to the rear of the site.
13. Use shared driveways.
14. Reduce width of residential streets, depending on traffic and parking needs.
15. Reduce street length, primarily in residential areas, by encouraging clustering and using curvilinear designs.
16. Reduce cul-de-sac radii and use pervious vegetated islands in center to minimize impervious effects, and allow them to be utilized for truck maneuvering/loading to reduce need for wide loading areas on site.
17. Eliminate redundant non-ADA sidewalks within a site (i.e., sidewalk to all entryways and/or to truck loading areas may be unnecessary for industrial developments).
18. Minimize car spaces and stall dimensions, reduce parking ratios, and use shared parking facilities and structured parking.
19. Minimize the number of stream crossings and place crossing perpendicular to stream channel if possible.
20. Allow narrow street right-of-ways through stream corridors whenever possible to reduce adverse impacts of transportation corridors.
Part (b): Design and Construction Practices to Minimize Impacts on Wildlife Corridors and Fish Passage
1. Carefully integrate fencing into the landscape to guide animals toward animal crossings under, over, or around transportation corridors.
2. Use bridge crossings rather than culverts wherever possible.
3. If culverts are utilized, install slab, arch or box type culverts, preferably using bottomless designs that more closely mimic stream bottom habitat.
4. Design stream crossings for fish passage with shelves and other design features to facilitate terrestrial wildlife passage.
5. Extend vegetative cover through the wildlife crossing in the migratory route, along with sheltering areas.
Part (c): Miscellaneous Other Habitat-Friendly Design and Construction Practices
1. Use native plants throughout the development (not just in HCA).
2. Locate landscaping (required by other sections of the code) adjacent to HCA.
3. Reduce light-spill off into HCAs from development.
4. Preserve and maintain existing trees and tree canopy coverage, and plant trees, where appropriate, to maximize future tree canopy coverage.

¹Table 3.07-13c in Exhibit C or Ordinance No. 05-1077C, Title 13 (Nature in Neighborhoods) of the Urban Growth Management Functional Plan (Metro Code Chapter 3.07)

areas should include an evaluation of conservation easements and density reductions.

Implementation Strategies

- Identify and explore the use of incentives such as conservation easements to protect natural resources.
- Extend existing density transfer provisions from the Water Resource Overlay Zone to the Flood Management and Geologic Hazards Overlay Zones.
- Identify potential new ordinance requirements related to protection of environmental resources.
- Identify and encourage use of best management practices related to erosion control, wildlife management, landscaping, tree preservation, etc. (e.g. Metro's Nature in Neighborhoods guidelines).
- Update the city's zoning ordinance to incorporate the policies related to slope stability above.
- Work with the Oregon Department of Geology and Mineral Industries (DOGAMI) to complete and incorporate a landslide susceptibility map for Oregon City.
- Review geotechnical reports as well as final grading, drainage and foundation plans by a geotechnical engineer.
- Require peer review of geotechnical report by peer reviewers selected by the City of Oregon City.
- Conduct special inspections in areas with steep slopes or mapped as landslide susceptibility areas with a geotechnical engineer during construction processes.
- Require applicants geotechnical engineer to field verify during construction to ensure that the subsurface conditions/assumptions made as part of their geotechnical evaluation/investigation are appropriate.
- Require the applicants geotechnical engineer to prepare a summary letter stating that the soils- and foundation-related project elements were accomplished in substantial conformance with their recommendations.
- Conduct specific environmental studies and apply environmental standards as required during planning and construction of public improvements (e.g., roads and bridges) as the Park Place Concept Plan is implemented.
- Update the City's zoning ordinance to establish "night sky" protection provisions. Incorporate associated lighting standards in the City's requirements.
- Refine Buildable Areas Map - perform a GIS evaluation of the City of Oregon City water quality overlay zone with existing topography.
- Field verify existing natural resources to ensure that important natural resources have not been overlooked.
- Identify regulations and/or restrictions associated with infrastructure impacts on Habitat Conservation Areas (HCAs).

Public Facilities and Services

Conceptual public facility plans have been developed for the provision of wastewater, and storm drainage. These plans have been developed to comply with goals of the local community, City of Oregon City, Metro and the following documents:

- City of Oregon City Water Master Plan
- City of Oregon City Sanitary Sewer Master Plan
- City of Oregon City Drainage Master Plan
- City of Oregon City Draft Stormwater Management Plan
- City of Oregon City Stormwater and Grading Design Standards

The City of Oregon City Water Master Plan was referenced to determine anticipated water demands within the Park Place Concept Plan area. Average daily demand as well as peak demand and fire demand were evaluated at a preliminary level. In general, water demand from planned development within the Park Place Concept Plan area is consistent with demands anticipated in the Water Master Plan.

The City of Oregon City Sanitary Sewer Master Plan was referenced to determine anticipated wastewater generation within the Park Place Concept Plan area. In general, similar wastewater flows were developed. As a result, wastewater flows generated by development within the Park Place Concept Plan area are consistent with those found in the Sanitary Sewer Master Plan.

All three stormwater documents emphasize minimizing the amount of post-development stormwater runoff to pre-development conditions and reducing pollution loads. The Park Place Concept Plan stormwater approach was developed to meet these goals (Appendix J).

Public Facilities and Services Goals, Policies, and Implementation Strategies

Goal

Plan for and provide adequate facilities for water, wastewater and stormwater service.

Policies

- Ensure that water, wastewater and stormwater facilities have adequate capacity to meet public facility and service needs within the planning area.
- 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 to reduce service needs and impacts.

Implementation Strategies

- Prepare stormwater, water system, and wastewater master plans to further refine the systems and approaches outlined in the Park Place Concept Plan. (The existing Oregon City stormwater standards should be evaluated and refined to improve performance of the stormwater master plan).
- Perform further water evaluation to ensure that the Clackamas River Water District and the City of Oregon City maximize efficiency - City of Oregon City should provide water service to all urban customers within the UGB.
- Identify areas within the Park Place Concept Plan planning area for slope stability hazards and infiltration areas to determine if stormwater should be allowed, limited, or restricted.
- Incorporate estimate water, wastewater and stormwater needs in capital facility master plans and capital improvement plans.
- Expand city wastewater mains and other collection facilities within and adjacent to the planning area to ensure adequate wastewater collection capacity; preserve TCSD trunk lines.
- Expand city water mains and other distribution facilities within and adjacent to the planning area to ensure adequate water distribution capacity; preserve the existing Clackamas River Water transmission system.
- Establish a stormwater management system that mimics the natural hydrology of the planning area.
- Develop a stormwater management system that utilizes a combination of regional detention facilities, green streets and on-site stormwater detention and filtration to minimize runoff and impacts on local waterways.
- Coordinate with other service providers to plan for and provide fire protection, law enforcement, school, library and other public services as specific developments are planned and implemented.

Parks

The Concept Plan includes two neighborhood parks, each located in a neighborhood center adjacent to commercial, civic, and medium and/or higher density residential land uses. The parks are intended to provide basic recreational opportunities for residents and may include amenities such as play equipment, athletic fields picnic table or shelters, walking trails and other features. The North Village neighborhood includes an 8-10 acre neighborhood park; the South Village park is about 3-5 acres.

Parks needs are consistent with those generally identified the City of Oregon City's existing Parks and Open Spaces Master Plan. That plan identifies a community park and a neighborhood park service area within the Park Place Concept Plan study area. Local and national guidelines for these types of parks indicate a need for about 10 – 30 acres of developed park land in the planning

area. The City is currently updating its Parks and Open Spaces Master Plan, which may provide more specific guidance on the size of future parks in the area and/or needed amenities within them.

The open spaces identified in environmentally constrained portions of the study area are also expected to provide extensive opportunities for outdoor recreation including an extensive trail system.

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.

Policies

- Plan for neighborhood parks that are intended for low-impact active and passive recreational activities.
- Locate neighborhood parks within comfortable walking distance (e.g. one-half mile) of most residences and easily accessible to pedestrians and bicyclists.
- Develop and maintain a system of neighborhood trails to provide a variety of recreational opportunities, such as walking, bicycling and jogging.
- Design the trail system to connect parks and open spaces and provide connections to established neighborhoods where possible.
- Promote the location of neighborhood parks adjacent to higher-density residential housing to provide outdoor recreational opportunities for residents of attached housing and to enhance the quality of the neighborhood.
- Allow for flexibility in the siting of future parks while ensuring that locations meet the criteria identified in the Park Place Concept Plan.
- Support joint uses of community facilities such as schools and parks.
- Conserve and protect natural areas, including environmentally constrained areas unsuitable for development.

Implementation Strategies

- Amend parks and recreation, open space and trails master plans as necessary to be consistent with the goals and policies of the Park Place Concept Plan.
- Coordinate with the Parks and Recreation Master Planning process to identify appropriate amenities for new neighborhood parks.
- Communicate with the school district to determine if school facilities in such areas have the capacity for greater community use.
- Explore the feasibility of joint use of Ogden Middle School land and facilities for community-based recreational needs.

- Evaluate natural areas for capacity to support recreation uses, such as hiking or biking. Limit or protect human activity as appropriate.
- Coordinate with private property owners regarding development of the trail system.
- Establish and implement an equitable approach to funding acquisition of park lands and development of park and recreational facilities through a mix of system development fees, user fees and other available revenue sources. Ensure that property owners or developers pay their share of these costs in an equitable manner.

Public Schools

No new school sites are identified for Park Place. There are two existing elementary schools near the study area — Park Place Elementary and Holcomb Elementary. They have a combined capacity for an additional 300 students. Future enrollment projections for these elementary schools are relatively flat, as new households in their service areas are projected to be less likely to include young children than they have in the past. However, it is critical that all families in the Park Place neighborhood can safely access existing school sites and other educational facilities.

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.

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, middle and high school students through programs like tutoring and mentoring.
- Promote connections between schools and the surrounding community, particularly community members without school-age children.

Implementation Strategies:

- Continue to coordinate with the Oregon City School District to identify school needs for area residents and ensure that the District meets them.
- Identify needed safe routes for walking and biking to school for area residents and children and incorporate them into planning and construction of transportation facilities in the area.
- Work with the School District to ensure that school bus routes provide for a high level of safety.
- Participate in efforts by the school district and residents to identify strategies for achieving educational linkages among schools in the

area and between schools and the community. Examples could include tutoring, mentorship programs and other educational programs, especially between neighboring schools.

- Explore the potential to locate an environmental educational facility in the planning area, preferably co-located with parks, open space or trails facilities in the area.
- Continue to coordinate with the Oregon City School District to identify school needs for area residents and ensure that the District meets them. If enrollment and development projections and trends differ from those identified in this Plan, work with the School District to identify appropriate locations) for school(s) within the planning area, if warranted.
- Encourage the Oregon City School District to continue to work with local families and other residents to develop and implement educational plans that meet the educational needs of children and families within the planning area.
- Organize programs like community gardens and school parades for strengthening the connection between schools and the surrounding community.

Financing

Metro's Title 11 requires concept plans to identify approximate costs of public infrastructure and potential sources of funding to pay for its development as the area is developed. Costs and funding sources are described in Chapter 5. The following goal policies and strategies will be used to ensure equitable and cost-efficient use of funding as the plan is implemented.

Goal

Provide funding and financing in a manner that each development pays it proportional share of the overall cost with Park Place.

Policies

Ensure that residents and businesses within Park Place will be treated equitably with respect to the City as a whole

Implementation Strategies

- Identify existing funding sources and their ability to pay for the cost of future facilities and services.
- Identify and recommend additional, innovative methods for paying for facilities and services.
- Use a combination of system development charges, density bonuses, land dedication, fees-in-lieu and public acquisition to pay for park land and facilities.
- Use a combination of user fees, system development charges, land dedication and public acquisition for right-of-way and other local, regional and state funding sources to fund transportation improvements.
- Use a combination of system development charges, user fees, general fund tax revenues and other funding sources to pay for water, wastewater and stormwater facilities and services.

2. Next Steps

As described by Metro, concept planning is an interim set of measures meant to prepare an area for comprehensive planning. The outline below provides the general process and process elements that follow adoption of a concept plan.

1. Development and adoption of comprehensive plan designations, comprehensive plan amendments, and development code amendments, based on the Park Place Concept Plan (legislative procedure)
 - a. Transportation System Plan (TSP) amendments
 - b. Amendments to other public facilities plans
 - c. Goal 5 inventory and implementation measures
 - d. Amendments to other comprehensive plan goals and policies (see Implementation section below)
 - e. Comprehensive plan designation mapping
 - f. Code amendments, including potential land division, zoning, and system development charge (SDC) regulations (see Implementation section below)
2. Applications for annexation (Type III/IV procedure)
3. Adoption of zoning designations upon annexation (Type I or Type IV procedure)
4. Development review

In the case that updates to the Park Place Concept Plan itself needed to be made, those amendments would be subject to the same legislative procedures as when the plan was originally adopted. See Oregon City Municipal Code, Chapter 17.50, Administration and Procedures, for descriptions of the different decision types.

5. Funding and Finance

Introduction

The available public infrastructure currently in Park Place is insufficient to serve development proposed in the Park Place Concept Plan. Though Park Place does not have existing infrastructure, it is adjacent to existing service providers. The key public services that need to be developed are: transportation, drinking water, wastewater, stormwater, and parks.

1. Infrastructure Requirements

Transportation

To handle the traffic generated by future development in Park Place and in the surrounding urbanizing area, roadways will have to be improved inside and outside of Park Place. The construction costs for transportation improvements needed to indirectly or directly serve the area amounts to approximately \$137-187 million in 2007 dollars. Table 5-1 indicates that approximately \$52 million of roadway and intersection improvements are likely needed as a result of the Concept Plan.

Table 5-1 also summarizes the cost of improvements by type of roadway: Expressway, Minor Arterial, and Collector. These types of roadways imply different jurisdictional ownership and funding responsibilities.

Table 5-2 shows a preliminary distribution of ownership and funding responsibilities. ODOT owns the express roadways and is primarily responsible for their construction and maintenance. ODOT and the regional, county, and city governments share in the cost of improvements to ODOT's roadways based on regionally negotiated percentages approximately: ODOT, 60%; Metro 20%; County, 15%; and City, 5%. In Table 5-2, these percentages are applied to the construction costs to allocate the funding responsibilities to each government.

The minor arterials are Clackamas County roadways that will eventually revert to City ownership after annexation and as agreed upon between the City and County. Generally, County roadways are brought up to "standard" before the transfer occurs. For this analysis, the County is assumed to fund 60% of the construction costs, and the City 40%. These roadways - Redland Road and Holly Lane - primarily benefit a larger county-wide population than will live in Park Place.

The new collector roadways to be built in Park Place, and as Park Place develops, are 100% the responsibility of the City. These roadways primarily benefit local traffic.

Those improvements or parts of improvements allocated to Oregon City are identified as No-Build and Build improvements. Regardless of the development of Park Place, the No-Build improvements will have to be constructed as the City grows outside of Park Place. Metro is listed as a possible funding source but no allocation of project costs is shown for it. Metro may participate in some of the regional roadway projects, but at this time none of the projects is in Metro's Regional Transportation Funding Plan.

Table 5-1: Summary of Estimated Needs for Transportation Improvements (for concept planning purposes only)

Roadway	No Build	Build	Total
HWY 213 Corridor Improvements (I-205 to Oregon City UGB)	75-125,000,000	0	75-125,000,000
Redland Road: Abernethy/Holcomb to Swan Ave		11,500,000	11,500,000
Holly Lane: Redland to Maplelane Road	3,000,000	0	3,000,000
Livesay Road: Swan Ext to Holly Ext		1,800,000	1,800,000
Donovan Road: Holly Lane to Ogden Middle School		1,200,000	1,200,000
Swan Ave Extension: Existing Swan Ave south to Holcomb Blvd		1,100,000	1,100,000
Swan Ave Extension: Livesay canyon to Redland Road		9,300,000	9,300,000
Swan Ave Extension: Redland Rd to Holly Ln		9,300,000	9,300,000
Holly Lane: Redland to Holcomb Blvd		17,400,000	17,400,000
Total	78-128,000,000	51,600,000	130-180,000,000

Intersections	No Build	Build	Total
Anchor Way/Redland	2,900,000		2,900,000
Holly Ln/Redland Rd	2,000,000		2,000,000
Holly Ln/Maplelane Rd	1,600,000		1,600,000
Swan Ave/Holcomb Blvd		300,000	300,000
Total Intersection Improvements	6,500,000	300,000	6,800,000
Grand Totals	85-135,000,000	51,900,000	137-187,000,000

Table 5-2: Facility Ownership and Estimated Construction Costs (for concept planning purposes only)

Roadway	ODOT	Clackamas	City of Oregon City		Totals
			No Build	Build	
Highway 213 Corridor Improvements (I-205 to Oregon City UGB)	75-125,000,000			0	75-125,000,000
Redland Road: Abernethy/Holcomb to Swan Ave.		6,900,000	0	4,600,000	11,500,000
Holly Lane: Redland to Mapelane			3,000,000	0	3,000,000
Livsey Road: Swan Ext to Holly Ext			0	1,800,000	1,800,000
Donovan Road: Holly Lane to Ogden Middle School			0	1,200,000	1,200,000
Swan Ave Extension: Existing Swan Ave south to Holcomb Blvd			0	1,100,000	1,100,000
Swan Ave Extension: Livesay canyon to Redland Road			0	9,300,000	9,300,000
Swan Ave Extension: Redland Rd to Holly Ln			0	9,300,000	9,300,000
Holly Lane: Redland to Holcomb Blvd		10,400,000	0	7,000,000	17,400,000
Total Roadway	75-125,000,000	17,300,000	3,000,000	34,300,000	130-180,000,000

Intersections	ODOT	Clackamas	No Build	Build	Totals
Anchor Way/Redland		1,700,000		1,200,000	2,900,000
Holly Ln/Redland Rd		1,200,000		800,000	2,000,000
Holly Ln/Mapelane Rd		1,000,000		600,000	1,600,000
Swan Ave/Holcomb Blvd		200,000		100,000	300,000
Total Intersection		4,100,000	0	2,700,000	6,800,000
Grand Totals	75-125,000,000	21,400,000	3,000,000	37,000,000	137-187,000,000

Source: Kittelson& Associates

To summarize, Oregon City will have to fund approximately \$40 million of the identified \$137-187 million of needs. Approximately \$3 million will be funded city-wide, regardless of the Park Place Concept Plan. The Park Place area will be responsible for approximately \$37 million.

The funding mechanisms for these improvements cannot be predicted with great accuracy, but the mechanisms can be identified and used to plan the improvements. As a part of the process to adopt the Park Place Concept Plan, the City and County will have to amend their Transportation System Plans to include all of the improvements identified above. The updated TSP also addresses funding by source of revenues. Once that is amended, the City and

County would update their transportation System Development Charges (SDCs) to include some portion of each capital improvement for eventual SDC funding. The projects in Park Place will then be ranked and scheduled for construction along with all of the other transportation projects in the City. These updates may or may not increase the amount of the current transportation SDC.

Outside of the Federal, State, County, and City funding sources for transportation improvements, the City and County may look to other financing mechanisms. The City may require developers to pay for or construct some of the improvements. The City may also accept applications to fund some projects as local improvement districts (LIDs) or advance financing arrangements with developers.

Water

Park Place will be served by the South Fork Water Board, which is a regional water utility owned by the Cities of Oregon City and West Linn. The Park Place area will be served by the SFWB's ample supply of water, treatment, reservoirs, and transmission lines to Park Place. The planned capital improvements build an internal distribution system at an approximate cost of \$3.8 million in 2007 dollars for approximately 26,306 lineal feet of water pipes and associated appurtenances.

Once the Park Place Concept Plan is accepted, the City's water master plan will have to be amended to include these projects. The water SDC will have to be amended to include these projects and perhaps to increase the City-wide water SDC (currently \$4,445 for a $\frac{3}{4}$ x $\frac{5}{8}$ inch water meter, varying by meter size). The update of the City's SDC would include the new projects and account for new users, and may or may not increase the amount of the SDC. It would make some parts of the water improvements in Park Place eligible for SDC funding. These costs will be absorbed by developers either through SDCs or construction of water system improvements as a condition of development approval.

Wastewater

The Tri-City Sewer District (TCSD), which includes Oregon City, West Linn, Gladstone provides the wastewater treatment plant (WWTP) and interceptor wastewater lines from Park Place to the WWTP. The planned capital improvements provide the collection system within Park Place. Only the 36-inch wastewater lines along Redland Road will provide service to areas outside of Park Place. The total cost of these improvements is approximately \$5.52 million in 2007 dollars. The cost per EDU is approximately \$2,483.

After adopting the Park Place Concept Plan, the City and TCSD will amend their SDCs to include these projects and perhaps increase the wastewater SDC, which is currently \$3,716 (sum of City and TCSD) per single-family residence on a $\frac{5}{8}$ 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 wastewater system improvements as a condition of development approval. The City also may pay for part of these improvements through its own investments by issuing debt and paying debt service from user fees or SDCs. Updating the City's wastewater SDC to include the Park Place projects and the numbers of new users may result in both new revenues to the City and qualify some of the Park Place wastewater improvements for SDC funding or credits. The updated SDC may or may not be greater than it is currently. Formation of LIDs or advance financing agreements also may be used to pay for some of the improvements.

Wastewater System Improvement	Size	Number	Length (ft)	Cost/ft	Total Cost
North Village:					
Livesay Rd - E of Swan	12"		1,500	\$100	\$150,000
Manholes	4'	5		\$4,000	\$19,000
Swan Ave - Livesay Rd to Redland Rd.	12"		1,947	\$100	\$194,700
Manholes	4'	6		\$4,000	\$23,470
Livesay Rd - W of Swan	10"		1,894	\$95	\$179,930
Manholes	4'	6		\$4,000	\$22,940
Livesay Rd - W to Redland Rd.	8"		839	\$90	\$75,510
Manholes	4'	3		\$4,000	\$12,390
North Village to Redland Rd	12"		1,964	\$100	\$196,400
Manholes	4'	6		\$4,000	\$23,640
North Village to Hilltop	10"		3,568	\$95	\$338,960
Manholes	4'	10		\$4,000	\$39,680
Subtotals		25	11,712		\$1,276,620
Redland Road: *					
48" connection to Swan Ave	36"		1,891	\$335	\$633,485
Manholes	6'	6		\$7,200	\$41,238
Swan Ave to Holly Lane	36"		1,245	\$335	\$417,075
Manholes	6'	4		\$7,200	\$29,610
Holly Lane to UGB Boundary	36"		2,448	\$335	\$820,080
Manholes	6'	7		\$7,200	\$51,264
Subtotals		17	5,584		\$1,992,752
South Village:					
Swan Ave - Redland Rd to Donovan Lane	12"		1,995	\$100	\$199,500
Manholes	4'	6		\$4,000	\$23,950
Swan Ave - Donovan Lane to UGB Bndry	10"		1,353	\$95	\$128,535
Manholes	4'	4		\$4,000	\$17,530
Holly Lane - Redland Rd to Donovan Lane	12"		1,910	\$100	\$191,000
Manholes	4'	6		\$4,000	\$23,100
Holly Lane - Donovan Lane to UGB Bndry	10"		1,244	\$95	\$118,180
Manholes	4'	4		\$4,000	\$16,440
Donovan Lane - Swan Ave to Holly Lane	8"		610	\$90	Use Extg
Manholes	4'	3		\$4,000	\$10,100
Subtotals		23	7,112		\$728,335
	8"		1,449		
	10"		8,059		
	12"		9,316		
	36"		5,584		
Total Lineal Feet of Wastewater Lines			24,408		
Construction Cost					\$3,997,707
Design Costs (20% of construction cost)					\$799,541
Construction + Design Cost					\$4,797,248
Contingency (15%)					\$719,587
Total Cost					\$5,516,836

Table 5-4. Summary of Wastewater System Improvements

Source: David Evans & Associates

Stormwater

The stormwater system will in part be constructed as an element of the transportation system and in part from those improvements listed in Table 5-5. These improvements would not be constructed as part of a roadway. These non-roadway stormwater improvements will cost approximately \$765,845 in 2007 dollars.

Once the Park Place Concept Plan is adopted, the stormwater master plan and SDC would be amended to include these improvements. These improvements will likely be constructed by developers as a condition of development approval. Updating the stormwater SDC will have the same possible effects as updating the wastewater and water SDCs.⁵

Parks

The Park Place Concept Plan identifies two parks: an 8- to 10-acre community park and a 3- to 5-acre neighborhood park. The development cost is estimated at \$1.82 million in 2007 dollars. The current price of vacant residentially-zoned land in Park Place ranges from a low of approximately \$30,000 per acre for undeveloped un-served to \$125,000/acre for land adjacent to services. For this analysis, an average price for land with services is used that ranges from \$100,000 per acre to \$125,000 per acre. The community park in the North Village would serve a larger area than Park Place, while the neighborhood park in the South Village would serve only Park Place.

Once the Park Place Concept Plan is adopted, the City will have to update its Parks and Open Space Master Plan to include these projects, and revise its

Stormwater System Improvement	Quantity	Units	Cost/ft	Total Cost
Livesay Creek Basin				
Ponds - Assumes approx 10,000 cu ft	5	EACH	\$15,000	\$75,000
Pipe - Assumes 12"	1,200	LF	\$68	\$81,600
Subtotals				\$156,600
Holcomb Creek Basin				
Ponds - Assumes approx 10,000 cu ft	1	EACH	\$15,000	\$15,000
Pipe - Assumes 12"	260	LF	\$68	\$17,680
Subtotals				\$32,680
Abernethy Creek Basin				
Ponds - Assumes approx 10,000 cu ft	13	EACH	\$15,000	\$195,000
Pipe - Assumes 12"	2,510	LF	\$68	\$170,680
Subtotals				\$365,680
Total Ponds	19			
Total Pipe	3,970			
Construction Cost				\$554,960
Design Costs (20% of construction cost)				\$110,992
Construction + Design Cost				\$665,952
Contingency (15%)				\$99,893
Total Cost				\$765,845

Table 5-5. Summary of Stormwater System Improvements

Source: David Evans

Table 5-6. Summary of Park Improvements

Park Type	Acres		Acquisition		Development		Total
	Range	Assumed	\$/Acre*	\$'s	\$/Acre	\$'s	
Community	8 to 10	9	\$100,000	\$900,000	\$140,000	\$1,260,000	\$2,160,000
Neighborhood	3 to 5	4	125,000	500,000	140,000	560,000	1,060,000
Total Cost				\$1,400,000		\$1,820,000	\$3,220,000

*The Clackamas County Office of Assessment and Taxation reports current market values for vacant unimproved land without services ranges as low as \$33,000/acre. We assume a developable acre of land with services will be purchased for parks.

park SDC, currently \$3,056 per residential unit. This amount may or may not increase with the inclusion of the proposed parks in Park Place.

2. Development and Timing

Park Place is composed of about 109.1 acres of net buildable land and 368.5 acres in un-developable wetlands, steep slopes, or other physically constrained land. It provides upwards of 1,458 housing units and approximately 8 acres of land zoned for a mix of retail and office uses. The land area is divided into 138 parcels of private ownership that range from less than 1 acre in size to more than 30 acres. It also requires the investment of \$50.3 million for public improvements. Assuming that planned housing and commercial development occurs, the development will provide 1,458 dwelling units (single and multiple housing developments) and commercial development that equates to about 162 equivalent dwelling units (EDU). Using the EDUs of 1,620, and assuming the park development costs are only to be paid by residential development, the cost per average EDU is approximately \$31,300.

The public infrastructure improvements illustrated in Table 5-7 will not be built all at one time; however, development of any one parcel will require roadway, wastewater, water, and stormwater improvements to be installed at the time of development. This proposition creates a need to invent financing arrangements that accommodate both the particular requirements of any one development, and the public's ability to build or cause to have built the necessary public improvements.

Vacant land in an urbanizing area such as Park Place is converted to urban uses on a nearly random basis. Urban vacant land conversion studies show the

Table 5-7. Improvements Summary

Service	Cost	Number of EDUs*	Cost per EDU
Transportation	36,980,000	1,620	\$22,827
Water	3,806,352	1,620	2,350
Wastewater	5,516,836	1,620	2,405
Stormwater	765,845	1,620	473
Parks	3,220,000	1,458	2,209
Total Cost	\$50,289,032		\$31,263

* An EDU for retail and office is assumed to equal about 10 percent of total trips, water usage, and wastewater production.

reason a land owner either develops the land himself or sells to a developer has more to do with the owner's personal circumstances than with the rational expansion of urban development. Lifestyle changes (e.g., change in career, retirement, the onset of disease, bankruptcy, divorce) often trigger the sale of vacant land at the urban fringe. The likelihood of land adjacent to parcels with a full range of infrastructure is very small. The cost of building public improvements is minimized when they are built only when needed, and only as much as a proposed development would require. These circumstances rarely coalesce. Since the public lacks the authority and so many parcels exist in Park Place, neither the public nor a single private owner can orchestrate its sequential and timely development. Each development proposal will have to be evaluated for private and public feasibility, and any excess capacity in the public improvements likely will have to be financed by the private developer or the public.

Development in Park Place, as in all other similar areas, is more likely to include some vacant parcels. This development process gives rise to the need to extend linear public services like roadways, wastewater and water lines, and storm drainage facilities through vacant parcels. Financing of improvements would be easier if the leapfrogged property owners were willing to pay their share of the cost. Typically, the leapfrogged property owner does not want to pay his or her share of improvement costs until development of the property, when service becomes necessary.

3. Land Owner and Developer Financing Tools

If the developer has only to pay for public improvements directly related to their own property with no excess capacity built into the improvements, then the developer would likely build the improvements and pay systems development charges. This circumstance rarely occurs in fringe urban areas where transportation, water and wastewater improvements are needed.

In areas like Park Place, the developer will typically have to build roadways, wastewater and water lines, storm drainage and perhaps park improvements that have capacity in excess of the development's own use. Generally, the developer cannot recover the cost of the excess capacity from the final development it sells (finished lots or finished lots and houses or commercial buildings). The developer, as a rule, has to finance this excess capacity in hopes that other development will occur to use the excess capacity and to purchase the excess capacity from the original developer.

Size also matters. The larger the development, the more property sales the developer needs to spread the cost of the excess capacity. The original developer has two possible tools to finance the excess capacity—a local improvement district (LID) or an advance financing agreement.

Local Improvement District

A developer may organize a LID for those properties that will eventually benefit from the excess capacity. Once formed by concurrence or vote of a majority of the property owners within the specified district, the City assesses each property for its proportionate share of the cost of constructing the public improvements, including administration and financing costs. For those properties that do not pay their assessments in full and immediately, the City can issue a Bancroft bond to raise the rest of the cash needed to construct the improvements and pay the associated expenses. The City then assesses a tax each year on those properties that owe their assessments, plus interest and expenses, until the assessment is fully repaid. This form of borrowing—instigated by the developer and managed by the city—gives the developer a risk-free method of financing the excess capacity. It does, however, take agreement by a majority of the property owners in the LID to approve of the arrangement, and concurrence by the City to participate in the LID financing. If the property owners fail to make payment, the City has to foreclose on the non-paying properties and resell the property to recover the lost revenues. The City, in effect provides the security for the loan and takes the risks of default.

Advance Financing (Reimbursement) Agreement

The other tool is an advance financing agreement (also commonly referred to as a reimbursement agreement). This arrangement works similar to a LID except that the developer takes all of the financial risks of default. Cities in Oregon have adopted several variations on this type of agreement. But generally, the affected property owners do not have a direct vote in the formation of the agreement, and the city computes an assessment for each property or each type of development (e.g., a single family house, per square foot of commercial space). The assessment is not paid until the property owner chooses to develop the land and connect to the public improvements financed by the original developer. At that time, the assessment is due. Some cities insist on full payment at the time of assessment, while others may accept financing of the assessment. The city collects the assessed amount from the next developer, keeps a small amount for administration, and pays the rest to the original developer. The city's financial risk is limited to administrative costs. In the event the developer does not collect all of the assessments within the time frame set in the agreement (typically 10 to 20 years), the agreement is rendered null and void and the developer suffers the financial consequences.

4. Public Financing Tools

Size makes a difference to a developer's ability to absorb risk. When properties in an area are small and proposed developments are small, such as a series of small subdivisions for residential development or small commercial centers, the city may be the only financier available to absorb the financial risk of constructing the necessary public improvements. The city's risk is its ability

to collect systems development charges, charge user fees and, if authorized by voters, to assess specific property taxes to repay general obligation bonds. Generally the city has three possible sources of capital to build excess capacity into public improvements—cash reserves, revenue bonds or state loans where available, and general obligation bonds.

Cash Reserves

If the City has cash reserves from past collections of systems development charges or from the net operating revenues of user-fee based services (wastewater and water), then it can act as the financier in either a LID or advance financing agreement. It can also expect repayment from future payment of systems development charges. But the City must use its own cash to pay for construction of the improvements. No third-party lender would accept a promise of future SDC revenues to repay a debt because this stream of revenue is so unpredictable.

Revenue Bonds or Loans

Where the City charges monthly (or bimonthly) user fees for services, it has the ability to set those charges at a level that will pay all operating costs and pay the principal and interest (debt service) on a bond or loan. User fees provide a reliable stream of income that can be pledged to repay debts. Revenue collected for systems development charges can in part be applied to repay these debts. Specific laws guide the use of SDC revenues for this purpose. The City cannot levy a property tax to repay this debt.

General Obligation Bonds

Cities in Oregon can issue general obligation bonds only with the specific approval of voters at a general election and for a maximum specified amount and purpose. Revenue to repay this debt is primarily derived from a special property tax levy, though net income from user fees and SDC revenues may also be used to repay these debts.



Park Place Concept Plan

Appendix

Park Place Concept Plan

May 30, 2007

City of Oregon City

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EFA

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GRI

Tova Peltz



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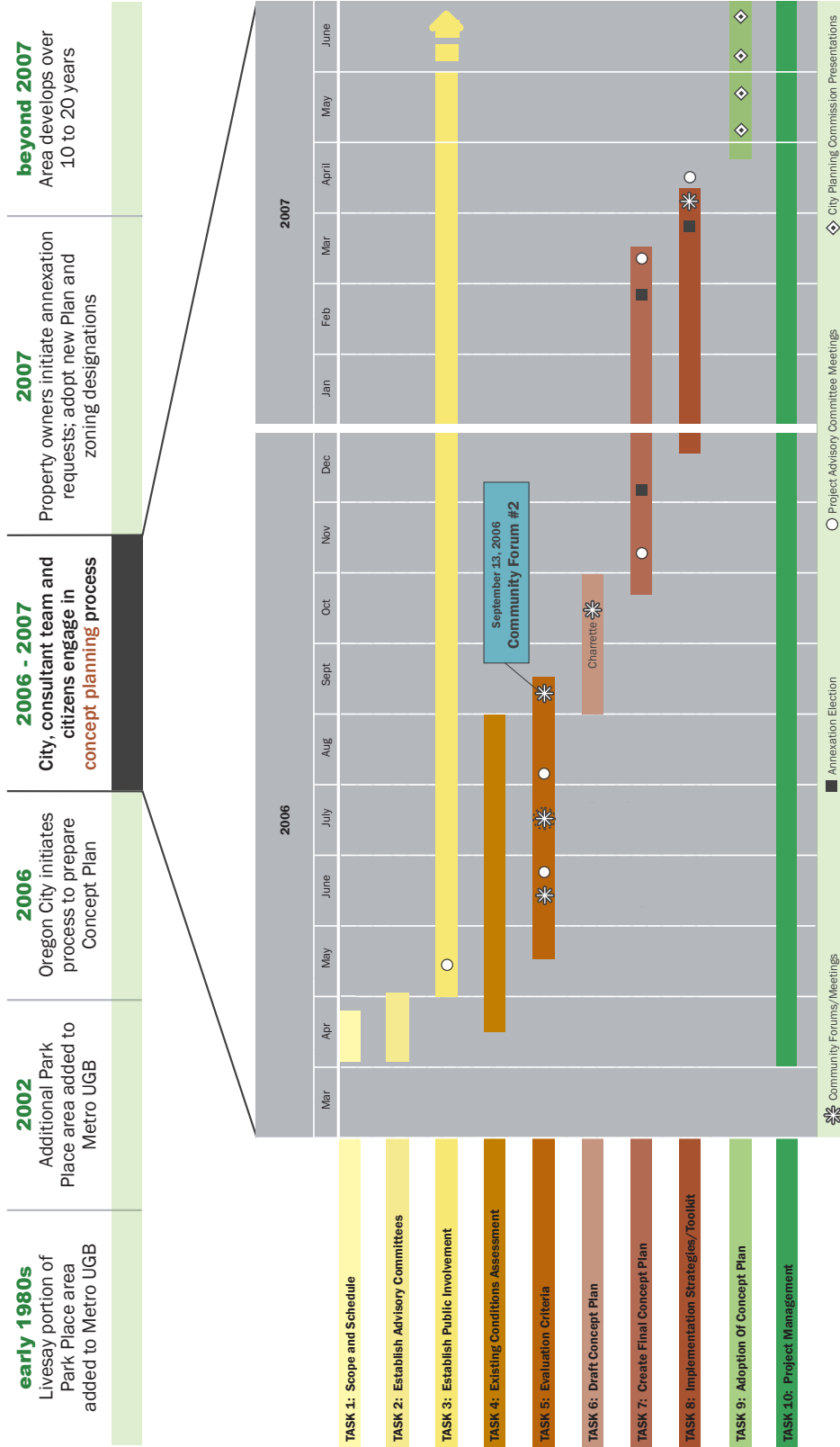
- Transportation
- Sanitary, Water, Storm, Storm Calcs

A. Park Place Timeline

Park Place

CONCEPT PLAN

Concept Planning Timeline: 1980s - 2007



B. Existing Conditions Report

L and Use

The Park Place study area is located east of Highway 213 and south of Redland and Holcomb Roads. The land area of the study area is approximately 470 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 urban growth boundary (UGB) in the 1980s, but have not been annexed as part of the City of Oregon City. The remaining approximately 300 acres were brought into the UGB in 2002 and consist of portions of Alternative areas 24, 25 and 26, which were study areas determined by Metro during its regional growth assessment in 2000.

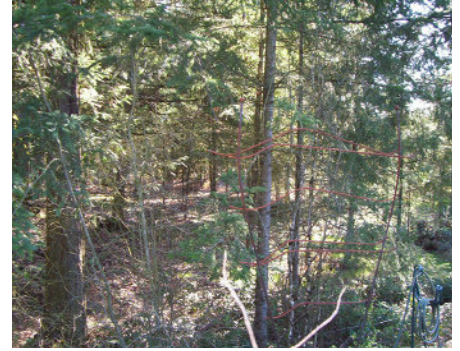
The study area is comprised of 138 individual property owners. To date, the largest amount of acreage under one ownership is approximately 48 acres. Thirty-eight acres are in public ownership, the majority of which comprise the Ogden Middle School (Oregon City School District). More importantly, nearly half of the parcels in the study area are one acre or less. This fact illustrates that any large-scale development will likely take many years to be fully realized unless a significant number of people are compelled to sell property to a single entity. New development patterns will likely be fragmented and uncoordinated, stressing the importance of a cohesive vision and growth strategies for the area.

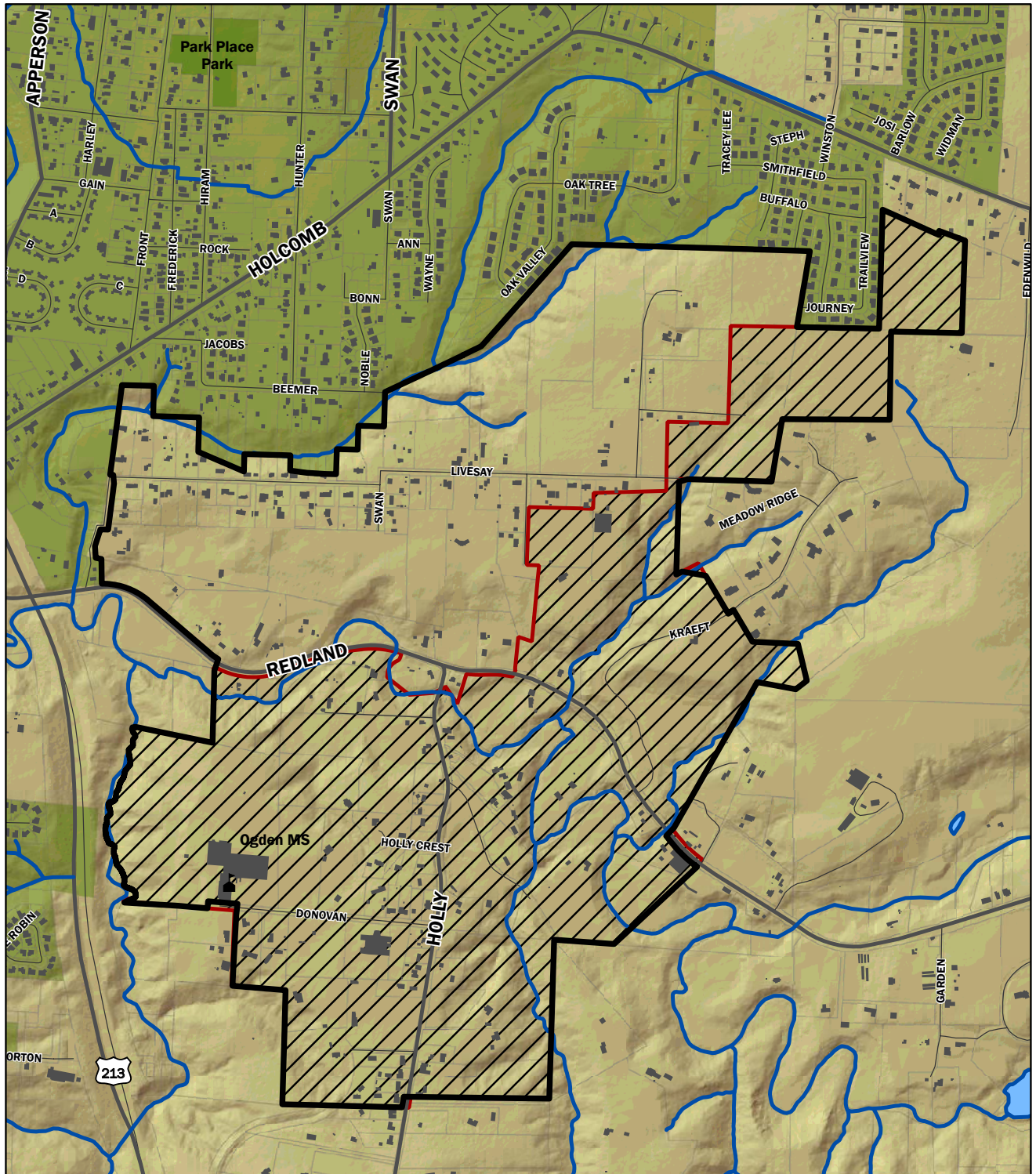
The primary land uses in the study area are rural farms, low density residential housing and civic uses, like schools and churches. There are no commercial, office or industrial land uses within the study area; the closest commercial nodes are located on Holcomb Road near Front Street (Steve's Market) and at the intersection of Redland and Holcomb Roads. A regional power center is being developed a half-mile from the westernmost edge of the study area, which will influence the type and subsequent success of future land uses and traffic patterns in the study area.

The majority of the housing in the study area is located along Livesay Road and Holly Road near Donovan Street, which is the primary connection to Ogden Middle School. These areas are generally characterized by low to moderately angled slopes and minimal wildlife habitat. Houses in the study area were constructed as early as 1900 and as recently as 2005; the majority of the housing was constructed between 1960 and 1980. Architectural styles in the study area primarily consist of modest sized cottages, farm houses, and ranch style houses. The study area is surrounded by pockets of higher density, high-end single-family residential subdivisions including Barlow Crest, Trailview Estates, Meadowridge Estates, and Holcomb Ridge.

Conclusion

Creating a truly mixed use neighborhood in the Park Place study area will be challenging due to the study area's natural topographic constraints, lack of connectivity, adjacent land uses and regional objectives, and existing land use patterns. The study area's existing low density, coupled with the relatively large number of individual property owners and the limited amount of property under single ownership, will further inhibit a mix of uses at higher density.

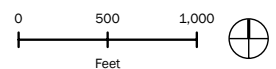


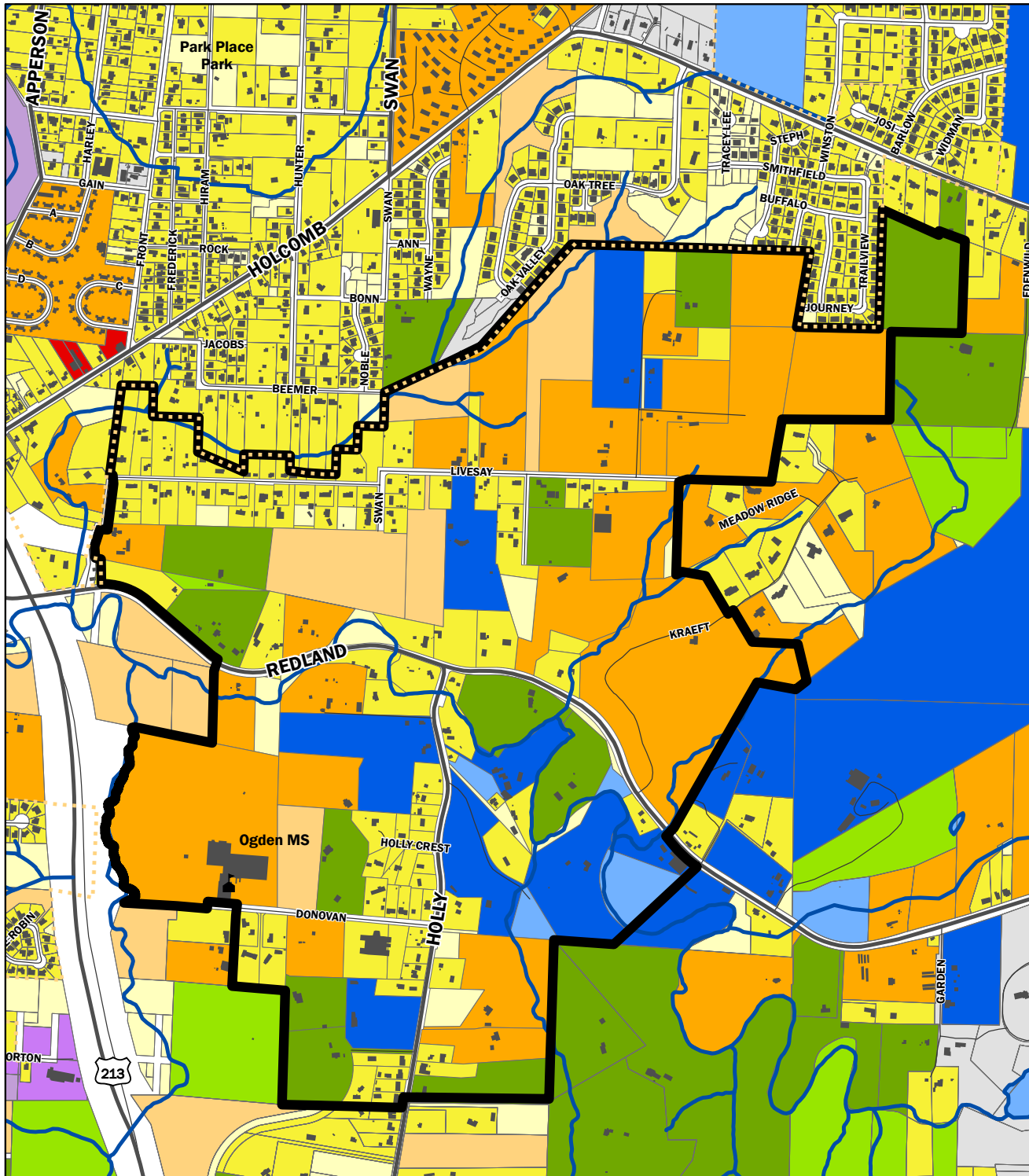


Source: Oregon City GIS, 2006; RLIS 2006

- | | | | | |
|--------------------|----------------|-----------|-------------|--------------------|
| project boundary | Major roadways | buildings | streams | UGB Expansion Area |
| Oregon City limits | Minor roadways | taxlots | waterbodies | |

Park Place Concept Plan
Project Area

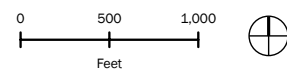




Source: Oregon City GIS, 2006; RLIS 2006

- | | | | |
|-----------------------------|----------------------------|-----------------------------|---|
| no data | Commercial land - improved | Tract land - vacant | EFU farmland vacant |
| Residential land - vacant | Misc. Operating assessed | Tract land - improved | Designated forestland and/or SWO - vacant |
| Residential land - improved | Industrial land - vacant | Non-EFU farmland - vacant | Designated forestland and/or SWO - improved |
| Commercial land - vacant | Industrial land - improved | Non-EFU farmland - improved | Manufactured structure park |

Park Place Concept Plan
Land Use: Existing land use



T

ransportation Existing Conditions

Project Description

The City of Oregon City is seeking to develop a concept plan for an area encompassing nearly 500 acres located east of Highway 213 and south of Holcomb Road, which will be adopted into the City's Comprehensive Plan. 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 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 Concept Plan will ensure that the land brought in is planned in an efficient and sustainable manner that will maximize the use of the available lands while protecting the natural resources in the study area. This project will identify compatible land uses, which may include industrial, commercial, and residential uses, thereby reducing the need for vehicle trips, maximizing the efficiency of public transportation, offering multi-modal transportation options, and reducing the need to expand the Urban Growth Boundary (UGB).

Contents of the Memorandum

This memorandum focuses on the following transportation issues related to the Park Place Concept Plan:

- Study Area
- Existing Roadway Facilities
- Existing Transit Facilities
- Existing Pedestrian Facilities
- Existing Bicycle Facilities
- Existing Traffic Conditions
- Planned Improvements

Study Area

The overall study area and study intersections were selected based on direction provided by Oregon City staff. As illustrated in Figure 1, the study area encompasses the vicinity around Highway 213 bounded by the I-205/Highway 213 interchange to the north and Beavercreek Road to the south. Kittelson & Associates visited and observed the study area in August 2006.

Existing Roadway Facilities

As illustrated in Figure 1, Highway 213, Redland Road, Holcomb Road, and Holly Lane are the major roadway corridors within the study area.

Highway 213

Highway 213 is a major connection to the regional transportation system for residents of Oregon City. Traffic on Highway 213 is highly directional in nature, as it is heavily used by commuters in the a.m. and p.m. peak hours each weekday, with congestion occurring during both peak periods. Highway 213 is a four-/five-lane expressway from the I-205 interchange to the Molalla Avenue intersection. Traffic flow





in this segment is only interrupted by signalized intersections at Washington Street, Redland Road, and Beaver Creek Road. As defined in the Oregon City Transportation Plan (TSP), an expressway primarily serves motorized vehicle traffic and is expected to provide a high level of mobility and access control for those vehicles. The expressway has shoulder bike lanes, but offers no sidewalks.

Redland Road

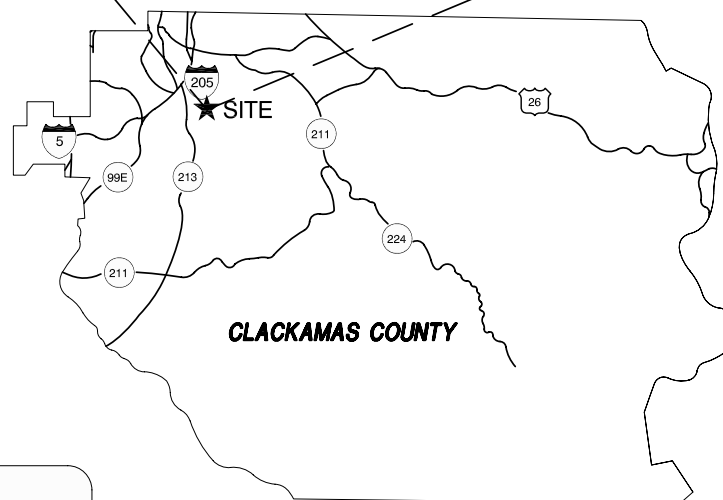
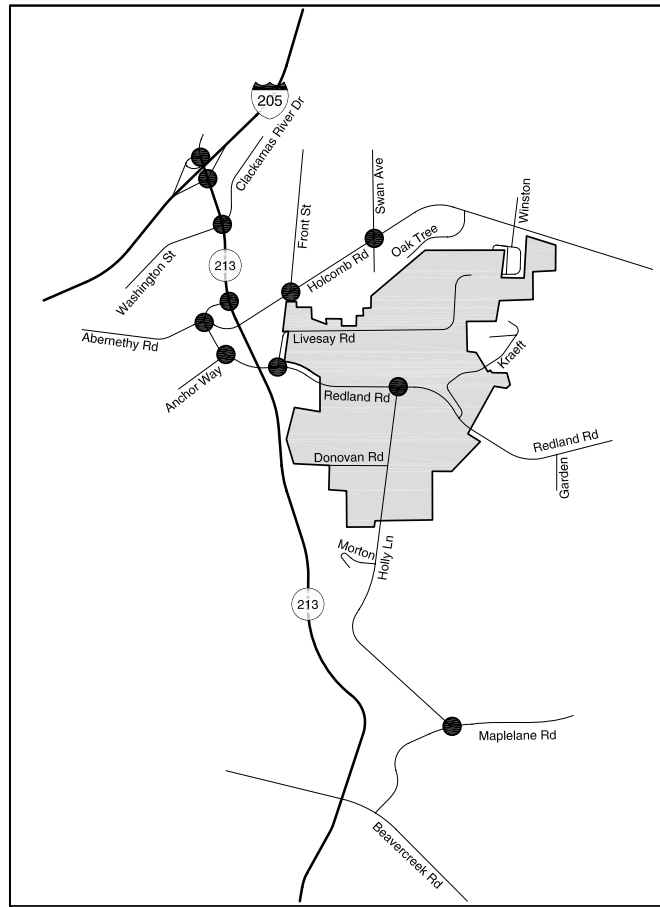
Redland Road is a minor arterial providing Oregon City residents with access to and from the area east of Highway 213. Redland Road is a two-lane minor arterial facility that serves as a link between Highway 213 and several residential areas to the east. Vehicles traveling through on Redland Road do not have to stop or yield at any intersections in the study area beyond the signalized intersections at Highway 213 and Holcomb Boulevard-Abernethy Road. As defined in the Oregon City TSP, a minor arterial is expected to carry local traffic between neighborhoods and community and regional facilities within a city. Minor arterials have limited parking and possible public transit; however, they require sidewalk and bicycle facilities. The current cross section is rural in design, with open ditches, shoulder bike lanes and no curb, gutter or sidewalks on either side.

Holcomb Boulevard

Holcomb Boulevard is a minor arterial providing Oregon City residents with access to and from the area east of Highway 213. Holcomb Boulevard is a two-lane minor arterial facility that transitions into Abernethy Road at the Redland Road intersection. Vehicles traveling through on Holcomb Road do not have to stop or yield at any intersections in the study area beyond the signalized intersection at Redland Road. As defined in the Oregon City TSP, a minor arterial is expected to carry local traffic between neighborhoods and community and regional facilities within a city. Minor arterials have limited parking and possible public transit; however, they require sidewalk and bicycle facilities. The rural cross section of today, with narrow shoulders

Table 1: Existing Transportation Facilities and Roadway Designations

Roadway	Classification	Cross Section	Speed Limit (mph)	Sidewalks	Bicycle Lanes	On-Street Parking
I-205	Freeway	6-lane	55	No	No	No
Highway 213	Expressway	4/5-lane	55	No	Yes	No
Washington Street	Minor Arterial	2/3-lane	35/45	Partial	Yes	No
Redland Road	Minor Arterial	2-lane	45	No	Yes	No
Holcomb Boulevard	Minor Arterial	2-lane	35	Partial	No	Partial
Maplelane Road	Minor Arterial	2-lane	45	No	No	No
Anchor Way	Minor Arterial	2-lane	25	Partial	No	No
Front Street	Collector	2-lane	25	Partial	No	Partial
Swan Avenue	Collector	2-lane	25	Partial	No	Partial
Holly Lane	Local Street	2-lane	40/45	No	No	No
Livesay Road	Local Street	2-lane	25	No	No	No



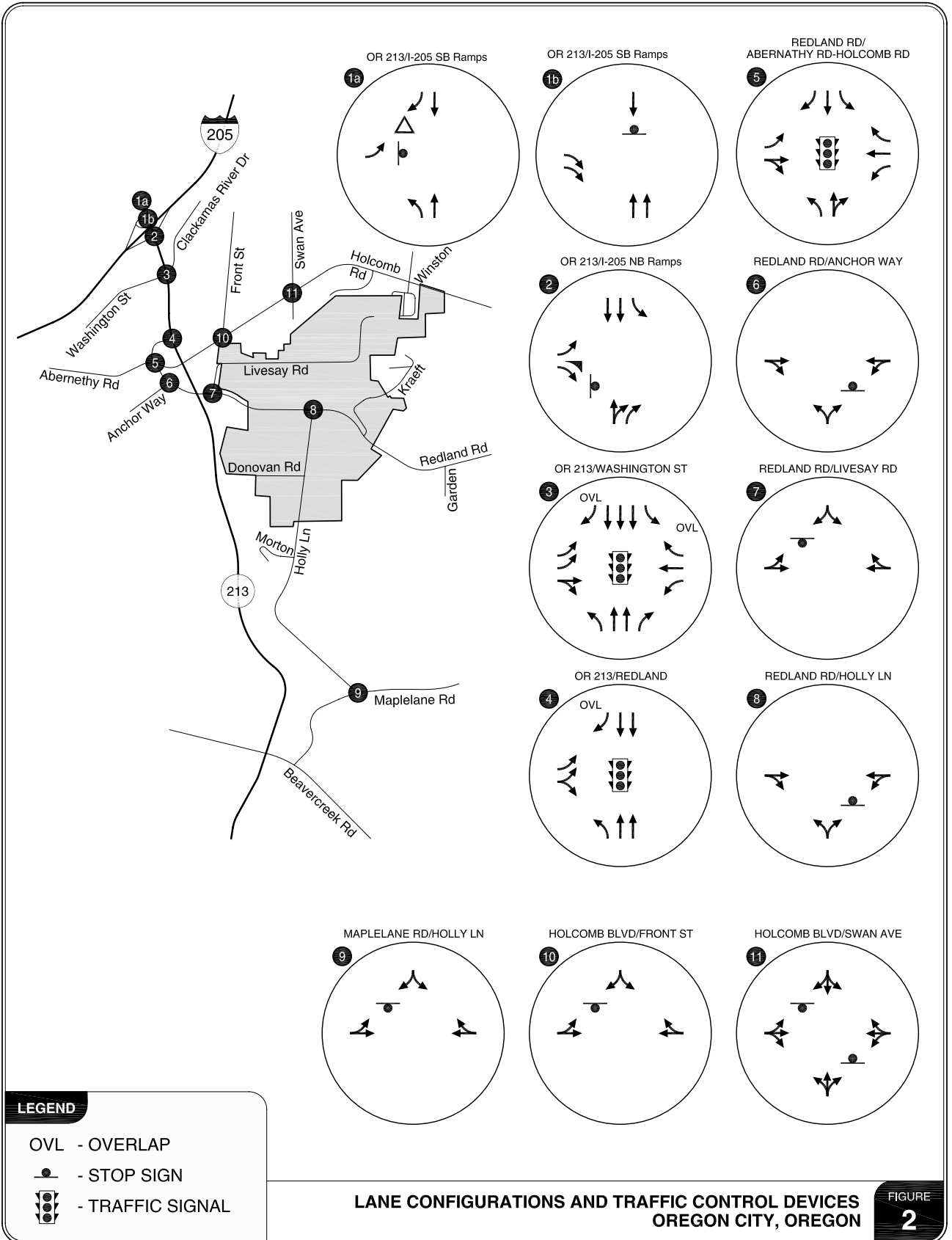
LEGEND

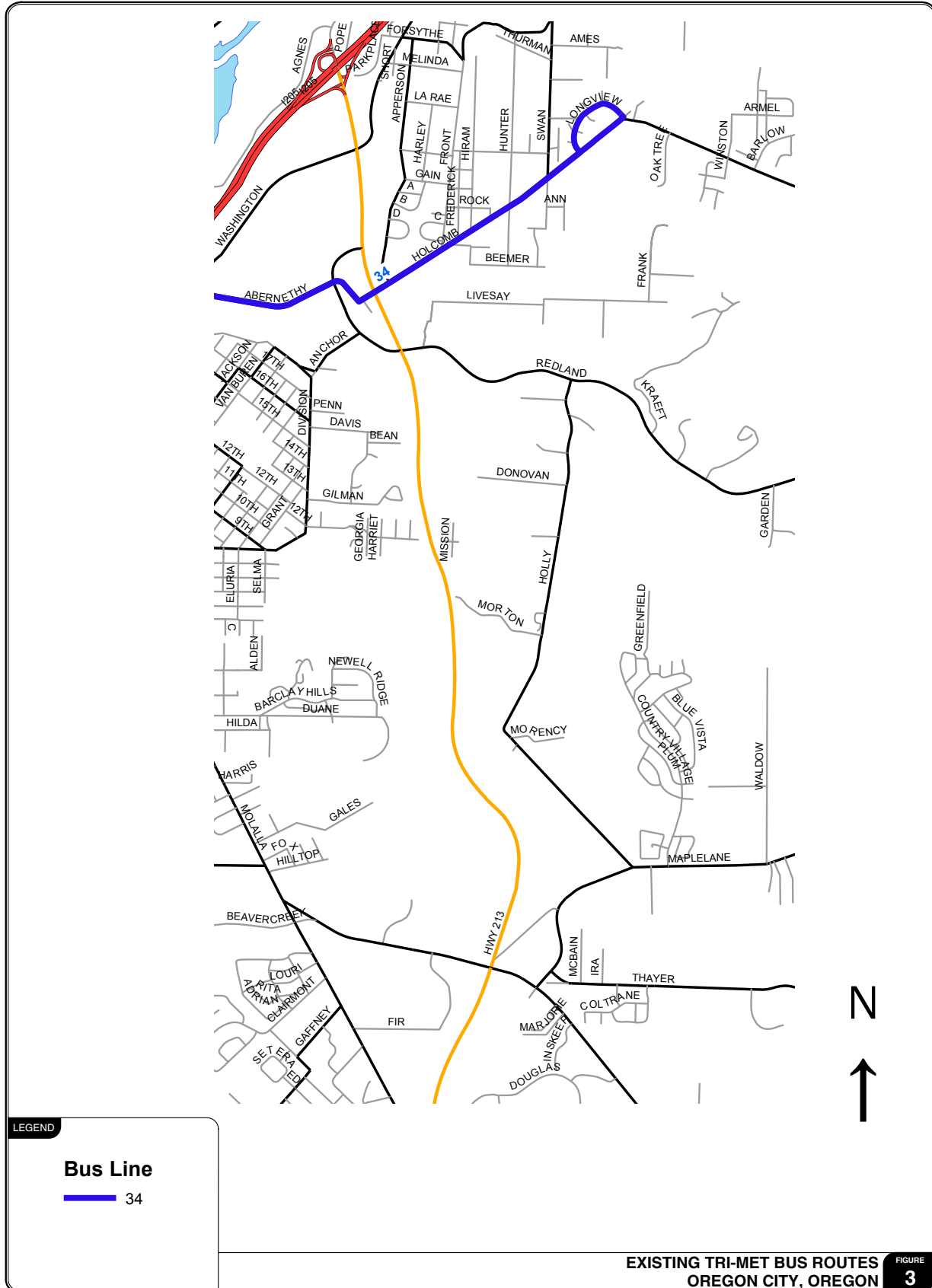
- - STUDY INTERSECTION
- - PROJECT AREA

**SITE VICINITY MAP
OREGON CITY, OREGON**

**FIGURE
1**

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and no curbing, gutters or sidewalks, is transitioning to a typical urban cross section (curb, gutter, sidewalks and bike lanes) as infill and redevelopment occur.

Holly Lane

Holly Lane is a local street that runs between Redland Road and Mapelane Road providing service to several residential properties and Ogden Middle School via South Donovan Road. Holly Lane is a free flowing two-lane facility except at its two terminating locations where it has stop control. Holly Lane has several horizontal and vertical curves, steep grades and narrow shoulders. As defined in the Oregon City TSP, a local street is expected to provide direct access to adjacent properties and land uses within neighborhoods; as a result, they have the lowest mobility function and the highest accessibility function. Sidewalks and landscaping are required along local streets; however, bicycle lanes are optional. Holly Lane is built to a rural county standards, with open ditches, narrow to nonexistent shoulders and no curb, gutter, sidewalks or bike lanes.

As illustrated in Figure 1, there are several other roadways within the study area that will be included in this projects analysis. Table 1 provides a summary of the roadway facilities included in this analysis.

Intersection Configurations

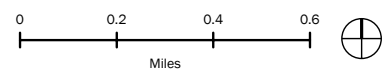
Lane configurations and traffic control devices were inventoried during the August 2006 field visit at the following 11 study intersections and are summarized in Figure 2:

- Highway 213/I-205 Southbound Ramps
- Highway 213/I-205 Northbound Ramps
- Highway 213/Washington Street
- Highway 213/Redland Road
- Redland Road/Abernethy Road-Holcomb Boulevard
- Redland Road/Anchor Way
- Redland Road/Livesay Road
- Redland Road/Holly Lane
- Mapelane Road/Holly Lane
- Holcomb Boulevard/Front Street
- Holcomb Boulevard/Swan Avenue

The Highway 213/I-205 Southbound interchange terminal comprises two intersections because the northbound left-turn movement must yield to the uncontrolled southbound through movement in the northern portion of the intersection (intersection 1a) while the southbound through movement is stop-controlled just south of there (intersection 1b) to give way to an uncontrolled eastbound right-turn movement. Therefore, intersection 1a is the northernmost intersection where traffic exiting the freeway is turning left and traffic from Highway 213 is turning onto the freeway on-ramp. Intersection 1b is where traffic exiting the freeway is turning right onto southbound Highway 213 and southbound through traffic on Highway 213 is stop-controlled.

Transit Facilities

Figure 3 summarizes the existing transit service in the study area. The figure is generated from Metro's RLIS database, Reference 1. As illustrated in Figure 3, transit service in the study area is very limited, with only the following Tri-Met bus route





discussed below providing service within the general site vicinity. The bus route and schedule information was collected from Tri-Met's website, Reference 2.

Route 34: River Road, which provides service between Clackamas Heights and the Milwaukie Transit Center, travels along Holcomb Boulevard, Longview, and Abernethy Road in the study area with scheduled stops at the Oregon City Transit Center and Clackamas Heights (Holcomb Boulevard/Longview Way intersection). Service is provided from 5:45 a.m. to 6:30 p.m. at approximately one-hour headways, except during the peak periods, at the Oregon City Transit Center. However, service is provided to Clackamas Heights twice during each weekday peak period and once in the mid-day. Service is not provided on the weekend.

Existing Pedestrian Facilities

Existing pedestrian facilities are illustrated in Figure 4. The pedestrian facility figure was created from Metro's pedestrian inventory map on their FTP website, Reference 3. Notable generators of pedestrian activity in the immediate study area include Ogden Middle School, the Steve's Market area, Holcomb School and the area around the Plaid Pantry near the Holcomb Boulevard/Redland Road intersection. As illustrated in Figure 4 and summarized in Table 1, the pedestrian system is incomplete, with sidewalk facilities in the study area being very limited. In addition, several of the roadways within the study area that do not have sidewalks have narrow or nonexistent shoulders and create an unsafe and undesirable environment for pedestrians. Improvements to the existing pedestrian transportation system are planned and listed in the planned improvement section of this memo.

Existing Bicycle Facilities

Existing bicycle facilities are illustrated in Figure 5. The bicycle facilities figure was created from Metro's RLIS database, Reference 1. As illustrated in Figure 4 and summarized in Table 1, the bicycle system is incomplete, with only Highway 213, Washington Street and Redland Road having striped bike lanes. Holcomb Boulevard is considered a high traffic through street, making it a potentially dangerous route for bicyclists so long as there are not striped bike lanes on the road. Anchor Way, Holly Lane, and Maplelane Road are considered caution areas for cyclists due to, among other factors, high speeds, narrow or nonexistent shoulders and ditches below pavement grade. Improvements to the existing bicycle transportation system are planned and listed in the planned improvement section of this memo.

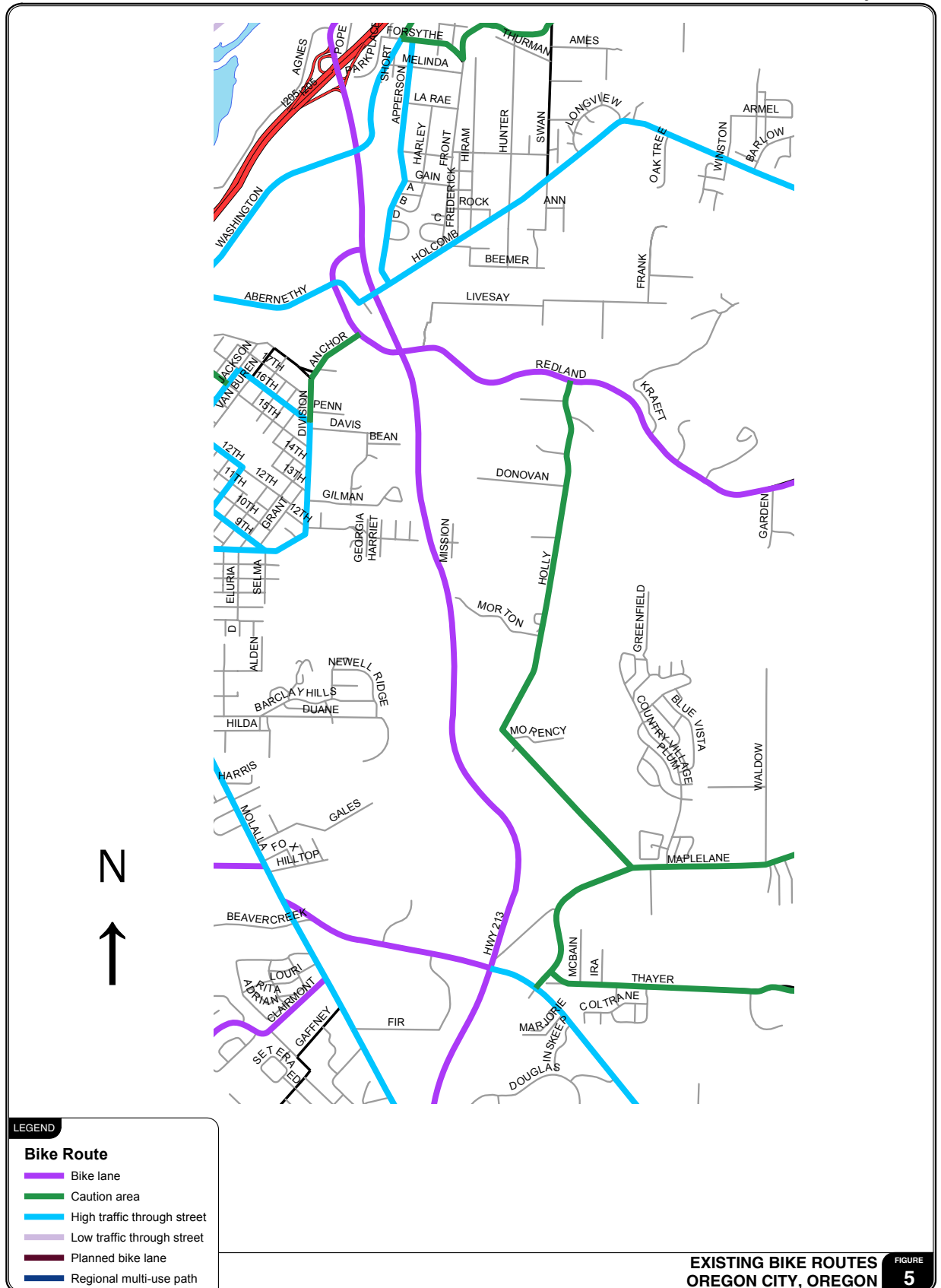
Existing Traffic Conditions

Manual turning movement counts for the study intersections were obtained from past projects in the area and newly ordered counts. These counts were conducted during the weekday evening peak hour. All counts were taken between July 2005 and June 2006. Older counts were balanced with new counts to obtain existing year traffic volumes. Heavy vehicle percentages were entered by approach. The turning movement counts from the weekday p.m. peak hour are summarized and rounded to the nearest five vehicles per hour as shown in Figure 6. Appendix C1 contains the traffic count sheets used in this study.

Current Levels of Service

All level-of-service analyses described in this report were performed in accordance with the procedures stated in the 2000 Highway Capacity Manual, Reference 4. A description of level of service and the criteria by which it is determined is presented in Appendix "C2." Appendix "C2" also indicates how level of service is measured and what is generally considered the acceptable range of level of service.





The peak 15-minute flow rates during the weekday peak hours were used in the evaluation of all intersection levels of service to ensure that this analysis was based on a reasonable worst-case scenario. For this reason, the analyses reflect conditions that are only likely to occur for 15 minutes out of each average peak hour. Traffic conditions during all other weekday time periods will likely operate under conditions better than those described in this report.

Level of Service (LOS) analyses conducted for signalized intersections in this report are based on the average control delay per vehicle entering the intersection. Level of Service (LOS) is a measure used by transportation engineers to determine the quality of the transportation system in an area. In general, LOS is linked to transportation time (the shorter, the better) and speed. For unsignalized intersections, LOS is based on the intersection's capacity to accommodate the worst, or critical, movement.

Volume-to-capacity (v/c) ratios and levels of service were calculated for the three signalized and the eight unsignalized study intersections using the weekday p.m. peak hour traffic volumes, as shown in Figure 6. Appendix "C3" includes the year 2006 existing conditions level-of-service worksheets.

Highway 213 Corridor

The Oregon Department of Transportation (ODOT) does not have any standards regarding level of service. Instead, the Department uses volume-to-capacity ratio standards to assess the study intersections along the Highway 213 corridor. ODOT standards require that the v/c ratios on all intersections of Highway 213 included within the Urban Growth Boundary (UGB) not exceed 0.99, except for the I-205 interchange ramp intersections. ODOT has special standards for freeway interchange ramp intersections. The freeway interchange ramp intersections are required to maintain a v/c ratio at or below 0.85. It should be noted that the signalized intersections along the Highway 213 corridor were analyzed using Synchro files provided by ODOT.

As Figure 6 illustrates, all study intersections along the Highway 213 corridor are operating at acceptable volume-to-capacity levels. Weekday p.m. peak hour field observations revealed that significant queuing occurs at the Washington Street and Redland Road intersections. Southbound queues from the Washington Street intersection spilled back to the I-205 overcrossing. Despite the long queues, all stopped vehicles were able to clear the Washington Street intersection and the Redland Road intersection during each signal cycle. No approach or movement failures were observed at either intersection during the weekday p.m. peak hour.

In addition to analyzing the intersection operations along the Highway 213 corridor, a road segment analysis was performed on Highway 213 between I-205 and Beaver-creek Road, assuming a free flow speed of 55 miles per hour. Table 2 summarizes the results of the road segment analysis.

As summarized in Table 2, all of the road segments along the Highway 213 corridor are expected to operate at acceptable levels.

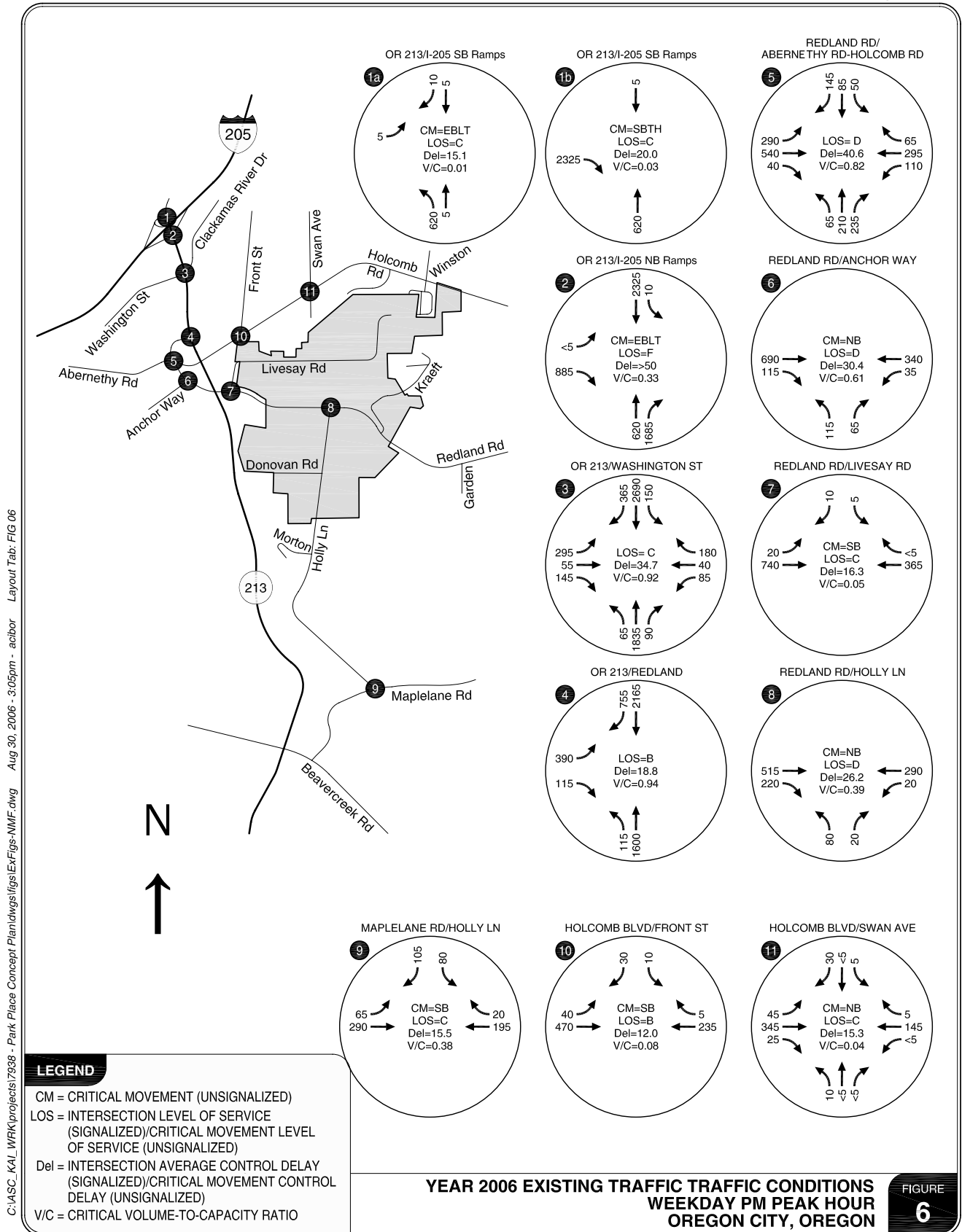
Redland Road/Holcomb Boulevard/Holly Lane Corridors

For analysis of intersections along the Redland Road, Holcomb Boulevard, and Holly Lane corridors, Oregon City and Clackamas County level-of-service standards are applied. The City of Oregon City and Clackamas County require that LOS "D" or better be maintained for all signalized intersections and LOS "E" or better be maintained for all unsignalized intersections. The City of Oregon City and Clackamas County do not have any standards regarding volume-to-capacity ratios.



Park Place Concept Plan

August 2006



As Figure 6 illustrates, all study intersections within the Redland Road, Holcomb Boulevard, and Holly Lane corridors are operating at acceptable levels.

Planned Improvements

Three planned and funded transportation improvement projects were identified in the study area through discussions with ODOT, Clackamas County, and City of Oregon City staff. Table 3 provides a summary of these improvement projects.

Several additional planned transportation improvement projects were identified through a review of the Metro 2004 Regional Transportation Plan (RTP), Reference 6, the ODOT 2008-2011 Draft Statewide Transportation Improvement Program (STIP), Reference 7, and the City of Oregon City Transportation System Plan (TSP), Reference 8; however, these projects are not yet funded. Table 4 provides a summary of the planned and unfunded transportation improvement projects in the project study area.

Conclusion

The study area is served by a multi-modal transportation system that includes roadway, transit, bicycle and pedestrian facilities and services. Isolated locations on the roadway system experience congestion and delays; however, applicable agency standards are met at all study intersections and road segments.

The Highway 213 corridor is approaching capacity, particularly on the segment between Redland Road and the I-205 interchange. Federal appropriations have been obtained through the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFTEA-LU) for the planning of Highway 213 improvements,

Table 2: Highway 213 Road Segment Analysis

Segment		Direction	LOS ¹	Density (pc/mi/ln) ²
From	To			
I-205 SB Ramps	I-205 NB Ramps	Northbound	A	6.3
		Southbound	C	23.3
I-205 NB Ramps	Washington	Northbound	C	23.4
		Southbound	C	21.4
Washington Street	Redland Road	Northbound	C	20.2
		Southbound	C	19.7
Redland Road	Beavercreek Road	Northbound	B	16.4
		Southbound	C	23.1

Table 3: Planned and Funded Transportation Improvement Projects

Location	Project	Description
Hwy 213/I-205 NB	I-205 Northbound Ramp Meter	ODOT
Washington St. Hwy 213 - 5th St. (partially complete)	Striped 5-6 foot bike lanes in both directions	City of Oregon City
Hwy 213/I-205	Funds appropriated for an IAMP and EA for improvements to Hwy 213/I-205 interchange	Federal

Table 4: Planned and Unfunded Transportation Improvement Projects

Location	Project Description	Estimated Cost	Document Source
Highway 213/Beavercreek Rd	Provide dual northbound left-turn lanes.	-	City of Oregon City TSP
Anchor Way: 18th St – Redland Rd	Provide curb, gutter, and sidewalks along both sides.	\$350,000	City of Oregon City TSP
Holcomb Road: Redland Rd – UGB	Provide curb, gutter, and sidewalks along both sides.	\$1,510,000	City of Oregon City TSP
Redland Road: Anchor Way – UGB	Provide curb, gutter, and sidewalks along both sides.	\$296,000	City of Oregon City TSP
Swan Avenue: Holcomb Rd – Forsythe Rd	Provide curb, gutter, and sidewalks along both sides.	\$528,000	City of Oregon City TSP
Washington St/Clackamas River: Abernethy Rd - UGB	Provide curb, gutter, and sidewalks along both sides.	\$1,670,000	City of Oregon City TSP
Holcomb Rd/Front St.-Beemer Jacobs Way	Realign offset intersection	\$500,000	City of Oregon City TSP
Highway 213: I-205-Redland Rd	Phase 1A improvement from HWY 213 Urban Corridor Design Study	\$10,000,000	City of Oregon City TSP
Highway 213/Beavercreek Rd	Single Point Diamond grade separated interchange improvement as described in the Highway 213 Corridor Study.	\$20 Million	City of Oregon City TSP
Redland Rd/Anchor Way	Signalization (could be development driven)	\$582,000	City of Oregon City TSP
Redland Road extension between Abernethy Rd and Washington St	Frontage connection complementing the Highway 213 Corridor Phase 1A improvements – Minor Arterial.	-	City of Oregon City TSP
Abernethy-Holcomb Blvd: Washington St- Winston Dr	Provide sidewalk along north side.	\$450,000	City of Oregon City TSP
Abernethy-Holcomb Blvd: Redland Rd- Winston Dr	Provide sidewalk along south side.	\$307,500	City of Oregon City TSP
Clackamas River Drive: Highway 213 - UGB	Provide sidewalk along both sides.	\$450,000	City of Oregon City TSP
Front Avenue: Forsythe Rd-Holcomb Blvd	Fill in gaps without sidewalks.	\$500,000	City of Oregon City TSP
Redland Road: Highway 213 – Abernethy Rd	Provide sidewalk along both sides.	\$69,100	City of Oregon City TSP
Redland Road: Abernethy Rd – UGB	Provide sidewalk along both sides.	\$685,400	City of Oregon City TSP
Swan Avenue: Forsythe Rd – Holcomb Blvd	Provide sidewalk along both sides.	\$216,000	City of Oregon City TSP
Washington Street: Abernethy Rd – Highway 213	Provide sidewalk along one side.	\$325,000	City of Oregon City TSP
Highway 213: I-205 – Molalla Ave	Redesign bike/ped intersections and enhance bike use between Redland Rd and the old 82nd Ave bridge.	\$4,500	City of Oregon City TSP
Anchor Way: Redland Rd – Division St	Resurface and widen to accommodate 4-6-foot bike lanes in both directions.	\$50,000	City of Oregon City TSP
Front Avenue: Forsythe Rd – Holcomb Rd	Provide striped bike lanes.	\$4,000	City of Oregon City TSP
Holcomb Boulevard: Abernethy Rd – UGB	Provide striped bike lanes.	\$15,000	City of Oregon City TSP
Swan Avenue: Forsythe Rd – Holcomb Blvd	Sign as a bike route.	\$3,000	City of Oregon City TSP
Clackamas River Drive: Hwy 213 to UGB	Provide striped bike lanes.	\$10,000	City of Oregon City TSP
Abernethy Road: Washington St – Redland Rd	Provide striped bike lanes.	\$5,000	City of Oregon City TSP
Oregon City Transit Center – Clackamas Community College	Increase frequency of the existing service (Clackamas Community College to Oregon City Transit Center) from 30-minute headways to 10 or 15-minute headways on an existing bus route.	-	Tri-Met

Location	Project Description	Estimated Cost	Document Source
I-205: 99E – Highway 213	General purpose, express, HOV or peak period pricing capacity improvements to be determined based on I-205 South Corridor Study	\$86,625,000	Metro 2004 RTP
Highway 213/Washington St	Grade separate southbound Highway 213 at Washington Street and add a northbound lane to Highway 213 from just south of Washington	\$10,395,000	Metro 2004 RTP
Highway 213/Abernethy	Intersection improvements.	\$3,465,000	Metro 2004 RTP
Highway 213/Beavercreek Rd	Grade separate existing intersection	\$20,790,000	Metro 2004 RTP
I-205/Highway 213	Reconstruct southbound off-ramp to Highway 213 to provide more storage and enhance freeway operations and safety.	\$1,155,000	Metro 2004 RTP
Highway 213 south of I-205	Corridor analysis to study long-term transit and road improvements	\$577,500	Metro 2004 RTP
Abernethy Road: Highway 213 – Main St	Widen Abernethy from Highway 213 to Main Street.	\$3,580,500	Metro 2004 RTP
Washington/Abernethy	Construct new two lane minor arterial with sidewalks and bike lanes.	\$4,000,000	Metro 2004 RTP
Washington Street: Abernethy – 5th St	Complete boulevard design improvements.	\$1,022,175	Metro 2004 RTP
Washington Street: Abernethy – Highway 213	Complete boulevard design improvements.	\$1,524,600	Metro 2004 RTP
McLoughlin, Main, Washington, 7th, 5th, and neighborhood streets	Improve sidewalks, lighting, crossings, bus shelters and benches.	\$1,155,000	Metro 2004 RTP
Oregon City Regional Center	Implement a transportation management association program with employers.	\$200,000	Metro 2004 RTP

including funding for an Environmental Impact Statement (EIS) and preliminary engineering for the I-205/OR 213 interchange.

The public transit system provides limited service to this low-density, suburban location. Additionally, the bicycle and pedestrian systems are incomplete, but plans exist to make incremental improvements. Until pedestrian, bicycle, and transit improvements are made, current conditions will make travel by these modes undesirable and will promote greater vehicular trip-making.

REFERENCES

1. Metro. RLIS Database. Accessed July 2006.
2. Tri-Met. July 27, 2006. <http://www.trimet.org/schedules/buslines.htm>.
3. Metro. 2001 Sidewalk Inventory. 2001
4. Transportation Research Board. Highway Capacity Manual. 2000.
5. Oregon Department of Transportation. 1999 Oregon Highway Plan. 1999.
6. Metro. 2004 Regional Transportation Plan. 2004.
7. ODOT. 2008-11 Draft Transportation Improvement Program. 2006.
8. Oregon City. Transportation System Plan. 2001.



Existing Conditions: Regulatory Framework

In December 2002, the Portland metropolitan regional government Metro approved an Urban Growth Boundary (UGB) expansion on the eastern edge of Oregon City, in the Park Place neighborhood. The approximate 300 acre site, combined with 180 acres that were brought into the UGB in the 1980s, forms the project area for the Park Place Concept Plan. Concept planning is a regional requirement that outlines the vision and strategies for establishing public facilities, transportation, land use, and urban form in UGB expansion areas designated for future urbanization.

This section assesses the policies and regulations that the Park Place Concept Plan must comply with and implement. (A complete analysis of applicable goals, policies, and land use procedures is described in Appendix A.)

Metro Urban Growth Management Functional Plan

The whole foundation for concept planning is based on requirements established in Title 11 of Metro's Urban Growth Management Functional Plan ("Functional Plan"). Title 11 requires the following urbanization elements to be addressed. (See Appendix B for a detailed description of Concept Planning Requirements.)

- Annexation and urban services
- Minimum residential densities
- Affordable housing and needed housing types
- Commercial and industrial land needs
- Conceptual transportation planning
- Conceptual public facilities and services planning for sewer, water, storm water, parks, police, and fire protection
- Conceptual school facilities planning
- Natural resource protection/conservation planning

As a result, the concept plan should include a diagram that shows the locations of the following features.

- Constrained lands
- Protected/conservation lands
- Public facilities including transportation
- Single- and multi-family housing
- Commercial and industrial lands
- Mixed use areas
- Neighborhood centers
- Parks and open spaces

Urban Growth Management Agreement

The existing Urban Growth Management Agreement (UGMA) between Clackamas County and the City of Oregon City was adopted October 25, 1990. The UGMA guides coordination between Oregon City and Clackamas County for managing land inside the Oregon City UGB that is not yet incorporated into the city. This land is





bounded by the Urban Growth Management Boundary (UGMB). The Park Place project area is entirely UGMB land that is subject to the terms of this agreement.

Park Place Buildable Land Inventory Methodology

Title 11 of Metro's Urban Growth Functional Plan states that new urban area plans require a "provision for average residential densities of at least 10 dwelling units (du) per acre of net vacant buildable land in zones..." This average residential density is only applicable to areas recently added to the urban growth area. This section established the number of units required in the larger study area and defines the term "buildable lands" for the Park Place Concept Plan. This includes outlining a strategy for determining which lands within the project area qualify as "buildable lands."

Based upon the Buildable Lands Analysis, described in Table 1, for the Livesay area and the aforementioned UGB expansion area, 1465 housing units need to be considered as part of this concept plan. Per the direction of Metro, these units can be distributed throughout the study area. Implementation of this residential density, within the study area, is dependent upon the comprehensive plan designations and zoning that is developed as part of this planning process.

For this study, buildable land is defined as land that is suitable for development or redevelopment. Briefly, the methodology for determining suitable lands in the Park Place project area is as follows:

Vacant Land + Redevelopable Land - Constrained Land - Other Land = Gross Buildable Land

Definitions

Vacant Land is sourced through Metro's Regional Land Inventory System (RLIS). This process, outlined in detail in Chapter 4 of the *2002-2022 Urban Growth Report: A Residential Land Need Analysis*, defines vacant land as tax parcels with no improvement value or buildings, and partially-vacant land as parcels with an undeveloped portion of a lot that is larger than one-half acre. In this context, vacant land is simply that. It does not indicate whether the parcel is buildable or marketable.

Redevelopable Land is defined as non-vacant land that meets redevelopment thresholds established by the market professional. The primary assumption is that all properties with a square foot value (SFV) of \$10/sf or less is a candidate for redevelopment. This is based upon recent land transactions which indicate a value in excess of \$10/sf. for commercial (retail and office) land and approaching \$10/sf for residential property. The SFV is derived by dividing the total market value of the property by the total area of the site (market value/area = \$/sf).

Constrained Land is land that is considered environmentally-sensitive and/or has limited or no redevelopment potential. Constrained lands considered unbuildable for inclusion in the buildable lands inventory are:

- Class I and II Riparian Habitat areas [recognized as "High" and "Moderate" Habitat Conservation Areas (HCA) by Metro]
- Steep slopes – Slopes greater than 25%
- Major easements
- Other Land is defined as land that has cultural and/or historic value. The category is also open to land that may be omitted from the buildable inventory for reasons not currently apparent.

Buildable Land Summary - Livesay Area

	acres	
+ Vacant land (1)	129.5	
+ Redevelopable Land (2)	42.1	171.6
Development Base aggregate	171.6	
- 25% > slopes (3)	37.2	
- Habitat Conservation Areas (4)	11.5	48.7
- Right-of-way needs (5)	22.1	122.9
- Stormwater facilities (6)	3.1	
- Civic uses (7)	4.3	
- School area	n/a	
- Historic properties - listed landmark (8)	1.66	
- Easements		
Total buildable land	91.7	
at R-10 zoning density (4 du/acre)	367	units

Notes:

- (1) RLIS database inventory (2006) clipped to Livesay area
- (2) Clackamas County Total Market Value / Total Area (sf) of \$10/sf or less
- (3) 25% > slopes clipped to development base generated off a TIN from 2' contour shapefile
- (4) Habitat Conservation Areas (HCA) with a rating of "High" or "Medium" as determined by Metro
- (5) 18% of "buildable" land, as determined by Clackamas County (Pleasant Valley/Damascus Concept Plan)
- (6) 2.5% of "buildable" land as determined by Clackamas County (ibid)
- (7) 3.5% of "buildable" land for civic uses, including parks, police and fire
- (8) Identified in the Clackamas County historic inventory as a "landmark"

Net Buildable Lands Summary - UGB Expansion Area

	acres	
+ Vacant land (1)	208.36	
+ Redevelopable Land (2)	38.54	246.9
Development Base aggregate	246.9	
- 25% > slopes (3)	70.1	
- Habitat Conservation Areas (4)	33.3	103.4
- Right-of-way needs (5)	25.8	143.5
- Stormwater facilities (6)	3.6	
- Civic uses (7)	5.0	
- School area	n/a	
- Historic properties - listed landmark (8)	0	
- Easements		
Total buildable land	109.1	
Required minimum density (10 du/acre)	1091	units

Notes:

- (1) RLIS database inventory (2006) clipped to expansion area
- (2) Clackamas County Total Market Value / Total Area (sf) of \$10/sf or less
- (3) 25% > slopes clipped to development base generated off a TIN from 2' contour shapefile
- (4) Habitat Conservation Areas (HCA) with a rating of "High" or "Medium" as determined by Metro
- (5) 18% of "buildable" land, as determined by Clackamas County (Pleasant Valley/Damascus Concept Plan)
- (6) 2.5% of "buildable" land as determined by Clackamas County (ibid)
- (7) 3.5% of "buildable" land for civic uses, including parks, police and fire
- (8) Identified in the Clackamas County historic inventory as a "landmark"



Table 1.



Gross Buildable Area and Net Buildable Area

Since the residential density is based on “net buildable land,” it is necessary to convert gross buildable land to net buildable land to account for land needs for new roadways, sewer infrastructure, other public facilities, and civic institutions (i.e., churches, fraternal organizations, etc.) This planning process proposed using a methodology similar to that used for the Damascus-Boring Concept Plan, which allocates percentages of the gross buildable land for these services based on past performance, professional judgement, and community input. We proposed the following percentages to accommodate land needs for new infrastructure:

- New Local Streets – 18%
- Storm Drainage – 2.5%
- Police, fire, and civic institutions – 3%

The total percentage of land deducted from the gross buildable area is 23,5%. Therefore, the equation for net buildable land is:

- Gross Buildable Land – (23.5% of Gross Buildable Land) = Net Buildable Land

Oregon City Comprehensive Plan

Concept Planning for Park Place must comply with Oregon City’s Comprehensive Plan policies if the area is to be approved for annexation to the city. The policies of the following goals generally apply to the Park Place Concept Plan and project area. Brief commentary is offered for some of the goals below.

- Goal 1, Citizen Involvement

The Park Place Concept Plan involves forming a citizen advisory committee, which is scheduled to meet six times between May and December 2006. Three community forums addressing the evaluation criteria are scheduled between June and October 2006. A design charrette for the Draft Concept Plan will be held in October 2006. Another community forum is scheduled for in November 2006 in order to discuss implementation strategies. Finally, a series of six Planning Commission presentations are scheduled from December 2006 to April 2006. The Park Place Concept Plan hosts its own website, which is accessible through the City’s Planning Department web page.

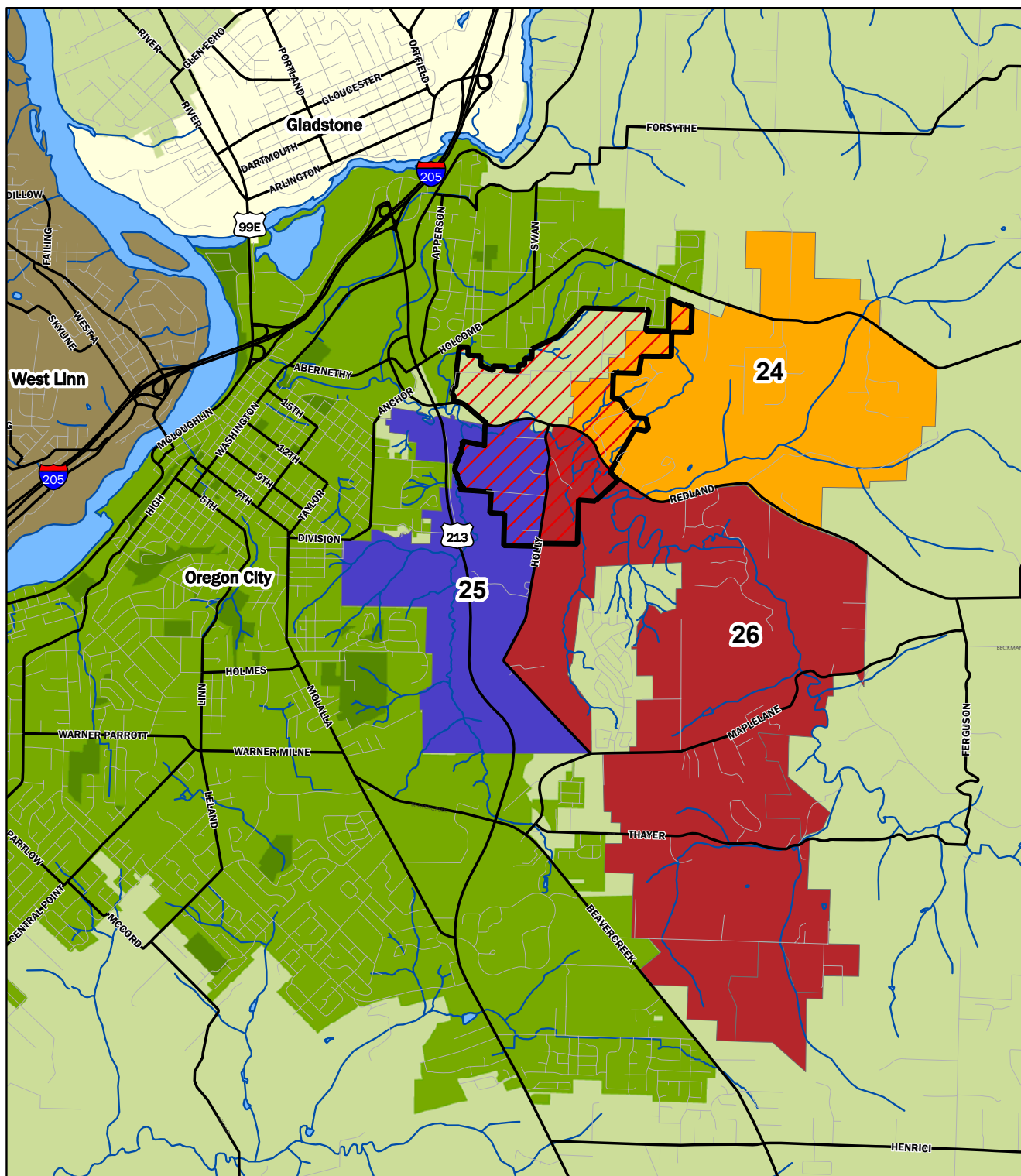
The Park Place Neighborhood Association provides a means of public participation specifically for the Park Place project area.

- Goal 2, Land Use

Presently, the Park Place project area is part of unincorporated Clackamas County, and is designated for Low Density Residential, Forest, and Rural uses according to the County’s Comprehensive Plan. The City’s Comprehensive Plan designates the project area as Low Density Residential (LR) and Future Urban (FUH). Existing Comprehensive Plan designations in parts of the city adjacent to the project area include Low Density Residential (LR), Medium Density Residential (MR), and a small area of Mixed Use Corridor (MUC).

Zoning classifications for Park Place may both draw from existing classifications and modify existing classifications to create new zones.

- Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources

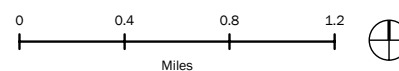


Source: Oregon City GIS, 2006; RLIS 2006

- | | | |
|--|---|---|
| Oregon City | Clackamas Co. | Alternative 24 |
| Gladstone | project boundary | Alternative 25 |
| West Linn | | Alternative 26 |

Park Place Concept Plan

Context: Area Zoning





Concept planning requires that an inventory and protection strategies be prepared for Goal 5 natural and cultural resources in the Park Place project area. The Comprehensive Plan indicates that Park Place is one of a few areas in Oregon City that has older homes and structures that need to be examined for historic identification, preservation, and renovation before they deteriorate and are torn down. The Park Place project area contains parts of Abernethy Creek, Tour Creek, and Newell Creek. Metro's 2002 Alternatives Analysis for Study Areas 24, 25, and 26 identified the area around these creeks and other land as potential Goal 5 natural resources in need of some level of protection.

- Goal 6, Quality of Air, Water, and Land Resources
- Goal 7, Natural Hazards
- Goal 8, Parks and Recreation

Oregon City prepared a Park and Recreation Master Plan in 1999, which is reviewed later in this report. The master plan may be updated to reflect park and recreation facilities that Park Place will need.

- Goal 9, Economic Development

Concept planning requires that sufficient commercial and industrial opportunities be provided in the project area, given the area's 2040 Growth Concept design types. The Economic Development Technical Report prepared for the City's 2004 Comprehensive Plan found that the City as a whole had the capacity to accommodate 8,370 employees, which was 75% of the 11,172 employment target.

The report recommended adding one- to two-acre neighborhood commercial areas (generating roughly 10-15 employees each) to serve under served residential areas and to help increase the employment capacity within the city. The Park Place project area is not a likely candidate for industrial development due to the constrained nature of the land and the planning of the Beavercreek Road area, southeast of the City for industrial development.

- Goal 10, Housing

Concept planning will need to demonstrate how Park Place will provide housing that is affordable to households with incomes at or below the area median income, without the use of public subsidy.

The City's Comprehensive Plan Housing Resource Document (October 2002) found that the City's existing land supply was deficient by 1,444 units in order to accommodate the demand for 6,075 new units by 2017. These needed units are split between 10 single-family units and 1,434 multi-family units.

- Goal 11, Public Facilities

The Park Place Concept Plan will be required to provide conceptual facilities and service plans for sewer, water, storm water, transportation, parks, police, and fire/emergency services. Preliminary cost estimates and implementation strategies must be a part of the conceptual plans.

The Park Place project area consists of portions of Study Areas 24, 25, and 26, and Metro's 2002 Alternatives Analysis evaluated these study areas to assess for how easy it would be to provide them with water, sewer, and stormwater services.

Stormwater services in all the study areas were judged to be easy to serve from the perspective of service provider Clackamas County Water Environment Services because the facilities would be provided by developers on a per-project basis. Area 24 was determined to be moderately difficult to serve with both water and sewer. Sewer service in Area 25 was also deemed to be moderately difficult to provide, while water service would be easy to provide. Area 26 was also deemed to be easy to serve with water, but difficult to serve with sewer.

- Goal 12, Transportation
- Goal 13, Energy Conservation
- Goal 14, Urbanization



The goals and policies of Goal 14 in the Oregon City Comprehensive Plan directly address concept planning requirements including Goal 14.3 – Orderly Provision of Services to Growth Areas and Goal 14.4 Annexation of Lands to the City.

Oregon City Municipal Code

Municipal code sections addressing zoning, design standards, master plans, subdivisions, and legislative procedures can be viewed online at: http://www.orcity.org/community-develop/planning/New_Code/New_Code.htm. Zoning and other pertinent regulations are described in Appendix A.

Zoning

Once incorporated into the City, the Park Place project area will receive a full set of City zoning designations. Existing City zoning and Comprehensive Plan designations of city land adjacent to the project area are primarily residential (Low Density Residential, R-10, R-8, and R-6, to Medium/High Density Residential, R-3.5) with a small area of mixed use (Mixed Use Corridor, MUC-1). A range of residential zones will need to be employed in Park Place in order to achieve the target of an average of 10 dwelling units per net buildable acre in the new UGB expansion portion of the Park Place project area. Commercial or mixed use zoning will be necessary to site businesses that can serve housing in the project area.

Lot Standards and Use Standards

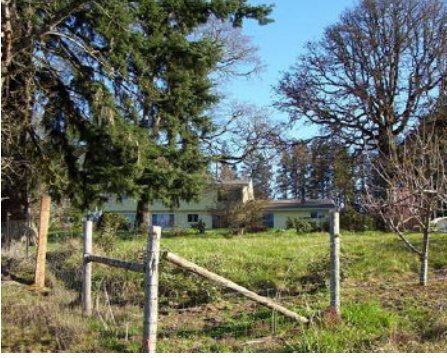
Lot standards and use standards for all the residential zones (R-10, R-8, R-6, R-3.5, and R-2), commercial and neighborhood commercial zones (C and NC), and mixed use commercial zones (MUC-1 and MUC-2) that may be used in the Park Place project area are provided in the Land Use and Development Standards Tables located in Appendix B.

In considering commercial zoning for the Park Place project area, it is to be noted that mixed use commercial (MUC-1 and MUC-2) zoning is more permissive of different types of housing than is the neighborhood commercial (NC) zone. The MUC-1 zone, for instance, allows existing single-family detached units, single- and two-family attached units, and multi-family units whereas the NC zone only allows dwelling units as limited uses above permitted and conditional uses.

Other Regulations and Standards

The City's Code regulates the following aspects of development that may apply to the Park Place project area at different points in its planning and development process.

- Design standards (Section 17.20.030)
- Development application review (Chapter 17.50)



- Site plan and design review (Chapter 17.72)
- Master planning (Chapter 17.65)
- Subdivision (Chapters 16.08 and 16.12)
- Legislative hearing process (for Comprehensive Plan amendments) (Section 17.50.170)
- Annexations (Section 14.04.050)

Oregon City Transportation System Plan

The Park Place Concept Plan will be required to provide conceptual transportation and street plans that are consistent with the local Transportation System Plan (TSP), the Regional Transportation Plan (RTP) and the Oregon Transportation Planning Rule (TPR). Preliminary cost estimates and implementation strategies must be a part of the conceptual plans.

The conceptual transportation plan should be guided by the goals that the City's TSP establishes for multi-modal travel options, safety, capacity, and implementation.

Transportation Standards

The conceptual transportation plan must be compatible and consistent with different standards and guidelines instituted by the TSP, including functional classifications, design standards, and access management. Parking space requirements are determined according to land use, and those are presented in Table 5-14 of the TSP. Functional Classifications

- Highway 213 is classified as an expressway in City's TSP and as a freeway/expressway in the County's TSP.
- Holcomb Road is classified as a minor arterial in the City's TSP and as part minor arterial and part collector in the County's TSP.
- Redland Road is classified as a minor arterial in the City's TSP and as a major arterial in the County's TSP.
- Holly Lane is classified as a minor arterial in the County's TSP.
- All other roads in the project area are classified as local roads.

Metro's 2004 Regional Transportation Plan (RTP) also assigns its own sets of classifications to Highway 213 and Redland Road, with the exception of a public transportation designation.

General street design standards by functional classification are provided in Figures 5-2A and 5-2B of the City's TSP (see Appendix A). The TSP reports that design and access standards required by the RTP will be incorporated into the Oregon City Street Design Standards Manual, which is adopted separately from the TSP.

Access Management

Tables 6 and 7, included in Appendix A, provide standards for intersection and access/driveway spacing in the city. (See Appendix A.)

Planned Roadway, Pedestrian, Bicycle, and Transit Projects

Conceptual plans for streets and transportation in the Park Place project area should also be compatible with improvements planned for the vicinity. Table 8, included in Appendix A, presents roadway, pedestrian, bike, and transit projects planned for the vicinity around the Park Place project area. (See Appendix A.)

Clackamas County's Capital Improvement Program 2006/07-2010/11 includes one

project in the Park Place project area vicinity.

- Project 707 – Holcomb Boulevard Pedestrian Enhancement Program; Highway 213 to the UGB; Proposed Phase 1: Design pedestrian Improvements to fill in gaps in sidewalks; City of Oregon City and Clackamas County 50/50 partnership; Project Development 2006/07-2007/08.

Oregon City Trails Master Plan

Parks and transportation plans for the Park Place Concept Plan must incorporate the goals and projects established in the 2004 Oregon City Trails Master Plan. Contracting for an update of the plan is currently underway. Existing master plan goals address trail development and regional connections, access, transit synergy, community linkages, amenities, maintenance, emergency access, and preservation of rights-of-way, scenic views, and natural areas.

The master plan is linked through the City's Planning Department web page, including a map of proposed trails. The map depicts three levels of trails proposed for the Park Place project area and vicinity.

- Regional trails are proposed on the western edge of the project area, east of Highway 213, associated with Newell Creek. The trail forks at Ogden Middle School, where one fork continues south and the other heads east on Donovan to Holly and then south.
- A community trail is proposed trail along Abernethy Creek and Redland Road through the middle of the project area.
- Several local trails are proposed associated with streams in the project area.

Table 12 in the master plan presents the design standards established for the three types of trails. (See Appendix A)

Oregon City Park and Recreation Master Plan

The City of Oregon City is currently updating its Park and Recreation Plan. Currently, the 1999 Oregon City Park and Recreation Master Plan addresses the following types of parks and recreation spaces being planned for the city.

- Mini-parks
- Neighborhood parks
- Community parks
- Regional parks
- Linear parks
- Special use areas
- Natural open space areas
- Undeveloped lands
- Pathways and trails
- Specialized recreational facilities
- Indoor recreation facilities
- Sports field facilities

The master plan includes a needs assessment, standards, and guidelines for each





type of park in Oregon City. The plan provides both conceptual maps of neighborhood and community park service areas and a map of specific proposed park and recreation facilities. Per Table 13, new facilities and facility improvements planned for the Park Place project area and vicinity include the following (see Appendix A):

- Neighborhood Parks – N-3 Holcomb School/Park (proposed), N-5 Park Place Park (existing), N-8 Livesay Park (proposed);
- Community Parks – Holcomb Road Park (proposed); and
- Natural Open Space Areas – Redland Road (proposed), Abernethy Creek (proposed), Newell Creek Canyon (existing).

Regional Facilities

Existing natural park and open space in the project area vicinity that is managed by Metro is located in Newell Creek Canyon. Metro is also sponsoring a bond measure for the November 2006 election that proposes to acquire or assist in acquiring three areas in the Park Place project area. The bond measure includes funding for acquisition of land along Abernethy Creek and Holcomb Creek as well as and further acquisition along Newell Creek.

Conclusion

Development of a Concept Plan fulfills regional planning requirements as established in the Metro 2040 Plan and Urban Growth Management Functional Plan. These regional plans as well as local comprehensive plans and codes are responsible for complying with and implementing Statewide Planning Goals.

The Concept Plan must include the following elements: governance, housing plans (including minimum density, diversity, and affordability), commercial and industrial land uses as needed, a conceptual transportation plan, a natural resources and protection plan, a public facilities plan, and a plan for public schools. Conceptual plans for these elements must reflect and account for policies and projects established in the City's Comprehensive Plan, Transportation System Plan, Trails Master Plan, and Parks and Recreation Master Plan. Ultimately these element plans will be presented as a report and illustrated in an Urban Growth Diagram.

Following adoption of the Concept Plan and any necessary plan amendments by City Council, the next step in the process is for the City to determine the appropriate Comprehensive Plan designations based on the Preferred Concept Diagram and to develop an Annexation Strategy. Once areas of the Park Place study area are annexed, the City will then adopt zoning according to the Comprehensive Plan Designations. It is anticipated that the majority of the study will remain low density, which is compatible with existing uses and development patterns. In order to meet the growth target of 1,465 housing units as established in the Buildable Land Summary, zoning in the study area will need to include higher density residential designations (e.g. R-3.5 and R-2) and mixed-use designations (e.g. MUC-1 and MUC-2). In addition, new high density, mixed-use, or overlay zones may need to be developed or existing zones may need to be modified in order to meet growth targets and implement the type and intensity of development that is envisioned in the Preferred Alternative. The Preferred Alternative will be developed at the public charrette, in October.

Resources

1. Metro Urban Growth Management Functional Plan - Title 11
2. Urban Growth Management Agreement
3. Oregon City Comprehensive Plan - Policies from Goals 1, 2, and 5-12
4. Oregon Municipal Code – Zoning, design standards, master plans, subdivisions, administration and procedures (comprehensive plan amendments), and annexations
5. Oregon City Transportation System Plan
6. Oregon City Trails Master Plan
7. Oregon City Park and Recreation Master Plan
8. Housing Resource Document for the City of Oregon City Comprehensive Plan.
9. Oregon City School District future needs assessment (pending)



Water Infrastructure

The purpose of this memo is to provide existing condition information for water, sanitary and stormwater infrastructure as well as Goal 5 resources for the Park Place UGB Concept Plan area. The memo has been organized into the following sections:

- A. Study Area Overview
- B. Summary of Documents Reviewed
- C. Water Infrastructure Existing Conditions
- D. Sanitary Sewer Infrastructure Existing Conditions
- E. Stormwater Infrastructure Existing Conditions
- F. Goal 5 Resource Existing Conditions

A. STUDY AREA OVERVIEW

The project study area is roughly bounded on the west by Newell Creek and on the northwest by Livesay Creek. Both are tributaries of Abernethy Creek. The south and west sides are irregularly bounded as shown on the attached maps. The area is generally sparsely developed with the greatest existing development in about ½ acre to 3 acre lots along Livesay road and on the west side of Holly Lane. The character of the terrain is variable with slopes exceeding 25% near the major streams and a few smaller drainages. In addition large areas exist with slopes of less than 10%.

B. WATER INFRASTRUCTURE EXISTING CONDITIONS

Water Supply

Overview of Water Supply System

Wholesale water is currently supplied to the Park Place Concept Plan area by South Fork Water Board (SFWB) which is jointly owned by the cities of Oregon City and West Linn. SFWB treats the water in a plant at Hunter Avenue and Thurman Street, and has rights to withdraw 42.6 MGD at the existing intake, with an estimated maximum withdrawal rate of 52 MGD. The cities of Oregon City and West Linn purchase water from SFWB for distribution and storage within each municipal utility.

Capacity of Water Supply System

According to the Oregon City Water Master Plan, adequate water supply capacity exists to serve the study area under current development conditions. Regarding future development conditions, adequate water supply capacity appears to exist as well based on the development assumptions of the Water Master Plan. Future concept planning efforts in the Park Place area should coincide with the development assumptions of the Oregon City Water Master Plan.

Water Distribution

Distribution System Overview

The Livesay portion of the Concept Plan area is served by the Oregon City water distribution system. Much of the Concept Plan area has no current water service – either from private wells or from public distribution systems or districts. The Oregon City Water Master Plan includes recommended improvements to provide retail water service to the Concept Plan area.

The Clackamas River Water District (CRW) purchases water from the SFWB and distributes it to areas primarily south and east of the Concept Plan area. Oregon City's





water system currently serves the Livesay Road area from the Livesay Road Pump Station with 6-inch diameter pipes. Clackamas River Water currently serves the unincorporated portion of the study area south of Abernethy Creek.

The Water Master Plan does not provide detailed information about the existing pipe system, but it does show pipes in Redland Road, Donovan Road, and in Holly Lane. One pipe system passes in a southeasterly direction across the area and provides water to an unincorporated area that includes the Canyon and Country Village Pressure Zones to the southeast – outside of the study area.

The area of this concept plan encompasses 4 different pressure zones (as shown in Figure 2-8 from the master plan). Most of the Park Place Concept Plan area is in the Park Place Lower Zone. In addition, the northeast portion of the study area includes the following pressure zones: The entire Livesay Road Pressure Zone, a portion of Park Place Intermediate Zone, and a portion of Park Place Upper Zone.

The master plan identifies the Park Place Lower Zone as including an already developed area to the north plus the majority of the area for this study on its south end. As can be seen on Figure 2-8 from the master plan, the recent UGB expansion area constitutes about 1/3 of the future Park Place Lower Zone. Future development (including full buildout of the Livesay Road area) will more than double the developed area in Park Place Lower Zone.

Currently water demand in Park Place Lower Zone is split between Barlow Crest Reservoir and Mountainview Reservoir. While Mountainview has ample storage capacity (10.5 million gallons) for both existing and future demand, Barlow Crest reservoir (1.75 mg) will ultimately require expansion. According to the master plan, complete buildout will require 3.23 million gallons of capacity at Barlow Crest.

The main pump station that will serve the area is the Hunter Avenue Station. It has a pumping capacity of 2,700 gpm in 3 pumps. Its primary purpose is to fill the Barlow Crest Reservoir which serves a large area of existing development as well as the proposed development area. The only other pump station in the area is the one at Livesay Road which serves only a small and sparsely developed area. It has a pumping capacity of 30 gpm.

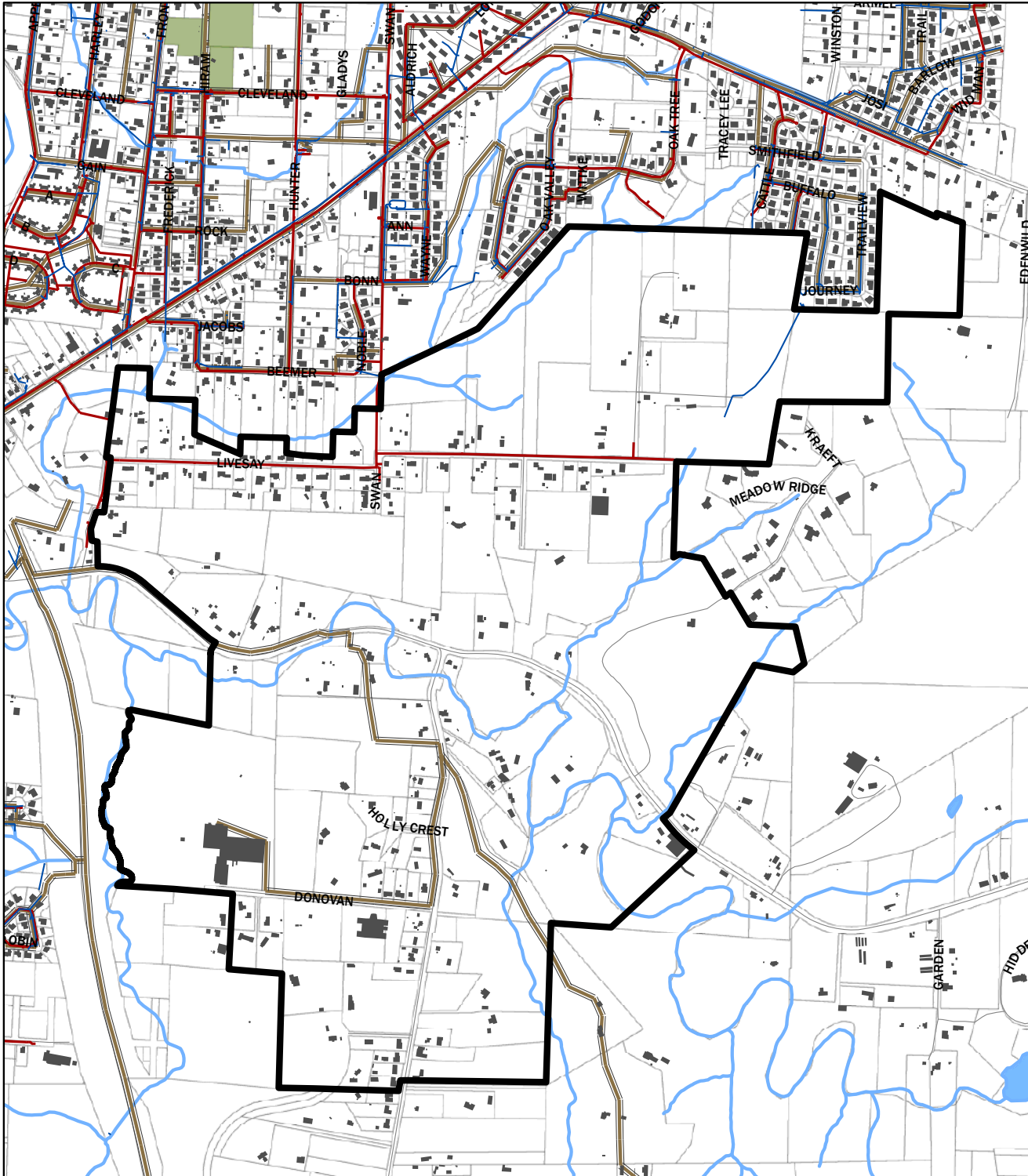
Capacity of Water Distribution System

As noted before, limited water service is provided within the Concept Plan area. The current distribution system is adequate to serve existing development. Moreover, it is assumed that the CRW transmission mains are adequate to serve existing and future development outside the Concept Plan area.

Storage

The Oregon City Water Master Plan states that Oregon City's existing system contains a storage capacity of 16.25 million gallons for treated water. This is adequate for current levels of demand. It also states that existing treated water storage capacity will be adequate during much of the build-out period. However, ultimately expansion of the Barlow Crest Reservoir will be necessary.

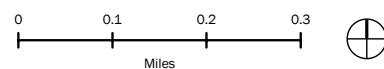
Fire flow capacities in the Park Place Lower Zone will eventually will need to be enhanced in the higher elevation areas. The Water Master Plan suggests construction of a new reservoir south of the UGB expansion area on Holly Lane to address this need.



Source: Oregon City GIS, 2006

 sewer line
  water line
  stormwater line
  buildings

Park Place Concept Plan
Infrastructure: Existing Utilities





Pumps

There is currently a pump station at Livesay Road that the Oregon City Water Master Plan recommends be decommissioned. According to Oregon City, this pump station is small and experiences frequent operations and maintenance issues and lacks fire flow capacity. A future distribution system extension will incorporate the Livesay Road Pressure Zone into the Park Place Intermediate Zone.

Distribution

The Oregon City Water Master Plan indicates that the Oregon City water pipes (6-inch) currently serving the Livesay Road area from the Livesay Road Pump Station will be replaced. In addition, the Oregon City Water Master Plan notes that it is likely that upgrading much of the Clackamas River Water system pipes will be required.

C. SANITARY SEWER INFRASTRUCTURE EXISTING CONDITIONS

Sanitary Sewer Treatment System

Capacity of Sanitary Sewer Treatment System

Tri-Cities Sewer District (TCSD) provides sanitary sewer interceptor service and treatment for the most developed areas south of Redland Road and for a portion of the Livesay Road area. TCSD owns and operates the existing pipe system which consists of an interceptor line and a small collection system. Oregon City provides sanitary collection service within City limits. According to Oregon City, the small collection system owned by TCSD is remnant from disorderly annexation. Their interceptor system provides essential infrastructure to convey sanitary sewerage to the treatment plant. The interceptor line runs generally south to north down highway 213 as far as Redland Road. The collection system includes a pipe in Donovan Road, connecting to a pipe in Holly Lane and Redland Road. One branch passing through the study area connects incorporated areas located to the southeast.

The Oregon City Sanitary Sewer Master Plan does not include information on the capacity of the existing Tri-Cities Treatment Plant. However, according to TCSD the treatment plant has capacity to service the Concept Plan area.

Sanitary Sewer Collection System

Capacity of Sanitary Sewer Collection System

The Oregon City Sanitary Sewer Master Plan indicates that there are no existing collection pipes in the Concept Plan area. As such, a sanitary collection system will need to be constructed as the area develops. The Oregon City Sanitary Master Plan does include a projection of future flow at build-out (3.48 cfs). The master plan also identified Area E-5, which is essentially the same as the 2003 UGB expansion area, will be served entirely by the existing TCSD interceptor.

No specific recommendations were made for future sanitary infrastructure within area E-5, as the Master Plan only dealt with then existing Oregon City infrastructure. However, it's clear that additional collection and trunk lines will be required to serve new development in the Concept Plan area. According to the Oregon City Sanitary Sewer Master Plan, the following future development assumptions were made:

- Full "buildout" will occur in 2024 based on a 3% annual growth rate.
- An average of 2.3 residents per dwelling unit was assumed for residential areas.
- 25% of the land area is used for infrastructure and parking. The remaining land was assumed to be developed as follows: 10% commercial, 10% industrial, 30% residential (RA-2), and 50% residential (R10).

D. STORMWATER INFRASTRUCTURE EXISTING CONDITIONS

There appears to be no major surface water infrastructure in the study area other than roadside ditches and natural drainage channels. However, one storm outfall line passes through the area to drain a development just outside of the study area's northeast corner.

The area is drained by Abernethy Creek flowing generally east to west through the middle of the area and two of its tributaries, Newell Creek on the west, Livesay Creek on the northwest. Wetlands have been identified along several areas near Abernethy Creek. Abernethy Creek and Newell Creek are subject to occasional flooding; however, no significant flood damage is known to have occurred in the study area. The 1996 flood was the most severe in recent history. Within the study area, the 1996 event primarily impacted undeveloped areas along Abernethy Creek causing little if any property damage.



City of Oregon City – Drainage Master Plan, January 1988

Only one small portion of the study area is included in this master plan. This is the Livesay Creek drainage basin that partially overlaps into the study area. One drainage issue was identified for this basin: The master plan recommended replacement of the Livesay Creek culvert under Redland Road. It is not stated that any damage has been caused by this apparently under-sized culvert. The culvert itself is outside of the study area boundaries. It is not clear whether any backwater effects from the under-sized culvert affect properties in the study area.

City of Oregon City – Draft Stormwater Management Plan, 2006

This document was created primarily to address water quality issues to meet the requirements for the NPDES MS4 permit. This document provides a general outline of how the city will apply best management practices (BMPs) to address stormwater pollution issues. The BMPs discussed include various street and storm system maintenance measures; water quality educational programs; prevention of illicit discharges; and pollutant monitoring. It is relevant to the current study in that these same BMPs will need to be applied to the study area as it develops.

City of Oregon City – Stormwater Grading and Design Standards, December 1999

This document spells out the City's requirements for site grading and for design of stormwater quality and quantity control (detention and infiltration) systems. These requirements are intended to mitigate the hydrologic and water quality impacts of creating new impervious surfaces. Upgrades These same requirements will also apply to new development in the study area after it is annexed into the city.

E. GOAL 5 NATURAL RESOURCES EXISTING CONDITIONS

In September 2005, the Portland metropolitan regional government Metro approved the Nature in Neighborhoods ordinance that is designed to help local communities meet the requirements of Statewide Planning Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources. By approving the ordinance, Metro adopted a new title (Title 13, "Nature in Neighborhoods") to the Urban Growth Management Functional Plan, amended the Regional Framework Plan, and adopted a model ordinance for use by cities and counties. The ordinance relies on voluntary, incentive-based approaches for development in upland areas and will use regulation to protect the region's highest value streamside habitat, which has been designated as "habitat conservation areas."

This section addresses these habitat conservation areas in the Park Place Concept Plan project area through a discussion of the maps that form the basis of Metro's



fish and wildlife habitat protection program. The maps include the Regionally Significant Fish and Wildlife Habitat Inventory map (the “Inventory Map”) and the Habitat Conservation Area (“HCA”) map.

Regionally Significant Habitat Inventory Map (“Goal 5: Environmental Resources”)

The Goal 5 inventory process began in 1999 as part of the draft Streamside CPR (Conservation, Protection, and Restoration) Report. The Water Quality and Flood Management map, adopted as part of Metro’s Urban Growth Management Function Plan (Title 3) served as the starting point, or base map, for the Regionally Significant Habitat Inventory Map. A habitat is an area that provides food and shelter for fish and wildlife. The Inventory Map identifies those areas that Metro has determined are of greatest significance, called “regionally significant habitat,” and includes riparian areas (i.e., the land and vegetation adjacent to waterbodies such as streams, river, wetlands and lakes), wildlife habitat, and parks and open spaces.

Metro took an ecological functions approach to define the riparian corridor and identify upland wildlife habitat. An extensive review of the scientific literature, mapping and field work served to develop two sets of criteria to identify the location and health of fish and wildlife habitat, one for riparian habitat and one for drier upland wildlife habitat.

Riparian corridor ecological functions and criteria for GIS model scoring:

- Microclimate and shade
- Streamflow moderation and water storage
- Bank stabilization, sediment, and pollution control
- Large wood and channel dynamics
- Organic matter input

Wildlife habitat characteristics and criteria for GIS model scoring:

- Habitat patch size
- Habitat interior
- Connectivity and proximity to water resources
- Connectivity and proximity to other patches
- Habitats of concern and habitats for unique and sensitive species (sites known to be critical for sensitive species or to be scarce and declining in the Metro region)

In 2001, Metro began the effort to map the specific landscape features associated with these criteria, such as stands of trees, woody vegetation, meadows, wetlands, stream centerlines, steep slopes, and flood areas. The methodology assigned values to fish and wildlife habitat features that allowed comparison of their cumulative health and importance. Areas that received a score of one to 30 were identified as regionally significant resources. Metro differentiated its inventory of regionally significant fish and wildlife habitat by type (riparian/wildlife and upland wildlife) and quality (high-, medium-, and low-value), creating six habitat categories (Riparian Class I, II and III, and Upland Wildlife Class A, B and C). Each category covers a geographically discrete portion of the inventory, and may include riparian and/or wildlife functions and also may be a “habitat of concern.” The Inventory Map also identifies “impact areas” that define where allowed land uses or activities could harm the fish and wildlife habitat, which focuses primarily on two aspects of the Goal 5 natural resource inventories: primary functional criteria for streams and waterbodies, and tree root-zone protection. This map was updated in September 2004.

Habitat Conservation Areas Map

The Habitat Conservation Area Map (“HCA Map”) is the graphic representation of the culmination of Metro’s Goal 5 process and identifies the highest value streamside habitat that will be subject to regulatory performance standards and best management practices.

The Goal 5 process generally follows three steps. The first is to identify regionally significant fish and wildlife habitat, which Metro completed in 2002 with the Inventory Map. The economic, social, environment and energy (ESEE) analysis is the second step. This step applies the tradeoffs associated with allowing, limiting, or prohibiting conflicting uses, such as a land use or activity that could adversely affect a significant Goal 5 resource, with the need to protect significant natural resources. The third step is development of a program to protect significant fish and wildlife habitat.

Metro’s approach for conducting a region-wide ESEE consequences analysis focused on achieving the goals of the 2040 Growth Concept. Metro’s ESEE Analysis consisted of four steps that included: (1) identification of conflicting uses from a regional perspective (using seven generalized regional zones) and considering Metro’s 2040 design type hierarchy, (2) identifying the “impact area” surrounding the significant resources, described above, (3) analyzing the ESEE consequences, and (4) determining whether to allow, limit, or prohibit conflicting uses for significant resource sites.

Metro weighed and considered the many factors for and against allowing, limiting, or prohibiting conflicting uses within the most significant resources to make a balanced “Allow, Limit, Prohibit” (ALP) Decision that seeks to conserve and preserve the highest value and most critical habitat (Class I and II riparian habitat), ensure that the Metro region’s economy continues to thrive, protects and improves the region’s water quality and prevents water pollution, and respects property rights. Metro found that none of the significant resources are of such importance relative to conflicting uses to support a decision to prohibit such conflicting uses, and is not limiting development in wildlife habitat because the economic and social impacts of such a decision, as well as the impact on meeting the region’s housing and employment needs, would be too significant compared with the value of such protections. Instead, Metro is developing aggressive non-regulatory programs to conserve and preserve such habitat.

The resultant HCA Map therefore illustrates the areas in the region that are subject to the performance standards and best management practices described in Section 4 of Title 13 “Nature in Neighborhoods.” Highly ranked riparian habitat areas within the current urban growth boundary were identified as “habitat conservation areas” and will be subject to high, moderate, and low levels of conservation based on habitat value or quality and urban development value per the results of the ESEE consequences of protecting or not protecting the habitat, public input, technical review, and Metro’s decision to balance conflicting uses in habitat areas.

The Habitat Conservation Areas (HCA) disturbance area limitations are identified in Section 6 of the Title 13 ordinance. These include:

- Single-family residential – Maximum disturbance area (MDA) allowed within HCAs is determined by subtracting the area of the lot or parcel outside of the HCAs from the total disturbance area (TDA) calculated below [TDA – Area outside the HCA = MDA]





HCA Total Disturbance Area Limitations for SFR	
HCA Type	Total Disturbance Area
High	50 percent of the lot area, up to a max of 5,000 sq. ft.
Moderate/Low	65 percent of the lot area, up to a max of 6,000 sq. ft.

- All other zones – Maximum disturbance area (MDA) allowed by right within Low, Moderate and High HCAs in these zones are noted; this MDA is subject to mitigation requirements iterated below.

HCA Disturbance Area Limitations for all zones other than SFR	
HCA Type	Total Disturbance Area
High	10 percent of HCA on site
Moderate	15 percent of HCA on site
Low	50 percent of HCA on site

- Mitigation requirements for disturbance in HCAs – Tree replacement and vegetation planting are required when development intrudes into an HCA, except for wetlands and waterway mitigation requirements imposed by state and federal law.

Trees, shrubs and ground cover must be native plants selected from the Metro Native Plant List. Must meet Mitigation Option 1 or 2, whichever results in more tree plantings; except that where the disturbance area is one acre or more, Mitigation Option 2 must be used.

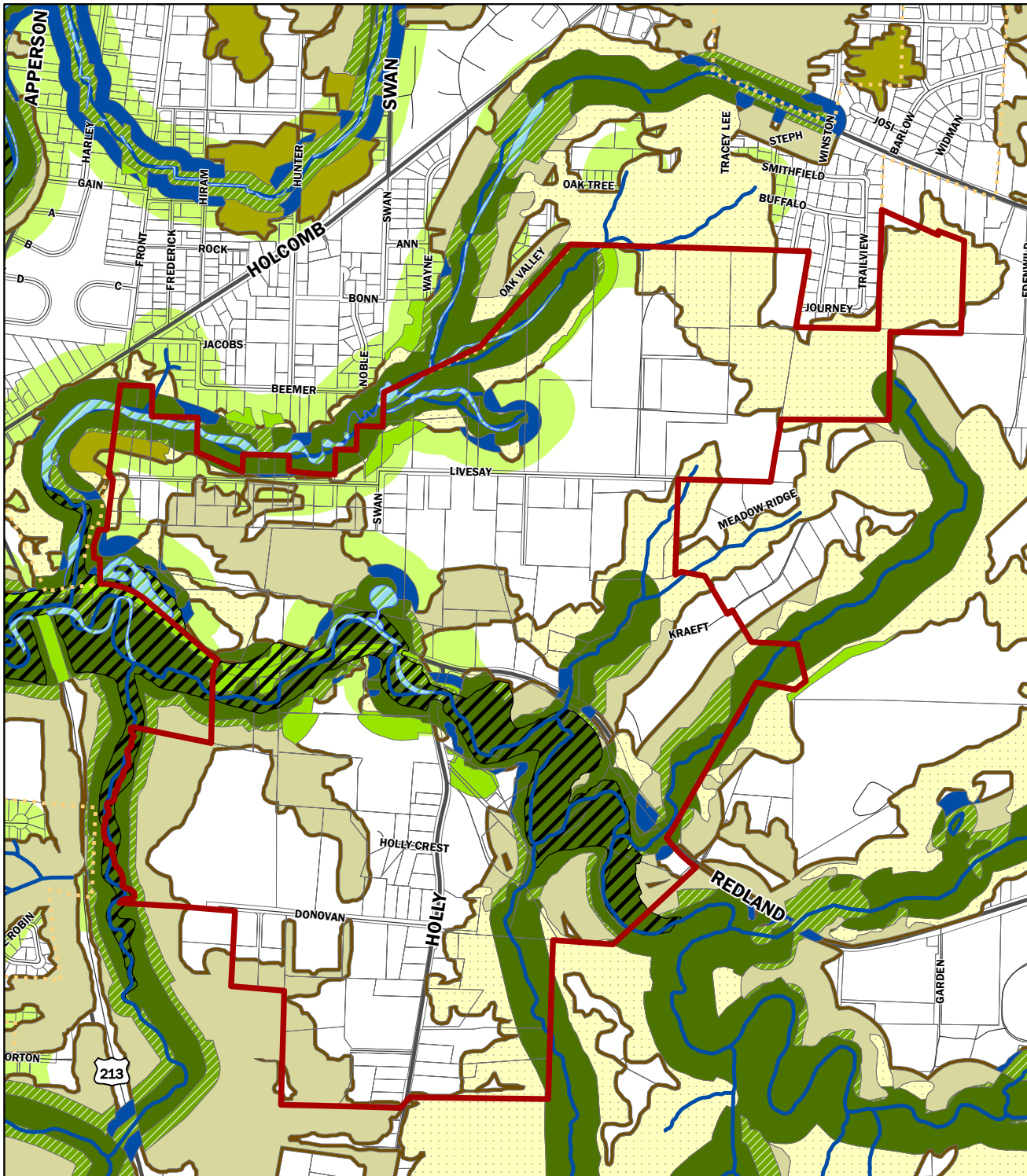
Mitigation Option 1: Mitigation requirement is based on number and size of trees removed from site. Trees must be replaced per the following table. Bare ground must be planted or seeded with native grasses or herbs.

Mitigation Option 1: Tree Replacement	
Size of tree to be removed (inches in diameter)	Number of trees and shrubs to be planted
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 trees and 30 shrubs

Mitigation Option 2: Mitigation requirement is based on the size of the disturbance area within a HCA. Trees and shrubs must be planted at a rate of 5 trees and 25 shrubs every 500 square feet of disturbance area.

Plant spacing and location – Trees will be planted between 8 and 12 feet on-center and shrubs will be planted between 4 and 5 feet on center, or clustered in single species groups of no more than 4 plants, with each cluster planted between 8 feet and 10 feet on center.

All vegetation must be planted on the applicant's site within the HCA or in an area contiguous to the HCA, provided that if the vegetation is planted outside of the HCA then the applicant shall preserve the contiguous area by executing a deed restriction.



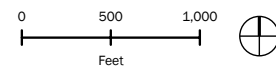
Source: Oregon City GIS, 2006; Metro 2005

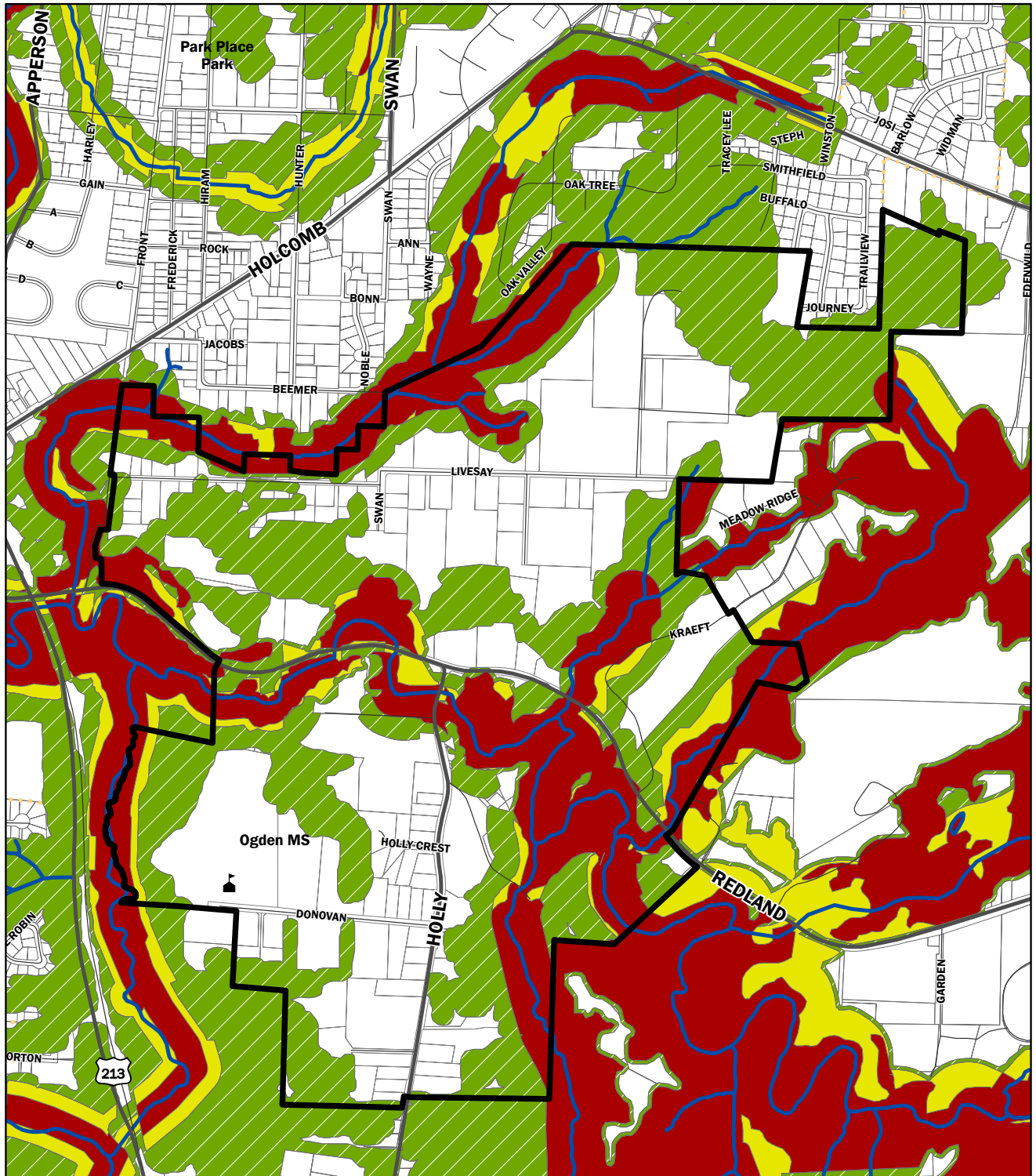


Park Place Concept Plan

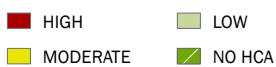
Environmental: Goal 5

Note: Title 3 analysis for the area within the new urban growth boundary has not been completed by the City of Oregon City as of July 2006.

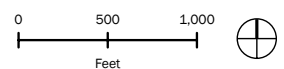


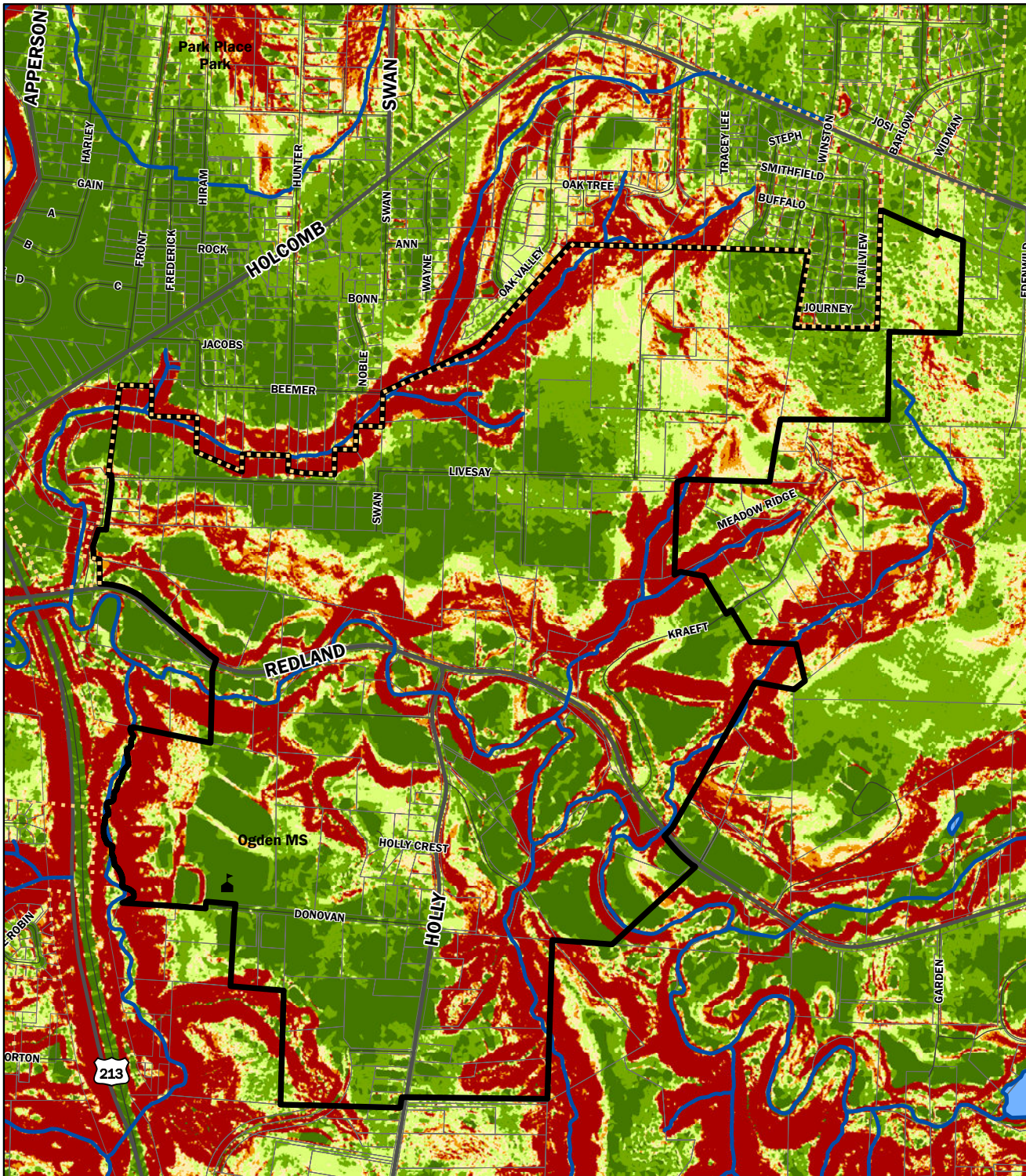


Source: Oregon City GIS, 2006; RLIS 2006

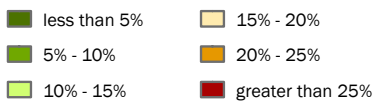


Park Place Concept Plan
Habitat Conservation Area Values

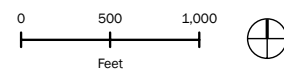




Source: Oregon City GIS, 2006; RLIS 2006



Park Place Concept Plan
Environmental: Slope Analysis



Park Place Goal 5 Resources

The accompanying Metro Inventory Map and HCA Map of the Park Place study area clearly identify three major riparian corridors. These include Livesay Creek, Abernethy Creek, and Newell Creek.

Livesay Creek

Livesay Creek lies along but largely outside the northwest border of the study area, yet some of its associated features, including the following significant natural resources, are included in the study area:

- Waterways – two tributaries of Livesay Creek
- Wetlands – identified largely as linear features associated with the tributaries
- Riparian Corridor Class I – lies adjacent to the tributaries at varying widths
- Riparian Corridor Class II – several very narrow small areas lie near the study area's western border and northern border
- Riparian Corridor Class III – two small areas of this resource are identified
- Upland Wildlife Area Habitat Class A – several small areas including a linear feature lie parallel to the waterways just beyond the riparian habitat, and a large area is represented in the northeast corner of the study area
- Upland Wildlife Area Habitat Class C – one small area of this resource is located just north of the confluence with Abernethy Creek.

Abernethy Creek

Abernethy Creek is the largest of the waterways within the Park Place study area and generally runs east to west near the center of the study area. The following significant resources are associated with or are located near Abernethy Creek:

- 1996 Flood Zone – the majority of the main stem of Abernethy Creek is mapped as flood zone
- Waterways – Abernethy Creek along with several tributaries that lie along the southeastern boundary of the study area
- Wetlands – three are identified, one near the confluence with Livesay Creek, a linear feature associated with Abernethy Creek, and a pond-like feature just north of the creek near the center of the study area
- Riparian Corridor Class I – lies adjacent to the main stem and its tributaries at varying widths
- Riparian Corridor Class II – several small narrow areas lie adjacent to the Class I resources near the main stem and tributaries with a wider width resource associated with the northern tributary along the southwest boundary
- Riparian Corridor Class III – several areas of this resource are located north and south of the main stem near the center of the study area
- Upland Wildlife Area Habitat Class A – the majority of the resource is associated with the tributaries and lies just beyond the riparian corridors or immediately adjacent to the waterway
- Upland Wildlife Area Habitat Class B – there are several large irregular areas of this resource located near the interior of the study area north and south of Abernethy Creek and along the southern border of the study area, and several linear features associated with the tributaries

Newell Creek

A portion of Newell Creek lies along but largely outside the southwest border of the Park Place study area, yet some of its features, including the following significant natural resources, are included in the study area:

- 1996 Flood Zone – all of Newell Creek within the study area is identified as flood zone
- Waterways – Newell Creek
- Riparian Corridor Class I – a narrow band lies adjacent to the creek
- Riparian Corridor Class II – a very narrow band lies adjacent to the Class I resource
- Upland Wildlife Area Habitat Class B – a relatively large irregular area of this resource is located immediately east of the riparian habitat.

F. SUMMARY OF FINDINGS

Water Infrastructure (water, sanitary and stormwater)

Limited water service exists within the study area except for a small portion of Livesay Road which is served by the Oregon City water distribution system. Capacity exists within the Oregon City system to be expanded within the study area. Transmission mains, owned by Clackamas River Water, run through the study area to serve communities outside the study area and should be maintained.

Limited sanitary sewer collection exists within the study area. Many properties are on septic systems. A number of interceptor lines, owned by the Tri-City Sewer District, pass through the study area conveying sanitary flows from communities outside the study area and Ogden Middle School to the wastewater treatment plant. These interceptors and the treatment plant have capacity to serve future development within the study area.

Stormwater is presently managed in the study area with roadside ditches and natural drainage channels. No major stormwater infrastructure facilities exist beyond these surface facilities. All stormwater within the study area is conveyed to Abernethy Creek, Newell Creek, and Livesay Creek. Abernethy Creek and Newell Creek are subject to occasional flooding; however, no significant flood damage is known to have occurred in the study area since the 1996 flood.

Water, Sanitary and Stormwater General Findings:

- Limited water distribution exists
- Capacity exists in the water system to serve the study area
- Limited sanitary sewer collection exists
- Wastewater Treatment Plant and interceptors have capacity to serve the study area
- A natural stormwater drainage system exists

Natural Resources (goal 5 resources)

Natural Resources: Through evaluation and mapping efforts performed by Metro, habitat conservation areas in the Park Place Concept Plan project area have been established. Metro created an Inventory Map showing areas of greatest significance, called “regionally significant habitat,” which includes riparian areas, wildlife habitat, and parks and open spaces. From this map, Metro established a Habitat Conservation Area Map which identifies the highest value streamside habitat that will be subject to regulatory performance standards and best management practices. The Habitat Conservation Area Map will be utilized to establish buildable lands (ie, where to build, where to build with restrictions, and where not to build) within the Concept Plan area.

Natural Resources General Findings:

- Regionally Significant Habitats areas have been inventoried
- Habitat Conservation Areas have been identified including three major riparian corridors: Livesay Creek, Abernethy Creek, and Newell Creek.
- Development best management practices have been established

G. DOCUMENTS REVIEWED**Water Infrastructure:**

- Water Master Plan, City of Oregon City (Yost West and Associates, October 2004)
- Water Master Plan, Clackamas River Water (MWH, May 25, 2005)

Sanitary Sewer Infrastructure:

- Sanitary Master Plan, City of Oregon City (TetraTech/KCM, December 2003)

Stormwater Infrastructure:

- Drainage Master Plan, City of Oregon City (January 1988)
- Draft Stormwater Management Plan, City of Oregon City (2006)
- Stormwater and Grading Design Standards, City of Oregon City (December 1999)

Goal 5 Resources:

- Metro's Nature in Neighborhoods Regionally Significant Fish and Wildlife Habitat Inventory Map (the "Inventory Map")
- Metro's Nature in Neighborhoods Habitat Conservation Area Map



Market Assessment

Market Assessment for the Park Place Concept Plan

The focus of this section is on outlining current and anticipated market conditions impacting viable development forms in the study area. The market for a range of prospective product types will substantively impact concept planning efforts in the area, informing the process in terms of development forms and scale of supportable uses.

Macroeconomic Overview

National Trends

National economic performance has been outstanding for an extended period of time, but there is concern that we are nearing the end of the current business cycle. The national economy expanded at a 5.3% rate in the first three months of 2006, the strongest performance since the Summer of 2003. Private spending on automobiles, computers and equipment, a surge in exports due to the weak dollar, and significant spending on post-Hurricane Katrina rebuilding by the federal government spurred the economy in the first quarter.

Given the failure of fuel price spikes to immediately slow economic growth, the housing market has emerged over the past three months as perhaps the most-watched economic variable. Consensus has emerged that the national market indeed peaked in August of 2005, declining thereafter with gradual increases in long-term interest rates. Nationwide, measures of the housing market are decidedly mixed and contributing to some ambiguity for Federal Reserve policy.

Caution is the order of the day, both from larger home builders and from the Federal Reserve. Economic strength in the face of higher fuel prices has Fed policy still biased towards rate escalation, but rate hikes have clearly put the brakes on the market via higher cost of short-term construction lending, higher cost of credit for consumers, and a hit to the lending sector. Johnson Gardner fully expects the Federal Reserve to continue to push short-term rates upward, at least once more before September.

Johnson Gardner is still bullish about the national economy, despite a cooling housing market nationwide. Fuel cost increases have appeared to not significantly affect economic strength as has been anticipated. While the recent jump in economic activity of 5.3% was impressive, it will not be sustained and activity is anticipated to return to 3.1%-3.3% annual growth for the remainder of 2006 provided households continue to react rationally and mildly to rising rates.

Portland-Vancouver Metropolitan Area

The City of Oregon City is considered part of the Portland metropolitan area, which is defined as for statistical purposes as Clackamas, Clark, Columbia, Multnomah, Skamania, Washington and Yamhill counties. The local economy continued to realize substantial employment growth throughout the first quarter, averaging around 39,000 more jobs in the quarter, and finishing March with employment levels exceeding 2004 levels by approximately 38,000. Trends in the commercial and industrial markets also indicate better than reported rates of growth or greater optimism for future space needs.

Employment gains during the last year were widespread, with all major industrial sectors reporting growth. In terms of the magnitude of growth, Manufacturing (4,900



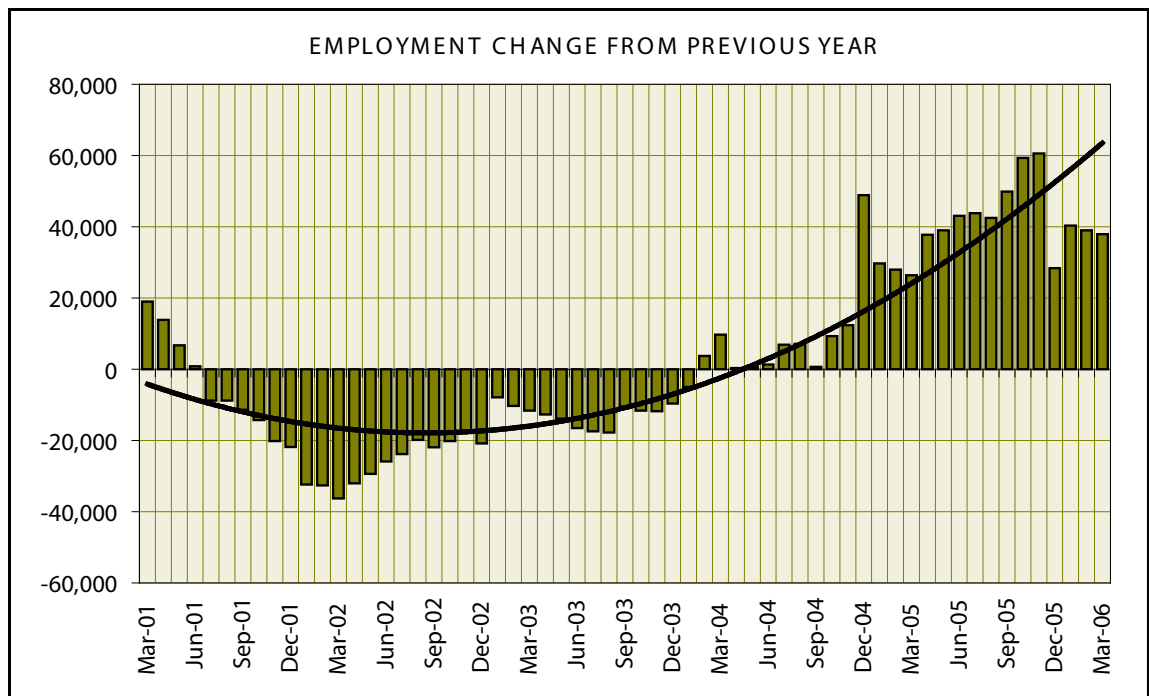
jobs), Professional and Business Services (4,700 jobs), Education/Health Services (4,100 jobs), and Trade Transportation Warehousing and Utilities (3,600 jobs) led the way. In terms of rate of growth, Manufacturing (9.0%), High Tech (4.3%) and Professional and Business Services (3.8%) grew the fastest.

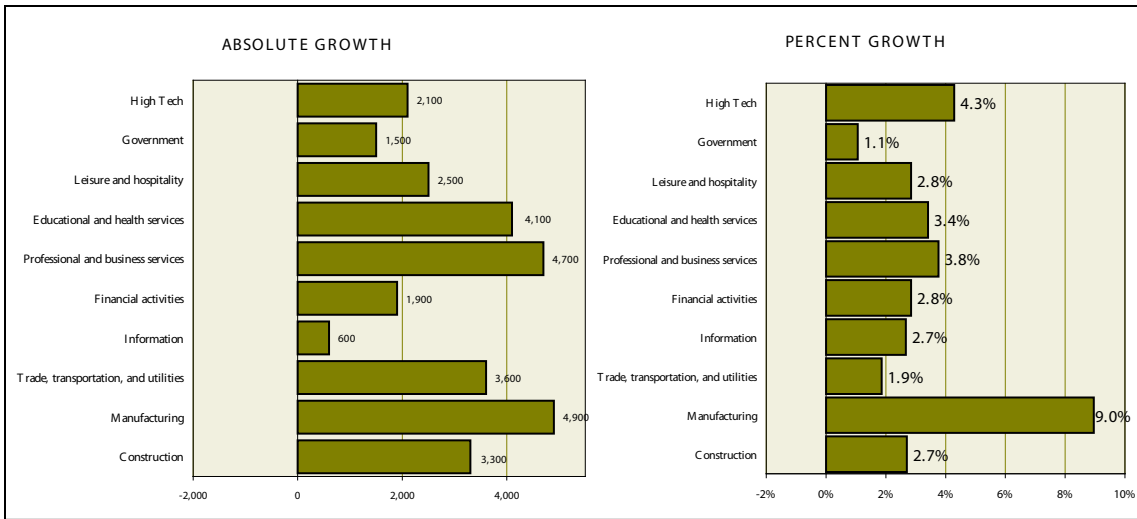
Population & Residential Permitting

While a positive rate of population growth was maintained during the recent economic decline in the Portland metropolitan area, the strong positive employment growth is a welcome sign that the level of growth can be sustained. Population growth has ranged from 1.0% to 2.6% for the last decade, a pace we expect to continue. Employment growth is expected to be around 4.0% during the next couple years, followed by growth under 2.0%, allowing the locally high unemployment rate to continue to drop to a more sustainable level.

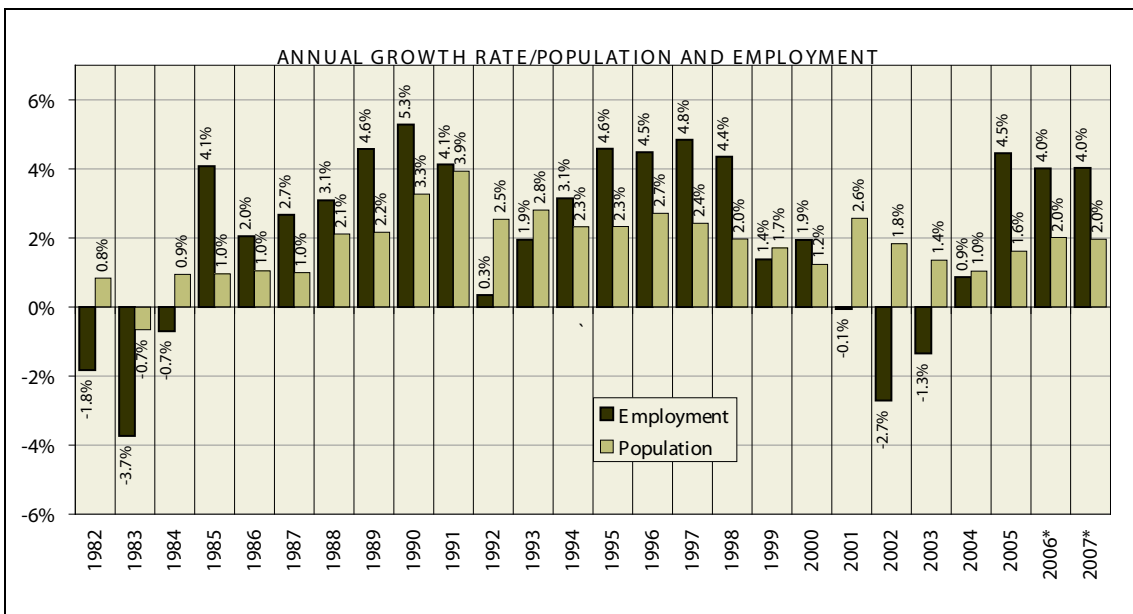
Population growth in the Portland metropolitan area has been shifting away from Multnomah County and towards the more suburban areas. Clackamas County has lagged behind both Washington and Clark Counties in terms of population growth rate over the last decade, but increasing land scarcity in Washington County is expected to drive a greater share of metropolitan area demand to Clackamas County over the next decade.

Continued population growth allowed for a continued strong level of residential construction activity.



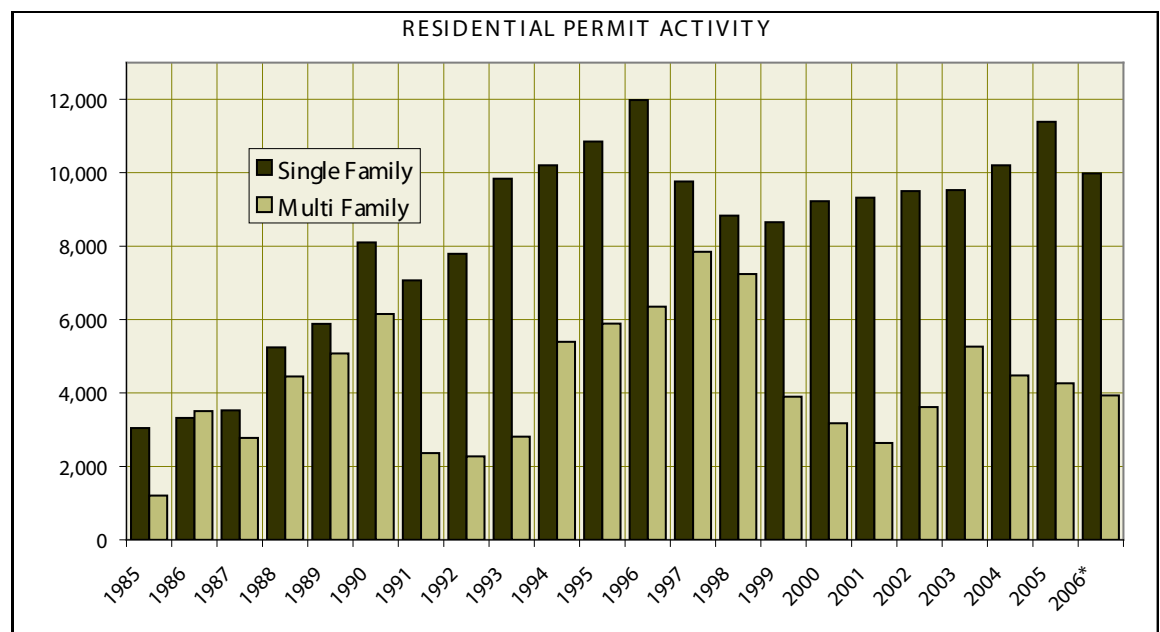
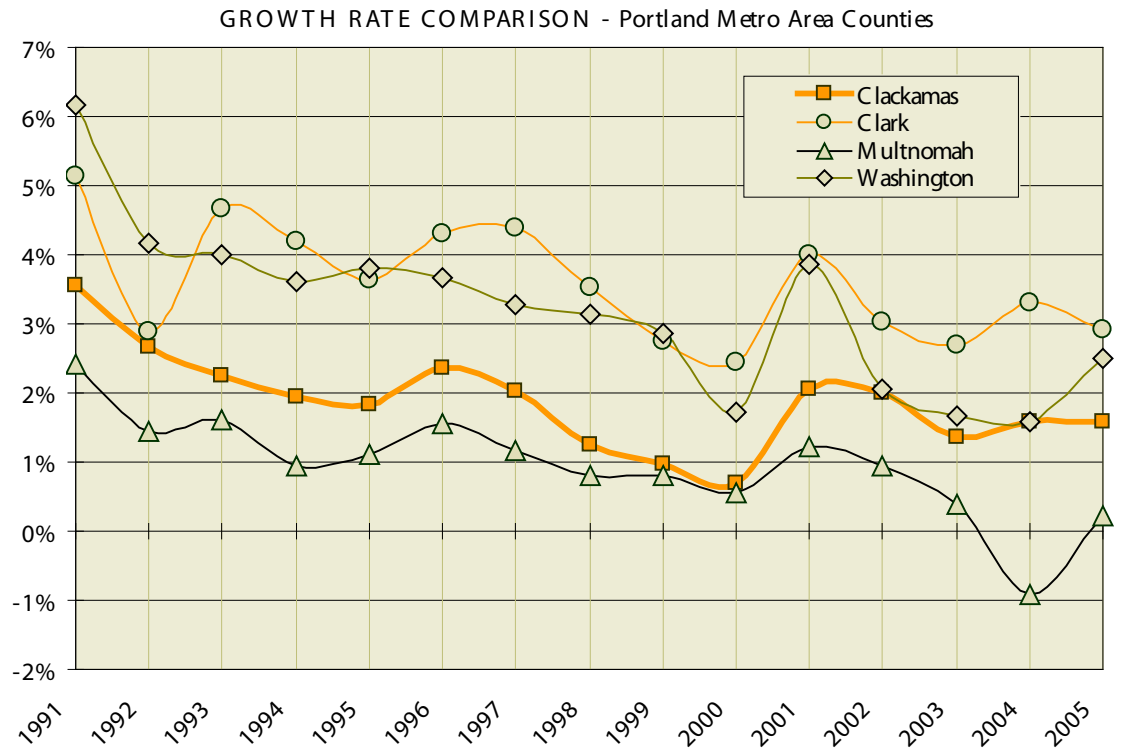


1/ Trade, Transportation, Warehousing & Utilities



*Reflects 2000 Census; updated historical data not yet available.

SOURCE: Center for Population Research and Census, State of Washington Office of Finance, and Johnson Gardner



* 2006 permit activity annualized based on activity through March
 SOURCE: Bureau of the Census and Johnson Gardner

	July 1 Population Estimates						Census Population	
	2000	2001	2002	2003	2004	2005	4/1/2000	4/1/1990
CLACKAMAS	340,000	345,150	350,850	353,450	356,250	361,300	338,391	278,850
Barlow	140	140	140	140	140	140	140	118
Canby	12,910	12,790	13,440	13,910	14,110	14,385	12,790	8,990
Damascus						9,670		
Estacada	2,380	2,460	2,440	2,440	2,450	2,480	2,371	2,016
Gladstone	11,470	11,450	11,620	11,790	12,140	12,170	11,438	10,152
Happy Valley	4,650	4,930	5,810	6,370	6,640	7,275	4,519	1,519
Johnson City	635	630	630	630	630	630	634	586
Lake Oswego (part)*	33,115	33,270	33,428	33,530	33,595	33,740	32,989	28,317
Milwaukie	20,540	20,550	20,550	20,580	20,590	20,655	20,490	18,670
Molalla	5,710	5,690	5,780	5,800	5,930	6,395	5,647	3,637
Oregon City	26,200	26,680	27,270	28,100	28,370	28,965	25,754	14,698
Portland (part)*	750	760	759	770	780	785	747	707
Rivergrove (part)*	290	290	290	290	310	315	287	267
Sandy	5,425	5,380	5,780	6,200	6,360	6,680	5,385	4,154
Tualatin (part)*	2,695	2,725	2,740	2,820	2,895	3,065	2,664	1,406
West Linn	22,440	23,090	23,430	23,820	23,970	24,075	22,261	16,389
Wilsonville (part)*	14,360	14,165	15,585	14,225	14,595	14,855	13,987	7,096
Unincorporated	176,290	180,150	181,157	182,035	182,745	175,020	176,288	160,128

Oregon City Area Trends

Population

The City of Oregon City experienced rapid population growth during the 1990s, with the pace of growth decreasing in the last several years.

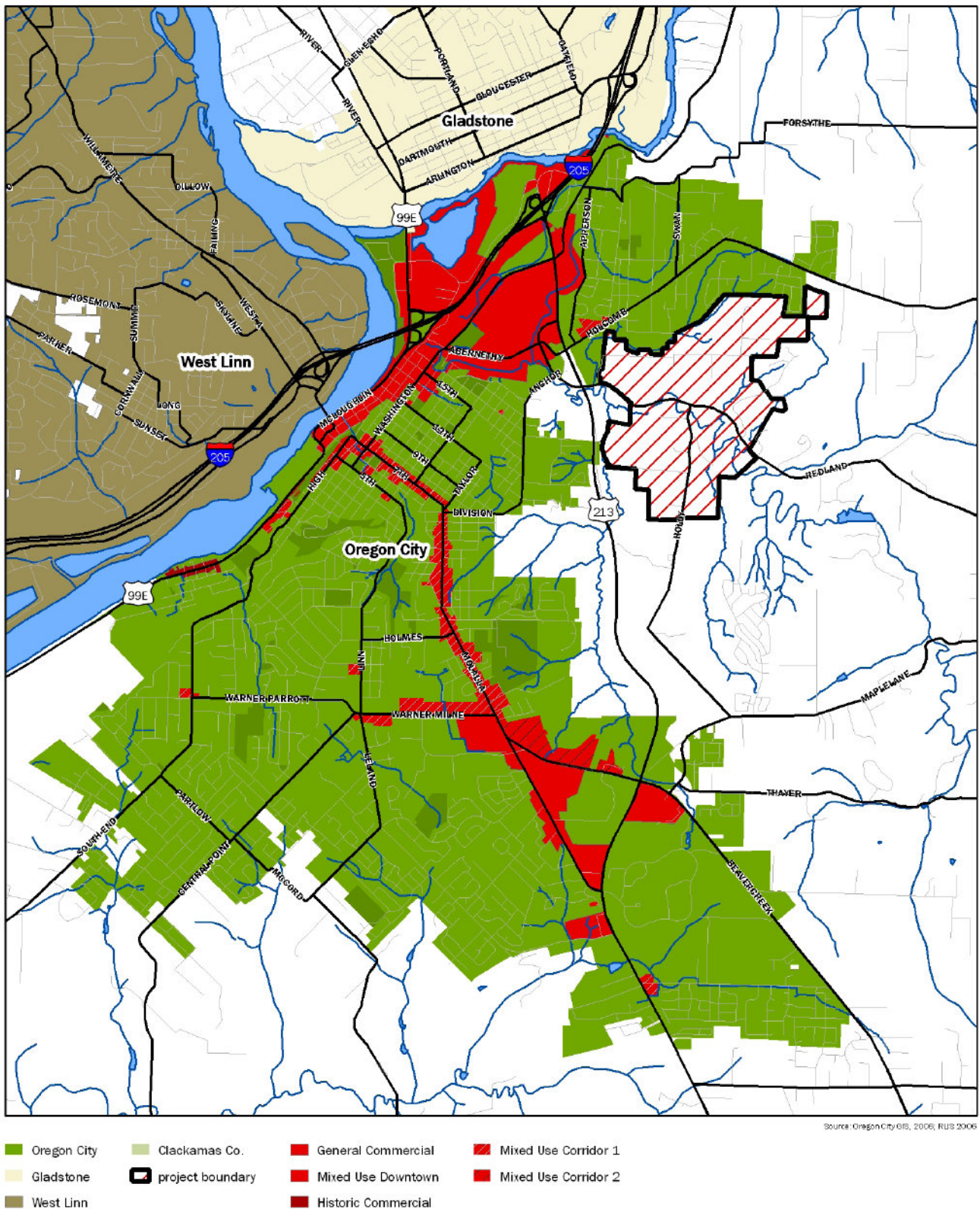
The City of Oregon City's population base grew at an average annual rate of 5.8% from 1990 through 2000, almost three times the rate of growth for Clackamas County during the same period (2.0%). The rate of growth since 2000 has ranged from 1.0% to 3.0%, as the supply of developable land has diminished.

Oregon City has accounted for a greater share of recent population growth in Clackamas County than any other jurisdiction. The population base grew at an average of over 1,100 persons from 1990 through 2000, with annual growth in the last five years ranging from an estimated 270 to 830 persons. Increasing price pressure in the Portland metropolitan area has led to a shift to markets such as Oregon City that offer a greater housing value. The level of population growth in Oregon City is increasingly constrained by land supply, which the concept planning areas such as Park Place will address for a period of time.

Residential permit trends mirror this trend, with annual permit levels exceeding 200 units per year for all but one year over the last decade.

Retail Market Trends

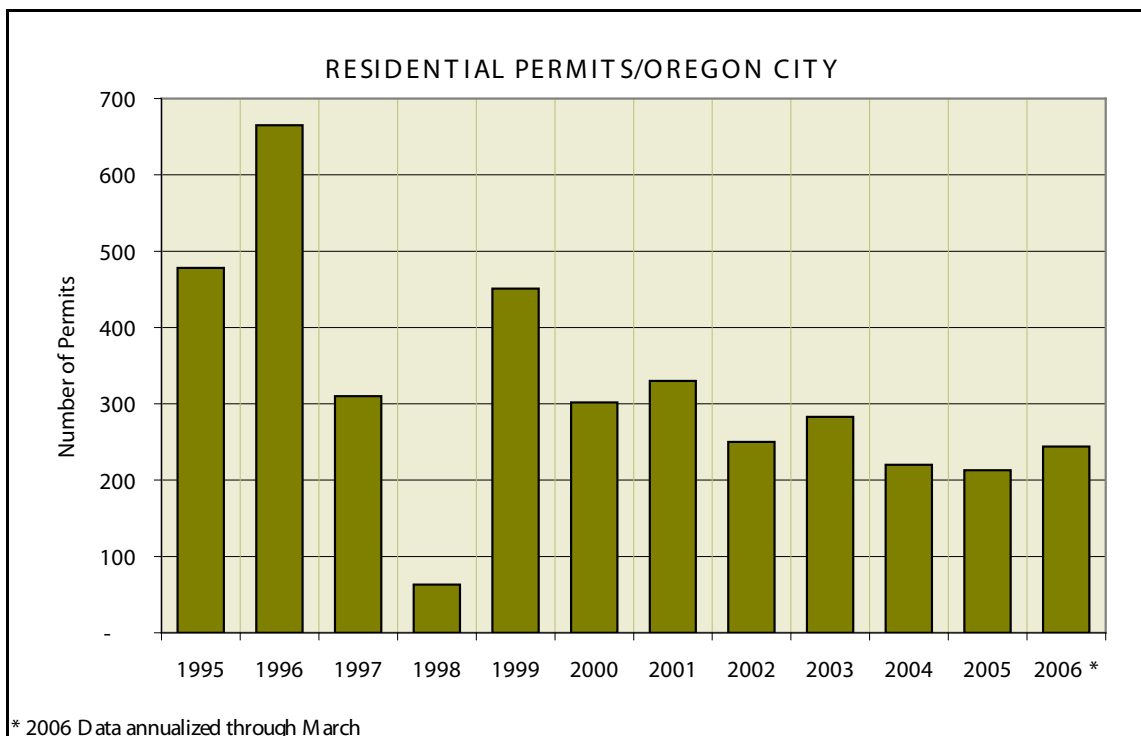
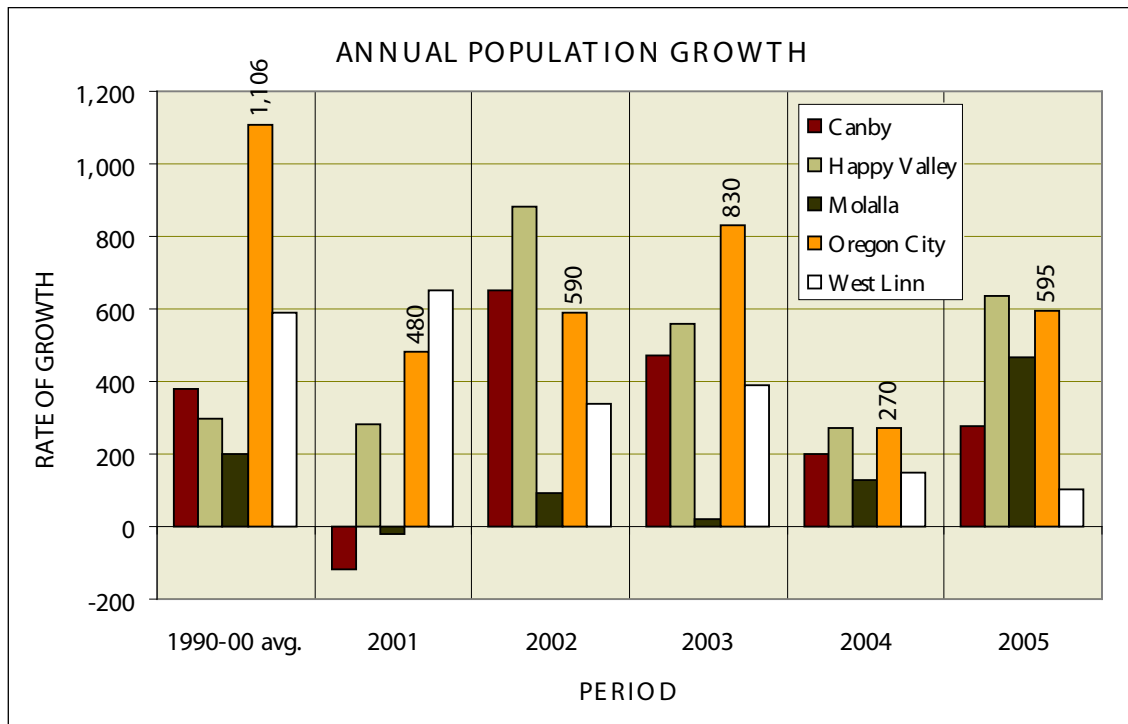
The retail market is currently an area of opportunity for Oregon City, as population levels and local buying power increase. The area of greatest apparent need is for regional serving retail uses, as typically found in centers such as Clackamas Town Center, Bridgeport Village and Washington Square.



Park Place Concept Plan

Context: Oregon City Commercial Zoning - Relationship to Study Area



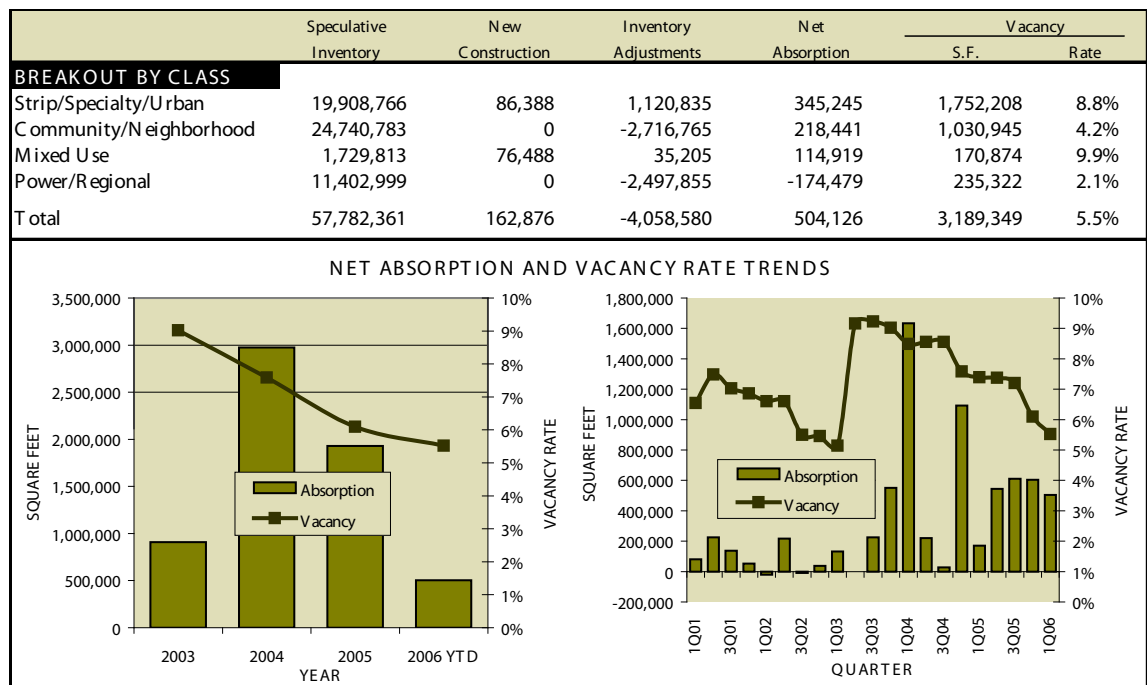


Portland Metropolitan Area Trends

The Portland metropolitan area's retail market vacancy rate continues its ten-quarter gradual decline from a high of 9.2%. In the first quarter, the market absorbed 504,000 square feet while adding 163,000 square feet of new space. Vacancy in tracked space on Co-Star dropped from the last quarter to 5.5%. In regional and power centers, vacancy remained minimal, while community/neighborhood centers continued their positive trend, with vacancy dropping to only 4.2%. Mixed-use (9.9%) and strip/specialty/urban centers (8.8%) again had the highest vacancy rates, though occupancy was up substantially for both compared to the previous quarter.

Mixed-use retail space typically reports vacancy levels well above average, as this type of space does not include typical anchor stores (such as a grocery or department store), and the tenants tend to turn over on a more regular basis.

The most significant recent retail development in the Region, Bridgeport Village in Tualatin, sold last year for a price of \$366 per square foot. The 465,000 square-foot lifestyle center has been well received and several new retail projects are scheduled



for construction in the area along I-5. Major upcoming additions to Portland area retail include the 280,000 square-foot IKEA megastore, which is set to begin construction later this year at Cascade Station, and Kohl's, which will be building three stores and converting a fourth.

A total of 1.30 million square feet of new space is projected to enter the market over the next twelve months, while demand is estimated at 1.16 million square feet. While the Portland market has successfully absorbed recent surges in construction, this will be tested with the large amounts of new supply scheduled to enter the market in the next two years. Our demand model predicts market vacancy will edge up slightly to 5.6% by the first quarter of 2007, and continue upwards to 6.4% by the first quarter of 2008.

The City of Oregon City is included as part of the broader Oregon City/McLoughlin Corridor subregion. This market is among the healthiest in the Portland metropolitan area, with an overall vacancy rate of just over 5%. To-date, the area has been missing a regional retail center, but the proposed development by CenterCal in Oregon City will address that deficiency. Current plans for that center appear to indicate a “lifestyle center” concept, which mirrors a traditional downtown environment. The proximity of this development to the study area will have a profound influence on viable retail forms in the planning area.

The retail market appears to be quite healthy, despite what is probably considerable leakage of regional retail expenditures outside of the area. The recent and anticipated level of residential growth in the area should allow for an expansion of retail opportunities locally, while new development addresses the regional retail needs of the community. Marginal rent levels appear to be adequate to support new construction.

The study area suffers somewhat as a retail location, with limited exposure and a location on the periphery of the urbanized area of Oregon City. There is some opportunity to capture sales from traffic passing through from more rural areas to the east and north, but this will be limited. The existing and projected population base in the study area will likely support only a limited scale of retail development, which will be neighborhood oriented. The largest anticipated tenant would be a grocer, but this is seen as unlikely unless support is anticipated from a broader trade area.

Office Market Trends

Portland Metropolitan Area

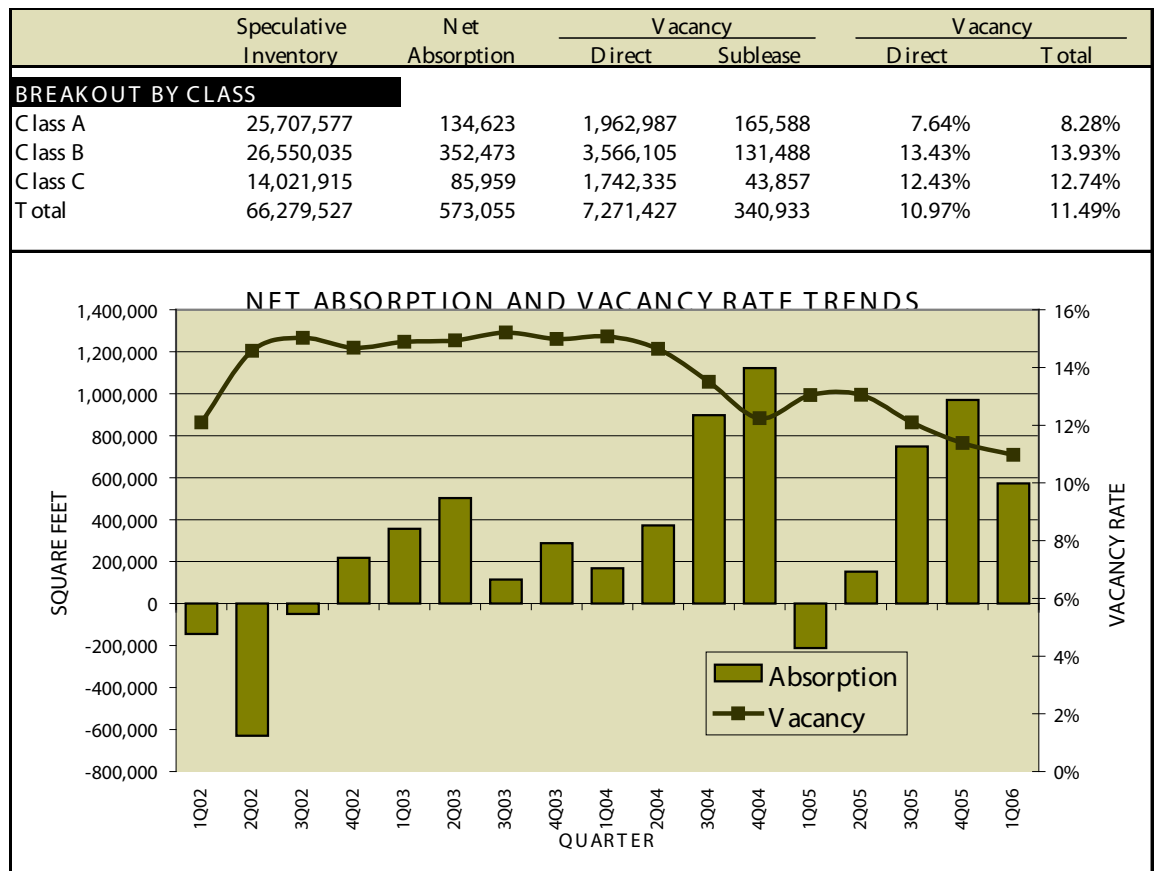
On a metropolitan area level, the office market has been recovering from an extended over-build period. While the overall market was soft, most of the vacancy was felt

	Speculative Inventory	Vacancy	
		S.F.	Rate
BREAKOUT BY CLASS			
Strip/Specialty/Urban	551,236	19,334	3.51%
Community/Neighborhood	1,822,545	108,597	5.96%
Mixed Use	54,500	2,850	5.23%
Power/Regional	0	0	N/A
T total	2,428,281	130,781	5.39%
BREAKOUT BY SUBMARKET			
Damascus/Sandy	202,838	72,058	35.52%
SE Outlying	406,611	3,970	0.98%
Oregon City	1,377,904	52,457	3.81%
Canby	440,928	2,296	0.52%
T total	2,428,281	130,781	5.39%
NET ABSORPTION AND VACANCY RATE TRENDS			

in the tech-heavy Sunset Corridor and downtown Portland submarkets. The suburban markets remained relatively healthy, as population growth continued bringing an associated demand for uses such as medical office.

The Portland metropolitan area's speculative office market reported an increase in overall occupied office space during the first quarter of 2006 of over 570,000 square feet, the fifth-largest quarterly gain in the past five years despite significant new construction. The strong absorption and general tightening of the market suggest a continued positive future outlook. The direct vacancy rate and total vacancy including sublease space dropped to 11.0% and 11.5%, respectively. Office space is typically underwritten with an assumed 10% vacancy rate, which is considered a structural rate of vacancy consistent with a balanced market. Using this baseline, the market overall is still somewhat over-supplied, but moving towards stabilization.

The direct vacancy rate for Class-A space is estimated at 7.6%, or 8.3% with sublease space included, a drop that is consistent with the overall market. Direct vacancy is estimated at 13.4% and 12.4% for Class-B and Class-C space, reflecting a continued move to quality in this buyer's market. An estimated 7.3 million square



feet of tracked space is directly vacant, with 341,000 square feet of space identified for sublease. The amount of sublease space has now declined consistently over the past nine quarters, and both direct and total vacancies have been generally trending downward over the past three years.

We are seeing vacancy rates below 10% in the I-5 South Corridor, the Sunset Cor-

ridor/Hillsboro, and the East Multnomah County subregions. The first two markets, along with Kruse Way/ Washington Square, serve major executive housing concentrations and have performed far better than the Portland CBD over the last decade. The strongest submarkets in terms of occupancy are Close-In Northeast Portland (3.8%), the I-205 corridor in East Multnomah County (5.6%), and Kruse Way in Lake Oswego (6.2%).

Soft market conditions and low net lease rates are expected to limit new supply over the next year to just over 1.0 million square feet, while demand is forecasted to exceed 2.3 million square feet. Our demand forecasts for office space are employment driven, and as a result do not factor in the marginal impact of soft market conditions and reduced effective lease rates. During periods of relatively high vacancy, aggressive leasing tactics have the ability to generate demand through reducing the effective cost of space to tenants. While this can lead to an increase in net absorption, it is important to recognize that the impact is temporary, and does not change the underlying demand for space if priced appropriately. Our projected demand increase reflects predictions for improved economic performance in the region.

Oregon City Area

Oregon City is included within the broader Oregon City/Gladstone/Milwaukie submarket in terms of tracked office space. This market reported a 13.9% vacancy rate at the end of the first quarter of 2006, and is heavily weighted towards lower quality Class B and Class C space. The vacancy rate has improved significantly over the last few years.

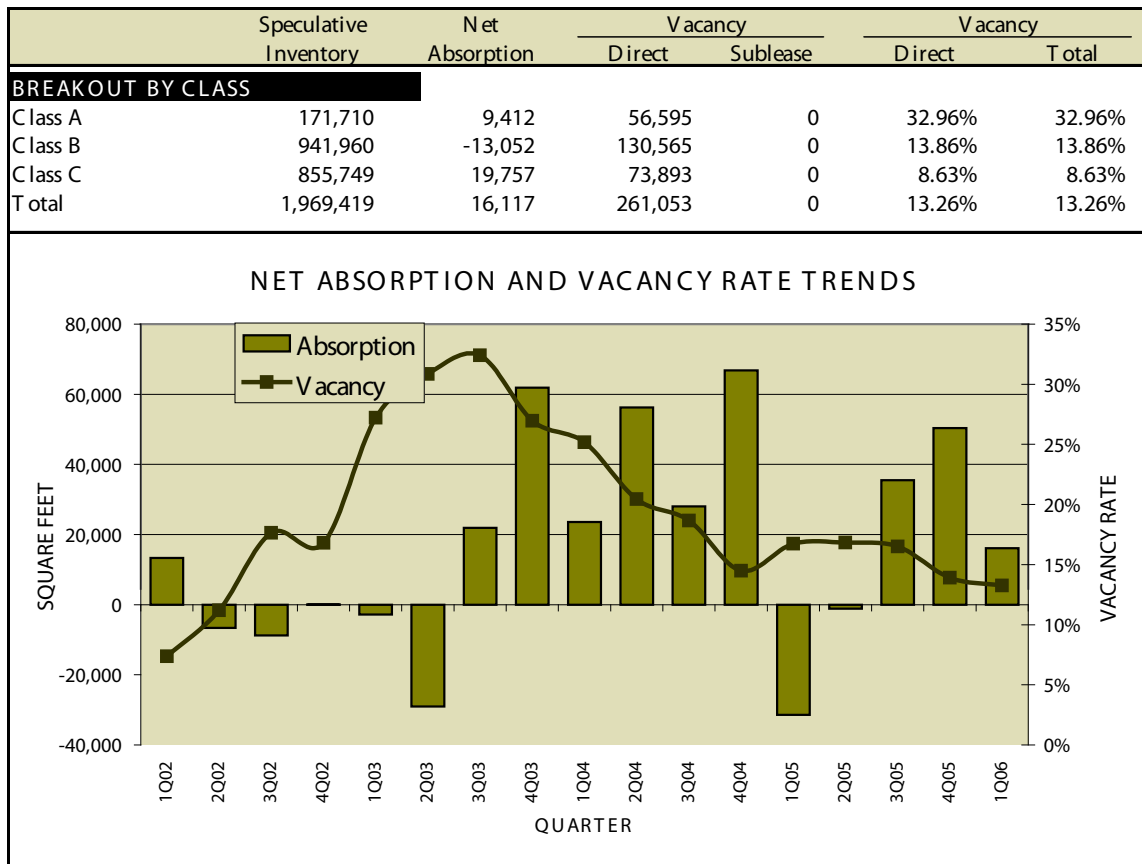
The Oregon City market has only a limited amount of Class A office space, which is typically found in more regional-serving office concentrations with outstanding regional access. Due to the limited visibility and access in the study area, any office space demand will likely be based on community needs, supported by the area's population base. Likely tenant types would include medical office, insurance brokerages, real estate brokerages, title companies, and other professional office users. These types of office tenants will often utilize ground floor commercial space, as they have a significant amount of customer traffic, but can be located in more traditional office configurations.

Conclusion

The study area is characterized by varied topography, with limited access points and visibility. As a result, the predominant land uses in the area is expected to be residential. We would expect that a level of commercial (retail and office) development will be supportable in the area, which will assist in organizing the concept planning while being limited in scale. The metropolitan area economy has been enjoying a period of substantial employment growth. Trends in the commercial and industrial markets also indicate better than reported rates of growth or greater optimism for future space needs. Population growth held steady during the recent economic decline in the Portland metropolitan area, and the recent employment growth indicates that the level of growth can be sustained.

The retail market is currently sound in the Oregon City area, although there is a notable lack of regional-draw retail space. Retail is an area of obvious opportunity in the Oregon City area, as population levels arise and associated levels of local buying power increase. The pending development of a major regional retail center in the immediate area will address the need for the broader community, with retail development in the study area limited to neighborhood supported uses.

The study area is expected to support between 20,000 and 40,000 square feet of retail space when fully developed. The area has limited access points, making it an



unlikely candidate for more regional serving retail services. From a market perspective, a commercial center that can capitalize on through traffic from existing arterials will increase the viability of retail space, particularly during the study area's build-out period.

Office space demand within the study area will respond to community needs, supported by the area's population base and industrial activity. Likely tenant types would include medical office, insurance brokerages, realty companies, title companies, and other professional office users. These types of office tenants will often utilize ground floor commercial space, as they have a significant amount of customer traffic, but could be located in more traditional office configurations.

Commercial development in the planning area is not seen as necessary for the success of the area, which is expected to be developed largely as residential. The commercial needs of the planning area could be met outside of the concept planning area by existing and planned developments. Commercial development can serve in the role of organizing the concept plan, providing a community center. In addition, commercial development can meet some of the needs of the community, providing a marketable amenity for the residential development while reducing trips out of the neighborhood.

References

1. Goal 9 data from the City of Oregon City.

C. Charrette Process



The Preferred Concept for the Park Place study area was developed during a multi-day planning charrette which was held on October 15-October 19, 2006. Following the five-day charrette, the consultant team updated the Preferred Alternative to more accurately reflect the location of existing and proposed streets, neighborhoods and resource areas as well as buildable and non-buildable lands [reference buildable lands table]. Per this process, the revised Preferred Concept Plan became the Final Concept Plan [reference to final plan diagram]. Following is a brief summary of the agenda used at the charrette.

I. Overview of Charette

- Day 1 (Sunday, October 15)

Reviewed with stakeholders the core values and evaluation criteria.

Reviewed with stakeholders the opportunities and constraints diagram.

Conducted site tour with stakeholders of selected locations in the study area.

- Day 2 (Monday, October 16)

Held stakeholder meetings with public agency representatives, property owners, neighborhood group representatives and others, including PAC members (morning).

Consultant team developed five preliminary planning alternatives (afternoon).

Held Public Open House to review and comment on preliminary alternatives (evening).

- Day 3 (Tuesday, October 17)

Met with public agency representatives and others who were unable to attend Day 2 stakeholder meetings and/or decided to return for additional individual meetings.

Consultant team narrowed five preliminary planning alternatives to two refined alternatives; evaluated refined alternatives using evaluation criteria/core values (afternoon).

Held Second Public Open House to review and comment on two refined alternatives using criteria/core values (evening).

- Day 4 (Wednesday, October 18)

Held stakeholder group meetings with public agency representatives, property owners, neighborhood group representatives and others, including PAC members to review refined alternatives and recommend



Charrette Summary/ Alternatives Summary

preferred alternative (morning).

Consultant team refined preferred alternative based on feedback from morning stakeholder group meetings (afternoon).

- Day 5 (Thursday, October 19)

Consultant team continued to refine preferred alternative (morning and afternoon).

Held public meeting (Clackamas County Community College) to present preferred alternative (evening).

II. First Public Open House: Five Alternatives

As described above, Day 2 (Monday, October 16) of the charrette consisted of the team developing five land use and transportation alternatives which were presented to the public in an open house that evening. In general, the Holly Lane Extension, the Front-Holly Extension, the Holly-Swan Extension and the Holly Lane Extension-Variation with Redland Highway were well received by stakeholders. Stakeholders identified the following advantages to these four schemes:

- Direct connections to Holcomb and Redland Roads;
- Protection of riparian areas, floodways, steep slopes and other sensitive environmental or habitat areas;
- Development of mixed-use centers north and south of Redland, with a preferred center at the intersection of Livesay Road and the proposed Holly Lane Extension;
- Protection of the lower Livesay neighborhood cluster; and
- Development of a higher density residential cluster at Holly and Redland.

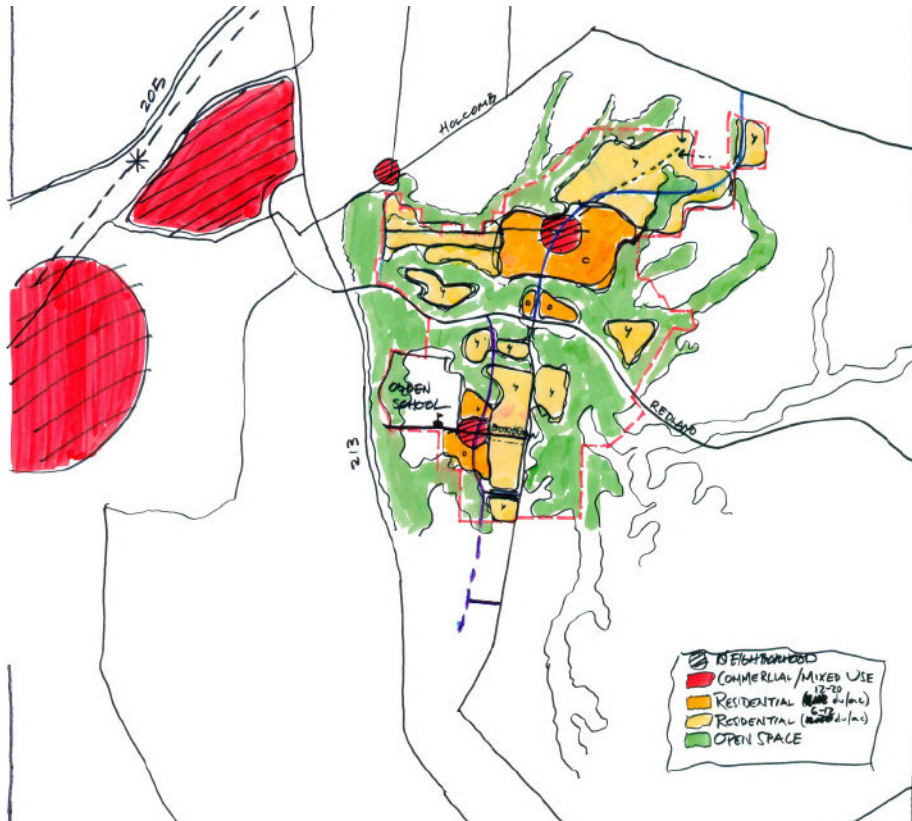
III. Second Public Open House: Two Refined Alternatives

Day three of the charrette (Tuesday, October 13), narrowed the five preliminary planning alternatives to two refined alternatives – the [Holly Lane Extension](#) and the [Swan Avenue Extension](#). Successful common elements of the two schemes include:

- Direct connections to Holcomb and Redland Roads;
- Protection of riparian areas, floodways, steep slopes and other sensitive environmental or habitat areas;
- Development of mixed-use centers north and south of Redland, with a preferred center at the intersection of Livesay Road and the proposed Holly Lane Extension;
- Protection of the lower Livesay neighborhood cluster;
- Development of a higher density residential cluster at Holly and Redland.
- Use of the existing topography to incorporate a new road between Redland

and Holcomb (thereby limiting expensive infrastructure costs);

- Incorporation of a small loop road parallel to Holly and south of Redland;
- The provision of trail corridors along streams and between activity centers and neighborhoods;
- Bicycle and pedestrian connections to adjacent neighborhoods and schools;



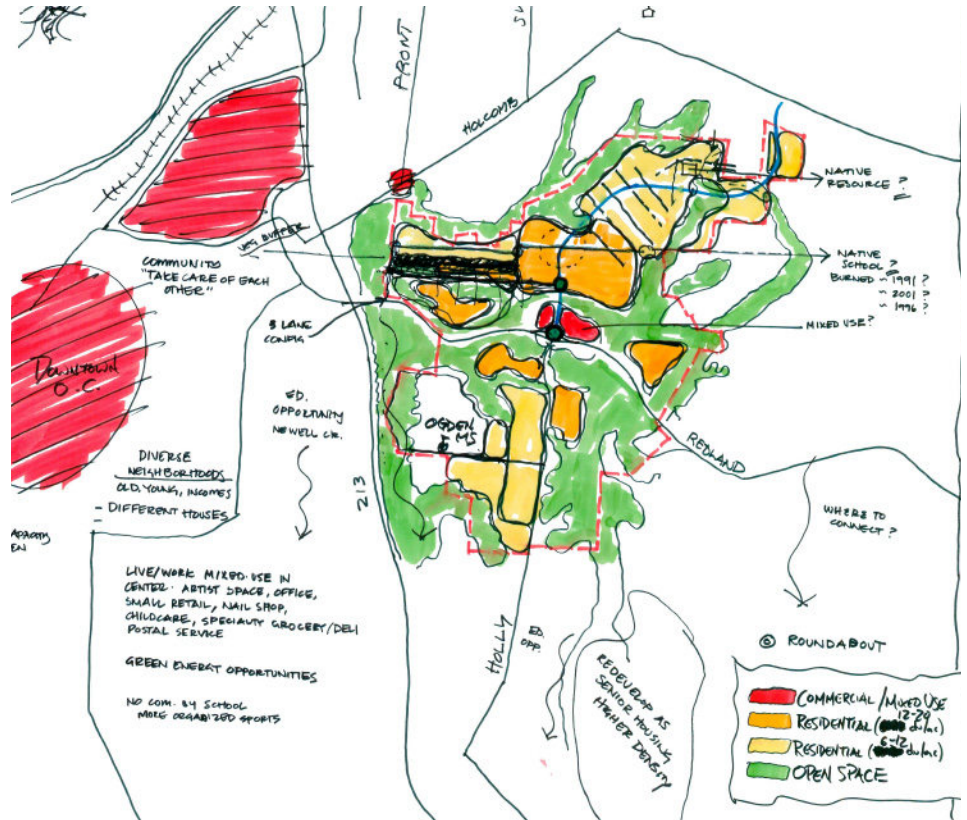
Holly Lane Extension

Unique features of the Holly Lane Extension include

- A new road parallel to the existing Holly Lane that terminates at Redland
- The extension of Holly Lane north of Redland through the pinch point located east of the Trailview Estates neighborhood to the intersection of roughly Holcomb and Barlow

Unique features of the Holly Lane Extension-Variations with Redland Highway include:

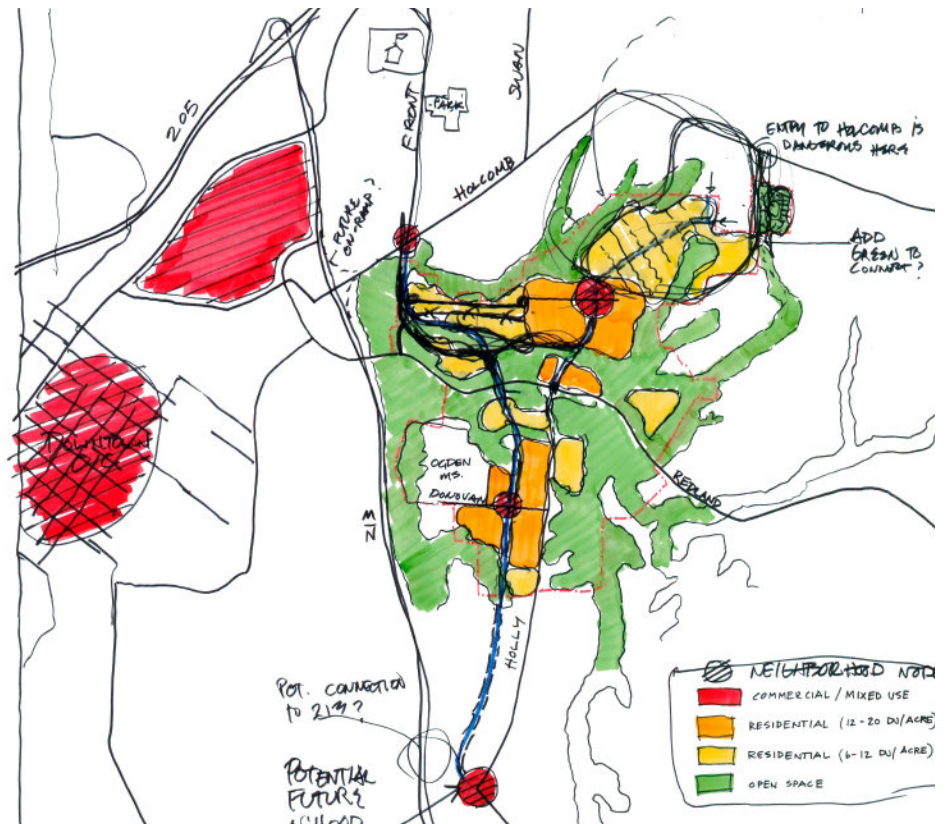
- A smaller loop road parallel to the existing Holly Lane that starts and ends at Holly Lane
- The extension of Holly Lane north of Redland through the pinch point located east of the Trailview Estates neighborhood to the intersection of roughly Holcomb and Barlow



Holly Lane Extension/Variations

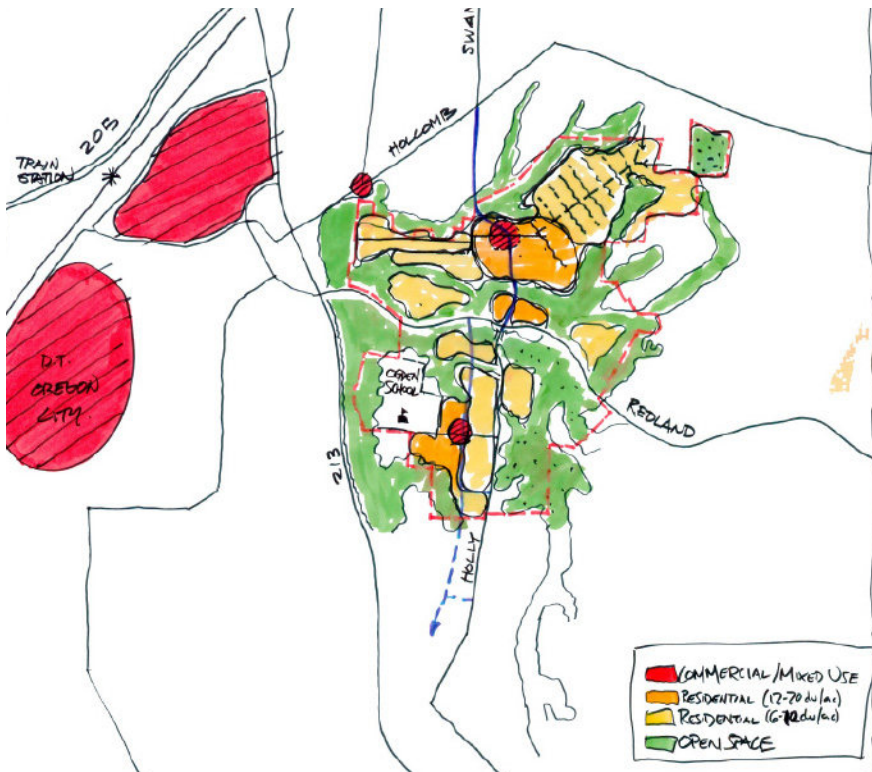
Unique features of the Front-Holly Extension include:

- A new road parallel to the existing Holly Lane that crosses Redland and connects to Front Street, west of lower Livesay Road
- A new mixed-use commercial center at the intersection of Holcomb and Fronts Street
- The extension of Holly Lane north to the existing street network within the Trailview Estates Neighborhood.

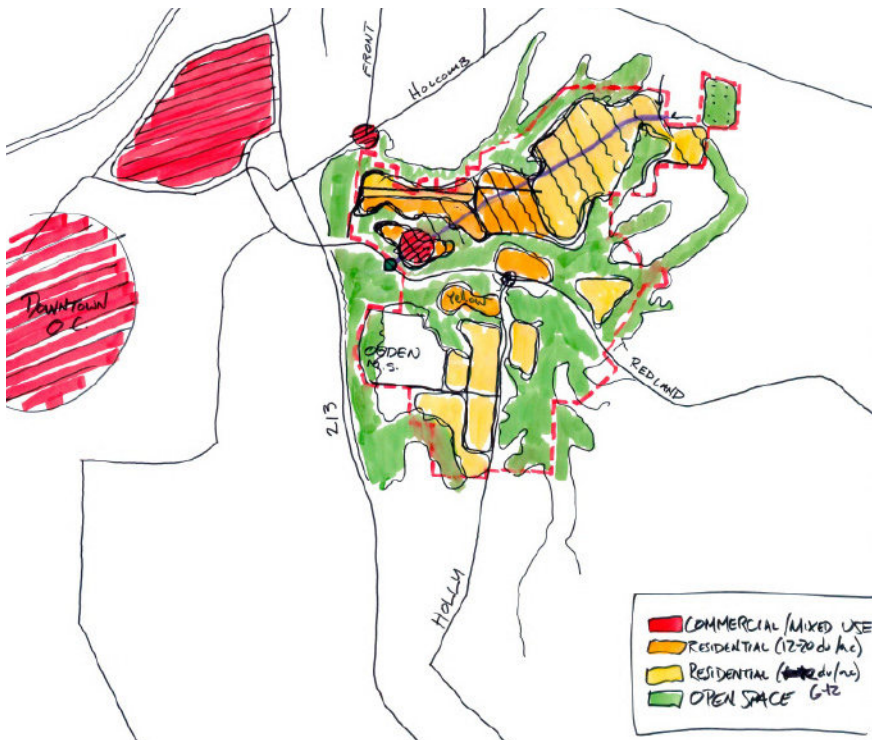


Front/Holly Extension

Charrette Summary/ Alternatives Summary

**Unique features of the Holly-Swan Extension include:**

- A new road parallel to the existing Holly Lane that terminates at Redland
- An extension of Holly Lane to Swan Avenue
- An extension of Upper Livesay Road to the existing street network within the Trailview Estates Neighborhood

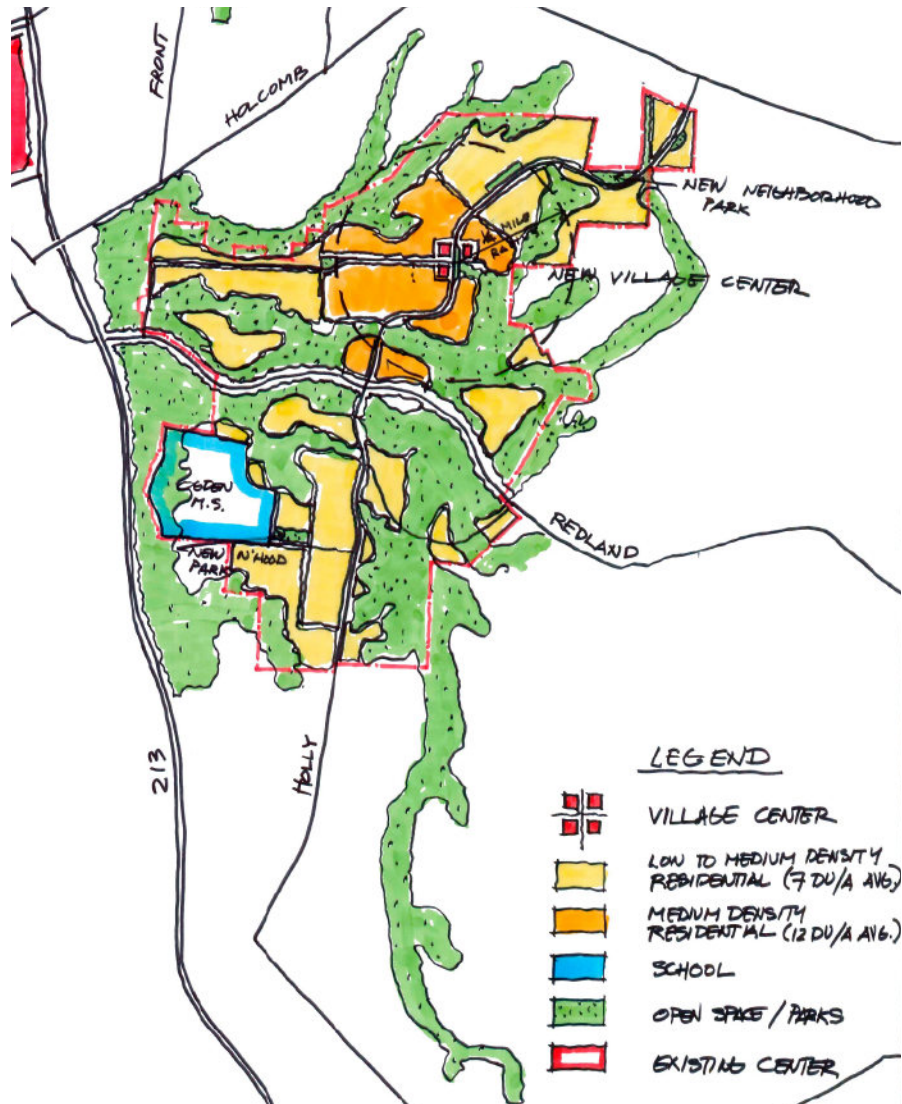
Holly/Swan Extension**The No Extension Alternative garnered limited support from stakeholders.****Disadvantages of this scheme include:**

- No direct connections between Holcomb and Redland
- Lack of north-south connections through the larger study area
- The location of a large node west of Holly near the Highway 213 / Redland Interchange which does not serve the heart of the future community

No Extension

Unique features of the Holly Lane Extension include:

- Extension of Holly Lane north of Redland to Holcomb Avenue, east of Trailview
- Retention of the existing single-family residential pattern, south of Redland
- Incorporation of medium density housing and neighborhood commercial-oriented land uses around a node at Upper Livesay and Holly Lane.

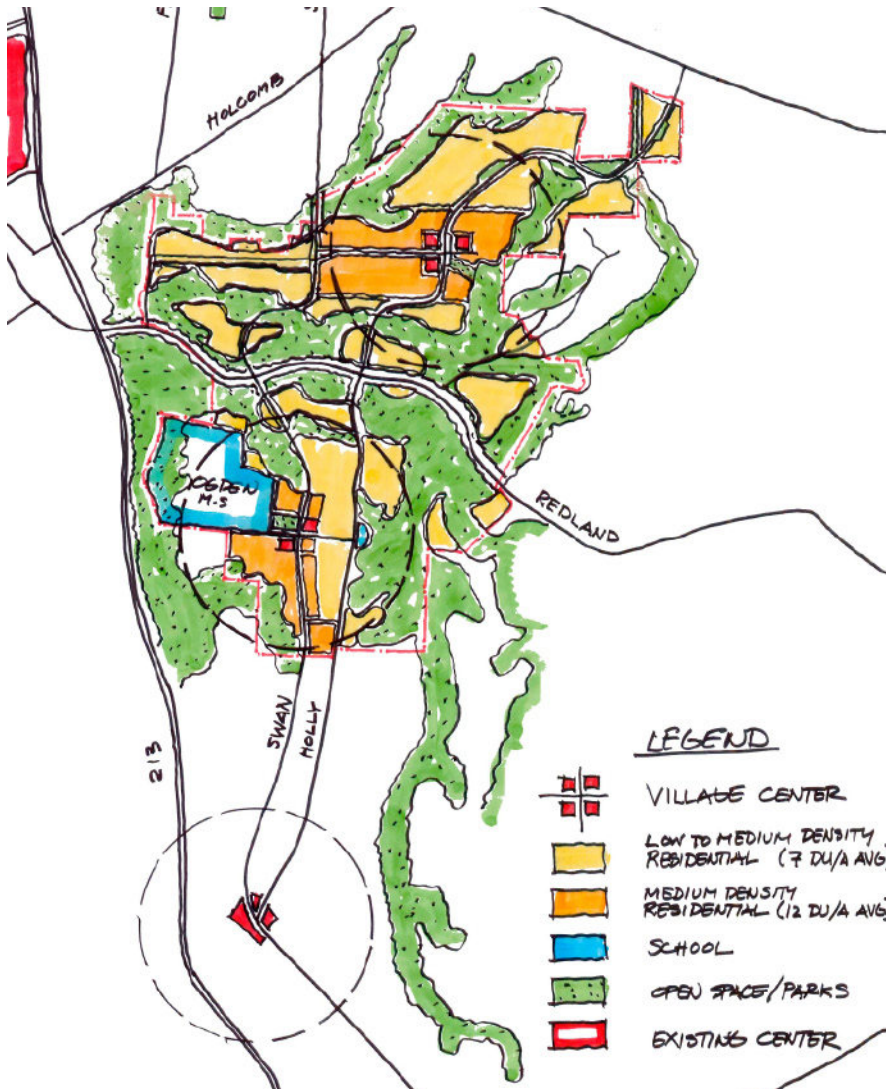


Holly Lane Extension

- Development of a mix of medium density (1 unit per 6,000 square feet) and higher density (1 unit per 3,500 square feet) housing.

The primary difference between the two refined alternatives is how the north-south connection through the site is treated. The **Holly Lane Extension** treats Holly Lane as the sole north-south connection. The new roadway builds off the existing roadway, which currently terminates at the intersection of Holly Lane and Redland Road. The new, extended roadway crosses Redland where it intersects with upper Livesay, creating the opportunity for a neighborhood-oriented commercial node, before connecting to Holcomb Road, east of Trailview.

By putting all the emphasis on Holly Lane, it is expected that the existing roadway and proposed street extension, as well as the existing bridge will need to be significantly enlarged to handle the traffic associated with the proposed new development north of Redland Road, as well as the increasing number of subdivisions in the area. As part of the Holly Lane Extension proposal, the existing single-family residential development pattern south of Redland Road would



Unique features of the Swan Avenue Extension include:

- Extension of Holly Lane north of Redland to Holcomb Avenue, east of Trialview.
- Extension of Swan Avenue, which is identified in the City of Oregon City's Transportation System Plan as a collector, across Redland Road through Donovan Road.
- Development of a mixed-use "Main Street" along Upper Livesay.
- Incorporation of medium density housing and neighborhood commercial-oriented land uses at Donovan and Swan.
- Development of a Main Street along Livesay between Holly and Swan.
- Development of a node (gateway) at the intersection of Lower Livesay and Swan Avenue.

Swan Avenue Extension

be retained, with lands identified as buildable in the Buildable Lands Analysis developing over time with low and medium density single-family housing.

The **Swan Avenue Extension** proposal increases connectivity through the study area by adding a new north-south connection to Swan Avenue, in addition to the Holly Lane Extension. Both Holly Lane and Swan Avenue are designated as a City Collector in the City of Oregon City's Transportation System Plan. In this scheme, Swan Avenue is extended southward across the ____ ravine through the intersection of Upper and Lower Livesay Road, across Redland Road through Donovan Road, before connecting with Holly Lane. Development of this secondary collector parallel to Holly Lane will provide additional opportunities for north-south connections through the study area, and is expected to help minimize the cross section width of both Swan Avenue and Holly Lane. In the short term, until traffic volumes increase with new development in the region, Holly Lane, including the bridge over Abernathy Creek would function using the existing right of way.

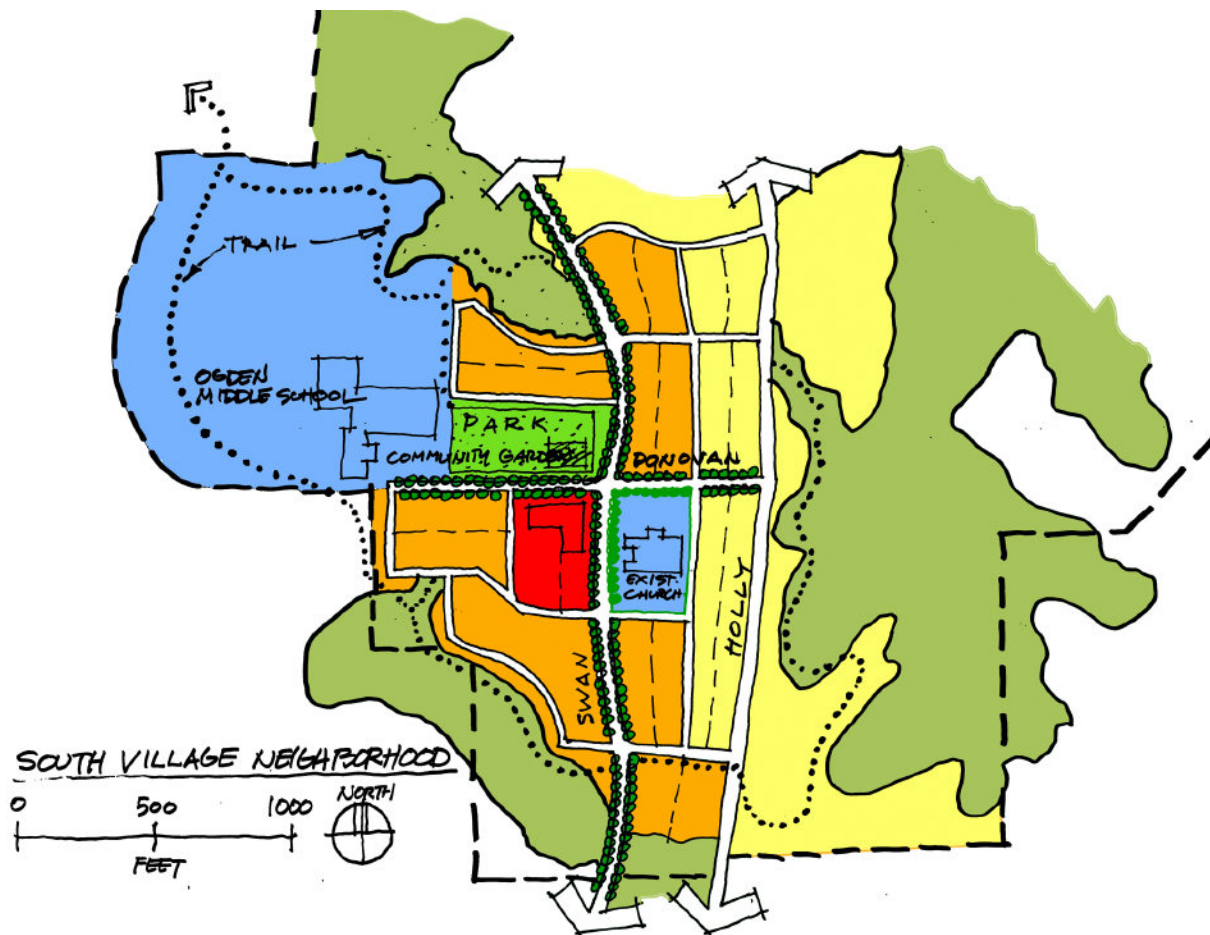
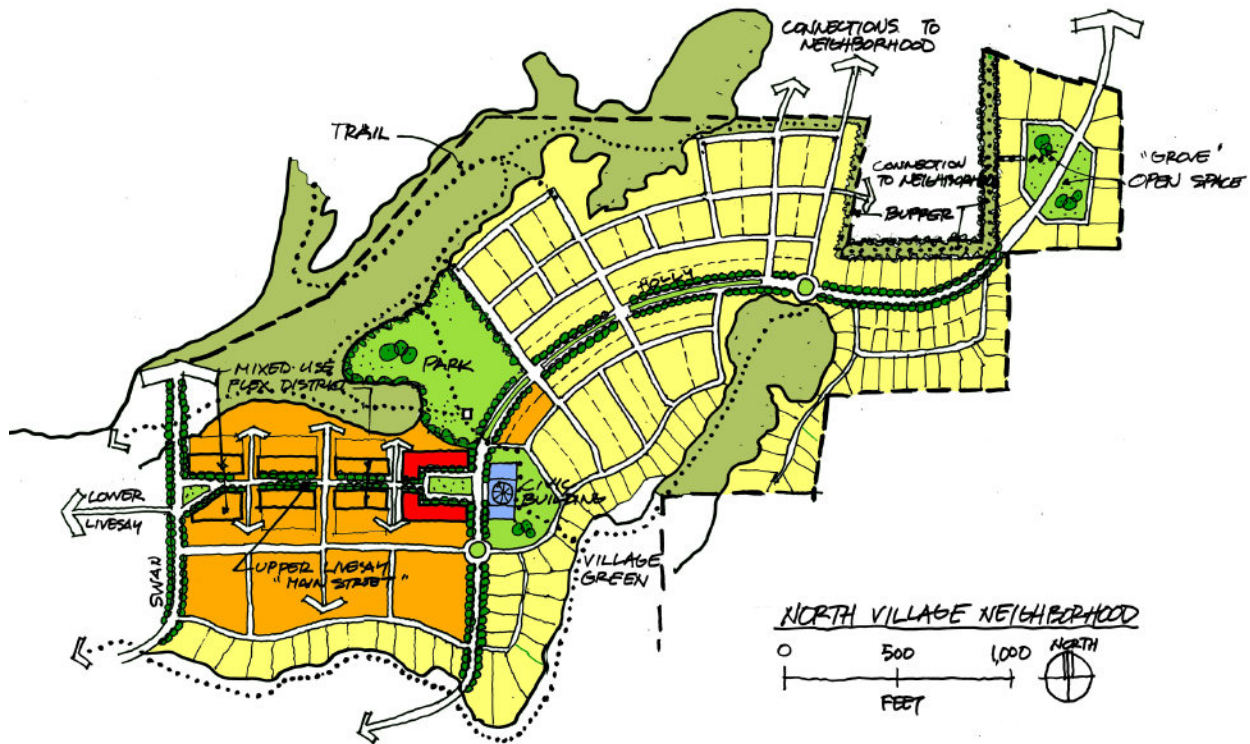
In addition to increased connectivity, the Swan Avenue Extension incorporates a commercial node both north and south of Redland Road. The Alternative North

Village Neighborhood envisions a Mixed-Use “Main Street” along upper Livesay between Holly Lane and the proposed Swan Avenue Extension. A smaller village is proposed to the south at the intersection of Swan Avenue and Donovan Road.

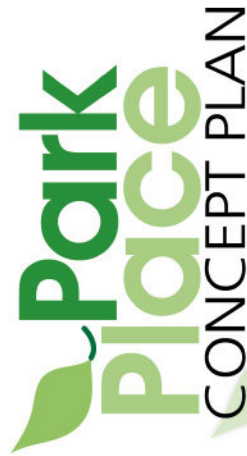
Evaluation of the Two Refined Alternatives

On Tuesday evening, about 50 people attended a community open house. Participants reviewed and commented on the two Refined Alternatives. Earlier in the afternoon, the team performed an evaluation of the two alternatives using the evaluation criteria developed for the project. The team asked for comment, and conducted discussions with participants about the alternatives and the evaluation.

Y= Yes H= High Medium N=No L=Low		
--- = Not enough information to evaluate. To be assessed during subsequent phase.		
Criteria	Alt. 1: Holly Ln.	Alt. 2: Swan Ave.
Community Design		
Identifiable centers and green edges	Y	Y
Existing low density clusters	Y	Y
Mix of housing types and densities	M	H
Housing affordable to range of incomes	M	M
Greenway, street lighting, street furnishings	---	---
One or more mixed use centers	M	H
Central public space	Y	Y
Future school sites	N	N
Natural Resources		
Parks and open space per guidelines	Y	Y
Trail and open space connections	Y	Y
Protect natural resources	H	H
Avoid development in stability hazard areas	Y	Y
Water Infrastructure		
Mimic existing hydrology	---	---
Consistent with capacity of infrastructure	---	---
Optimize existing infrastructure	---	---
Transportation		
Street sized to handle future growth	Y	Y
Provide safe environment for all modes of travel	M	H
Opportunities for all modes of travel	M	H
Connectivity within and outside study area	M	H
Minimize increases in impervious surfaces	H	M
Minimize adverse impacts on existing properties	M	M
Financing and Other Criteria		
Funding sources pay for facilities and services	---	---
Uses fund costs of added services	---	---
Open and transparent process	---	---
Y= Yes H= High Medium N=No L=Low		



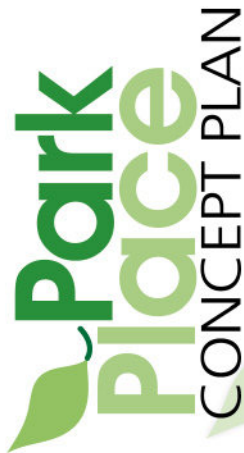
D. Evaluation Criteria



Draft Evaluation Criteria

These criteria are intended to be both quantifiable and where appropriate quantifiable. These criteria build off applicable local and regional community development standards and practices. Criteria that involve quantitative or qualitative comparisons will use a consistent scale (low/medium/high or 1/2/3 for comparison purposes).

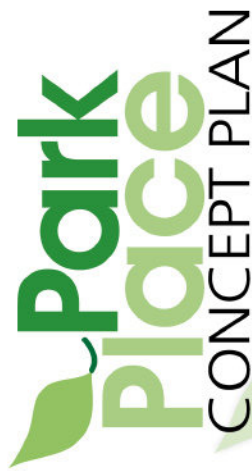
- ☐ Do alternatives have easily identifiable centers and green edges that serve as a buffer between developed and natural areas? (yes/no criterion)
- ☐ Does the alternative maintain existing clusters of low density residential development and meet community / study area goals? (yes/no criterion)
- ☐ Is the potential mix of different types and densities of housing, in the alternative, compatible with existing community-wide conditions or goals? (yes/no; quantitative measure and comparison of alternatives)
- ☐ Does the alternative include housing types that are affordable to households with lower incomes (e.g., multi-family, single-family attached and single family homes on small lots)? (quantitative measure and comparison of alternatives)
- ☐ Does the alternative include potential designated gateways, street lighting, street furnishings or historical / artistic elements that add to the legibility of the neighborhood? (yes/no criterion)
- ☐ Does the alternative include one or more neighborhood commercially oriented uses or centers? (yes/no criterion)



Park Place

CONCEPT PLAN

- ☐ Is the heart of the commercial node oriented to a central public space or center? (yes/no criterion)
- ☐ Do the alternatives identify the location of future schools (and other civic uses) based on projected population estimates? (yes/no criterion)
- NATURAL RESOURCES: PARKS, OPEN SPACE, NATURAL AND SENSITIVE ENVIRONMENTAL AREAS**
- ☐ Does the alternative provide for parks and/or open space, consistent with city or national goals or standards? (quantitative comparison to existing or proposed standards)
- ☐ Does each alternative identify trail or open space connections between centers (yes/no for part 1 and low/medium/high for part 2)
- ☐ Does the alternative preserve and enhance existing natural resources (i.e., floodways, riparian areas, wetlands and wildlife habitat) and avoid development in inappropriate sites? (qualitative assessment and/or quantitative measure of the amount of constrained land devoted to open space and/or resource protection)
- ☐ Does the alternative avoid development in areas with slope stability hazard potential based on available slope stability information and assessment of degree of risk by consulting team? (yes/no criterion)



Park Place

CONCEPT PLAN

WATER INFRASTRUCTURE: STORMWATER, WATER AND SANITARY SEWER FACILITIES

- ☐ Do alternatives mimic natural hydrology (to the extent practicable) through the use of site-specific and regional stormwater management best management practices? (Assess existing watershed characteristics and relative impacts of each alternative)
- ☐ Are projected levels of development consistent with the capacities of existing or potential planned future infrastructure systems? (yes/no criterion)
- ☐ Do alternatives optimize the use of the existing infrastructure systems and improved infrastructure systems? (yes/no for part 1 and low/medium/high for part 2)

TRANSPORTATION INFRASTRUCTURE

- ☐ Are existing and proposed streets appropriately sized to accommodate projected growth in the planning area? (yes/no criterion)
- ☐ Will proposed transportation improvements provide a safe environment to travel by each mode? (qualitative: low/medium/high criterion)

TRANSPORTATION INFRASTRUCTURE, continued.

- ☐ Are there appropriate opportunities to travel by multiple modes of transportation (walking, bicycling, driving, and transit) and are residents likely to use such facilities? (yes/no for part 1 and low/medium/high for part 2)
- ☐ Are there appropriate levels of connectivity by multiple modes within the area and to other areas of the community? (qualitative: low/medium/high criterion)
- ☐ Do proposed transportation improvements minimize increases in impervious surface and related environmental impacts? (qualitative: low/medium/high criterion)

FINANCING AND OTHER CRITERIA

- ☐ Do probable funding needs and prospective funding methods pay for enhanced levels of public service? (yes/no criterion)
- ☐ Do the alternatives optimize the use of existing public services and facilities? (yes/no criterion)



Park Place

CONCEPT PLAN

FINANCING AND OTHER CRITERIA, continued.

- ☐ Do the alternatives provide for a land use mix with fiscal characteristics adequate to fund the marginal cost of law enforcement, fire and other emergency services? (yes/no criterion)
- ☐ Was the Park Place Concept Plan an open and transparent process that is characterized by a clear, complete, timely and open communication and meaningful opportunities for involvement in the planning process? (yes/no criterion; approach: qualitative assessment by PAC members and community forum participants through evaluation questionnaire)
- ☐ Do the alternatives identify the location of future schools (and other civic uses) based on projected population estimates? (yes/no criterion)

E. Buildable Lands Methodology

Park Place Buildable Land Inventory Methodology

Title 11 of Metro's Urban Growth Functional Plan states that new urban area plans require a "provision for average residential densities of at least 10 dwelling units (du) per acre of net vacant buildable land in zones..." This average residential density is only applicable to areas recently added to the urban growth area. This section defines the term "buildable lands" for Park Place Concept Plan study and outlines a strategy for determining which lands within the project area qualify as "buildable lands." The purpose of this exercise is to determine the density of development required as part of Title 11.

For this study, buildable land is defined as land that is suitable for development or redevelopment. Briefly, the methodology for determining suitable lands in the Park Place project area is as follows:

Vacant Land + Redevelopable Land - Constrained Land - Other Land = Gross Buildable Land

Definitions

Vacant Land is sourced through Metro's Regional Land Inventory System (RLIS). This process, outlined in detail in Chapter 4 of the 2002-2022 Urban Growth Report: A Residential Land Need Analysis, defines vacant land as tax parcels with no improvement value or buildings, and partially-vacant land as parcels with an undeveloped portion of a lot that is larger than one-half acre. In this context, vacant land is simply that. It does not indicate whether the parcel is buildable or marketable.

Redevelopable Land is defined as non-vacant land that meets redevelopment thresholds established by market professionals and community members during the planning process. The primary assumption is that all properties with a square foot value (SFV) of \$10/sf or less is a candidate for redevelopment. The SFV is derived by dividing the total market value of the property by the total area (market value/area = \$/sf).

Constrained Land is land that is considered environmentally-sensitive and/or has limited or no redevelopment potential. Constrained lands considered unbuildable for inclusion in the buildable lands inventory are:

Class I and II Riparian Habitat areas (recognized as "High" and "Moderate" Habitat Conservation Areas (HCA) by Metro)

Steep slopes – Slopes greater than 25%

Major easements

Other Land is defined as land that has cultural and/or historic value. The category is also open to land that may be omitted from the buildable inventory for reasons not currently apparent.

Gross Buildable Area and Net Buildable Area

Since the residential density is based on "net buildable land," it is necessary to convert gross buildable land to net buildable land to account for land needs for new roadways, sewer infrastructure, other public facilities, and civic institutions (i.e., churches, fraternal organizations, etc.) This planning process proposed using a methodology similar to that used for the Damascus-Boring Concept Plan, which allocates percentages of the gross buildable land for these services based on past performance, professional judgement, and community input. We proposed the following percentages to accommodate land needs for new infrastructure:

New Local Streets – 18%

Storm Drainage – 2.5%

Police, fire, and civic institutions – 3.5%

The total percentage of land deducted from the gross buildable area is 24%. Therefore, the equation for net buildable land is:

Gross Buildable Land – (24% of Gross Buildable Land) = Net Buildable Land

Net Buildable Lands Summary - UGB Expansion Area		
		acres
+	Vacant land (1)	208.36
+	Redevelopable Land (2)	38.54
	<i>Development Base aggregate</i>	<i>246.9</i>
-	25% > slopes (3)	70.1
-	Habitat Conservation Areas (4)	33.3
-	Right-of-way needs (5)	25.8
-	Stormwater facilities (6)	3.6
-	Civic uses (7)	5.0
-	School area	n/a
-	Historic properties - listed landmark (8)	0
-	Easements	
	Total buildable land	109.1
	Required minimum density (10 du/acre)	1091

Notes:

- (1) RLIS database inventory (2006) clipped to expansion area
- (2) Clackamas County Total Market Value / Total Area (sf) of \$10/sf or less
- (3) 25% > slopes clipped to development base generated off a TIN from 2' contour shapefile
- (4) Habitat Conservation Areas (HCA) with a rating of "High" or "Medium" as determined by Metro
- (5) 18% of "buildable" land, as determined by Clackamas County (Pleasant Valley/Damascus Concept Plan)
- (6) 2.5% of "buildable" land as determined by Clackamas County (ibid)
- (7) 3.5% of "buildable" land for civic uses, including parks, police and fire
- (8) Identified in the Clackamas County historic inventory as a "landmark"

Buildable Land Summary - Livesay Area		
		acres
+	Vacant land (1)	129.5
+	Redevelopable Land (2)	42.1
	<i>Development Base aggregate</i>	<i>171.6</i>
-	25% > slopes (3)	37.2
-	Habitat Conservation Areas (4)	11.5
-	Right-of-way needs (5)	22.1
-	Stormwater facilities (6)	3.1
-	Civic uses (7)	4.3
-	School area	n/a
-	Historic properties - listed landmark (8)	1.66
-	Easements	
	Total buildable land	91.7
	at R-10 zoning density (4 du/acre)	367

Notes:

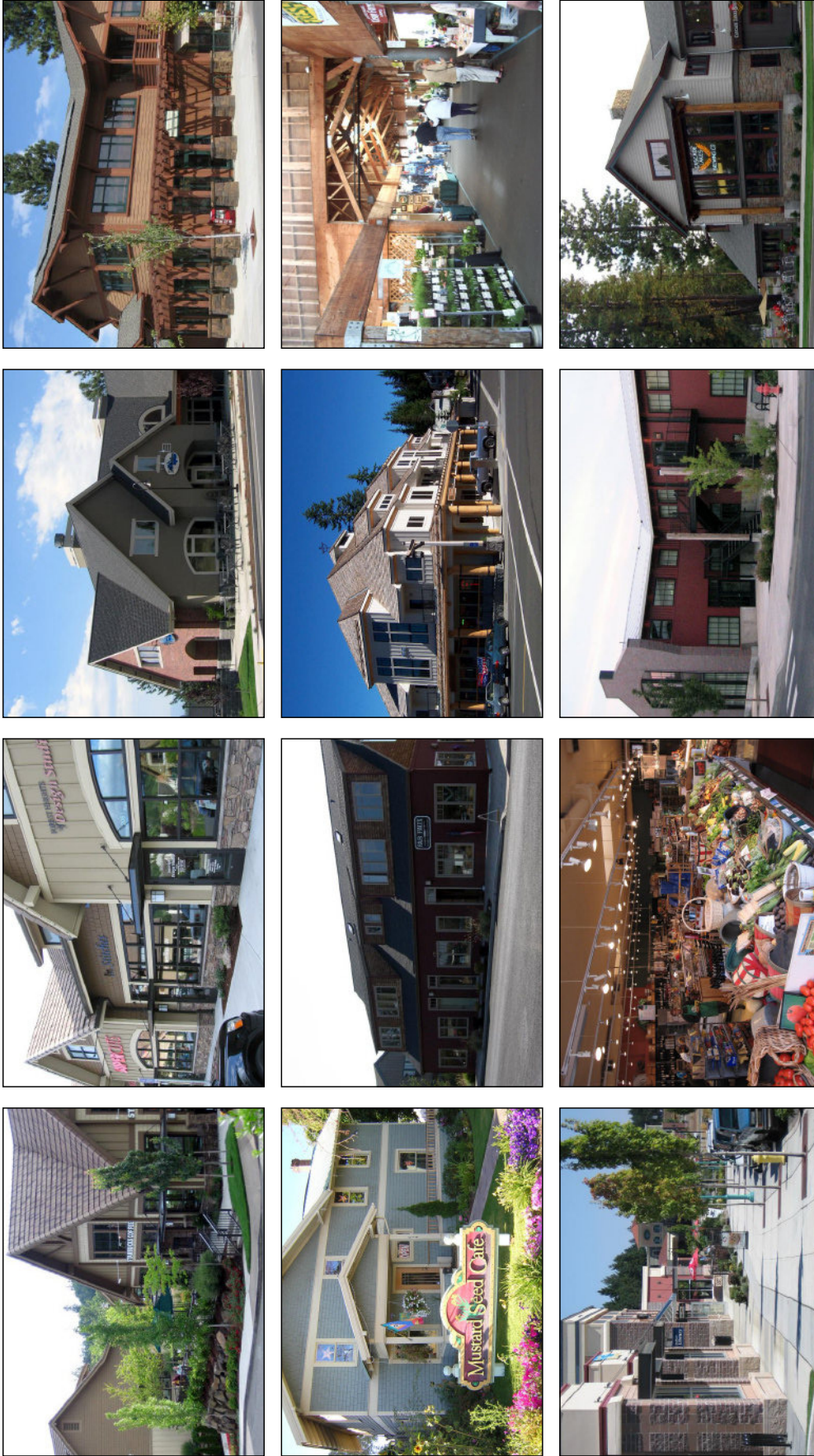
- (1) RLIS database inventory (2006) clipped to Livesay area
- (2) Clackamas County Total Market Value / Total Area (sf) of \$10/sf or less
- (3) 25% > slopes clipped to development base generated off a TIN from 2' contour shapefile
- (4) Habitat Conservation Areas (HCA) with a rating of "High" or "Medium" as determined by Metro
- (5) 18% of "buildable" land, as determined by Clackamas County (Pleasant Valley/Damascus Concept Plan)
- (6) 2.5% of "buildable" land as determined by Clackamas County (ibid)
- (7) 3.5% of "buildable" land for civic uses, including parks, police and fire
- (8) Identified in the Clackamas County historic inventory as a "landmark"

F. Typology

PARK PLACE: COMMERCIAL TPOLOGIES

VILLAGE COMMERCIAL

Mixing residential and commercial activities contributes to “eyes on the street” and focuses human activity in core areas at all times of the day. Commercial can be retail, office or civic uses, depending on demand.



PARK PLACE: PARKS AND OPEN SPACE TYPOLOGIES

UNDEVELOPED NATURAL AREAS

Undeveloped natural areas are unprogrammed open areas typically consisting of steep slopes, wetlands, and other sensitive natural areas.



preserving creek corridors as open space provides benefits for both habitat and humans



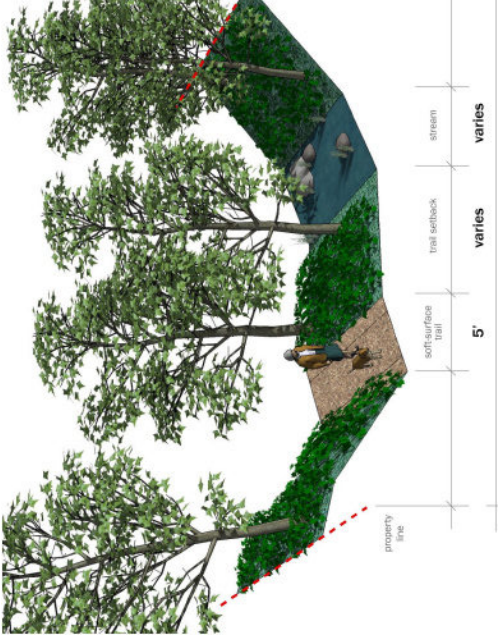
preserved wetlands can provide a natural buffer and transition area between development and natural areas



clusters and significant stands of trees should be preserved for habitat, shade, and windbreak



a greenway is a more formal way to preserve mature trees and open space and improve connectivity through the community



PARK PLACE: PARKS AND OPEN SPACE TYPOLOGIES

DEVELOPED OPEN SPACE: PARKS

This type of open space is intended to provide public gathering and recreation space for community residents. A neighborhood park should be within 1/2 mile of each home in the community so that residents can easily walk or bicycle to them. Ideally, the parks should be connected with a trail system.

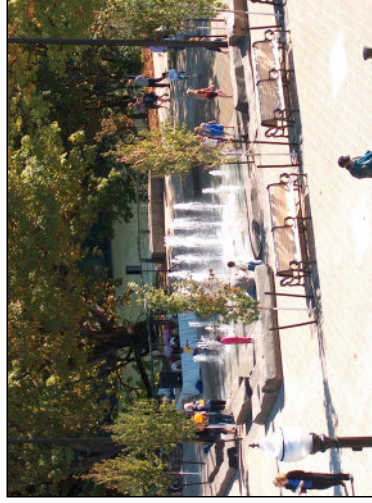


PARK PLACE: PARKS AND OPEN SPACE TYPOLOGIES

DEVELOPED OPEN SPACE: VILLAGE CENTER COMMONS



A Village Center Plaza or Commons provides a mix of soft and hardscapes for a variety of community uses, like farmers' markets, bazaars, concerts, and festivals. The urban design of the space creates a sense of enclosure but also permeability, with access from multiple points.

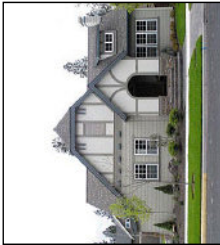


PARK PLACE: RESIDENTIAL TYPOLOGIES

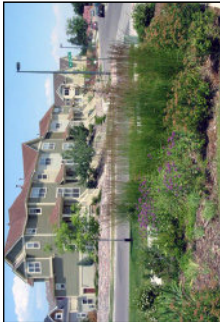
SINGLE-FAMILY RESIDENTIAL



Single-family houses can be a range of sizes, styles, and colors. Above all, they should be community-oriented with architectural elements that encourage “eyes on the street” and neighbor interaction.



Rural roots. Variety. Community oriented. Green. Quality. Classic.



SINGLE-FAMILY RESIDENTIAL: affordable alternatives

Part of the challenge of meeting the housing needs of a growing and thriving region is to offer housing types that address the values that drive demand for detached, single family housing, but with smaller spaces and smaller price tags.



Housing Variety

Houses don’t always have to have to maximize their size to provide a quality living space. A variety of housing sizes and types attract a mixture of ages, incomes, family structures and lifestyles to help create a richer, more diverse community.

Cottage Clusters

Cottage housing provides an option that preserves the privacy and personal space of a detached house in a smaller and less costly unit. Cottages provide a way to trade **quantity** of space **for quality** of space.

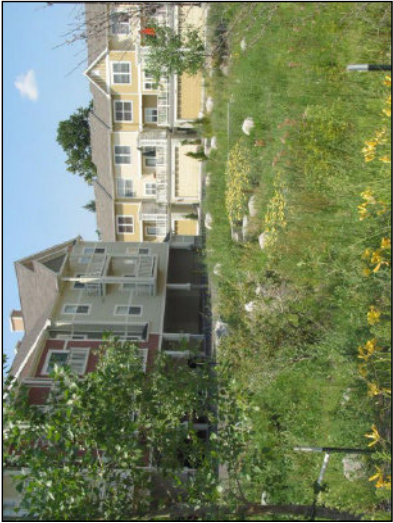
MULTI-FAMILY HOUSING



There are a variety of ways to provide quality, community-oriented apartments. In some cases, apartment complexes can be designed to look like single-family residences and contain six or seven apartments. This provides density without dramatically changing the character of the neighborhood.



Highland's Garden (Denver, CO)



Multi-family housing clustered around common open spaces (instead of parking lots) help foster a sense of community that usually isn't found in conventional apartment complexes. Vehicle access is provided in the rear and with alleys.

MULTI-FAMILY HOUSING: alternatives



An ADU over a garage.

An auxiliary dwelling unit (ADU) or "granny flat" is a second self-contained dwelling unit created on a lot with a house, attached house or manufactured home. These dwellings are typically small (no larger than 800 sf) and are intended to provide housing options for a variety of single occupant tenants. Units can be joined to/over garages or stand alone on the property.

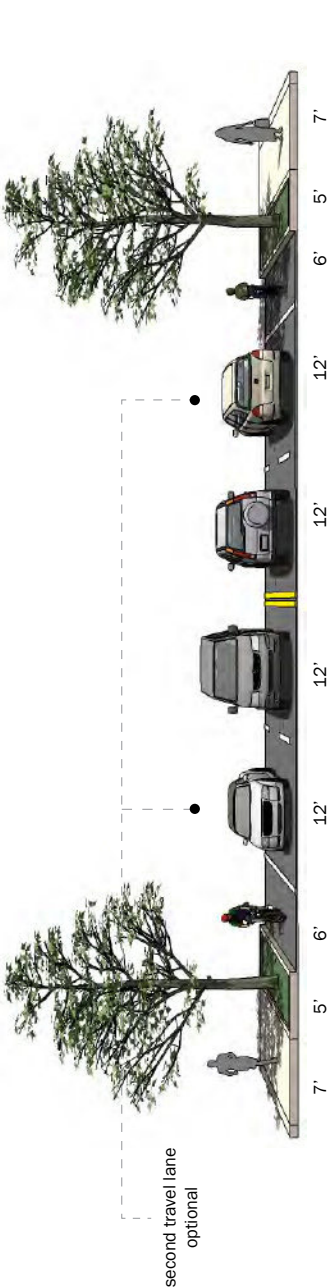


The Rose House is a net-zero energy ADU in Portland. Net-zero energy means that the house produces as much energy as it uses.

PARK PLACE: ROADWAY TYPOLOGIES ARTERIAL ROADS

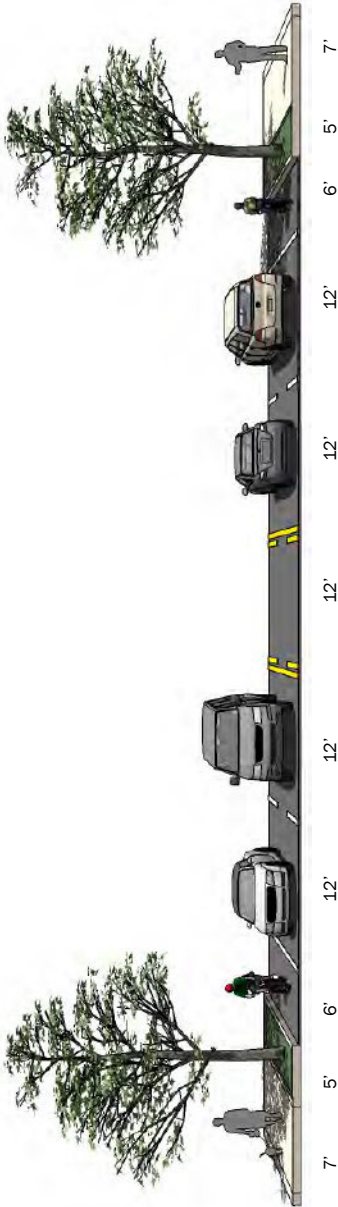
MINOR ARTERIAL 1

TOTAL ROW = 86'
TOTAL ROW WITHOUT SECOND
TRAVEL LANE = 62'



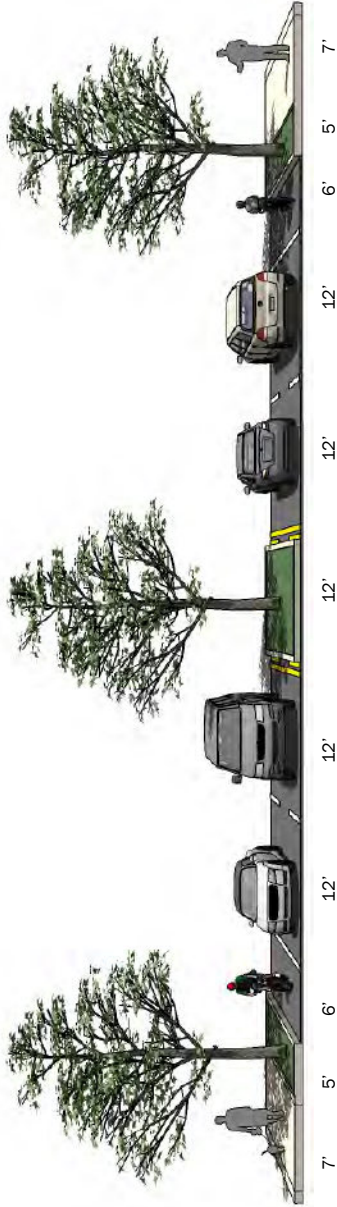
MINOR ARTERIAL 2

TOTAL ROW = 98'



MINOR ARTERIAL 3

TOTAL ROW = 98'



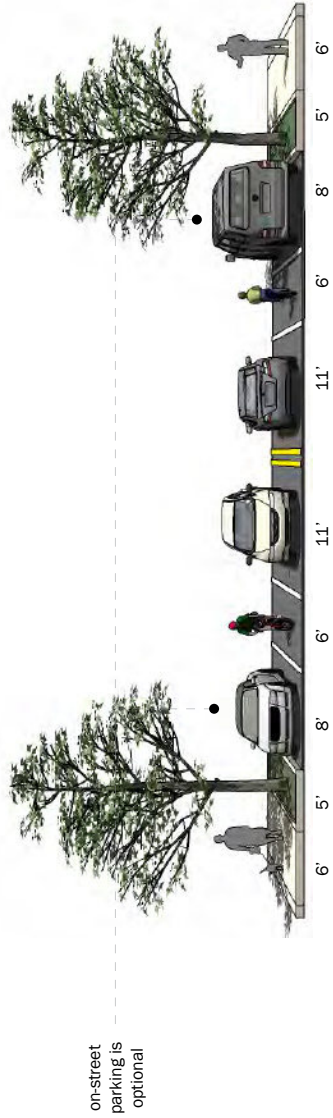
PARK PLACE: ROADWAY TYPOLOGIES

COLLECTOR ROADS

COLLECTOR 1

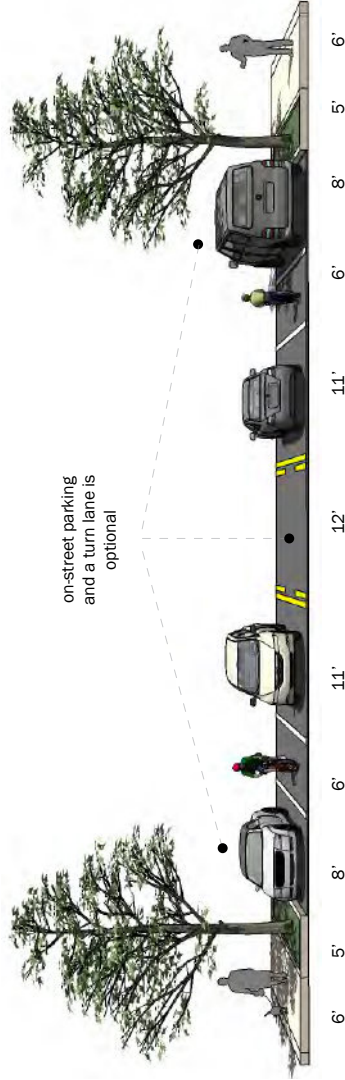
TOTAL ROW = 74'

TOTAL ROW WITHOUT PARKING = 58'



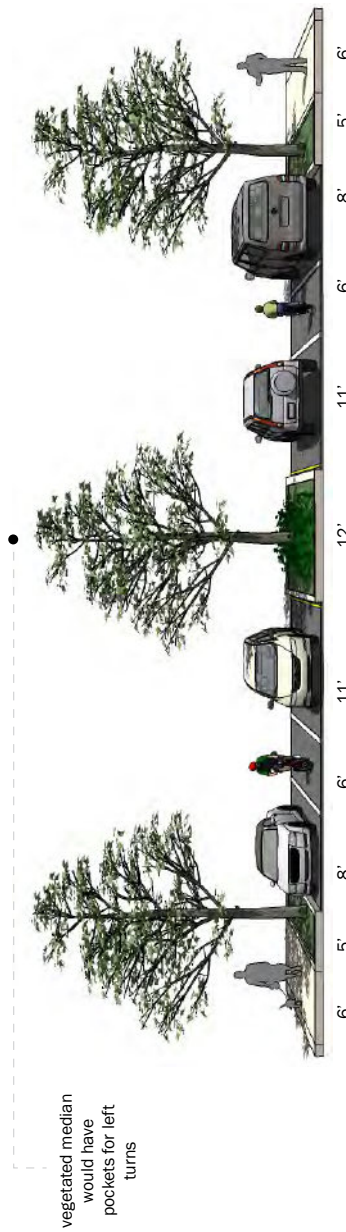
COLLECTOR 2

TOTAL ROW = 86'



COLLECTOR 3

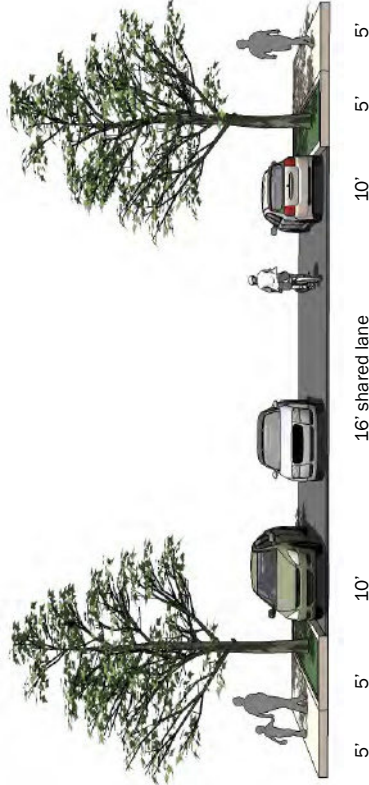
TOTAL ROW = 86'



PARK PLACE: ROADWAY TYPOLOGIES LOCAL ROADS

LOCAL ROAD 1

TOTAL ROW = 58'



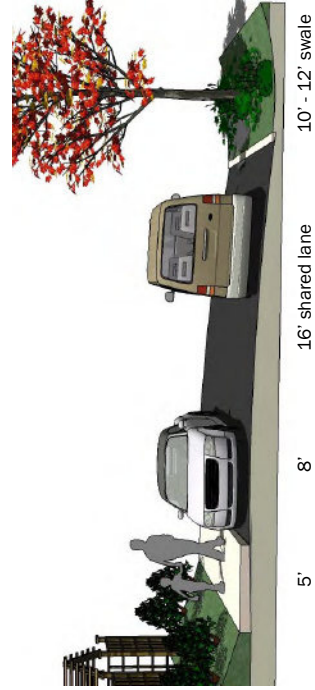
LOCAL ROAD 2

TOTAL ROW = 36'



HILLSIDE ROAD *

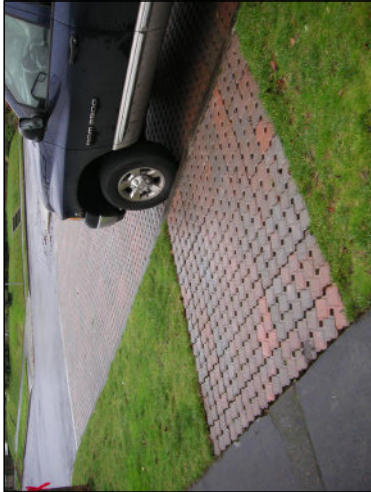
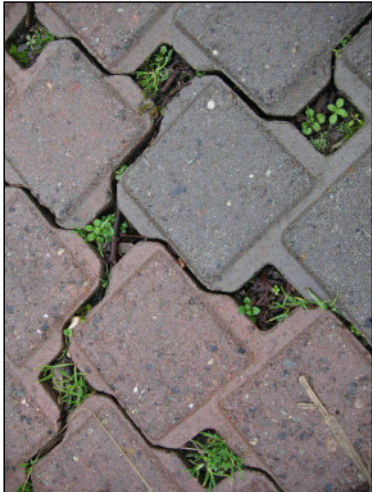
TOTAL ROW = 86'



A Hillside Road would be appropriate for roads that traverse steeper slopes and have limited or no development on one side (typically the downhill side). The road is graded such that surface stormwater is directed to a large bio-swale on the downhill side of the slope. The bio-swale pretreats and absorbs some of the stormwater before it enters the local waterways.

* This roadway treatment is not an accepted standard for the City of Oregon City.

PARK PLACE: ROADWAY TYPOLOGIES
INNOVATIVE ROAD AND EDGE TREATMENTS



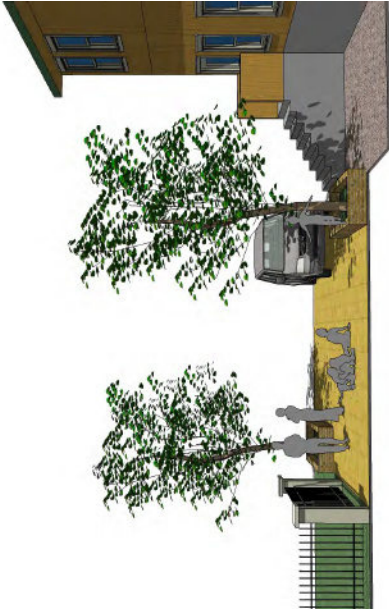
permeable pavers for parking strips and full road treatments



bio-swales collect and pre-treat stormwater runoff

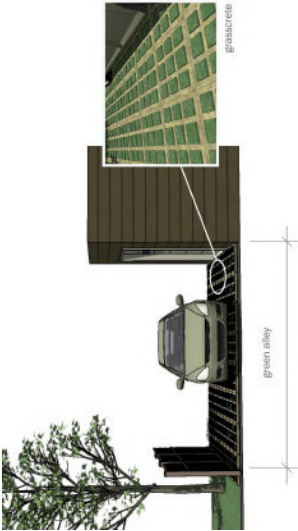
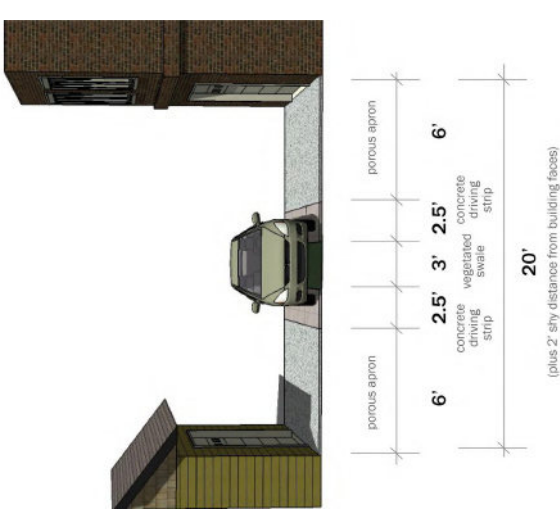
PARK PLACE: ROADWAY TYPOLOGIES

INNOVATIVE ROAD AND EDGE TREATMENTS



woonerf is the dutch term for a “living street”

a green alley incorporates “green” features like permeable pavement, pavers, and/or a small vegetated filter strip to reduce stormwater runoff



G. Title 11

Introduction

This memo provides the findings for compliance with the following land use elements of Metro's Title 11 regulations governing concept planning within Metro's jurisdiction.

- Annexation
- Housing density
- Variety of housing types
- Housing affordability
- Commercial/Industrial development
- Transportation
- Mapping
- Public Facilities and Services
- Schools
- Urban Growth Diagram
- Plan Amendments

The following sections provide overviews of these elements and how they comply with Title 11 concept planning requirements.

Annexation

Chapter 14 of the City's existing code establishes regulations for annexation. These regulations require an application process, hearings, and review by the Planning Commission and City Commission before the annexation is decided by Oregon City voters.

In addition to a legal description of the proposed annexation area, written consent of property owners, site plans, and an application fee, an annexation proposal must provide statements addressing the following:

- availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities;
- increased demand for such facilities to be generated by the proposed development, if any, at this time;
- additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;
- method and source of financing required to provide additional facilities, if any;
- overall development concept and methods by which the physical and related social environment of the site, surrounding area and community will be enhanced;
- potential physical, aesthetic, and related social effects of the proposed, or potential development on the community as a whole and on the small sub community or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects, if any; and
- 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.

The Planning Commission's recommendation to the City Commission and the City Commission's decision as to whether to advance the proposal to the voters for a decision depend on whether adequate access and public facilities and services can be provided; impacts to Goal 5 resources, natural hazard areas, and the overall economic, social, and physical community are avoided or are minimal; and the proposal complies with goals and policies in the City's Comprehensive Plan.

Annexation of Park Place should be guided by the ability to serve subareas with public facilities such as roads, water, sewer, 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.

More detailed explanations of serving subareas of Park Place with public facilities are provided in Appendix J.

Housing Density

B. Provision for average residential densities of at least 10 dwelling units per acre of net vacant buildable land in zones in which residences are allowed, or such other densities that the Council specifies pursuant to Section 3.01.040 of the Urban Growth Boundary Functional Plan.

The Park Place Concept Plan must provide for an overall average residential density of at least 10 dwelling units per residential acre within the southern portion of Park Place added to the UGB in 2002. The remaining northern portion of Park Place that was added to the UGB in the 1980s is only required to meet the density of the existing base zone (4 dwelling units maximum in the R-10 zone). The total number of housing units that the buildable land in these two subareas of Park Place can provide, given their respective densities, is the target amount of housing that proposed land use designations and zoning in the overall Park Place Concept Plan area must accommodate. The amount of net buildable land in the northern and southern subareas of Park Place and the total number of units each subarea can provide, based on their respective density requirements, is presented in Table 1.

Table 1: Buildable Land and Target Number of Housing Units

2002 UGB Expansion Area	
Vacant + Developable Land	246.9 acres
Constrained Land	-103.4 acres
New Roads and Utilities	-34.4 acres
Net Buildable Land	109.1 acres
Units (10 du/acre)	1,091 units
1980 UGB Expansion Area (Livesay Area)	
Vacant + Developable Land	171.6 acres
Constrained Land	-48.7 acres
New Roads and Utilities	-31.2 acres
Net Buildable Land	93.4 acres
Units (4 du/acre)	367 units
Park Place Study Area Total	
	1,458 units

The proposed land use designations for the Park Place Concept Plan are shown in the Urban Growth Diagram in Figure 1-1 of the Park Place Area Concept Plan. Land designated for residential use is a mixture of low/medium- and medium/high-density. The low/medium-density is planned for a minimum of 6 units/acre and the medium/high-density for a minimum of 9 units/acre. These densities roughly correspond to the maximum densities allowed in the City's existing R-6 and R-3.5. However, only the minimum densities for these zones – 5 units/acre in the R-6 zone and 9 units/acre in the R-3.5 zone – can be guaranteed to be developed based on the current zoning code.¹ Therefore, strictly applying the existing R-6 zone will not achieve the required minimum density necessary to reach the overall housing target of 1,458 units. To achieve this minimum density and create a more conventional minimum lot size, code revisions (e.g. new base zones) that ensure development at a minimum of 6 units/acre in a low/medium-density residential zone are recommended. These code provisions will help implement the Concept Plan and demonstrate compliance with Title 11.

Conclusions and Recommendations

In order to provide the amount of housing required by Title 11, it is recommended a new residential zone be developed for use in Park Place and citywide: low/medium-density residential (R-5) zone with a minimum density of 6 units/acre. Using an existing medium/high-density residential zone (R-3.5 zone), with some modifications which would apply only in Park Place, is also recommended.

The low/medium-density and medium/high-density zones are proposed for the areas shaded orange and yellow, respectively, in the Urban Growth Diagram (see Figure 1-1 of the Park Place Area Concept Plan). The location and size of these zones were determined through a rigorous multi-day charrette process described in Appendix C.

The areas shaded green include environmentally constrained lands and, as a result, are recommended to be zoned with the lowest-density residential district available in the City, the R-10 zone. Density requirements and other standards for these zones are discussed further in the implementation section (see Appendix I).

The mixed-use designation (MUC-1) proposed along the main street in Park Place's largest neighborhood center, North Village, will allow for stand-alone high-density residential uses and a combination of residential and commercial uses. This area is represented in pink in the Concept Plan Urban Growth Diagram (see Figure 1-1 of the Park Area Concept Plan). Standards proposed in the implementation appendix of this report, however, are intended to provide flexibility for ground floor development that would support a combination of residential and commercial uses.

As presented in Table 3 in the following section on housing variety, the land proposed for low/medium-density residential and medium/high-density residential zoning provides for the housing target of 1,458 units. The low-density R-10 zone shaded green in Park Place will also provide housing, but the amount of housing is uncertain and will likely be limited due to environmental constraints in these areas.. As is shown in the spreadsheet of land use areas (see Appendix I), the single-family or low/medium-density zone is represented in the Urban Growth Diagram includes approximately 203 gross acres and the multi-family or medium/high-density zone includes approximately 57 gross acres.

¹ Subdivision regulations in Oregon City Code Section 16.12.232 establish minimum density as 80% of the maximum density. Minimum density is not required for partitions of one to three lots. However, more than three lots must be created if there is enough land for more than three lots given minimum lot size requirements. In this case, the land division would then be subject to subdivision regulations.

Variety of Housing Types

C. Demonstrable measures that will provide a diversity of housing stock that will fulfill needed housing requirements as defined by ORS 197.303. Measures may include, but are not limited to, implementation of recommendations in Title 7 of the Urban Growth Management Functional Plan.

The Concept Plan must provide for a diversity of housing stock to meet projected housing needs. Based upon the “Best Practices” images (see Appendix F), the plan will identify housing types that can meet desired densities, contribute to community character, and accommodate future area residents. It is recommended that the types of housing include accessory dwelling units (ADUs), detached or attached single-family residences (townhouses), and duplexes or other small multiplexes.

A range of housing types would be allowed within the zones recommended for use in Park Place.

- Low-Density Residential (R-10, maximum 4 units/acre)
 - Single-family detached dwelling units (including manufactured homes)
 - Accessory dwelling units (ADUs)²
- Low/Medium-Density Residential (proposed R-5, minimum 6 units/acre)
 - Single-family detached dwelling units (including manufactured homes)
 - Accessory dwelling units (ADUs)
 - Single-family attached dwelling units (townhouses/rowhouses)
 - Two-family dwelling units (duplexes)
- Medium/High-Density Residential (R-3.5, minimum 9 units/acre)
 - Single-family detached dwelling units (including manufactured homes)
 - Single-family attached dwelling units
 - Two-family dwelling units (duplexes)
 - Multi-family dwelling units (proposed)
- Medium-Density Mixed Use Corridor (MUC-1)
 - Pre-existing single-family detached dwelling units
 - Single-family and two-family attached dwelling units (duplexes)
 - Multi-family dwelling units
- Neighborhood Commercial (NC)
 - Dwelling units above ground floor (if in conjunction with a permitted or conditional use)

Cogan Owens Cogan determined the number of needed housing units according to housing type, which is presented in Table 2. These figures are based on the number of units required by Title 11 to be provided in Park Place and the ratio of existing housing types in Oregon City according to the 2000 Census.

Table 2: Type and Amount of Needed Housing

Type of Housing	Number of Units Needed
Single-Family Residential Detached	950
Two-Family Residential Attached (Duplex)	87
Manufactured Home in Park	48

² According to the supplemental standards in OCMC Section 17.54.090, accessory dwelling units (ADUs) are allowed in all single-family residential zones, subject to special development and occupancy standards. However, ADUs are not explicitly listed as allowed uses in the R-10 and R-6 zones, and for clarity it is recommended that they be listed.

Type of Housing	Number of Units Needed
Single-Family Residential Attached	9
Multi-Family Residential	282
Accessory Dwelling Units	17
Group Quarters	65
TOTAL	1,458

Manufactured homes on their own are permitted in any zone where single-family detached housing units are permitted, which includes the low-density, low/medium-density, and medium/high-density zones. They also will be permitted in the new R-5 zone proposed for use in Park Place and citywide, as described in the implementation technical memorandum (See Appendix I). The R-10, R-5, and R-3.5 zones are the primary residential zoning proposed for use in Park Place.

Group quarters including boarding and lodging houses, correctional facilities, and nursing homes are all permitted as conditional uses in Oregon City residential zones according Oregon City Municipal Code (OCMC) Section 17.56.030 (See Appendix I) of the City's existing code. Definitions of group quarters in Oregon Revised Statutes (ORS) 197.660 differentiate between residential homes and residential facilities as uses serving up to five residents versus six to 15 residents, respectively. Given this definition, residential homes are permitted/permitted conditionally in Oregon City single-family residential zones (R-10, R-8, R-6, R-3.5, and the proposed R-5) and residential facilities in two-family and multi-family residential zones (R-3.5 and R-2).

Conclusions and Recommendations

Most of the housing planned for Park Place is proposed to be accommodated in a new proposed low/medium-density R-5 zone and the City's existing medium/high-density R-3.5 zone with proposed allowances for multi-family housing in Park Place. Table 3 provides a summary of what acreage is needed in each zone in order to accommodate the needed number and variety of housing units.

Table 3: Type and Amount of Housing by Land Use Designation

Residential Land Use Designation/Zone	Number of Units Needed	Housing Type
Low/medium-density residential (yellow) - minimum 6 units/acre	907	Single-Family Residential Detached (including Manufactured Homes)
	17	Accessory Dwelling Units (ADUs) sited with Single-Family Residential
Sub-total	924	
Medium/high-density residential (orange) - minimum 9 units/acre	117	Single-Family Residential (Detached and Attached)
	369	Two-Family Residential Attached (Duplex) and Multi-Family Residential
	65	Group Quarters
Sub-total	551	
Total	1,475	

The low/medium-density zone is more likely to be the site of manufactured homes and ADUs than the medium/high-density zone. The distribution of housing types in Table 3, however, represents only one scenario for accommodating needed housing within zones proposed for Park Place. It is possible that housing types may develop in different ratios, including development of attached single-family housing in the low/medium-density residential zone.

Housing Affordability

D. Demonstration of how residential developments will include, without public subsidy, housing affordable to households with incomes at or below area median incomes for home ownership and at or below 80 percent of area median incomes for rental as defined by U.S. Department of Housing and Urban Development for the adjacent urban jurisdiction. Public subsidies shall not be interpreted to mean the following: density bonuses, streamlined permitting processes, extensions to the time at which systems development charges (SDCs) and other fees are collected, and other exercises of the regulatory and zoning powers.

Title 11 requires that the planning area allow for inclusion of and adequate supply of affordable housing without public subsidy. According to the 2000 Census, the median household income (MHI) in Oregon City is \$45,531. Affordable housing is typically defined as housing which does not cost more than 30% of a household's income. In addition, very low income households are typically defined as those earning less than 30% of median household income; low-income households as those earning less than 50% of median household income; and moderate income households are those making between 50% and 80% of median income. These income ranges have been used to estimate the cost of housing that would be considered affordable to households with very low, low, and moderate incomes. Table 4 shows the results of this analysis for Oregon City.

Table 4: Affordable Housing in Oregon City

Percentage of MHI	Percentage of Households	Percentage Difference	Affordable Rent/Mortgage
0-30% MHI	11%	-	\$341
0-50% MHI	20%	9%	\$569
0-80% MHI	38%	18%	\$911

Typically, the types of housing most affordable to people with low and moderate incomes are single-family homes on small lots, attached single family homes, duplexes and multi-family housing, as well as accessory dwelling units. These types of housing are expected to account for a significant portion of all housing units in the plan area – 370-500 units (25%-35%), depending on the proportion of higher density detached single-family homes that fall into affordable price ranges. This range is consistent with the percentage of lower income households that could be expected to need housing units in the area, if they are representative of the City as a whole.

Conclusions and Recommendations

While Title 11 requires that the planning area allow for development of affordable housing without public subsidy, it is anticipated that the City will work with other public agencies, non-profit groups and developers to identify funding opportunities to further increase the supply of affordable housing in the area. The other housing elements of Title 11 compliance describe how a range of housing types, and a corresponding potential range of affordable housing, can be accommodated within the Park Place plan area and its proposed land use designations. Affordable housing goals, policies, and strategies are presented in the Plan Elements section of Chapter 3 of the Concept Plan.

Commercial and Industrial Development

E. Provision for sufficient commercial and industrial development for the needs of the area to be developed consistent with 2040 Growth Concept design types. Commercial and industrial designations

in nearby areas inside the Urban Growth Boundary shall be considered in comprehensive plans to maintain design type consistency.

The plan must provide for sufficient commercial and industrial development to meet the needs of the area, if a demand for such land and associated services or employment exists. The planning process will determine whether there is land suitable for this type of development within the Park Place area, whether it is consistent with the community goals and vision for the area, and if so how much of it and where it should be located to best meet the needs of residents.

Commercial Development

Johnson Gardener, the consulting firm providing market analysis for this project, estimates that the Park Place Concept Plan area can support about 20,000 to 40,000 square feet of retail services. The plan area is not a likely candidate for regional retail services because of limited access and regional commercial centers that are already present or are planned nearby. Johnson Gardener recommends that if neighborhood-scale commercial uses are planned for the Park Place Concept Plan area, they be located so as to maximize exposure and business from through traffic.

The need for office employment space will be more loosely based on community needs. Office uses in the area that are considered to be the most viable and likely to develop include medical, insurance, real estate, and other professional services.

Conclusions and Recommendations

Both the Neighborhood Commercial (NC) and Medium-Density Mixed Use (MUC-1) zones will accommodate commercial development and are recommended for use in Park Place; the MUC-1 zone is proposed for limited use along the main street (Livesay) in the proposed North Village.³ Either zone could accommodate the retail and employment uses envisioned for the area. However, the NC zone will be targeted for primarily retail use and the MUC-1 zone for office/employment and housing. Table 5 identifies the amount of floor area proposed for each of these commercial uses.

The amount of land that will accommodate retail development includes land for parking and landscaping. Given approximately 79,000 square feet of total land area and assuming approximately 50% lot coverage, the NC zone yields about 0.91 acre (39,595 square feet) of building area and the same area for parking and landscaping. This closely approximates the upper end of retail building area that consultant Johnson Gardner estimated that Park Place could support.

There is roughly 274,500 square feet of total land area in the MUC-1 zone, although if the MUC-1 zone were to be developed with office uses on the ground floor, only a portion of the land area (e.g. 50%) would likely develop in order to allow for parking and landscaping. Therefore, the roughly 137,000 acres reported in Table 5 represents the capacity that the MUC zone has for commercial/office development. The market will determine how much of this floor area capacity is ultimately developed in the MUC-1 zone. Similarly, if the ground floor initially develops as residential, "live/work" development standards that are proposed incorporation into the MUC-1 zone in Park Place will allow commercial uses to eventually develop on the ground floor if there is demand for those uses. Live/work standards would allow up to 50% of the ground floor to be used for commercial purposes. As assumed above, if the building covers half of the lot, 50% of the ground floor area in the MUC zone yields 68,607 square feet that could be developed as live/work commercial space depending on the market.

³ The NC zone is shaded as red in the Urban Growth Diagram and the MUC-1 zone as pink. (See Figure 1-1 of the Park Place Area Concept Plan)

Table 5: Proposed Area of Commercial Uses in Park Place

Type of Commercial Use	Proposed Zone	Land Area (sq. ft.)	Floor Area (sq. ft.)
Retail	Neighborhood Commercial (NC)	79,191	39,595
Office	Medium Density Mixed-Use Corridor (MUC-1)	274,428	137,214
TOTAL		353,619	176,809

There are numerous development standards in the City's existing code that will promote an urban atmosphere, a pedestrian friendly environment, and energy and natural resource conservation for commercial development in these zones. The implementation section of this report recommends additions or revisions of these standards (see Appendix I).

Industrial Development

Potential industrial uses in the area would be constrained by limited access and suitable buildable land (large sites with little or no slope). Land zoned industrial to the north of Park Place focused around an I-205 interchange and land with existing and planned industrial zoning (as part of a concept plan) for the Beavercreek area directly south of Park Place provide suitable and adequate industrial land for the City.

Conclusions and Recommendations

No industrially zoned land is recommended or planned for Park Place.

Transportation

F. A conceptual transportation plan consistent with the applicable provision of the Regional Transportation Plan, Title 6 of the Urban Growth Management Functional Plan, and that is also consistent with the protection of natural resources either identified in acknowledged comprehensive plan inventories or as required by Title 3 of the Urban Growth Management Functional Plan. The plan shall, consistent with OAR Chapter 660, Division 11, include preliminary cost estimates and funding strategies, including likely financing approaches.

The Park Place Concept Plan includes a multi-modal transportation system that complies with city, regional, and statewide transportation plans and ensures a safe and adequate multi-modal transportation system to meet the forecast travel needs of the planning area. The Conceptual Transportation Plan comprises street, transit, bicycle, and pedestrian facilities and services that make each mode viable to meet certain travel needs, while minimizing the need to travel in single-occupant motor vehicles. Plan components include the following:

1. A functionally classified set of streets that provide appropriate connections within and across the planning area and adequately serve local and longer-distance vehicular travel (see Figure 3-5 of the Park Place Concept plan). An emphasis of the Plan is to expand the City's functionally classified network such that it protects the HWY 213 corridor as a regional facility of critical importance.
2. A network of local and higher-order streets that provides redundancy for emergency access, appropriate ventilation to neighborhoods and commercial nodes of activity, and efficient connections to minimize travel distances (see Figure 3-4 of the Park Place Concept Plan).
3. A variety of street cross sections that reflect the needs of adjacent land uses and respond to the constraints of topography, limited rights-of-way, and the costs of construction (see Figures 3A-3J of the Park Place Concept Plan).
4. A network of on-street and off-street pedestrian and bicycle facilities that meet the needs of commuters, recreationists, residents, and employees (see Figures 3-8 and 3-10 of the Park Place Concept Plan). These facilities are planned to provide safe routes to schools and other

key pedestrian/bicycle generators in the planning area. In addition, they provide seamless connections to anticipated transit service in the area. Finally, the comprehensive nature of this network promotes these modes as viable options for a variety of trip purposes.

5. A conceptual routing of future transit service that connects the planning area to major transit centers in the Oregon City area, as well as key destinations within Oregon City (see Figures 3-7 of the Park Place Concept Plan).

Construction cost estimates for the planned transportation improvements have been prepared and a conceptual financing plan has been developed

Mapping

G. Identification and mapping of areas to be protected from development due to fish and wildlife habitat protection, water quality enhancement and mitigation, and natural hazards mitigation, including, without limitation, all Habitat Conservation Areas, Water Quality Resource Areas, and Flood Management Areas. A natural resource protection plan to protect fish and wildlife habitat, water quality enhancement areas, and natural hazard areas shall be completed as part of the comprehensive plan and zoning for lands added to the Urban Growth Boundary prior to urban development. The plan shall include zoning strategies to avoid and minimize the conflicts between planned future development and the protection of Habitat Conservation Areas, Water Quality Resource Areas, Flood Management Areas, and other natural hazard areas. The plan shall also include a preliminary cost estimate and funding strategy, including likely financing approaches, for options such as mitigation, site acquisition, restoration, enhancement, and easement dedication to ensure that all significant natural resources are protected.

Required mapping and preliminary costs are included in the Concept Plan and in Appendix L.

Public Facilities and Services

H. Provide a conceptual public facilities and services plan for the provision of sanitary sewer, water and storm drainage. The plan shall, consistent with OAR Chapter 660, Division 11, include preliminary cost estimates and funding strategies, including likely financing approaches.

Conceptual public facility plans have been developed for the provision of sanitary sewer, water and storm drainage. These plans have been developed to comply with goals of the local community, City of Oregon City, Metro and the following documents:

- City of Oregon City Water Master Plan
- City of Oregon City Sanitary Sewer Master Plan
- City of Oregon City Drainage Master Plan
- City of Oregon City Draft Stormwater Management Plan
- City of Oregon City Stormwater and Grading Design Standards

The City of Oregon City Water Master Plan was referenced to determine anticipated water demands within the concept plan area. Average daily demand as well as peak demand and fire demand were evaluated at a preliminary level. In general, water demand from planned development within the concept plan area is consistent with demands anticipated in the Water Master Plan.

The City of Oregon City Sanitary Sewer Master Plan was referenced to determine anticipated sanitary sewer generation within the concept plan area. In general, similar sanitary flows were developed. As a result, sanitary flows generated by development within the concept plan area are consistent with those found in the Sanitary Sewer Master Plan.

All three stormwater documents emphasize minimizing the amount of post-development stormwater runoff to pre-development conditions and reducing pollution loads. The Concept Plan stormwater approach was developed to meet these goals.

Law Enforcement. The Clackamas County Sheriff's Department currently provides law enforcement services. As the area is annexed, the City of Oregon Police Department will assume service responsibilities for the area.

Fire protection. Fire protection services currently are provided by Clackamas Fire District #1 (CFD) which serves the City of Oregon City as well as four other cities in Clackamas County. CFD is expected to continue to serve the area as it is annexed.

Libraries. Currently, the Clackamas County Libraries District has the responsibility for serving unincorporated portions of Clackamas County, including the planning area. As the area is annexed, the City will work with the County to determine the most efficient approach for providing library services to the Park Place area.

Parks. The Concept Plan includes two neighborhood parks, each located in a neighborhood center adjacent to commercial and civic uses as well as medium and/or higher density housing. The parks are intended to provide basic recreational opportunities for residents and may include amenities such as play equipment, athletic fields picnic table or shelters, walking trails and other features. The north village neighborhood includes an 8-10 acre neighborhood park, while the south village park is about 3-5 acres.

Parks needs are consistent with those generally identified the City of Oregon City's existing Parks Master Plan. That plan identifies a community park and a neighborhood park service area within the Concept Plan study area. Local and national guidelines for these types of parks indicate a need for about 10 – 30 acres of developed park land in the planning area. The City is currently updating its Parks Master Plan which may provide more refined guidance on the size of future parks in the area and/or needed amenities within them

The open spaces identified in environmentally constrained portions of the study area are also are expected to provide extensive opportunities for outdoor recreation including an extensive trail system.

New land and facilities to meet parks and recreation needs are expected to be paid for by assessing systems development charges on new development and/or collecting fees or land donations in lieu of SDCs. Other potential mechanisms for acquiring land and/or paying for park or recreation facilities could include voluntary donations from private landowners or other citizens, partnerships with community groups or organizations, and/or joint development or use agreements with the Oregon City School District. Ongoing operation and maintenance of park facilities is expected to be funded through a combination of general fund money, user fees, cooperative efforts with community groups, and possibly joint use and maintenance agreements with the school district if joint facilities are developed in the vicinity of Ogden Middle School. The City updated Parks System Master Plan may identify additional possible funding mechanisms."

Schools

1. A conceptual school plan that provides for the amount of land and improvements needed, if any, for school facilities on new or existing sites that will serve the territory added to the UGB. The estimate of need shall be coordinated with affected local governments and special districts.

No new school sites are identified for Park Place. There are two existing elementary schools near the study area — Park Place Elementary and Holcomb Elementary. They have a combined capacity for an additional 300 students. Future enrollment projections for these elementary schools are relatively flat, as new households in their service areas are projected to be less likely to include young children than they have in the past.

Ogden Middle School is in the study area and has additional capacity, although it is at its preferred capacity. Middle school enrollment also is projected to decline overall in the surrounding area served by Ogden, exclusive of potential additional development within the Park Place study area.

Based on enrollment projection assumptions used by the Oregon City School District, which vary for different type of housing units, development in the study area is expected to result in the following approximate number of additional students when the area is completely developed:

- 350 elementary school students
- 150 middle school students
- 150 high school students

These increases in enrollment are expected to occur gradually over the next five to twenty years, depending on the pace of annexation and development in the planning area. Given the additional capacity of existing schools, these additional students would not create the need for a new elementary school which averages about 500 students in the Oregon City School District. Similarly, the increase in enrollment would not result in the need for an entire new middle school, which averages about 700 students in the District. Therefore, no additional school site is recommended in the concept plan.

Urban Growth Diagram

J. An urban growth diagram for the designated planning area showing, at least, the following, when applicable:

- 1. General locations of arterial, collector and essential local streets and connections and necessary public facilities such as sanitary sewer, storm sewer and water to demonstrate that the area can be served;*
- 2. Location of steep slopes and unbuildable lands including but not limited to wetlands, floodplains and riparian areas;*
- 3. Location of Habitat Conservation Areas;*
- 4. General locations for mixed use areas, commercial and industrial lands;*
- 5. General locations for single and multi-family housing;*
- 6. General locations for public open space, plazas and neighborhood centers; and*
- 7. General locations or alternative locations for any needed school, park or fire hall sites.*

See Final Concept Plan / Figure 1-1 of the Park Place Concept Plan.

Plan Amendments

K. The plan amendments shall be coordinated among the city, county, school district and other service districts. (Ordinance No. 98-772B, Sec. 2. Amended by Ordinance No. 99-818A, Sec. 3; Ordinance No. 01-929A, Sec. 8; Ordinance No. 02-964, Sec. 5; Ordinance No. 05-1077C, Sec. 6.) to the UGB. The estimate of need shall be coordinated with affected local governments and special districts.

See Final Concept Plan.

H. Transportation

**KITTELSON & ASSOCIATES, INC.**

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TRANSPORTATION MEMORANDUM

Date: May 21, 2007**Project #:** 7938.0**To:** Tim Smith, SERA Architects**From:** Phill Worth, Andrew Cibor, and Nick Foster**Project:** Park Place Concept Plan**Subject:** Future Conditions Analysis

PROJECT DESCRIPTION

The City of Oregon City is preparing a concept plan for an area encompassing nearly 500 acres located east of Highway 213 and south of Holcomb road, which will be adopted into the City's Comprehensive Plan. 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 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 Concept Plan will ensure that this area is developed in an efficient and sustainable manner, optimizing the use of the available lands while protecting the natural resources of the area. This project will identify compatible land uses, which will include a mix of commercial and residential uses, thereby reducing the need for vehicle trips, optimizing the efficiency of public transportation, offering multi-modal transportation options, and reducing the need to expand the Urban Growth Boundary (UGB).

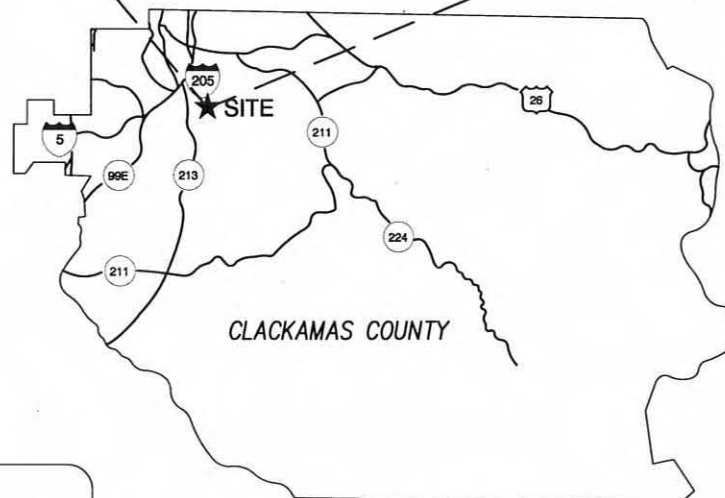
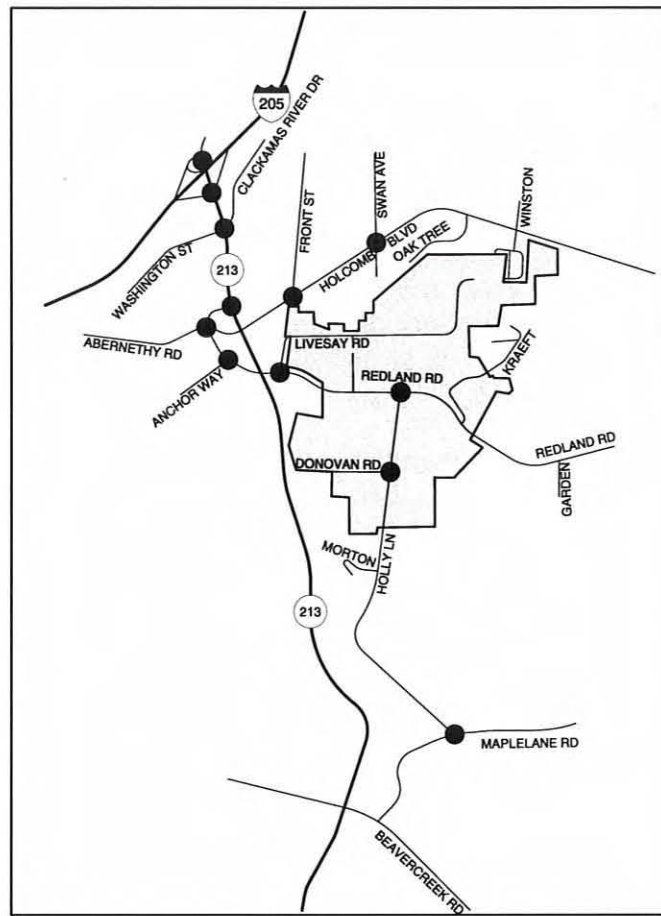
CONTENTS OF THE MEMORANDUM

This memorandum focuses on the following transportation issues related to the Park Place Concept Plan:

- Study Area
- Regional and Local Growth
- Future Year 2027 Forecast No-Build Traffic Conditions
- Future Year 2027 Forecast Build Traffic Conditions
- Recommended Improvements & Costs

STUDY AREA

The study area and study intersections were selected based on direction provided by Oregon City staff. As illustrated in Figure 1, the study area encompasses the vicinity around HWY 213 bounded by the I-205/HWY 213 interchange to the north and Beaver Creek Road to the south.



LEGEND

- - STUDY INTERSECTION
- - PROJECT AREA

**SITE VICINITY MAP
OREGON CITY, OREGON**

**FIGURE
1**

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REGIONAL & LOCAL GROWTH

Increases in regional and local travel demand are most closely associated with growth in population and employment; therefore, it is important to understand the context of the year 2027 No-Build Scenario.

Projected Regional Population & Employment Growth

The Portland metropolitan regional population is projected to exceed 2 million by the year 2030. The region is expected to add nearly 367,000 new households over the next 25 years, to a total of more than 1.1 million households; an increase of nearly 50 percent. More than 900,000 new jobs are expected to be added in the region by year 2030, for a total of more than 2.2 million jobs; an increase of approximately 70 percent.

Projected Oregon City Population & Employment Growth

The Oregon City area is expected to share in this regional growth. Households are expected to grow from approximately 13,500 to nearly 23,750 by 2030; an increase of more than 75 percent. Employment is estimated to grow from just over 18,500 in 2005 to nearly 36,000 by 2030; an increase of more than 90 percent. Figure 2 provides an illustration of the Oregon City area, indicating the city limits (shaded yellow), urban growth boundary (gold boundary line), and the geographic area (black boundary line) that contains the households and jobs associated with Oregon City.

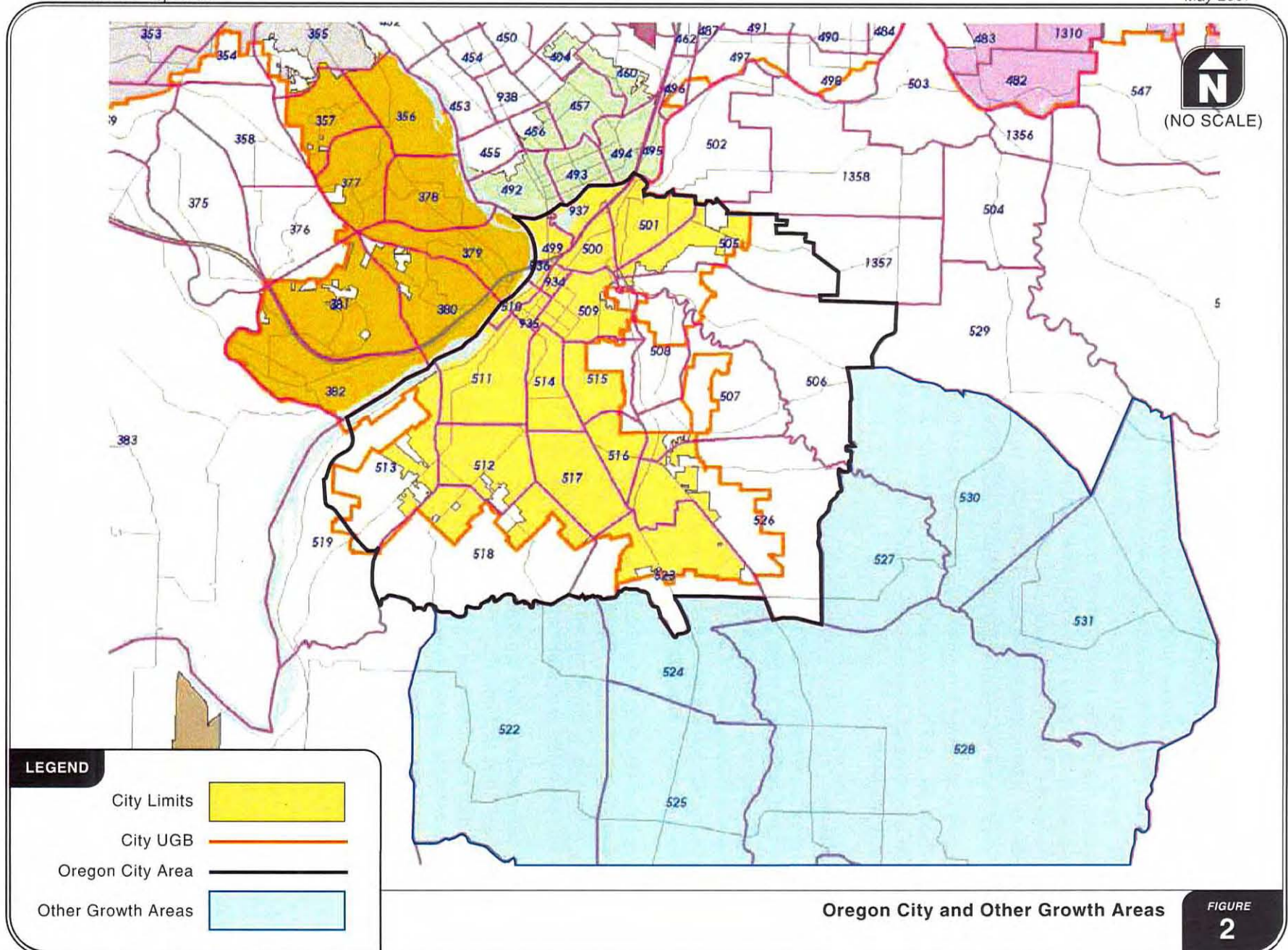
Oregon City Jobs-Housing Balance

The jobs-housing ratio of a city, county, or region can have a significant effect on the quantity of travel that occurs on the transportation system. Cities that serve as “bedroom communities” to regional employment centers often experience higher levels of commuter congestion than do cities of comparable size with a higher jobs-housing ratio. In addition, those commuters are frequently traveling longer-than-average distances; thus, increasing the regional vehicle-miles-traveled per capita. The outcome of this jobs-housing imbalance is a degradation of the quality of life at both the local and the regional level.

The jobs-housing ratio for Oregon City in 2005 was approximately 1.38 compared to 1.69 for the region as a whole. This understanding has led the City of Oregon City to pursue a more balanced jobs-housing ratio as a long-term transportation strategy to improve quality of life, reduce vehicle-miles-traveled per capita, and improve the efficiency of the transportation system. The City is projected to achieve a jobs-housing ratio of 1.52 by 2030, if it is able to successfully attract the number of new jobs and households listed above.

Projected Population & Employment Growth Surrounding Oregon City

Available data from METRO indicates that areas east and south of Oregon City (highlighted in blue in Figure 2) are projected to experience appreciable growth. Households will increase from approximately 2,600 in 2005 to nearly 6,300 by 2030 (an increase of over 140 percent). Employment is forecast to increase from approximately 1,400 jobs in 2005 to almost 2,000 by 2030 (an increase of over 40 percent). This growth will contribute to increased travel demand on such corridors as HWY 213, Redland Road, Holcomb Boulevard, and Holly Lane.



YEAR 2027 NO-BUILD TRAVEL DEMAND FORECAST

The regional travel demand model, built and maintained by METRO, is the forecasting tool used for this project. METRO and its partnering agencies develop versions of the model for various reasons and the version chosen for this project is referred to as the Sunrise Model, which was prepared to support the Sunrise Corridor study being completed in northern Clackamas County. During consultations with Oregon City, Clackamas County, and ODOT staff, this version of the model was selected and key improvements (such as a new Clackamas River crossing connecting the I-205/Gladstone interchange to Clackamas River Drive) were removed to provide a better representation of the existing transportation system in the Oregon City area.

Caution is advised when using a regional travel demand model to conduct a subarea study, in as much as the land use and transportation network structure is very coarse. The result is a generalized forecast of travel demand that is suitable at a regional level, but must be interpreted for use at the subarea level.

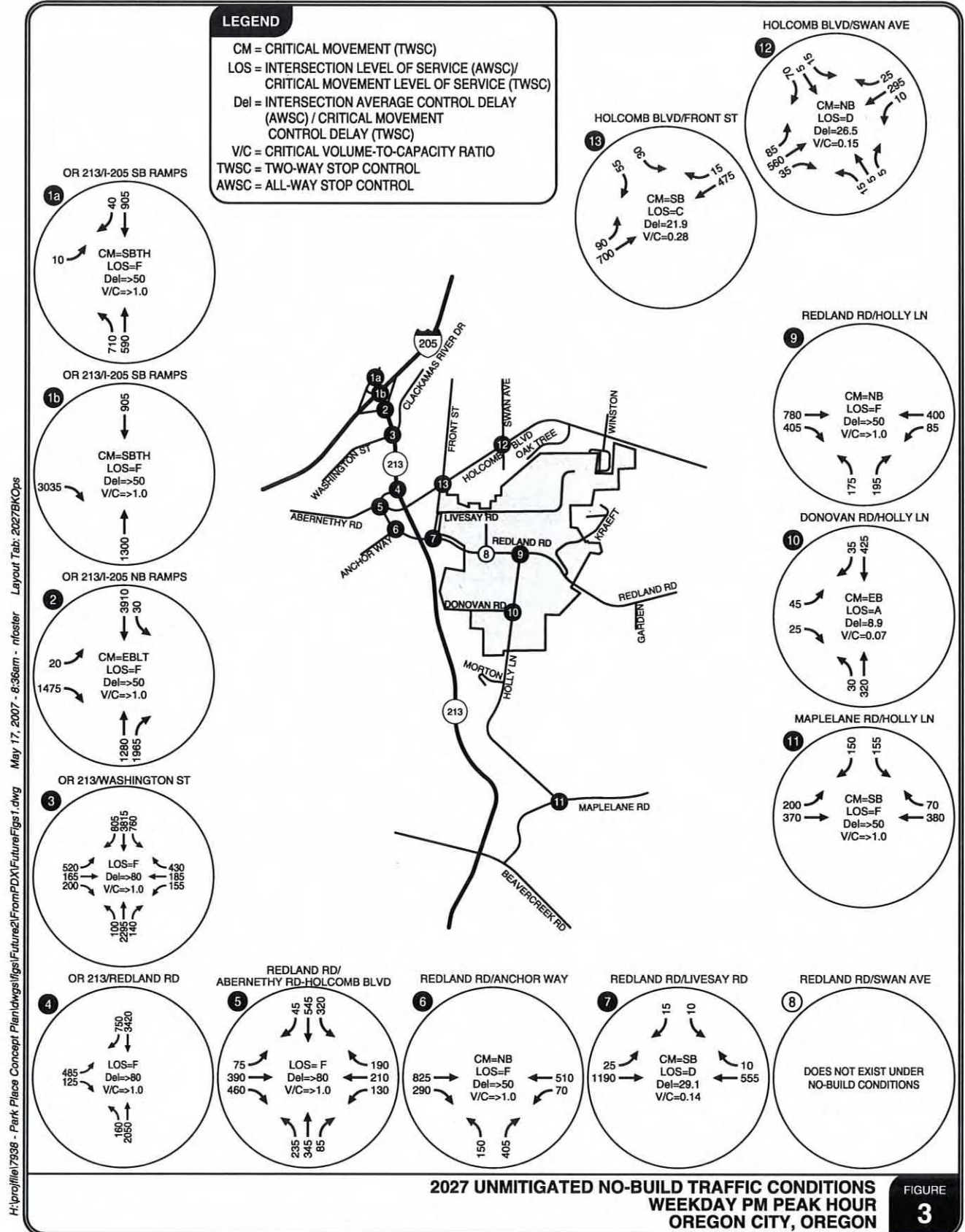
Forecast Volumes

Year 2027 No-Build forecast traffic volumes for the weekday PM peak hour are modified volumes from the Clackamas County 2030 Sunrise model projections. The Sunrise model is chosen because it contains the latest land use assumptions approved of by the City of Oregon City and Clackamas County, as well as model refinements that produce a more suitable forecast for this area than the standard regional model is capable of. Nonetheless, the model forecast must be post-processed to provide reasonable volumes upon which to conduct planning analysis.

National Cooperative Highway Research Program Report 255 describes acceptable approaches for post-processing model forecasts. Various approaches were applied to the 2030 Sunrise model projections to determine which approach produced the most reasonable results. The approach that consistently yielded the most reasonable results is described below.

A model forecast produced from the 2005 "base year" model was subtracted from the 2030 Sunrise model and then multiplied by 80% to produce an estimate of the traffic growth that would occur on each link of the transportation system over the next 20 years. This 20-year traffic growth was then added to existing volumes to produce an estimate of the year 2027 background traffic volumes in the study area.

Final adjustments were then made on a link-by-link basis to better represent how local traffic accesses the transportation system. For example, movements that are not included in the model, or that are otherwise deemed by professional judgment to not be modeled correctly (i.e. extremely large growth due to a zone loading all its traffic at one intersection), must be modified. Traffic is either added to or subtracted from these movements until an amount of growth is obtained that appears reasonable, based on professional judgment, surrounding constraints to or opportunities for growth, and growth at other movements at the same intersection. Future volumes are also modified to ensure that volumes between intersections balance, where appropriate. In these instances, the higher volumes are typically assumed to be correct, in order to provide a conservative forecast. These final Year 2027 future turning movement volumes are shown in Figure 3. *Appendix "A" contains worksheets illustrating the base and modified future Sunrise model output volumes.*



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FIGURE
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Growth in Travel Demand

Substantial growth in local and regional travel is anticipated over the next 25 years. The HWY 213 corridor will be hardest hit, with travel demands growing by nearly 50 percent to almost 60,000 vehicle-trips a day. Improvements to this corridor would be very costly and face many difficult challenges to overcome. City and regional planners agree that this vital facility must be protected by enhancing the city's transportation system to better serve local travel.

Redland Road, Holcomb Boulevard, and Holly Lane are also forecast to experience significant increases in travel demands. Each corridor is constrained by narrow rights-of-way, physical features, and/or difficult topography that make improvements difficult. Nonetheless, it is imperative that the local transportation system be improved and expanded to better serve the Oregon City area and protect the regional resources of HWY 213 and I-205.

A comparison of 2027 No-Build forecast traffic volumes to those measured under existing conditions reveals significant growth in demand will occur on several key corridors in the Oregon City area. Table 1 provides examples of existing and forecast volumes on several roadway segments and the percentage of growth that is estimated to occur.

TABLE 1
GROWTH IN TRAVEL DEMAND ON KEY CORRIDORS

Roadway	Existing PM Peak Hour Volumes	2027 No-Build PM Peak Hour Volumes	Percent Increase
HWY 213: North of Washington St.	5,500	8,600	56%
HWY 213: Washington St. to Redland Rd.	4,900	6,700	37%
HWY 213: Redland Rd. to Beavercreek Rd.	4,000	5,800	45%
Redland Rd.: HWY 213 to Abernethy Rd.-Holcomb Blvd	900	1,500	67%
Redland Rd.: Abernethy Rd.-Holcomb Blvd. to Anchor Way	1,300	1,800	38%
Redland Rd.: Anchor Way to Livesay Rd.	1,100	1,800	64%
Redland Rd.: Livesay Rd to Holly Ln.	1,100	1,800	64%
Holly Ln.: Redland Rd. to Donovan Rd.	300	900	200%
Holly Ln.: Donovan Rd. to Maplelane Rd.	300	800	167%
Holcomb Blvd.: Redland Rd. to Front St.	800	1,300	63%
Holcomb Blvd.: Front St. to Swan Ave.	600	1,100	83%

The projected growth in travel demand on these corridors ranges between 300 vehicles per hour (on Holly Lane) to 3,100 vehicles per hour (on the northernmost segment of HWY 213). The percent increase ranges from 38 percent to 200 percent. These increases are so significant that demands on several roadways will exceed their existing capacity. The next section presents a summary of how well the existing transportation system can accommodate these 2027 No-Build travel demands and what mitigations are likely necessary to meet agency performance standards.

2027 NO-BUILD TRANSPORTATION DEMAND ANALYSIS**Level-of-Service Analysis**

All level-of-service analyses described in this report were performed in accordance with the procedures stated in the 2000 Highway Capacity Manual (Reference 1). *A description of level of service and the criteria by which it is determined is presented in Appendix "B." Appendix "B" also indicates how level of service is measured and what is generally considered the acceptable range of level of service.*

Level of service (LOS) analyses conducted for signalized intersections in this report are based on the average control delay per vehicle entering the intersection. For unsignalized intersections, LOS is based on the intersection's capacity to accommodate the worst, or critical, movement. Volume-to-capacity ratios are the controlling factors for all ODOT facilities and an appropriate general guide for planning studies that recommend long-term improvements to the multimodal transportation system.

Volume-to-capacity (v/c) ratios and levels of service were calculated for the 12 study area intersections using the weekday PM peak hour traffic volumes shown in Figure 3. The existing lane configurations and traffic control devices, summarized in Figure 4, were assumed in the analysis of the year 2027 no-build traffic conditions. *Appendix "C" includes the year 2027 No-Build Traffic Conditions level-of-service worksheets.*

Highway 213 Corridor

The Oregon Department of Transportation (ODOT) does not have any standards regarding level of service. Instead, the Department uses volume-to-capacity ratio standards to assess the study intersections along the HWY 213 corridor. ODOT standards require that the v/c ratios on all intersections of HWY 213 included within the Urban Growth Boundary (UGB) not exceed 0.99, except for the I-205 interchange ramp intersections. ODOT has special standards for freeway interchange ramp intersections. The freeway interchange ramp intersections are required to maintain a v/c ratio at or below 0.85. It should be noted that the signalized intersections along the HWY 213 corridor were analyzed using Synchro files provided by ODOT.

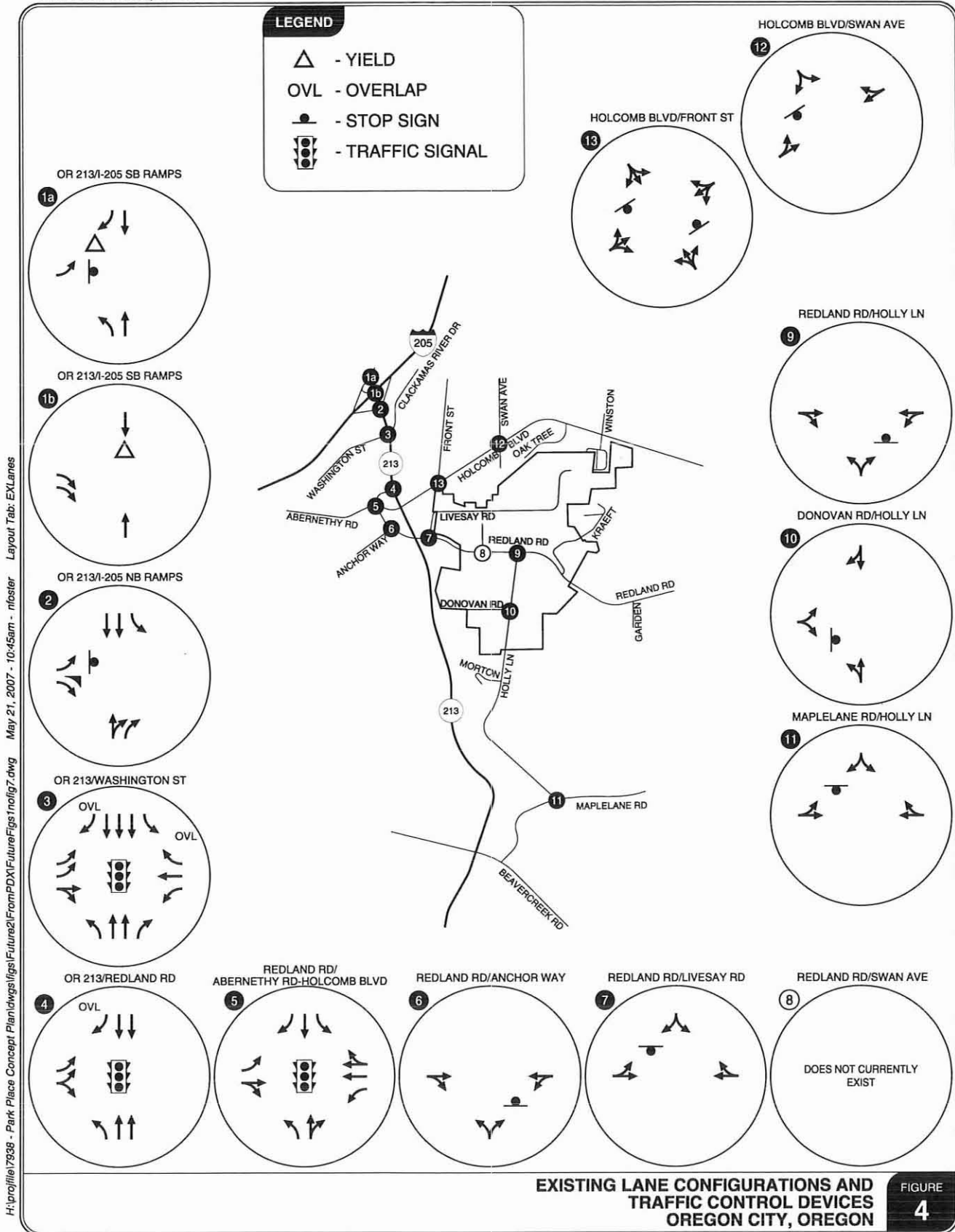
Figure 3 illustrates that all of the intersections along the HWY 213 corridor will be operating above capacity ($v/c > 1.0$) under year 2027 No-Build conditions, if all intersections retain the existing configurations shown in Figure 4. Improvements at each of the HWY 213 intersections would be required to meet applicable ODOT standards.

Redland Road/Holcomb Boulevard/Holly Lane Corridors

Oregon City and Clackamas County level-of-service standards are applied to the analysis of intersections along the Redland Road, Holcomb Boulevard, and Holly Lane corridors. The City of Oregon City and Clackamas County require that LOS "D" or better be maintained for all signalized intersections and LOS "E" or better be maintained for all unsignalized intersections. The City of Oregon City and Clackamas County do not have any standards regarding volume-to-capacity ratios.

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Figure 3 illustrates that several intersections along the Redland Road and Holly Lane corridors are forecast to fall below applicable standards during the PM peak hour in the year 2027. More specifically, the Redland Road/Abernethy Road-Holcomb Boulevard, Redland Road/Anchor Way, Redland Road/Holly Lane, and MapleLane Road/Holly Lane intersections are all expected to operate at LOS "F" without future improvements. Therefore, these intersections will need to be improved regardless of what happens in the Park Place planning area. All other non-highway intersections are expected to operate acceptably.

Needed Improvements

Table 2 describes the type of improvements that are necessary for each study intersection to meet its applicable standard. These new lane configurations and traffic control devices are shown in Figure 5 and the results of the operations analysis with these improvements in place are shown in Figure 6. *Appendix "D" contains the year 2027 No-Build Mitigated Traffic Conditions worksheets.*

**TABLE 2
NEEDED IMPROVEMENTS UNDER 2027 NO-BUILD CONDITIONS**

Intersection	2027 No-Build Conditions	Needed Improvement		2027 Mitigated No-Build Conditions	
HWY 213 Corridor					
	V/C			V/C	
HWY 213/I-205 SB Ramps	>1.0		- Construct Alternative 3 of the HWY 213 Urban Corridor Design Study (See Figure 7)	No conflicting movements	
HWY 213/I-205 NB Ramps	>1.0				
HWY 213/Washington Street	>1.0		- Construct Alternative 3 of the HWY 213 Urban Corridor Design Study (See Figure 7) - Configure intersection as shown in Figure 5	0.99	
HWY 213/Redland Road	>1.0		- Construct Alternative 3 of the HWY 213 Urban Corridor Design Study (See Figure 7) - Configure intersection as shown in Figure 5	0.68	
Redland Road/Holcomb Boulevard/Holly Lane Corridors					
	Delay (s)	LOS		Delay (s)	LOS
Redland Road/Abernethy Road-Holcomb Boulevard	>80.0	F	- Construct an EB RT lane - Modify signal	43.1	D
Redland Road/Anchor Way	>50.0	F	- Signalize intersection - Construct a NB LT lane - Construct a WB LT lane	38.1	D
Redland Road/Holly Lane	>50.0	F	- Signalize intersection - Construct a NB LT lane - Construct a WB LT lane	26.4	C
Maplelane Road/Holly Lane	>50.0	F	- Signalize intersection - Construct an EB LT lane	21.1	C

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LEGEND

OVL - OVERLAP

 - STOP SIGN

 - TRAFFIC SIGNAL

OR 213/I-205 SB RAMP

1a

DESIGN INTERCHANGE AS DESCRIBED IN HIGHWAY 213 CORRIDOR STUDY

OR 213/I-205 SB RAMP

1b

DESIGN INTERCHANGE AS DESCRIBED IN HIGHWAY 213 CORRIDOR STUDY

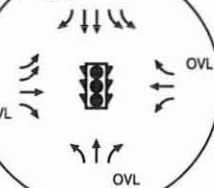
OR 213/I-205 NB RAMP

2

DESIGN INTERCHANGE AS DESCRIBED IN HIGHWAY 213 CORRIDOR STUDY

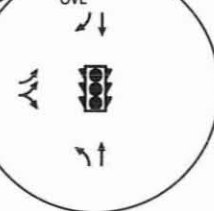
OR 213/WASHINGTON ST

3



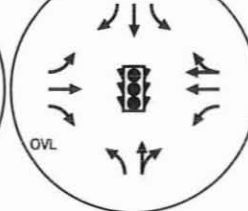
OR 213/REDLAND RD

4



REDLAND RD/
ABERNETHY RD-HOLCOMB BLVD

5



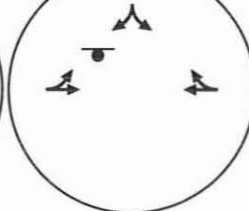
REDLAND RD/ANCHOR WAY

6



REDLAND RD/LIVESAY RD

7



REDLAND RD/SWAN AVE

8



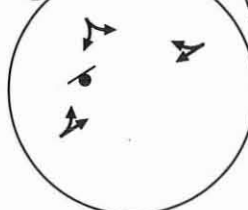
HOLCOMB BLVD/SWAN AVE

12



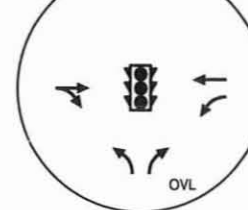
HOLCOMB BLVD/FRONT ST

13



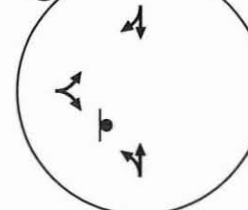
REDLAND RD/HOLLY LN

9



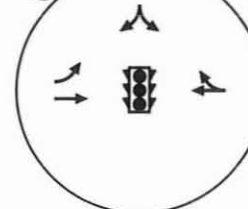
DONOVAN RD/HOLLY LN

10



MAPLELANE RD/HOLLY LN

11



**2027 NO-BUILD MITIGATED LANE CONFIGURATIONS
AND TRAFFIC CONTROL DEVICES
OREGON CITY, OREGON**

**FIGURE
5**

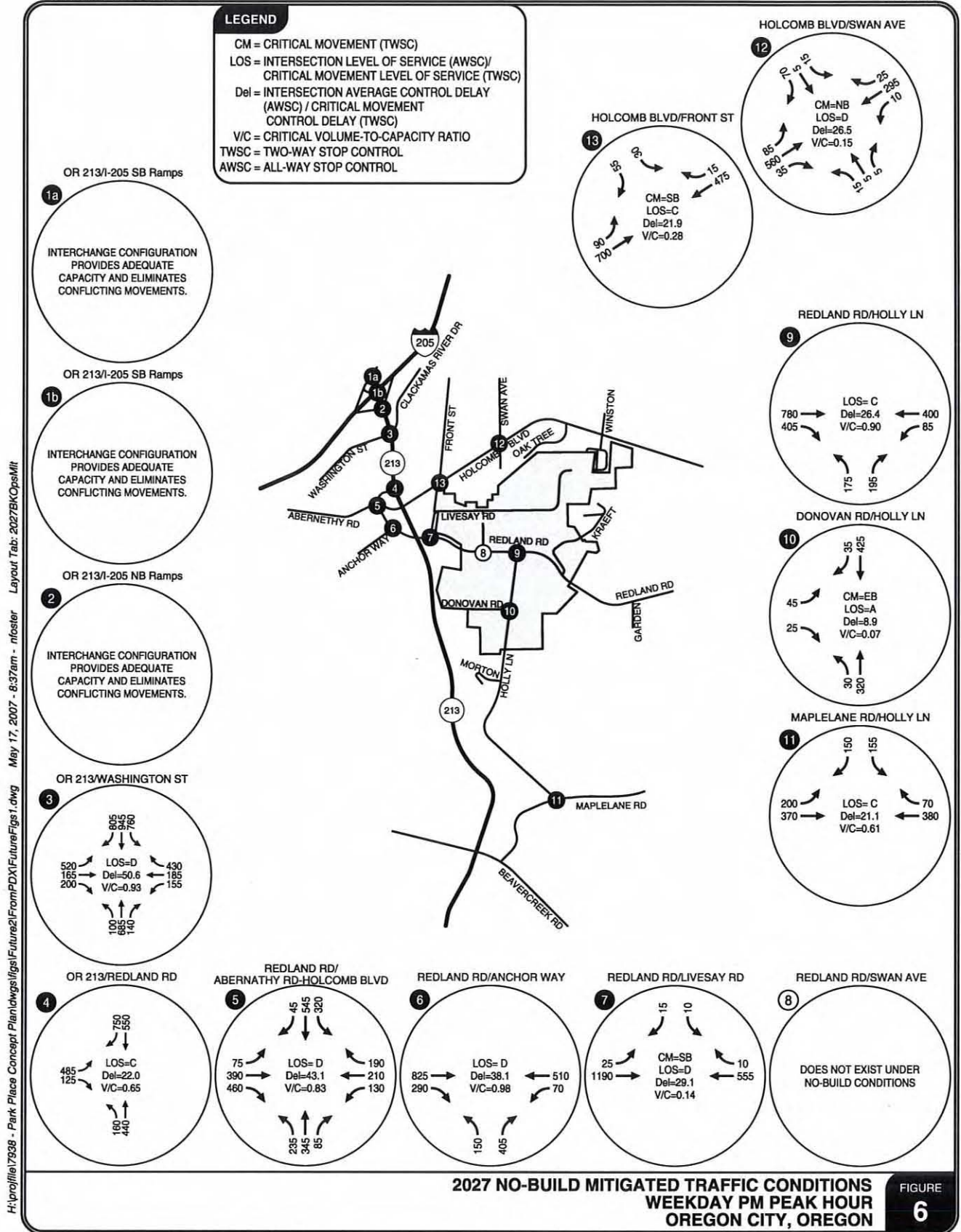


FIGURE 6

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Figure 6 and Table 2 both show that with these improvements in place, the operations at all study intersections will meet applicable agency standards.

Highway 213 Corridor Improvement

Figure 7 is an illustration from the *Highway 213 Urban Corridor Design Study*, prepared in June of 2000 (Reference 2). The preferred long-term improvement for the northern-most segment of the corridor is represented in Figure 7 and involves two major components. First, the I-205/HWY 213 interchange would be reconstructed as a "systems interchanging", meaning that all movements between I-205 and HWY 213 would occur without conflict (no ramp terminals or at-grade intersections). Second, traffic bound for either Washington Street or Redland Road would be served by reconfiguring the existing at-grade intersections, while traffic that is to/from HWY 213 further south of Redland Road and going to/coming from I-205 would pass by Washington Street and Redland Road via grade-separated overcrossings.

An alternative was developed that assumed a full interchange would not be constructed by the year 2027. Maintaining at-grade interactions at Washington Street and Redland Road, to serve both local traffic and highway through traffic, would require HWY 213 to be widened to four through lanes in each direction, plus turn lanes at the intersections to accommodate all movements. The highway would be twelve lanes wide at the Washington Street intersection, in order to accommodate all movements and achieve an acceptable v/c ratio. These improvements would extend north across the existing railroad overcrossing, as well as the I-205 overcrossing. They would extend south to a point near or beyond the Holcomb Boulevard overcrossing of HWY 213. This would be an interim solution with marginal benefit toward the longer-term solution described in the *Highway 213 Urban Corridor Design Study*. This is not considered a viable alternative.

Redland Road/Holcomb Boulevard/Holly Lane Improvements

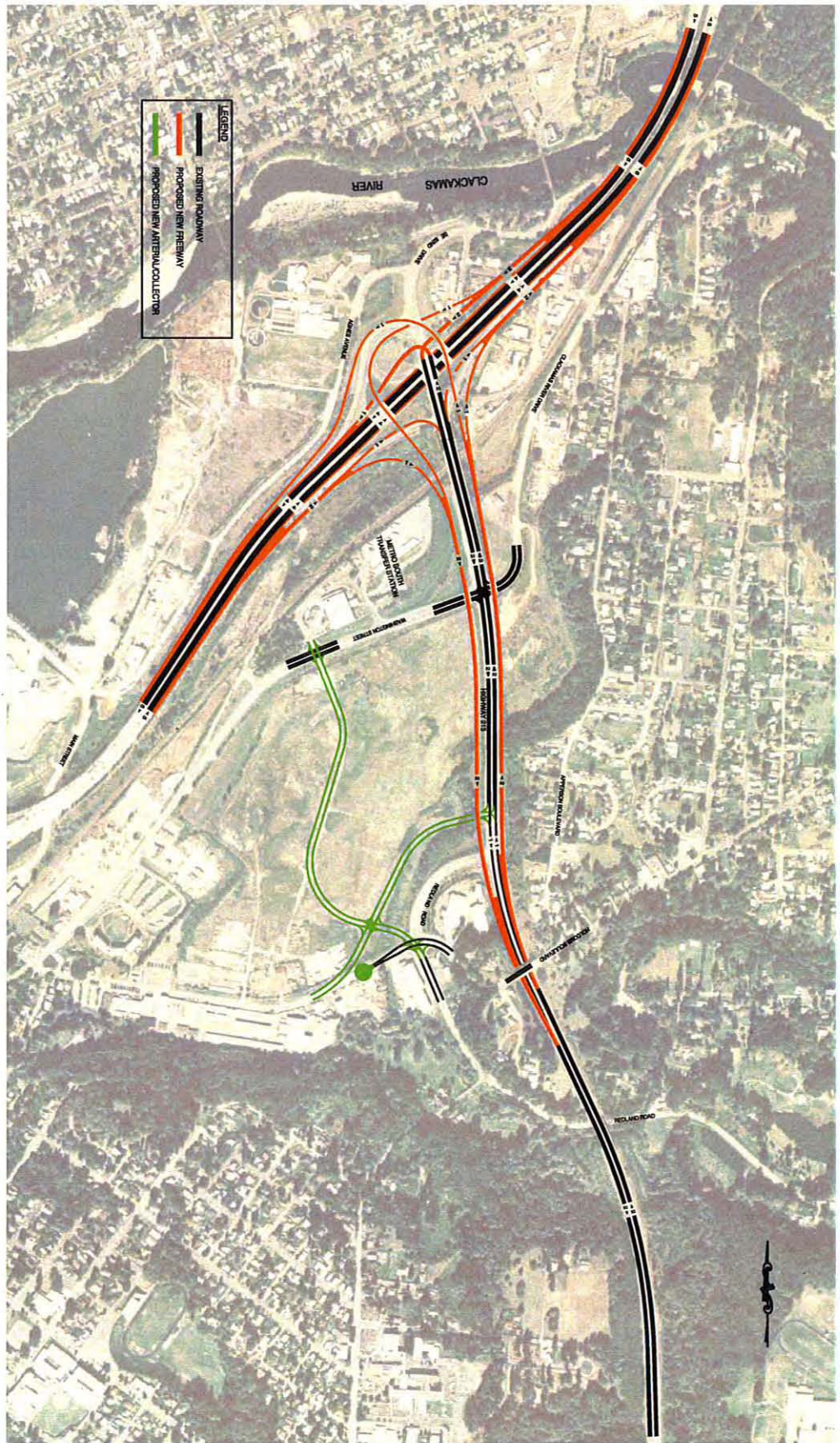
Only intersection improvements are required to these three corridors under the No-Build scenario, as is shown in Table 2. It is worth noting that making these improvements will only address intersection capacity issues at key intersections. Redland Road may need to be constructed as a three-lane cross-section from the Abernethy Road-Holcomb Boulevard intersection to its intersection with Holly Lane in order to address capacity and safety issues that may arise in the vicinity of other intersections and private driveways.

PROPOSED LAND USE CONCEPT PLAN

The City of Oregon City, through a series of community meetings and charrettes, has identified a preferred alternative for the development of the Park Place area. The preferred alternative contains a mixture of land uses including residential, retail, mixed-use, park/open space, and civic areas. The mixed-use, retail, and high- and medium-density residential uses are clustered together in two different nodes to encourage area residents to travel by bicycling or walking to access the retail and commercial locations. Table 3 provides a comprehensive list of the land uses identified in the preferred alternative.

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HIGHWAY 213A-205 INTERCHANGE CONCEPT
ALTERNATIVE 3
OREGON CITY, OREGON
FIGURE 7

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**TABLE 3
CONCEPT PLAN LAND USES**

Land Use	Number of Units	Size (Sq. Ft.)
Single-Family Residential	1,106	N/A
Multi-Family Residential	470	N/A
Condo/Townhouses	134	N/A
Retail	N/A	122,750
Office	N/A	274,430

TRIP GENERATION

Estimates of daily and weekday PM peak hour vehicle trip ends for the preferred alternative are calculated using data for similar land uses summarized in the industry standard reference manual, *Trip Generation, 7th Edition*, published by the Institute of Transportation Engineers (ITE) (Reference 3). This approach to estimating trip generation was required because the METRO travel demand forecasting model was not available.

Not all of the trips will be to or from locations outside of the planning area. Several trips remain "internal trips" and are estimated using the methodology outlined in *Trip Generation Handbook, 2nd Edition*, published by the Institute of Transportation Engineers (Reference 4). Finally, the proposed layout of the Park Place area will encourage residents to travel to other locations within the site via bicycling or walking more than a traditional suburban environment does. Therefore a mode-split reduction is also taken to account for these non-vehicular trips. A brief description of these reductions follows.

Internal Trips

Internal trips are those trips that are made from one facility to another within the planning area and, never reach facilities outside of the planning area like HWY 213. This tends to occur when uses are too far away to walk or bicycle, but still closer than similar uses outside the planning area. Based on the type, location, and size of mixed-use development proposed and the methodology presented in the *ITE Trip Generation Handbook* for mixed-use developments, an internal trip rate of five percent was applied (Reference 4).

Mode Split Reduction

The vision of the Park Place Concept Plan is to decrease the use of single-occupancy vehicles and encourage local travel within the planning area via bicycling or walking, more than a traditional suburban environment does. This will be achieved by designing the area as a bicycle- and pedestrian-friendly area. By including parks and mix of land uses, it is expected that the planning area will function more as a neighborhood community than a typical subdivision used by ITE in their trip generation calculations. In addition, it is anticipated that the area will have and make use of regular transit service. Therefore, a mode-split reduction is also taken to account for the anticipated benefits. The reduction factor took into account such factors as proximity to major roadway facilities, the mix of land uses, and the proposed infrastructure. An overall mode-split reduction factor of 5 percent was applied to the planning area.

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Table 4 summarizes the estimated site trip generation during a typical weekday, as well as during the weekday PM peak hour (all trip ends shown in Table 4 are rounded to the nearest five trips).

TABLE 4
PARK PLACE CONCEPT PLAN ESTIMATED TRIP GENERATION

Land Use	ITE Land Use Code	Size	Weekday Daily Trips	Weekday PM Peak Hour Trips		
			Total	Total	In	Out
Single Family Residential	110	1,106 HH	10,585	1,120	705	415
Apartments	220	470 HH	3,160	290	190	100
Condo/Townhouse	230	134 HH	785	70	45	25
Specialty Retail	814	122,750 SF	5,440	330	145	185
General Office	710	274,430 SF	3,020	410	70	340
Total New Trips			22,990	2,220	1,155	1,065
<i>Internal Trips (5%)</i>			1,150	110	55	55
<i>Mode Split (5%)</i>			1,150	110	60	50
Total Net New Trips			20,690	2,000	1,040	960

Table 4 shows that the site is expected to generate approximately 22,990 new weekday daily trips; of which 2,220 will be during the weekday PM peak hour. Approximately 110 of the PM peak hour trips will be internal to the site, while another 110 trips will be made by modes other than a single-occupancy vehicle. This means that the site will generate approximately 2,000 net new trips on the surrounding roadway system during the weekday PM peak hour; of which, approximately 1,040 will be into the site and 960 will be leaving the site.

It should be noted that the 2027 No-Build forecast includes growth in households and jobs in TAZs 505, 506, 507, and 508. Because only a fraction of the planning area is in each zone, it is difficult to determine whether some or all of that growth is anticipated within the Park Place concept planning area. No reduction in travel demand was made to try and account for any "overlap" in assumed development. Therefore, it is safe to say the forecasts used in this analysis represent a reasonable worst-case scenario and likely represent greater levels of development than may actually occur. *Appendix "E" contains the land use estimates assumed in the Sunrise model for TAZs located within the planning area.*

Trip Distribution and Assignment

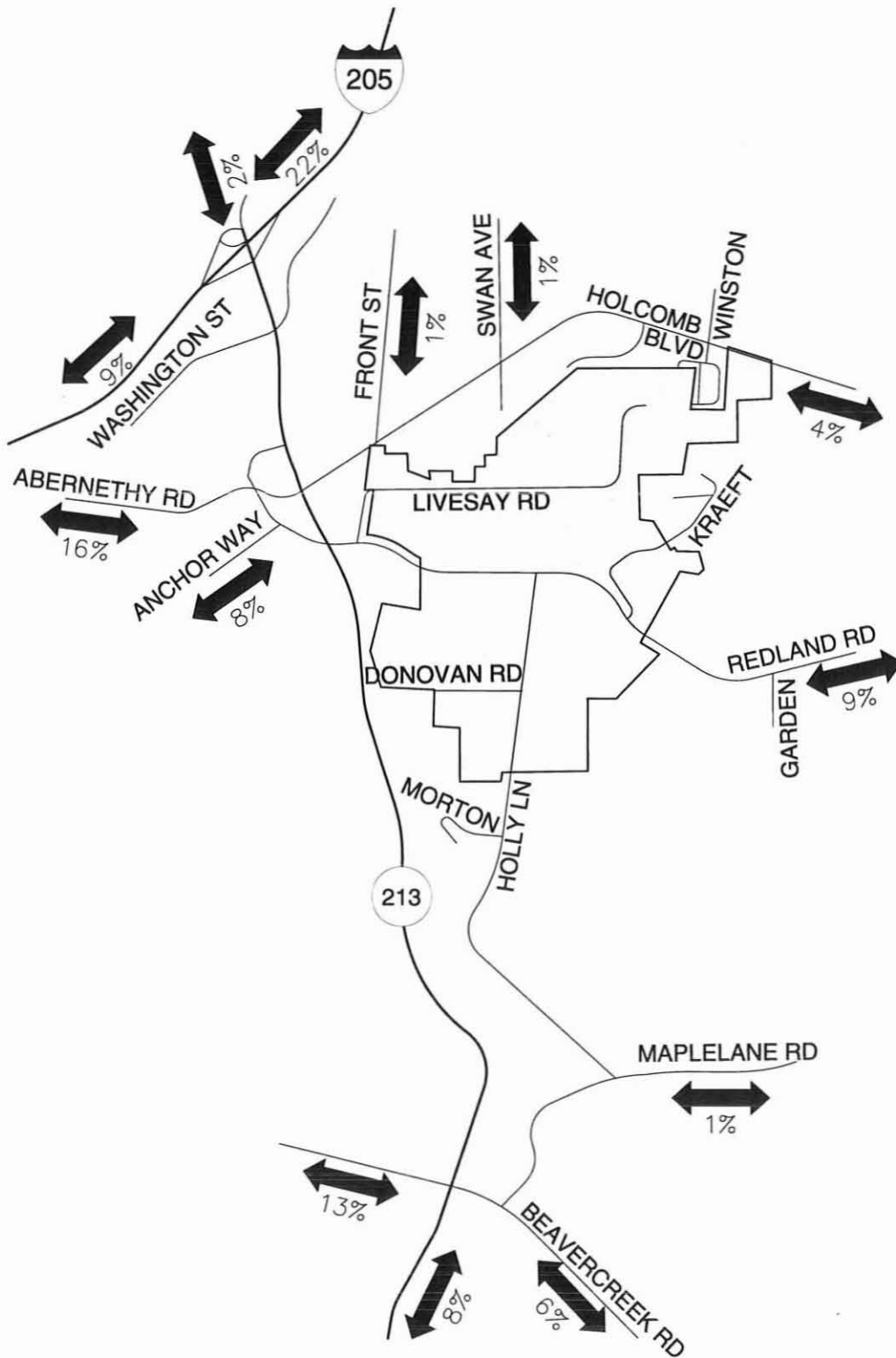
Trip Distribution

Distribution of the net new site-generated trips onto the study area roadway system is estimated based on a review of select zone analyses produced by the METRO Sunrise model, as well as existing traffic patterns, local knowledge of the area, and professional judgment. Figure 8, displays the estimated trip distribution pattern for the net new trips associated with the Park Place Concept Plan. *Appendix "F" contains the select zone analyses results.*

Figure 8 shows that approximately one third of all trips are to/from the I-205 corridor, one third are to/from the west, more than one quarter to/from the south, and 13 percent to/from the east.

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ESTIMATED TRIP DISTRIBUTION PATTERN
OREGON CITY, OREGON

FIGURE
8

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Trip Assignment

The site-generated trips shown in Table 4 are assigned to the roadway network using the estimated trip distribution pattern shown in Figure 8. In order to accomplish this assignment, the Park Place area is divided up into twelve different zones where trips will originate from or travel to. This is necessary to accurately assign trips, given the size of the Park Place area and the varying access options available to travel to and from the area. Table 5 identifies the area each zone encompasses and the number of net new PM Peak hour trips each zone generates.

**TABLE 5
PARK PLACE CONCEPT PLAN TRIP GENERATION BY ZONE**

Zone No.	Description	Net New Weekday PM Peak Hour Trips
1	North of Livesay Road, west of Swan Avenue extension	30
2	Between Redland Road and Livesay Road, west of Swan Avenue extension	165
3	Between Redland Road and Donovan Road, west of Swan Avenue extension	30
4	South of Donovan Road, west of Swan Avenue extension	200
5	South of Donovan Road, between Swan Avenue extension and Holly Lane	70
6	Between Redland Rd and Donovan Rd, Swan Ave Ext., and Holly Ln	120
7	Between Redland Rd and Livesay Rd, Swan Ave Ext., and Holly Ln. Ext	430
8	North of Livesay Road, between Swan Avenue extension and Holly Lane Ext	310
9	East of Holly Lane extension, north of Livesay Road	305
10	East of Holly Lane extension, between Redland Road and Livesay Road	180
11	East of Holly Lane, between Redland Road and Donovan Road	115
12	East of Holly Lane, south of Donovan Road	45

Table 5 shows that zones 7 – 9 generate the most trips during the weekday PM peak hour. This is because each of these areas contains a significant number of multi-family residential units, as well as retail and office space. Meanwhile, zones 1, 3, 5, and 12 primarily contain a small number of single family residential units. Figure 9 illustrates the result of assigning the Concept Plan trips to the roadway system.

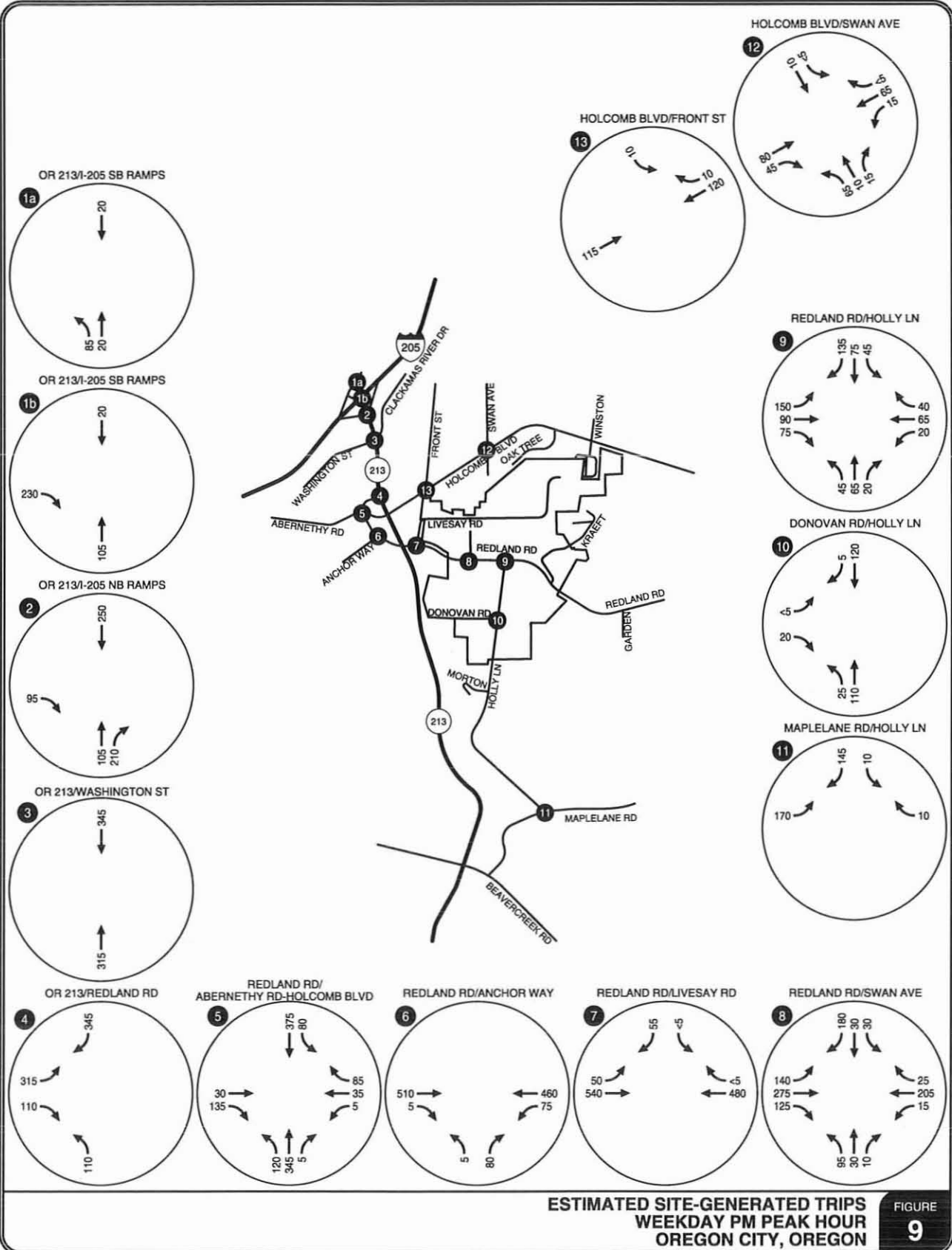
PROPOSED TRANSPORTATION CONCEPT PLAN

The Concept Plan calls for a network of transportation facilities to support local and regional travel. Miles of new residential streets are anticipated, in association with the future housing supply. A segment of Livesay Road is recommended to be classified as a Neighborhood Collector and serve as a “Main Street” for the northern commercial node of the planning area. Donovan Road is also recommended for classification as a Neighborhood Collector, to serve the same purpose in the southern commercial node and provide safe connections to the Ogden Middle School. Holly Lane is planned to be extended from Redland Road to Holcomb Boulevard and designated as a Collector facility from Maplelane Road to Holcomb Boulevard. Finally, an extension of Swan Avenue is recommended from its current terminus south of Holcomb Boulevard to an intersection with Holly Lane south of Donovan Road. *Appendix “G” contains the preferred alternative concept plan.*

Park Place Concept Plan

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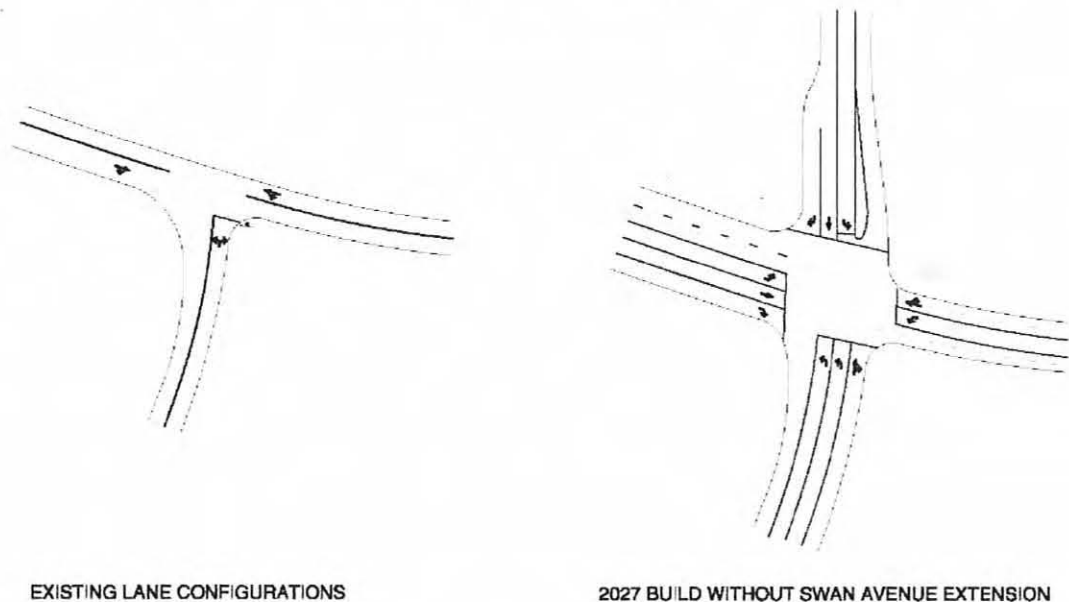
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Holly Lane and Swan Avenue Extensions

Holly Lane serves a vital role in both the local and the regional context as the only continuous north/south travel corridor on the east side of HWY 213. Holly Lane connects the northern area of Oregon City to many key destinations in the southern area of the City, such as Berryhill Shopping Center, Clackamas Community College, Oregon City High School, City Hall, and many other retail and employment locations. As a result, this corridor is expected to see travel demands increase by nearly 13,000 vehicles per day to a total of more than 16,000 vehicles per day. Were this to occur, Holly Lane would need to provide five lanes near its intersection with Redland Road and three lanes for the remainder of its length. In addition, Redland Road would need to provide six lanes near its intersection with Holly Lane and five lanes for the remainder of its length to Abernethy Road.

The cost of these improvements is significant (>\$15 million) and the feasibility is questionable. Much of the Redland Road corridor is significantly constrained by topography on the north side and by Abernethy Creek on the south side. Much of the Holly Lane corridor has a very narrow right-of-way and improved width, with many single-family residences taking direct access from Holly Lane. Climbing sections of Holly Lane will be very costly to reconstruct and face several engineering challenges. Finally, the existing Holly Lane bridge across Abernethy Creek would need to be demolished and replaced with at least a five-lane bridge. Diagram 1 illustrates the existing lane configurations at the Redland Road/Holly Lane intersection and how the intersection would look, if the Park Place Concept Plan were completed without the Swan Avenue extension. Appendix "H" contains the Redland Road/Holly Lane intersection level-of-service worksheets without the Swan Avenue extension.

DIAGRAM #1: REDLAND ROAD/HOLLY LANE INTERSECTION



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Park Place Concept Plan provides for a parallel, collector-level corridor to Holly Lane, extended to as the Swan Avenue extension, as a solution to the issues described above. Extending this corridor from Forsythe Road to points well south of Donovan Road ensures that existing Holly Lane can remain a two-lane, collector-level facility south of Redland Road. Swan Avenue extension will include bridges across the Livesay Creek canyon and Abernethy Creek, creating much needed connections between adjacent neighborhoods and providing adequate capacity and system redundancy critically needed during times of emergency.

In addition, Holly Lane would be extended north from Redland Road to connect with Holcomb Boulevard, providing good access, connectivity, and system redundancy to the area.

Swan Avenue extension provides the opportunity for a continuous, north/south, collector-level facility that is fully equipped to serve all travel modes. The facility will include sidewalks, on-street striped bike lanes on both sides and accommodate future transit service. Equipped with this, Swan Avenue is anticipated to attract 8,000 to 11,000 vehicles a day, while Holly Lane is only required to serve 4,000 to 6,000 vehicles per day. This allows the existing Holly Lane to remain in a two-lane road with improvements to address safety concerns and manage travel speeds.

There are many other benefits derived from the Swan Avenue extension, such as:

- the Livesay Creek Canyon is finally overcome as a barrier of access to schools, parks, retail uses, and neighborhoods, which reduces demands on Redland and Holcomb and reduces out-of-direction travel;

- the new Swan Avenue-Abernethy Creek bridge provides a critical connection that is out of the flood plain, redundant to the Holly Lane-Abernethy Creek bridge crossing, and improves system connectivity and local access;

- areas north and south of Redland Road are more accessible and achieve higher levels of development as a result;

- the Swan Avenue connection from Livesay Road to Redland Road alleviates the need for the existing Livesay Road intersection with Redland Road and dramatically reduces the likelihood of cut-through traffic using lower Livesay Road;

- improvement requirements for Redland Road are appreciably reduced, lowering costs and environmental impacts; and,

- a more complete, robust, and redundant multi-modal transportation system can be developed that is cost-effective and environmentally sound.

Swan Avenue-Livesay Creek Canyon bridge and the Swan Avenue-Abernethy Creek bridge are vital links in the local and regional transportation system and critical components to the integrity of the land use concept. These allow a continuous collector-level corridor to be created, which alleviates the need to widen and significantly improve the Holly Lane corridor, which minimizes adverse impacts to existing properties along Holly Lane. The connections provide for direct routes between key destinations in and around the study area. This reduces out-of-direction travel, particularly travel on Holcomb Boulevard and Redland Road. Finally, these connections provide convenient access to a large enough population base to fully support the north and south mixed-use village areas.

YEAR 2027 BUILD CONDITIONS

The build analysis evaluates how the study area's transportation system will operate in the future forecast year, 2027, assuming full development of the Park Place area, as it is outlined in the preferred alternative. The 2027 no-build traffic volumes for the weekday PM peak hour shown in Figure 6 are added to the site-generated traffic shown in Figure 9 to arrive at the total traffic volumes shown in Figure 10.

Level-of-Service Analysis

Figure 10 also provides a summary of the forecast total traffic levels of service and volume/capacity analyses associated with full build-out of the Park Place area. This analysis assumes that the improvements recommended under the no-build traffic conditions and the lane configurations shown in Figure 5 are in place. *Appendix "I" contains the 2027 Unmitigated Build Conditions worksheets.*

Highway 213 Corridor

Figure 10 illustrates that all of the intersections along the HWY 213 corridor will meet ODOT operating standards except for the intersection of HWY 213 and Washington Street. The HWY 213/Washington Street intersection is expected to operate over capacity during the weekday PM peak hour under year 2027 build traffic conditions. Improvements at the HWY 213 intersections would be required to meet applicable ODOT standards.

Redland Road/Holcomb Boulevard/Holly Lane Corridors

Oregon City and Clackamas County level-of-service standards are applied to the analysis of intersections along the Redland Road, Holcomb Boulevard, and Holly Lane corridors. The City of Oregon City and Clackamas County require that LOS "D" or better be maintained for all signalized intersections and LOS "E" or better be maintained for all unsignalized intersections. The City of Oregon City and Clackamas County do not have any standards regarding volume-to-capacity ratios.

Figure 10 illustrates that several intersections along the Redland Road and Holly Lane corridors are forecast to fall below applicable standards during the PM peak hour under year 2027 build traffic conditions. More specifically, the Redland Road/Abernethy Road-Holcomb Boulevard, Redland Road/Anchor Way, Redland Road/Livesay Road, Redland Road/Swan Avenue, Redland Road/Holly Lane, and Holcomb Boulevard/Swan Avenue intersections are all expected to operate at LOS "F" without additional future improvements. Therefore, these intersections will need to be improved with build-out of the Park Place planning area. All other non-highway intersections are expected to operate acceptably.

Needed Improvements

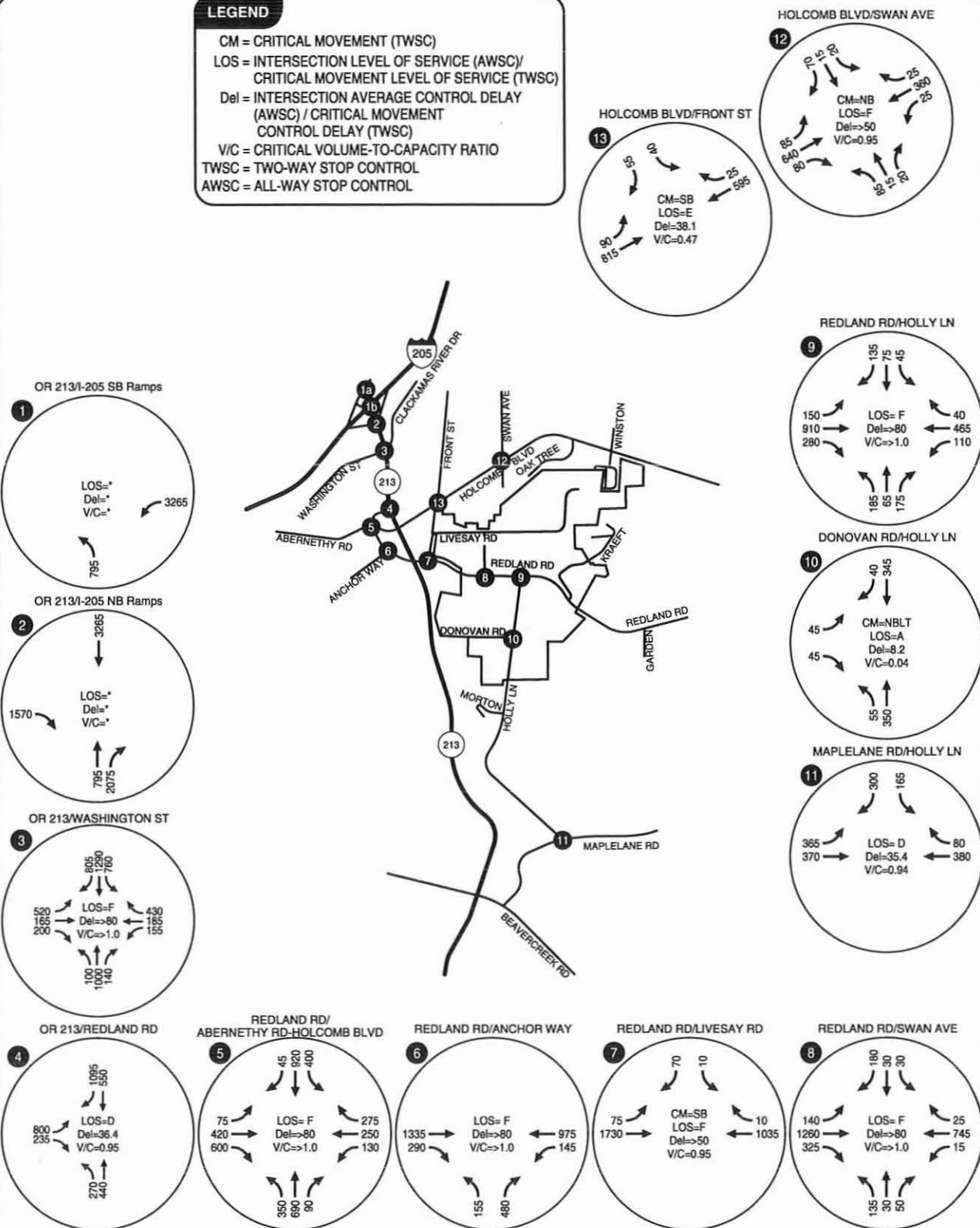
Table 6 summarizes the mitigations triggered by the concept plan that are in addition to those made under the 2027 Mitigated No-Build Conditions. In addition, Figure 11 illustrates the 2027 Mitigated Build lane configurations and traffic control devices needed to achieve acceptable performance standards. Figure 12 summarizes the resulting year 2027 Mitigated Build traffic conditions for all study area intersections. *Appendix "J" contains the 2027 Mitigated Build Conditions worksheets.*

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LEGEND

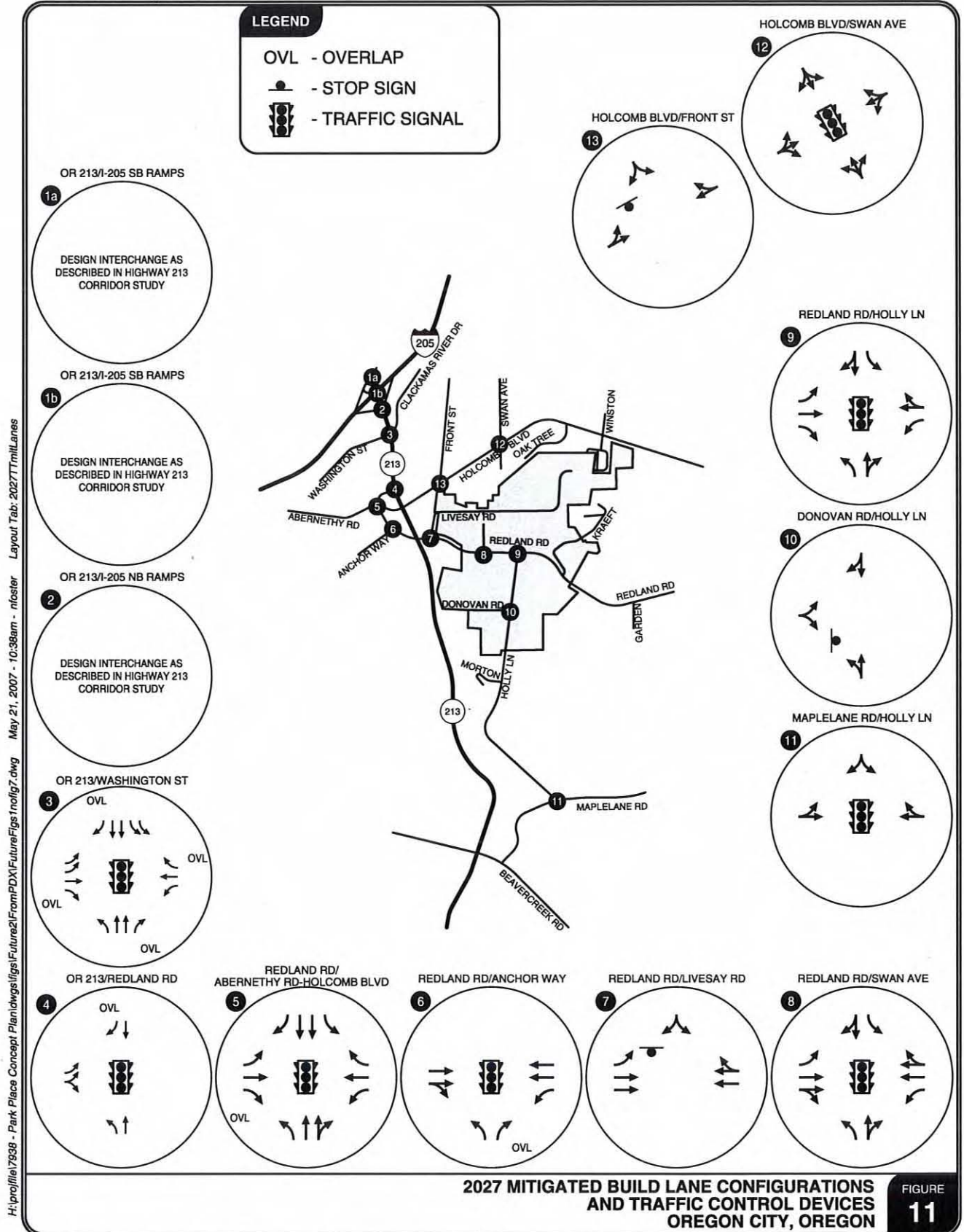
CM = CRITICAL MOVEMENT (TWSC)
 LOS = INTERSECTION LEVEL OF SERVICE (AWSC)/
 CRITICAL MOVEMENT LEVEL OF SERVICE (TWSC)
 Del = INTERSECTION AVERAGE CONTROL DELAY
 (AWSC) / CRITICAL MOVEMENT
 CONTROL DELAY (TWSC)
 V/C = CRITICAL VOLUME-TO-CAPACITY RATIO
 TWSC = TWO-WAY STOP CONTROL
 AWSC = ALL-WAY STOP CONTROL



Interchange configuration provides adequate capacity and eliminates conflicting movements.

**2027 UNMITIGATED BUILD CONDITIONS
 WEEKDAY PM PEAK HOUR
 OREGON CITY, OREGON**

FIGURE
10



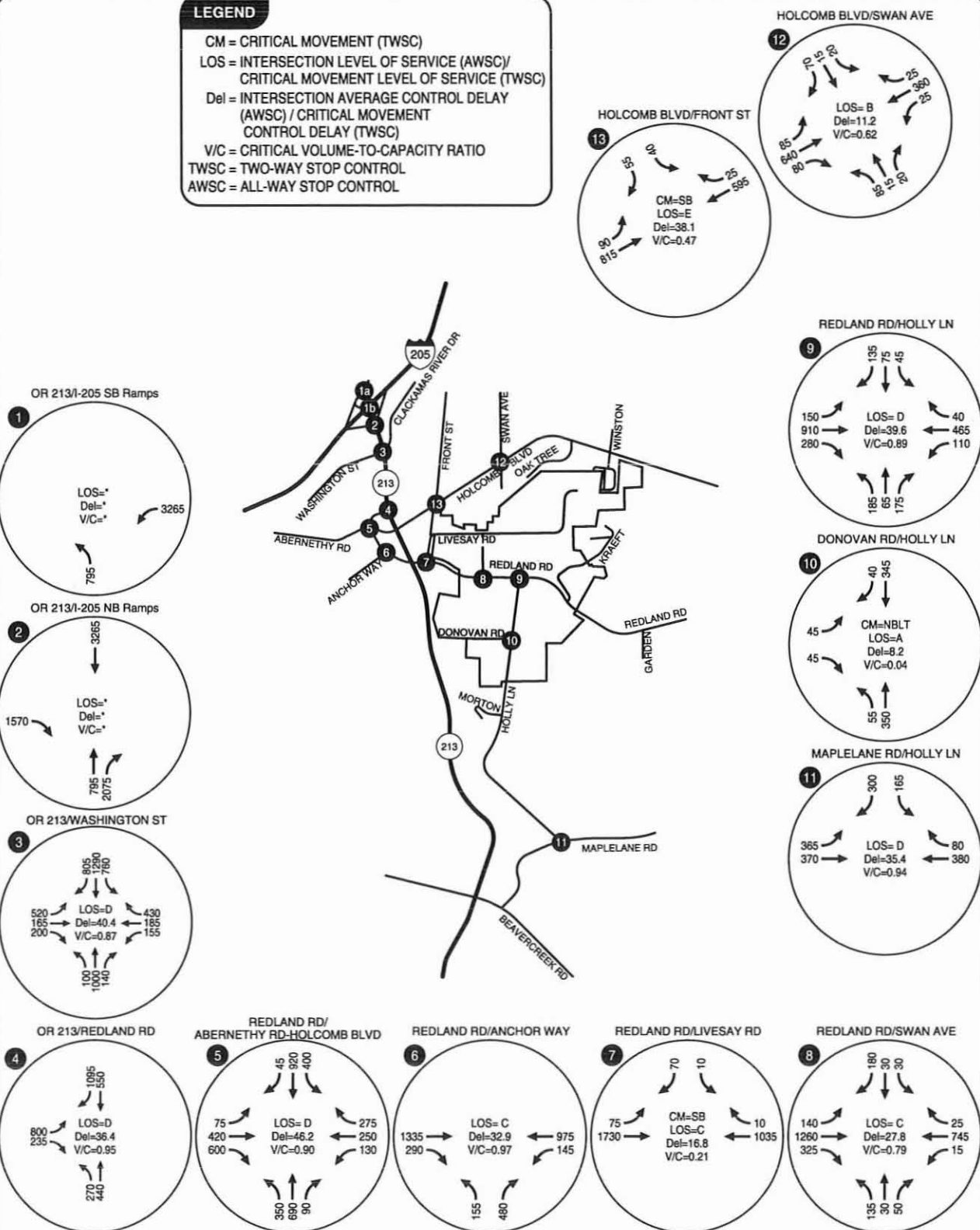
KITTELSON & ASSOCIATES, INC.
TRANSPORTATION ENGINEERING / PLANNING

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LEGEND

CM = CRITICAL MOVEMENT (TWSC)
 LOS = INTERSECTION LEVEL OF SERVICE (AWSC)/
 CRITICAL MOVEMENT LEVEL OF SERVICE (TWSC)
 Del = INTERSECTION AVERAGE CONTROL DELAY
 (AWSC) / CRITICAL MOVEMENT
 CONTROL DELAY (TWSC)
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 TWSC = TWO-WAY STOP CONTROL
 AWSC = ALL-WAY STOP CONTROL



**2027 MITIGATED BUILD CONDITIONS
 WEEKDAY PM PEAK HOUR
 OREGON CITY, OREGON**

**FIGURE
 12**

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Table 6 and Figure 12 both show that with these improvements in place, the operations at all study intersections will meet applicable agency standards.

TABLE 6
NEEDED IMPROVEMENTS UNDER 2027 BUILD CONDITIONS

Intersection	2027 No-Build Conditions		Needed Improvement	2027 Mitigated No-Build Conditions	
HWY 213 Corridor					
	V/C			V/C	
HWY 213/Washington Street	>1.0		- Construct 2 nd NB thru lane	0.87	
Redland Road/Holcomb Boulevard/Holly Lane Corridors					
	Delay (s)	LOS		Delay (s)	LOS
Redland Road (NB-SB)/ Abernethy Road-Holcomb Boulevard (EB-WB)	>80.0	F	- Construct 2 nd NB thru lane - Construct 2 nd SB thru lane	46.2	D
Redland Road (EB-WB)/ Anchor Way (NB-SB)	>80.0	F	- Construct 2 nd EB thru lane - Construct 2 nd WB thru lane	32.9	C
Redland Road (EB-WB)/ Livesay Road (NB-SB)	>50.0	F	- Construct 2 nd EB thru lane - Construct 2 nd WB thru lane	16.8	C
Redland Road (EB-WB)/ Swan Avenue (NB-SB)	N/A	N/A	- Construct north and south approaches with separate LT and shared thru/right lanes - Signalize intersection - Construct 2 nd EB thru lane - Construct 2 nd WB thru lane	27.8	C
Redland Road (EB-WB)/ Holly Lane (NB-SB)	>80.0	F	- Construct north approach with separate LT and shared thru/right lanes - Construct an EB RT lane - Construct EB and WB LT lanes	39.6	D
Holcomb Boulevard (EB-WB)/ Swan Avenue (NB-SB)	>50.0	F	- Signalize intersection	11.2	B

Highway 213 Corridor

The only intersection along the HWY 213 corridor that needs to be improved is the HWY 213/Washington Street intersection. Widening HWY 213 to include a second northbound through lane through this intersection is all that is necessary to achieve acceptable operations along this corridor.

Redland Road/Holcomb Boulevard/Holly Lane Corridors

Redland Road will need to be widened to five lanes between Abernethy Road-Holcomb Boulevard and Swan Avenue, with the additional eastbound lane becoming a right-turn only drop-lane between Swan Avenue and Holly Lane. Redland Road will most likely need to be a three-lane cross-section east of Holly Lane. No other corridor widening appears to be necessary, though many intersection improvements will also need to be made due to new approaches being added and additional traffic being generated by the planning area.

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COST ESTIMATES OF NEEDED IMPROVEMENTS

A planning level cost estimate analysis was conducted in order to approximate the amount of funding that will be needed to construct the needed improvements to the local roadway system, with and without build-out of the planning area. Table 7 (on the following page) lists these improvements and their estimated costs. These generalized cost estimates include assumptions for right-of-way, design, and construction. Table 7 includes all of the intersection improvements listed in Tables 1 and 6, as well as corridor improvements.

CONCLUSION

The Oregon City area is expected to see significant growth over the next twenty-three years. Current forecasts predict increases in travel demand of approximately 50% on the Highway 213 corridor and approximately 60% on the Redland Road corridor. These increases will exceed the capacity of the current transportation system and will likely necessitate phased capacity improvements similar to those recommended in Alternative 3 of the *Highway 213 Urban Corridor Design Study*. The Redland Road corridor is likely to require widening to a three-lane cross-section within the planning area, as a result of the growth in regional travel demand.

It is estimated that the housing and commercial development anticipated in the proposed Park Place Concept Plan will add approximately 20,700 new trips to the surrounding roadway network, with approximately 2,000 of these occurring in the PM peak hour. Additional improvements to Redland Road intersections, beyond what was described above, will be needed to meet future demands resulting from both regional and Concept Plan growth. The extension of Swan Avenue, as proposed in the Park Place Concept Plan, will eliminate the need to further widen any other corridors (i.e. Holly Lane), in addition to providing enhanced connectivity within the planning area. The greater connectivity provided by the Swan Avenue extension will help support the two mixed-use villages proposed in the Concept Plan by increasing their accessibility, as well as facilitate improved travel throughout the planning area.

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TABLE 7
ESTIMATED COST OF MAJOR TRANSPORTATION IMPROVEMENTS

Roadway Improvements	Improvement	Scenario		Total
		No Build	Build	
HWY 213: I-205 Over crossing	Construct new over crossing with 3 SB and 3 NB lanes	\$12,000,000		\$12,000,000
HWY 213: I-205 Interchange to Washington Street	Widen NB off-ramp and add 2 SB and one NB lanes on HWY 213	\$13,000,000		\$13,000,000
HWY 213: Washington to Redland	Add one lane in each direction	\$4,200,000		\$4,200,000
HWY 213: Redland to Beavercreek	Add one lane in each direction	\$ 25,000,000		\$25,000,000
Redland Road: Abernethy/Holcomb to Swan Ave	Construct five-lane cross section to City standards		\$11,500,000	\$11,500,000
Holly Lane: Redland to Maplelane	Limited safety improvements	\$3,000,000		\$3,000,000
Livesay Road: Swan Ext to Holly Ext	Upgrade to neighborhood collector standards		\$1,800,000	\$1,800,000
Donovan Road: Holly Lane to Ogden Middle School	Upgrade to neighborhood collector standards		\$1,200,000	\$1,200,000
Swan Ave. Extension: Existing Swan Ave. south of Holcomb Blvd	Upgrade to collector standards		\$1,100,000	\$1,100,000
Swan Ave. Extension: Livesay canyon to Redland Road	Construct new roadway and bridge across canyon		\$9,300,000	\$9,300,000
Swan Extension: Redland Rd to Holly Ln	Construct new roadway		\$9,300,000	\$9,300,000
Holly Lane: Redland to Holcomb Blvd	Construct new roadway		\$17,400,000	\$17,400,000
Total Roadway Improvements		\$57,200,000	\$51,600,000	\$108,800,000
Intersection Only Improvements	Improvement	No Build	Build	Total
Anchor Way/Redland Rd		\$2,900,000		\$2,900,000
Holly Ln/Redland Rd		\$2,000,000		\$2,000,000
Holly Ln/Maplelane Rd		\$1,600,000		\$1,600,000
Swan Ave/Holcomb Blvd			\$300,000	\$300,000
Total Intersection Improvements		\$6,500,000	\$300,000	\$6,800,000
Grand Totals		\$63,700,000	\$51,900,000	\$115,600,000

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References

1. Transportation Research Board. *Highway Capacity Manual*. 2000.
2. Kittelson & Associates, Inc. *Highway 213 Urban Corridor Design Study*. 2000
3. Institute of Transportation Engineers. *7th Edition, Trip Generation Manual*. 2003.
4. Institute of Transportation Engineers. *2nd Edition, Trip Generation Handbook*. June 2004.

Appendix A

Model Base & Future Volumes

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INTERSECTION: #5				OR 213/Beaver Creek Road											
Node	Node 10372	NB			SB			EB			WB				
		LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT		
PM Peak Period															
EX Observed	35	769	125	728	1,163	424	493	520	30	130	370	470			
METRO EX Model	1	1,219	81	1,438	1,438	334	434	614	1	36	537	1,031			
METRO Future Model	6	1,525	106	2,009	2,165	592	439	2,072	6	40	877	1,160			
Sunrise EX Model	1	1,251	87	1,446	1,446	344	444	624	1	38	549	1,041			
Sunrise Future Model	1	1,251	87	1,446	1,446	344	444	624	1	38	549	1,041			
Metro 1 Hr EX Model	1	646	43	761	762	177	225	325	1	20	285	546			
Metro 1 Hr Future Model	3	608	56	1,065	1,147	314	233	1,098	3	21	465	615			
Sunrise 1 Hr EX Model	1	704	16	522	659	285	372	314	1	13	147	233			
Sunrise 1 Hr Future Model	1	663	57	504	1,624	453	537	691	1	75	449	571			
Metro Future Delta (25 Year)	30	211	130	1,022	1,548	581	391	1,392	31	171	350	531			
Metro Future Obs (25 Year)	210	462	164	1,018	1,751	763	510	1,755	180	137	604	529			
Metro Future Net Increase (25 Year)	124	347	451	1,022	1,650	656	506	1,524	106	134	572	534			
Metro Future Delta (20 Year)	37	899	130	971	1,471	533	499	1,136	32	131	514	525			
Metro Future Net Increase (20 Year)	175	923	156	860	1,633	666	507	1,156	150	125	387	517			
Metro Future Obs (20 Year)	106	911	146	964	1,533	610	503	1,323	91	133	536	521			
Metro Future Net Increase (20 Year)	71	142	37	759	1,062	186	10	813	41	3	166	51			
Sun Future Delta (25 Year)	35	728	165	1,130	2,129	592	458	896	30	192	672	808			
Sun Future Obs (25 Year)	35	724	431	1,289	2,868	674	711	1,143	30	736	1,129	1,152			
Sun Future Net Increase (25 Year)	0	-43	173	442	2,498	633	685	1,019	30	465	800	960			
Sun Future Delta (20 Year)	35	736	157	1,050	1,936	558	625	821	30	180	612	741			
Sun Future Obs (20 Year)	35	733	364	1,113	2,351	591	646	820	30	398	794	878			
Sun Future Net Increase (20 Year)	0	-34	139	385	1,068	167	153	490	0	268	424	408			

EX Observed	35	769	125	728	1,163	424	493	520	30	130	370	470
Sunrise EX Model (1 Hr.)	1	704	16	522	659	285	372	314	1	13	147	233
Sunrise Future Model (1 Hr.)	1	663	57	504	1,624	453	537	691	1	75	449	571
Model Growth	0	0	0	0	0	0	0	0	0	0	0	0
80% of Model Growth	0	0	0	0	0	0	0	0	0	0	0	0
EX Observed + 80% Growth	35	769	125	728	1,163	424	493	520	30	130	370	470

INTERSECTION: #6					OR 213/Molalla Avenue												
Node 14337	6	NB			SB			EB			WB						
		LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT				
PM Peak Period																	
EX Observed	250	603	60	92	1,101	130	149	85	445	95	115	177					
METRO EX Model	1,901	1,132			2,444	32	168		2,154								
METRO Future Model	1,479	1,025	1	1	2,202	10	12	1	2,164	1	1	1					
Sunrise EX Model	326	583	115	21	1,248	1	1	479	442	214	532	456					
Sunrise Future Model	748	1,146	365	289	2,918	1	1	879	1,454	1,266	1,058	214					
Metro 1 Hr EX Model	531	600	1	1	765	17	69	1	601	1	1	1					
Metro 1 Hr Future Model	744	861	1	1	1,167	5	6	1	1,158	1	1	1					
Sunrise 1 Hr EX Model	210	457	63	11	661	1	1	264	234	113	293	263					
Sunrise 1 Hr Future Model	396	607	193	153	1,547	1	1	466	771	639	561	113					
Metro Future Delta (25 Year)	523	864	60	32	1,503	118	66	85	1,002	92	112	177					
Metro Future Obs (25 Year)	369	566	60	32	1,819	41	31	85	857	85	112	177					
Metro Future Net Increase (25 Year)	436	365	0	0	302	77	35	85	920	92	115	177					
Metro Future Delta (20 Year)	188	262	0	0	490	51	111	0	484	0	0	0					
Metro Future Obs (20 Year)	453	812	60	32	1,422	121	83	85	890	95	115	177					
Metro Future Net Increase (20 Year)	365	813	60	32	1,563	59	38	85	738	95	115	177					
Metro Future Net Increase (20 Year)	169	216	0	0	392	40	48	0	347	0	0	0					
Sun Future Delta (25 Year)	437	783	190	234	1,986	130	149	286	887	627	383	26					
Sun Future Obs (25 Year)	472	801	184	1,260	2,374	130	149	150	1,464	533	202	78					
Sun Future Net Increase (25 Year)	454	777	156	759	2,246	130	149	216	1,223	279	302	52					
Sun Future Delta (20 Year)	204	174	127	658	1,179	0	0	133	778	483	187	-128					
Sun Future Obs (20 Year)	399	723	164	206	1,809	130	149	246	874	516	330	57					
Sun Future Net Increase (20 Year)	428	781	159	1,031	2,288	130	149	137	1,260	447	199	66					
Sun Future Net Increase (20 Year)	414	742	162	618	2,044	130	149	191	1,067	481	264	77					
Sun Net Increase (20 Year)	164	139	102	526	943	0	0	106	622	386	149	-100					

EX Observed	250	603	60	92	1,101	130	149	85	445	95	115	177
Sunrise EX Model (1 Hr.)	210	457	63	11	661	1	1	264	234	113	293	263
Sunrise Future Model (1 Hr.)	396	607	193	153	1,547	1	1	466	771	639	561	113
Model Growth	187	150	130	142	885	0	0	201	536	526	264	0
80% of Model Growth	149	120	104	114	708	0	0	161	429	421	215	0
EX Observed + 80% Growth	399	723	164	206	1,809	0	0	246	874	516	330	57

INTERSECTION: #7				OR 213/Glen Oak Road											
Node	7	NB			SB			EB			WB				
		LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT		
		PM Peak Period													
EX Observed		1	675	12	149	1,365	16	26	2	1	11	1	113		
METRO EX Model		1	1,112	115	1,416	1,416	344	444	624	1	38	549	1,041		
METRO Future Model		1	1,412	115	1,816	2,428	3	1	1	3	65	1	253		
Sunrise EX Model		0	0	0	0	0	0	0	0	0	0	0	0		
Sunrise Future Model		0	0	0	0	0	0	0	0	0	0	0	0		
Metro 1 Hr EX Model		0	0	0	0	0	0	0	0	0	0	0	0		
Metro 1 Hr Future Model		0	0	0	0	0	0	0	0	0	0	0	0		
Sunrise 1 Hr EX Model		1	597	28	180	1,039	1	1	1	1	28	1	150		
Sunrise 1 Hr Future Model		1	748	61	960	1,817	1	1	1	1	79	1	393		
Metro Future Delta (25 Year)		1	675	12	149	1,365	16	26	2	1			113		
Metro Future % (25 Year)		0	0	0	0	0	0	0	0	0	0	0	0		
Metro Future Qs (25 Year)		0	335	6	75	653	9	13	1	1	6	1	21		
Metro Net Increase (25 Year)		0	0	0	0	0	0	0	0	0	0	0	0		
Metro Future Delta (20 Year)		1	675	12	149	1,365	16	26	2	1	11	1	113		
Metro Future % (20 Year)		0	0	0	0	0	0	0	0	0	0	0	0		
Metro Future Qs (20 Year)		0	0	0	0	0	0	0	0	0	0	0	0		
Metro Net Increase (20 Year)		0	0	0	0	0	0	0	0	0	0	0	0		
Sun Future Delta (25 Year)		1	627	45	937	2,143	18	26	2	1	62	1	266		
Sun Future % (25 Year)		1	846	57	796	2,366	18	26	2	1	31	1	296		
Sun Future Qs (25 Year)		1	637	36	624	1,894	18	26	2	1	35	1	336		
Sun Net Increase (25 Year)		0	162	24	71	899	0	0	0	0	38	0	213		
Sun Future Delta (20 Year)		1	796	39	775	1,587	18	26	2	1	52	1	307		
Sun Future % (20 Year)		1	804	34	666	2,182	18	26	2	1	27	1	255		
Sun Future Qs (20 Year)		1	804	31	771	2,094	18	26	2	1	39	1	283		
Sun Net Increase (20 Year)		0	129	19	572	719	0	0	0	0	28	0	170		

EX Observed + 80% Growth													0	755	75	111	1723	0	0	0	0	741	0	75	
INTERSECTION: #9													Thayer Road / Maplelane Road												
Node 10373													SB				EB				WB				
													LT	TH	RT	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
													PM Peak Period												
EX Observed														363	79	10	250					51			3
METRO EX Model																									
METRO Future Model																									
Surprise EX Model														493	1	1	240					1	0	1	1
Surprise Future Model														957	1	1	782					1	1	1	1
Metro 1 Hr EX Model													0	0	0	0	0	0	0	0	0	0	0	0	0
Metro 1 Hr Future Model													0	0	0	0	0	0	0	0	0	0	0	0	0
Surprise 1 Hr EX Model													0	245	1	1	127	0	0	0	0	0	1	0	1
Surprise 1 Hr Future Model													0	507	1	1	414	0	0	0	0	0	1	0	1
Metro Future Delta (25 Year)													0	253	79	10	280	0	0	0	0	0	1	0	2
Metro Future % (25 Year)													0	0	0	0	0	0	0	0	0	0	0	0	0
Metro Future Obs (25 Year)													0	192	40	0	146	0	0	0	0	0	26	0	2
Metro Net Increase (25 Year)													0	197	39	0	146	0	0	0	0	0	26	0	2
Metro Future Delta (20 Year)													0	363	79	10	250	0	0	0	0	0	0	0	0
Metro Future % (20 Year)													0	0	0	0	0	0	0	0	0	0	0	0	0
Metro Future Obs (20 Year)													0	0	0	0	0	0	0	0	0	0	0	0	0
Metro Net Increase (20 Year)													0	0	0	0	0	0	0	0	0	0	0	0	0
Sun Future Delta (25 Year)													0	625	79	10	367	0	0	0	0	0	31	0	2
Sun Future % (25 Year)													0	0	0	0	0	0	0	0	0	0	0	0	0
Sun Future Obs (25 Year)													0	689	79	10	740	0	0	0	0	0	31	0	2
Sun Net Increase (25 Year)													0	325	0	0	490	0	0	0	0	0	0	0	0
Sun Future Delta (20 Year)													0	572	79	10	510	0	0	0	0	0	31	0	3
Sun Future % (20 Year)													0	0	0	0	0	0	0	0	0	0	0	0	0
Sun Future Obs (20 Year)													0	623	79	10	648	0	0	0	0	0	31	0	3
Sun Net Increase (20 Year)													0	260	0	0	368	0	0	0	0	0	0	0	0
EX Observed													0	363	79	10	250	0	0	0	0	0	51	0	3
Surprise EX Model (1 hr)													0	245	1	1	127	0	0	0	0	0	1	0	1
Surprise Future Model (1 hr)													0	507	1	1	414	0	0	0	0	0	1	0	1
Model Growth													0	260	0	0	287	0	0	0	0	0	0	0	0
80% of Model Growth													0	208	0	0	230	0	0	0	0	0	0	0	0
EX Observed + 80% Growth													0	572	0	0	510	0	0	0	0	0	0	0	0
INTERSECTION: #10													Beaver Creek Road / Maplelane Road (see left comment)												
Node 17122													SB				EB				WB				
													LT	TH	RT	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
													PM Peak Period												
EX Observed													186	79	46	69	45	217	303	731	115	13	473	60	
METRO EX Model													1	1	1	1	277	1	546	1,629	1	1	1,486	148	
METRO Future Model													1	1	1	1	277	1	546	1,629	1	1	1,486	148	
Surprise EX Model													1	1	1	1	24	1	216	437	1	1	321	32	
Surprise Future Model													1	1	1	1	88	1	694	826	1	1	1,274	132	
Metro 1 Hr EX Model													1	1	1	1	147	1	105	1,560	969	1	1	746	79
Metro 1 Hr Future Model													1	1	1	1	147	1	105	1,560	969	1	1	746	79
Surprise 1 Hr EX Model													1	1	1	1	13	1	114	226	1	1	280	19	
Surprise 1 Hr Future Model													1	1	1	1	47	1	368	438	1	1	726	70	
Metro Future Delta (25 Year)													186	79	46	69	45	408	1,271	892	115	13	511	122	
Metro Future % (25 Year)													186	79	46	69	45	0	0	0	0	0	0	0	0
Metro Future Obs (25 Year)													186	79	46	69	45	0	0	0	0	0	0	0	0
Metro Net Increase (25 Year)													0	0	0	0	0	408	1,271	892	0	0	511	122	
Metro Future Delta (20 Year)													186	79	46	69	45	531	1,688	702	115	13	503	129	
Metro Future % (20 Year)													186	79	46	69	45	0	0	0	0	0	0	0	0
Metro Future Obs (20 Year)													186	79	46	69	45	450	1,561	696	115	13	511	139	
Metro Net Increase (20 Year)													0	0	0	0	0	531	1,561	696	0	0	511	139	
Sun Future Delta (25 Year)													186	79	46	69	45	471	1,144	1,238	115	13	811	112	
Sun Future % (25 Year)													186	79	46	69	45	0	0	0	0	0	0	0	0
Sun Future Obs (25 Year)													186	79	46	69	45	585	1,389	1,189	115	13	1,076	120	
Sun Net Increase (25 Year)													0	0	0	0	0	288	247	450	0	0	365	110	
Sun Future Delta (20 Year)													186	79	46	69	45	420	1,217	1,217	115	13	832	102	
Sun Future % (20 Year)													186	79	46	69	45	0	0	0	0	0	0	0	0
Sun Future Obs (20 Year)													186	79	46	69	45	512	1,257	1,257	115	13	956	148	
Sun Net Increase (20 Year)													0	0	0	0	0	288	198	538	0	0	453	68	
EX Observed													186	79	46	69	45	217	303	731	115	13	473	60	
Surprise EX Model (1 hr)													1	1	1	1	13	1	114	226	1	1	280	19	
Surprise Future Model (1 hr)													1	1	1	1	34	1	368	438	1	1	726	70	
Model Growth													98	42	0	0	0	254	211	607	0	0	448	52	
80% of Model Growth													78	34	0	0	0	203	169	486	0	0	359	42	
EX Observed + 80% Growth													264	113	46	69	45	420	472	1,217	115	13	832	102	
INTERSECTION: #11													Beaver Creek Road / Clairmont Drive (East Community College Driveway)												
Node 18013													SB				EB				WB				
													LT	TH	RT	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
													PM Peak Period												
EX Observed													75	442			517	150	84		36				
METRO EX Model																									
METRO Future Model																									
Surprise EX Model													517	353			826	219	399		273	0	0	0	
Surprise Future Model													263	736			1,294	623	721		237	0	0	0	
Metro 1 Hr EX Model													0	0	0	0	0	0	0	0	0	0	0	0	0
Metro 1 Hr Future Model													0	0	0	0	0	0	0	0	0	0	0	0	0
Surprise 1 Hr EX Model													59	138	0	0	438	201	163	0	145	0	0	0	
Surprise 1 Hr Future Model													161	390	0	0	961	330	409	0	136	0	0	0	
Metro Future Delta (25 Year)													25	442	0	0	877	150	84	0	36	0	0	0	
Metro Future % (25 Year)													0	0	0	0	0	0	0	0	0	0	0	0	
Metro Future Obs (25 Year)													11	221	0	0	408	79	42	0	19	0	0	0	
Metro Net Increase (25 Year)													14	221	0	0	468	71	42	0	17	0	0	0	
Metro Future Delta (20 Year)													25	442	0	0	877	150	84	0	36	0	0	0	
Metro Future % (20 Year)													0	0	0	0	0	0	0	0	0	0	0	0	
Metro Future Obs (20 Year)													0	0	0	0	0	0	0	0	0	0	0	0	
Metro Net Increase (20 Year)													0	0	0	0	0	0	0	0	0	0	0	0	
Sun Future Delta (25 Year)													128	884	0	0	1,330	287	129	0	36	0	0	0	
Sun Future % (25 Year)													71	2,446	0	0	1,774	280	210	0	36	0	0	0	
Sun Future Obs (25 Year)													98	671	0	0	1,852	274	215	0	36	0	0	0	
Sun Net Increase (25 Year)													73	529	0	0	726	116	186	0	0	0	0	0	
Sun Future Delta (20 Year)													107	843	0	0	1,227	261	280	0	31	0	0	0	
Sun Future % (20 Year)													62	1,086	0	0	1,563	239	185	0	36	0	0	0	
Sun Future Obs (20 Year)													59	864	0	0	1,408	233	213	0	36	0	0	0	
Sun Net Increase (20 Year)													58	422	0	0	568	92	149	0	0	0	0	0	
EX Observed													75	442	0	0	517	150	84	0	36	0	0	0	
Surprise EX Model (1 hr)													59	138	0	0	438	201	163	0	145	0	0	0	
Surprise Future Model (1 hr)													161	390	0	0	961	330	409	0	136	0	0	0	
Model Growth													102	252	0	0	513	129	245	0	0	0	0	0	
80% of Model Growth													81	201	0	0	410	103	196	0	0	0	0	0	
EX Observed + 80% Growth													156	643	0	0	1,227	259	280	0	36	0	0	0	
INTERSECTION: #12													Beaver Creek Road / Loder Road												
This intersection could not be modeled because the TAZs in this area are too large and require dis-aggregation.																									
INTERSECTION: #13													Beaver Creek Road / Meyers Road (High School)												
This intersection could not be modeled because the TAZs in this area are too large and require dis-aggregation.																									
INTERSECTION: #14													Beaver Creek Road / Glen Oak												
Node 87100													SB				EB				WB				
													LT	TH	RT	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
													PM Peak Period												
EX Observed													17	353			655	117	64		19				
METRO EX Model																									
METRO Future Model																									
Surprise EX Model													46	351			713	184	91		41	0	0	0	
Surprise Future Model													169	731			1,896	48	288		143	0	0	0	
Metro 1 Hr EX Model													0	0	0	0	0	0	0	0	0	0	0	0	0
Metro 1 Hr Future Model													0	0	0	0	0	0	0	0	0	0	0	0	0
Surprise 1 Hr EX Model													24	149	0	0	378	204	48	0	21	0	0	0	
Surprise 1 Hr Future Model													90	366	0	0	1,058	26	153	0	78	0	0	0	
Metro Future Delta (25 Year)													12	269	0	0	665	117	64	0	19	0	0	0	
Metro Future % (25 Year)													0	0	0	0	0	0	0	0	0	0	0	0	
Metro Future Obs (25 Year)													0	184	0	0	333	89	42	0	19	0	0	0	
Metro Net Increase (25 Year)													0	184	0	0	333	89	42	0	19	0	0	0	
Metro Future Delta (20 Year)													12	269	0	0	665	117	64	0	19	0	0	0	
Metro Future % (20 Year)													0	0	0	0	0	0	0	0	0	0	0	0	
Metro Future Obs (20 Year)													0	0	0	0	0	0	0	0	0	0	0	0	
Metro Net Increase (20 Year)													0	0	0	0	0	0	0	0	0	0	0	0	
Sun Future Delta (25 Year)													77	818	0	0	1,345	44	158	0	74	0	0	0	
Sun Future % (25 Year)													44	866	0	0	1,862	31	203	0	68	0	0	0	
Sun Future Obs (25 Year)													61	802	0	0	1,603	32	185	0	71	0	0	0	
Sun Net Increase (25 Year)													49	433	0	0	838	140	121	0	52	0			

Sun Future % (20 Year)	38	853	0	0	1,622	35	175	0	58	0	0	0	0
Sun Future Obs (20 Year)	51	714	0	0	1,416	5	161	0	60	0	0	0	0
Sun Net Increase (20 Year)	39	347	0	0	751	-112	97	0	41	0	0	0	0

EX Observed	12	369	0	0	665	117	64	0	15	0	0	0	0
Surpass EX Model (1 hr.)	24	149	0	0	378	294	48	0	20	0	0	0	0
Surpass Future Model (1 hr.)	90	398	0	0	1,058	26	153	0	70	0	0	0	0
Model Growth	65	249	0	0	680	104	0	55	0	0	0	0	0
80% of Model Growth	52	199	0	0	544	84	0	44	0	0	0	0	0
EX Observed + 80% Growth	64	568	0	0	1,209	148	0	63	0	0	0	0	0

INTERSECTION #15														Beaver Creek Road/Henrici Road																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																						
Node # 14197	NB					SB					EB					WB																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
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EX Observed	15	234	3	175	490	25	27	52	49	14	22	84																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																								

EX Observed	15	234	3	175	490	25	27	52	49	14	22	84	
Surpass EX Model (1 hr.)	1	104	16	133	221	45	1	77	26	20	98	69	
Surpass Future Model (1 hr.)	1	268	38	350	783	45	1	179	42	129	231	219	
Model Growth	1	164	22	217	562	101	1	101	16	109	133	150	
80% of Model Growth	1	131	18	174	450	81	1	81	13	87	106	120	
EX Observed + 80% Growth	1	365	21	349	910	133	1	133	62	101	128	204	

INTERSECTION: #A		Redland Road/Abernethy Road-Holcomb Road											
A Node # 15182	NB			SB			EB			WB			RT
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT	
PM Peak Period													
EX Observed	112	295	63	290	538	42	64	211	233	49	84	145	
METRO EX Model													
Surpass EX Model	261	448	162	212	818	224	432	391	663	126	195	35	
Surpass Future Model	548	487	269	278	859	161	306	819	1,664	312	449	278	
Metro 1 Hr EX Model	0	0	0	0	0	0	0	0	0	0	0	0	
Metro 1 Hr Future Model	0	0	0	0	0	0	0	0	0	0	0	0	
Surpass 1 Hr EX Model	138	213	86	112	504	119	229	207	246	66	103	31	
Surpass 1 Hr Future Model	290	216	111	147	455	85	162	434	532	165	238	143	
Metro Future Delta (25 Year)	112	295	63	290	538	42	64	211	233	49	84	145	
Metro Future % (25 Year)	0	0	0	0	0	0	0	0	0	0	0	0	
Metro Future Obs (25 Year)	0	0	0	0	0	0	0	0	0	0	0	0	
Metro Net Increase (25 Year)	0	0	0	0	0	0	0	0	0	0	0	0	
Metro Future Delta (20 Year)	112	295	63	290	538	42	64	211	233	49	84	145	
Metro Future % (20 Year)	0	0	0	0	0	0	0	0	0	0	0	0	
Metro Future Obs (20 Year)	0	0	0	0	0	0	0	0	0	0	0	0	
Metro Net Increase (20 Year)	0	0	0	0	0	0	0	0	0	0	0	0	
Sun Future Delta (25 Year)	264	298	88	325	490	9	3	438	519	148	219	257	
Sun Future % (25 Year)	235	299	81	380	486	30	43	442	503	122	183	664	
Sun Future Obs (25 Year)	250	298	85	353	488	19	21	440	511	125	206	480	
Sun Net Increase (25 Year)	138	3	22	63	429	29	43	229	278	86	126	315	
Sun Future Delta (20 Year)	234	297	83	318	499	15	11	392	462	128	192	234	
Sun Future % (20 Year)	211	296	78	362	497	33	49	396	449	108	172	560	
Sun Future Obs (20 Year)	222	296	80	340	498	24	30	394	455	118	182	397	
Sun Net Increase (20 Year)	110	3	17	50	440	-18	-34	183	222	69	98	252	

EX Observed	112	295	63	290	538	42	64	211	233	49	84	145	
Surpass EX Model (1 hr.)	138	213	86	112	504	119	229	207	246	66	103	31	
Surpass Future Model (1 hr.)	290	216	111	147	455	85	162	434	532	165	238	143	
Model Growth	122	29	25	32	455	162	434	532	227	286	99	135	
80% of Model Growth	122	29	25	32	455	162	434	532	181	229	79	108	
EX Observed + 80% Growth	234	297	83	318	499	15	11	392	462	128	192	234	

INTERSECTION: #B														Redland Road/Anchor Way													
	NB				SB				EB				WB														
	LT	TH	RT	RT	LT	TH	RT	RT	LT	TH	RT	RT	LT	TH	RT	RT											
EX Observed	115	0	65	0	0	0	0	0	692	113	36	340	0														
METRO EX Model	161	0	36	0	0	0	0	0	1,439	97	43	879	0														
METRO Future Model	233	0	892	0	0	0	0	0	1,684	516	419	931	0														
Surpass EX Model	144	0	36	0	0	0	0	0	1,439	97	43	879	0														
Surpass Future Model	233	0	892	0	0	0	0	0	1,684	516	419	931	0														
Metro 1 Hr EX Model	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0											
Metro 1 Hr Future Model	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0											
Surpass 1 Hr EX Model	77	0	51	0	0	0	0	0	763	51	23	360	0														
Surpass 1 Hr Future Model	123	0	473	0	0	0	0	0	882	270	222	493	0														
Metro Future Delta (25 Year)	115	0	65	0	0	0	0	0	692	113	36	340	0														
Metro Future % (25 Year)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0											
Metro Future Obs (25 Year)	0	0	0	0	0	0	0	0	349	37	16	320	0														
Metro Net Increase (25 Year)	0	0	0	0	0	0	0	0	298	58	16	175	0														
Metro Future Delta (20 Year)	115	0	65	0	0	0	0	0	692	113	36	340	0														
Metro Future % (20 Year)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0											
Metro Future Obs (20 Year)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0											
Metro Net Increase (20 Year)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0											
Sun Future Delta (25 Year)	161	0	487	0	0	0	0	0	811	332	235	474	0														
Sun Future % (25 Year)	184	0	604	0	0	0	0	0	808	564	361	496	0														
Sun Future Obs (25 Year)	172	0	545	0	0	0	0	0	806	463	293	470	0														
Sun Net Increase (25 Year)	57	0	480	0	0	0	0	0	114	350	257	130	0														
Sun Future Delta (20 Year)	152	0	403	0	0	0	0	0	787	288	195	447	0														
Sun Future % (20 Year)	170	0	496	0	0	0	0	0	779	498	288	441	0														
Sun Future Obs (20 Year)	161	0	449	0	0	0	0	0	783	393	242	444	0														
Sun Net Increase (20 Year)	46	0	384	0	0	0	0	0	91	280	206	104	0														

EX Observed	115	0	65	0	0	0	0	692	113	36	340	0	
Surpass EX Model (1 hr.)	77	0	51	0	0	0	0	763	51	23	360	0	
Surpass Future Model (1 hr.)	123	0	473	0	0	0	0	882	270	222	493	0	
Model Growth	46	0	422	0	0	0	0	119	219	199	134	0	
80% of Model Growth	37	0	338	0	0	0	0	95	175	159	107	0	

Sun Future Obs (25 Year)	191	0	162	0	0	0	0	795	472	104	302	0
Sun Net Increase (25 Year)	112	0	163	0	0	0	0	262	251	82	211	0
Sun Future Delta (20 Year)	177	0	193	0	0	0	0	761	407	86	458	0
Sun Future % (20 Year)	160	0	106	0	0	0	0	718	437	90	461	0
Sun Future Obs (20 Year)	169	0	149	0	0	0	0	740	422	88	460	0
Sun Net Increase (20 Year)	90	0	130	0	0	0	0	226	201	66	169	0

EX Observed	79	0	19	0	0	0	0	514	221	22	291	0
Sunrise EX Model (1 hr.)	96	0	38	0	0	0	0	622	191	21	287	0
Sunrise Future Model (1 hr.)	219	0	255	0	0	0	0	931	423	100	497	0
Model Growth	123	0	217	0	0	0	0	309	233	80	209	0
80% of Model Growth	98	0	174	0	0	0	0	247	186	64	167	0
EX Observed + 80% Growth	177	0	193	0	0	0	0	761	407	86	458	0

INTERSECTION: #E Maplelane Road/Holly Lane												
Node # 14073	NB			SB			EB			WB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
PM Peak Period												
EX Observed	0	0	0	79	0	106	65	290	0	0	194	21
METRO EX Model	0	0	0	0	0	0	0	0	0	0	0	0
METRO Future Model	0	0	0	0	0	0	0	0	0	0	0	0
Sunrise EX Model	0	0	0	1	0	53	91	371	0	0	181	1
Sunrise Future Model	0	0	0	1	0	162	484	555	0	0	620	1
Metro 1 Hr EX Model	0	0	0	0	0	0	0	0	0	0	0	0
Metro 1 Hr Future Model	0	0	0	0	0	0	0	0	0	0	0	0
Sunrise 1 Hr EX Model	0	0	0	1	0	28	48	197	0	0	99	1
Sunrise 1 Hr Future Model	0	0	0	1	0	86	214	294	0	0	329	1
Metro Future Delta (25 Year)	0	0	0	79	0	106	65	290	0	0	194	21
Metro Future % (25 Year)	0	0	0	79	0	106	65	290	0	0	194	21
Metro Future Obs (25 Year)	0	0	0	79	0	106	65	290	0	0	194	21
Metro Future Delta (20 Year)	0	0	0	79	0	106	65	290	0	0	194	21
Metro Future % (20 Year)	0	0	0	79	0	106	65	290	0	0	194	21
Metro Future Obs (20 Year)	0	0	0	79	0	106	65	290	0	0	194	21
Metro Net Increase (20 Year)	0	0	0	79	0	106	65	290	0	0	194	21
Sun Future Delta (25 Year)	0	0	0	79	0	106	65	290	0	0	194	21
Sun Future % (25 Year)	0	0	0	79	0	106	65	290	0	0	194	21
Sun Future Obs (25 Year)	0	0	0	79	0	106	65	290	0	0	194	21
Sun Net Increase (25 Year)	0	0	0	79	0	106	65	290	0	0	194	21
Sun Future Delta (20 Year)	0	0	0	79	0	106	65	290	0	0	194	21
Sun Future % (20 Year)	0	0	0	79	0	106	65	290	0	0	194	21
Sun Future Obs (20 Year)	0	0	0	79	0	106	65	290	0	0	194	21
Sun Net Increase (20 Year)	0	0	0	79	0	106	65	290	0	0	194	21

EX Observed	0	0	0	79	0	106	65	290	0	0	194	21
Sunrise EX Model (1 hr.)	0	0	0	1	0	28	48	197	0	0	99	1
Sunrise Future Model (1 hr.)	0	0	0	1	0	86	214	294	0	0	329	1
Model Growth	0	0	0	0	0	58	166	98	0	0	229	0
80% of Model Growth	0	0	0	0	0	46	133	78	0	0	184	0
EX Observed + 80% Growth	0	0	0	79	0	152	198	368	0	0	378	21

INTERSECTION: #F Holcomb Boulevard/Front Street												
Node # 14327	NB			SB			EB			WB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
PM Peak Period												
EX Observed	0	0	0	11	0	29	41	470	0	0	236	5
METRO EX Model	0	0	0	0	0	0	0	0	0	0	0	0
METRO Future Model	0	0	0	0	0	0	0	0	0	0	0	0
Sunrise EX Model	0	0	0	173	0	0	1	768	0	0	373	15
Sunrise Future Model	0	0	0	222	0	0	1	1,397	0	0	941	23
Metro 1 Hr EX Model	0	0	0	0	0	0	0	0	0	0	0	0
Metro 1 Hr Future Model	0	0	0	0	0	0	0	0	0	0	0	0
Sunrise 1 Hr EX Model	0	0	0	95	0	15	1	407	0	0	201	8
Sunrise 1 Hr Future Model	0	0	0	118	0	47	1	693	0	0	499	8
Metro Future Delta (25 Year)	0	0	0	11	0	29	41	470	0	0	236	5
Metro Future % (25 Year)	0	0	0	11	0	29	41	470	0	0	236	5
Metro Future Obs (25 Year)	0	0	0	11	0	29	41	470	0	0	236	5
Metro Future Delta (20 Year)	0	0	0	11	0	29	41	470	0	0	236	5
Metro Future % (20 Year)	0	0	0	11	0	29	41	470	0	0	236	5
Metro Future Obs (20 Year)	0	0	0	11	0	29	41	470	0	0	236	5
Metro Net Increase (20 Year)	0	0	0	11	0	29	41	470	0	0	236	5
Sun Future Delta (25 Year)	0	0	0	34	0	60	41	756	0	0	534	5
Sun Future % (25 Year)	0	0	0	34	0	60	41	756	0	0	534	5
Sun Future Obs (25 Year)	0	0	0	34	0	60	41	756	0	0	534	5
Sun Net Increase (25 Year)	0	0	0	34	0	60	41	756	0	0	534	5
Sun Future Delta (20 Year)	0	0	0	29	0	54	41	699	0	0	474	5
Sun Future % (20 Year)	0	0	0	29	0	54	41	699	0	0	474	5
Sun Future Obs (20 Year)	0	0	0	29	0	54	41	699	0	0	474	5
Sun Net Increase (20 Year)	0	0	0	29	0	54	41	699	0	0	474	5

EX Observed	0	0	0	11	0	29	41	470	0	0	236	5
Sunrise EX Model (1 hr.)	0	0	0	118	0	15	1	407	0	0	201	8
Sunrise Future Model (1 hr.)	0	0	0	222	0	47	1	693	0	0	499	8
Model Growth	0	0	0	23	0	31	1	286	0	0	298	0
80% of Model Growth	0	0	0	18	0	25	1	229	0	0	238	0
EX Observed + 80% Growth	0	0	0	29	0	54	1	699	0	0	474	5

INTERSECTION: #G Holcomb Boulevard/Swan Avenue												
Node # 14082	NB			SB			EB			WB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
PM Peak Period												
EX Observed	11	1	2	3	2	28	43	345	23	1	143	3
METRO EX Model	0	0	0	0	0	0	0	0	0	0	0	0
METRO Future Model	0	0	0	0	0	0	0	0	0	0	0	0
Sunrise EX Model	1	1	1	374	1	27	35	732	1	1	221	221
Sunrise Future Model	1	1	1	495	1	128	136	1,241	1	1	575	275
Metro 1 Hr EX Model	0	0	0	0	0	0	0	0	0	0	0	0
Metro 1 Hr Future Model	0	0	0	0	0	0	0	0	0	0	0	0
Sunrise 1 Hr EX Model	1	1	1	198	1	14	19	388	1	1	117	117
Sunrise 1 Hr Future Model	1	1	1	215	1	68	72	658	1	1	305	146
Metro Future Delta (25 Year)	11	1	2	3	2	28	43	345	23	1	143	3
Metro Future % (25 Year)	0	0	0	0	0	0	0	0	0	0	0	0
Metro Future Obs (25 Year)	0	0	0	0	0	0	0	0	0	0	0	0
Metro Future Delta (20 Year)	11	1	2	3	2	28	43	345	23	1	143	3
Metro Future % (20 Year)	0	0	0	0	0	0	0	0	0	0	0	0
Metro Future Obs (20 Year)	0	0	0	0	0	0	0	0	0	0	0	0
Metro Net Increase (20 Year)	0	0	0	0	0	0	0	0	0	0	0	0
Sun Future Delta (25 Year)	11	1	2	3	2	82	97	615	23	1	331	32
Sun Future % (25 Year)	11	1	2	3	2	133	167	565	23	1	372	4
Sun Future Obs (25 Year)	11	1	2	3	2	107	132	600	23	1	351	18
Sun Net Increase (25 Year)	0	0	0	0	0	79	89	255	0	0	298	15
Sun Future Delta (20 Year)	11	1	2	3	2	71	86	561	23	1	293	26
Sun Future % (20 Year)	11	1	2	3	2	112	142	537	23	1	326	4
Sun Future Obs (20 Year)	11	1	2	3	2	91	114	549	23	1	310	15
Sun Net Increase (20 Year)	0	0	0	0	0	63	71	204	0	0	167	12

EX Observed	11	1	2	3	2	28	43	345	23	1	143	3
Sunrise EX Model (1 hr.)	1	1	1	198	1	14	19	388	1	1	117	117
Sunrise Future Model (1 hr.)	1	1	1	215	1	68	72	658	1	1	305	146
Model Growth	0	0	0	17	0	54	54	270	0	0	188	29
80% of Model Growth	0	0	0	14	0	43	43	216	0	0	150	23
EX Observed + 80% Growth	11	1	2	3	2	71	86	561	23	1	293	26

Kittelson and Associates, Inc Intersection Volume Summary
7938 - Park Place Concept Plan 2027 Volumes

5/16/2007

1	PHF = 88%		Date = June-06			
in/out	945	40	905	0	600	out/in
750	10	0	0	0	0	0
	3035	I-205 Southbound Ramps/OR		0	0	
		213		0	0	
3045	710	590	0	0	0	0
out/in	3940				1300	0 out/in
					TEV = 5290	

2		PHF = 90%		Date = June-06			
in/out		3940	0	3910	30	1300	out/in
0		20	I-205 Northbound Ramps/OR		0	0	0
		1475	213		0	0	
1495		0	1280		1965	1995	
out/in		5385			3245	out/in	
TEV = 8680							

	PHF =	???	Date =	July-05		
in/out	5380	805	3815	760	3245	out/in
1090	520				430	770
	165				185	
	200				155	
		OR 213/Washington St				
885	100	2295	140		1065	
out/in	4170				2535	out/in
TEV = 9570						

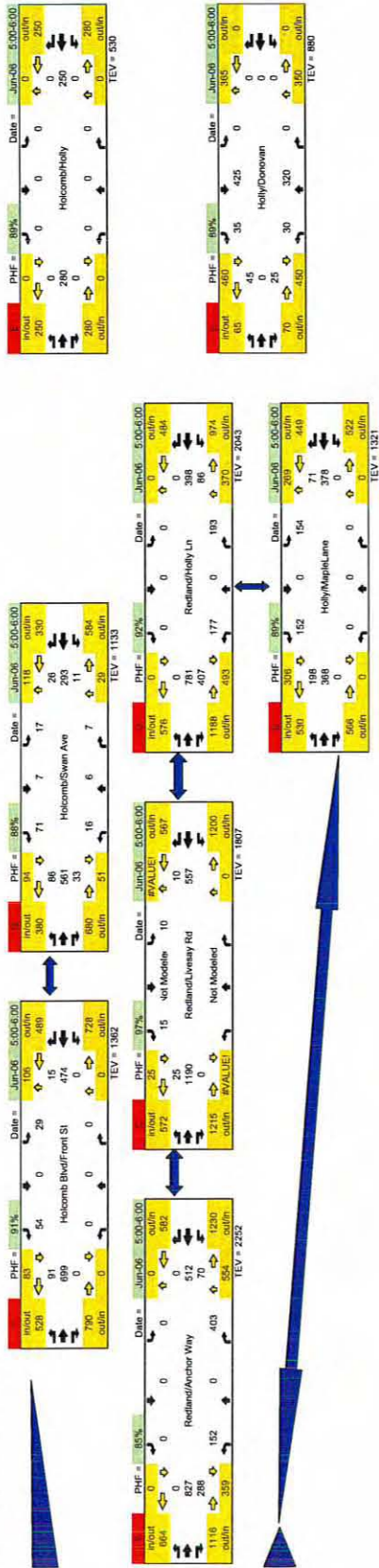
4	PHF = ???	Date = July-05				
in/out	4170	750	3420	0	2535	out/in
910	485				0	0
	0	OR 213/Redland Rd				
	125				0	
610		160	2050	0		0
out/in	3545				2210	out/in
TEV = 6990						

	Holcomb									
	A		PHF = 96%		Date = Jun-06 5:00-6:00					
	in/out	529					793	out/in		
	610		189	212	128		664			
		318					83			
		546					347			
		45					234			
	910		74	392	462		1136			
	out/in	491					928	out/in		
	TEV = 3030									
	Abernethy									

5/16/2007

Intersection Volume Summary
2027 Volumes

Kittelson and Associates, Inc
7938 - Park Place Concept Plan



Appendix B

Description of
Level-of-Service
Methods & Criteria

Park Place Concept Plan
May 21, 2007

7938.0

Appendix B

LEVEL OF SERVICE CONCEPT

Level of service (level of service) is a concept developed to quantify the degree of comfort (including such elements as travel time, number of stops, total amount of stopped delay, and impediments caused by other vehicles) afforded to drivers as they travel through an intersection or roadway segment. Six grades are used to denote the various level of service from A to F.¹

SIGNALIZED INTERSECTIONS

The six level of service grades are described qualitatively for signalized intersections in Table B1. Additionally, Table B2 identifies the relationship between level of service and average control delay per vehicle. Control delay is defined to include initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay. Using this definition, level of service D is generally considered to represent the minimum acceptable design standard.

Table B1
Level of Service Definitions (Signalized Intersections)

Level of Service	Average Delay per Vehicle
A	Very low average control delay, less than 10 seconds per vehicle. This occurs when progression is extremely favorable, and most vehicles arrive during the green phase. Most vehicles do not stop at all. Short cycle lengths may also contribute to low delay.
B	Average control delay is greater than 10 seconds per vehicle and less than or equal to 20 seconds per vehicle. This generally occurs with good progression and/or short cycle lengths. More vehicles stop than for a level of service A, causing higher levels of average delay.
C	Average control delay is greater than 20 seconds per vehicle and less than or equal to 35 seconds per vehicle. These higher delays may result from fair progression and/or longer cycle lengths. Individual cycle failures may begin to appear at this level. The number of vehicles stopping is significant at this level, although many still pass through the intersection without stopping.
D	Average control delay is greater than 35 seconds per vehicle and less than or equal to 55 seconds per vehicle. The influence of congestion becomes more noticeable. Longer delays may result from some combination of unfavorable progression, long cycle length, or high volume/capacity ratios. Many vehicles stop, and the proportion of vehicles not stopping declines. Individual cycle failures are noticeable.
E	Average control delay is greater than 55 seconds per vehicle and less than or equal to 80 seconds per vehicle. This is usually considered to be the limit of acceptable delay. These high delay values generally (but not always) indicate poor progression, long cycle lengths, and high volume/capacity ratios. Individual cycle failures are frequent occurrences.
F	Average control delay is in excess of 80 seconds per vehicle. This is considered to be unacceptable to most drivers. This condition often occurs with oversaturation. It may also occur at high volume/capacity ratios below 1.0 with many individual cycle failures. Poor progression and long cycle lengths may also contribute to such high delay values.

¹ Most of the material in this appendix is adapted from the Transportation Research Board, *Highway Capacity Manual*, 2000.

Table B2
Level of Service Criteria for Signalized Intersections

Level of Service	Average Control Delay per Vehicle (Seconds)
A	<10.0
B	>10 and ≤20
C	>20 and ≤35
D	>35 and ≤55
E	>55 and ≤80
F	>80

UNSIGNALIZED INTERSECTIONS

Unsignalized intersections include two way stop controlled (TWSC) and all way stop controlled (AWSC) intersections. The 2000 Highway Capacity Manual provides models for estimating control delay at both TWSC and AWSC intersections. A qualitative description of the various service levels associated with an unsignalized intersection is presented in Table B3. A quantitative definition of level of service for unsignalized intersections is presented in Table B4. Using this definition, level of service E is generally considered to represent the minimum acceptable design standard.

Table B3
Level of Service Criteria for Unsignalized Intersections

Level of Service	Average Delay per Vehicle to Minor Street
A	- Nearly all drivers find freedom of operation. - Very seldom is there more than one vehicle in queue.
B	- Some drivers begin to consider the delay an inconvenience. - Occasionally there is more than one vehicle in queue.
C	- Many times there is more than one vehicle in queue. - Most drivers feel restricted, but not objectionably so.
D	- Often there is more than one vehicle in queue. - Drivers feel quite restricted.
E	- Represents a condition in which the demand is near or equal to the probable maximum number of vehicles that can be accommodated by the movement. - There is almost always more than one vehicle in queue. - Drivers find the delays approaching intolerable levels.
F	- Forced flow. - Represents an intersection failure condition that is caused by geometric and/or operational constraints external to the intersection.

Park Place Concept Plan
May 21, 2007

7938.0

Table B4
Level of Service Criteria for Unsignalized Intersections

Level of Service	Average Control Delay per Vehicle (Seconds)
A	<10.0
B	>10.0 and #15.0
C	>15.0 and #25.0
D	>25.0 and #35.0
E	>35.0 and #50.0
F	>50.0

It should be noted that the level of service criteria for unsignalized intersections are somewhat different than the criteria used for signalized intersections. The primary reason for this difference is that drivers expect different levels of performance from different kinds of transportation facilities. The expectation is that a signalized intersection is designed to carry higher traffic volumes than an unsignalized intersection. Additionally, there are a number of driver behavior considerations that combine to make delays at signalized intersections less onerous than at unsignalized intersections. For example, drivers at signalized intersections are able to relax during the red interval, while drivers on the minor street approaches to TWSC intersections must remain attentive to the task of identifying acceptable gaps and vehicle conflicts. Also, there is often much more variability in the amount of delay experienced by individual drivers at unsignalized intersections than signalized intersections. For these reasons, it is considered that the control delay threshold for any given level of service is less for an unsignalized intersection than for a signalized intersection. While overall intersection level of service is calculated for AWSC intersections, level of service is only calculated for the minor approaches and the major street left turn movements at TWSC intersections. No delay is assumed to the major street through movements. For TWSC intersections, the overall intersection level of service remains undefined: level-of-service is only calculated for each minor street lane.

In the performance evaluation of TWSC intersections, it is important to consider other measures of effectiveness (MOE's) in addition to delay, such as v/c ratios for individual movements, average queue lengths, and 95th-percentile queue lengths. By focusing on a single MOE for the worst movement only, such as delay for the minor-street left turn, users may make inappropriate traffic control decisions. The potential for making such inappropriate decisions is likely to be particularly pronounced when the HCM level-of-service thresholds are adopted as legal standards, as is the case in many public agencies.

Appendix C

2027 No-Build
Traffic Conditions
Level-of-Service
Worksheets

HCM Signalized Intersection Capacity Analysis 200: Redland Road & Cascade Hwy South

2027 Background Conditions
5/18/2007

	EBL	EBR	NBL	NBT	SBT	SBR
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	Left	Thru	Left	Thru	Thru	Left
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Total Lost time (s)	3.0		3.0	3.0	3.0	3.0
Lane Util. Factor	0.97		1.00	0.95	0.95	1.00
Frt	0.97		1.00	1.00	1.00	0.85
Flt Protected	0.96		0.95	1.00	1.00	1.00
Satd. Flow (prot)	3369		1736	3471	3471	1553
Flt Permitted	0.96		0.95	1.00	1.00	1.00
Satd. Flow (perm)	3369		1736	3471	3471	1553
Volume (vph)	485	125	160	2050	3420	750
Peak-hour factor, PHF	1.00	1.00	0.95	0.95	0.95	0.95
Adj. Flow (vph)	485	125	168	2158	3600	789
Lane Group Flow (vph)	610	0	168	2158	3600	789
Heavy Vehicles (%)	2%	2%	4%	4%	4%	4%
Turn Type			Prot		pm+ov	
Protected Phases	8		1	6	2	8
Permitted Phases						2
Actuated Green, G (s)	21.0		10.0	121.0	107.0	128.0
Effective Green, g (s)	22.0		11.0	122.0	108.0	130.0
Actuated g/C Ratio	0.15		0.07	0.81	0.72	0.87
Clearance Time (s)	4.0		4.0	4.0	4.0	4.0
Vehicle Extension (s)	3.0		3.0	3.0	3.0	3.0
Lane Grp Cap (vph)	494		127	2823	2499	1377
v/s Ratio Prot	c0.18		c0.10	0.62	c1.04	0.08
v/s Ratio Perm						0.42
v/c Ratio	1.23		1.32	0.76	1.44	0.57
Uniform Delay, d1	64.0		69.5	6.9	21.0	2.6
Progression Factor	1.00		1.00	1.00	0.69	0.13
Incremental Delay, d2	122.2		189.7	2.0	198.5	0.1
Delay (s)	186.2		259.2	8.9	212.9	0.4
Level of Service	F		F	A	F	A
Approach Delay (s)	186.2			27.0	174.7	
Approach LOS	F			C	F	
Intersection Summary						
HCM Average Control Delay			128.7		HCM Level of Service	F
HCM Volume to Capacity ratio			1.40			
Actuated Cycle Length (s)			150.0		Sum of lost time (s)	9.0
Intersection Capacity Utilization			136.6%		ICU Level of Service	H
c Critical Lane Group						

PM		Wed Mar 28, 2007 14:19:22		Page 1-1	
Kittelson & Associates, Inc. #7938		Kittelson & Associates, Inc. #7938		Page 2-1	
Park Place Concept Plan - Oregon City, OR		Park Place Concept Plan - Oregon City, OR			
2027 Background Traffic Conditions, Weekday PM Peak Hour		2027 Background Traffic Conditions, Weekday PM Peak Hour			
Scenario:		Impact Analysis Report			
Command:		Level of Service			
Volume:		Intersection			
Geometry:		Base		Future	
Impact Fee:		Del/ V/		Del/ V/	
Trip Generation:		LOS Veh C		LOS Veh C	
Trip Distribution:		F OVRFL 0.000		F OVRFL 0.000	
Paths:		F OVRFL 0.000		F OVRFL 0.000	
Routes:		F OVRFL 0.000		F OVRFL 0.000	
Configuration:		F OVRFL 0.000		F OVRFL 0.000	
		F 122.2 1.173		F 122.2 1.173	
		F 782.3 0.000		F 782.3 0.000	
		D 29.1 0.000		D 29.1 0.000	
		F 619.0 0.000		F 619.0 0.000	
		A 8.9 0.000		A 8.9 0.000	
		F 127.2 0.000		F 127.2 0.000	
		C 21.9 0.000		C 21.9 0.000	
		D 26.5 0.000		D 26.5 0.000	
		F 619.0 0.000		F 619.0 0.000	
		A 8.9 0.000		A 8.9 0.000	
		F 127.2 0.000		F 127.2 0.000	
		C 21.9 0.000		C 21.9 0.000	
		D 26.5 0.000		D 26.5 0.000	
		F 619.0 0.000		F 619.0 0.000	
		A 8.9 0.000		A 8.9 0.000	
		F 127.2 0.000		F 127.2 0.000	
		C 21.9 0.000		C 21.9 0.000	
		D 26.5 0.000		D 26.5 0.000	
		F 619.0 0.000		F 619.0 0.000	
		A 8.9 0.000		A 8.9 0.000	
		F 127.2 0.000		F 127.2 0.000	
		C 21.9 0.000		C 21.9 0.000	
		D 26.5 0.000		D 26.5 0.000	
		F 619.0 0.000		F 619.0 0.000	
		A 8.9 0.000		A 8.9 0.000	
		F 127.2 0.000		F 127.2 0.000	
		C 21.9 0.000		C 21.9 0.000	
		D 26.5 0.000		D 26.5 0.000	
		F 619.0 0.000		F 619.0 0.000	
		A 8.9 0.000		A 8.9 0.000	
		F 127.2 0.000		F 127.2 0.000	
		C 21.9 0.000		C 21.9 0.000	
		D 26.5 0.000		D 26.5 0.000	
		F 619.0 0.000		F 619.0 0.000	
		A 8.9 0.000		A 8.9 0.000	
		F 127.2 0.000		F 127.2 0.000	
		C 21.9 0.000		C 21.9 0.000	
		D 26.5 0.000		D 26.5 0.000	
		F 619.0 0.000		F 619.0 0.000	
		A 8.9 0.000		A 8.9 0.000	
		F 127.2 0.000		F 127.2 0.000	
		C 21.9 0.000		C 21.9 0.000	
		D 26.5 0.000		D 26.5 0.000	
		F 619.0 0.000		F 619.0 0.000	
		A 8.9 0.000		A 8.9 0.000	
		F 127.2 0.000		F 127.2 0.000	
		C 21.9 0.000		C 21.9 0.000	
		D 26.5 0.000		D 26.5 0.000	
		F 619.0 0.000		F 619.0 0.000	
		A 8.9 0.000		A 8.9 0.000	
		F 127.2 0.000		F 127.2 0.000	
		C 21.9 0.000		C 21.9 0.000	
		D 26.5 0.000		D 26.5 0.000	
		F 619.0 0.000		F 619.0 0.000	
		A 8.9 0.000		A 8.9 0.000	
		F 127.2 0.000		F 127.2 0.000	
		C 21.9 0.000		C 21.9 0.000	
		D 26.5 0.000		D 26.5 0.000	
		F 619.0 0.000		F 619.0 0.000	
		A 8.9 0.000		A 8.9 0.000	
		F 127.2 0.000		F 127.2 0.000	
		C 21.9 0.000		C 21.9 0.000	
		D 26.5 0.000		D 26.5 0.000	
		F 619.0 0.000		F 619.0 0.000	
		A 8.9 0.000		A 8.9 0.000	
		F 127.2 0.000		F 127.2 0.000	
		C 21.9 0.000		C 21.9 0.000	
		D 26.5 0.000		D 26.5 0.000	
		F 619.0 0.000		F 619.0 0.000	
		A 8.9 0.000		A 8.9 0.000	
		F 127.2 0.000		F 127.2 0.000	
		C 21.9 0.000		C 21.9 0.000	
		D 26.5 0.000		D 26.5 0.000	
		F 619.0 0.000		F 619.0 0.000	
		A 8.9 0.000		A 8.9 0.000	
		F 127.2 0.000		F 127.2 0.000	
		C 21.9 0.000		C 21.9 0.000	
		D 26.5 0.000		D 26.5 0.000	
		F 619.0 0.000		F 619.0 0.000	
		A 8.9 0.000		A 8.9 0.000	
		F 127.2 0.000		F 127.2 0.000	
		C 21.9 0.000		C 21.9 0.000	
		D 26.5 0.000		D 26.5 0.000	
		F 619.0 0.000		F 619.0 0.000	
		A 8.9 0.000		A 8.9 0.000	
		F 127.2 0.000		F 127.2 0.000	
		C 21.9 0.000		C 21.9 0.000	
		D 26.5 0.000		D 26.5 0.000	
		F 619.0 0.000		F 619.0 0.000	
		A 8.9 0.000		A 8.9 0.000	
		F 127.2 0.000		F 127.2 0.000	
		C 21.9 0.000		C 21.9 0.000	
		D 26.5 0.000		D 26.5 0.000	
		F 619.0 0.000		F 619.0 0.000	
		A 8.9 0.000		A 8.9 0.000	
		F 127.2 0.000		F 127.2 0.000	
		C 21.9 0.000		C 21.9 0.000	
		D 26.5 0.000		D 26.5 0.000	
		F 619.0 0.000		F 619.0 0.000	
		A 8.9 0.000		A 8.9 0.000	
		F 127.2 0.000		F 127.2 0.000	
		C 21.9 0.000		C 21.9 0.000	
		D 26.5 0.000		D 26.5 0.000	
		F 619.0 0.000		F 619.0 0.000	
		A 8.9 0.000		A 8.9 0.000	
		F 127.2 0.000		F 127.2 0.000	
		C 21.9 0.000		C 21.9 0.000	
		D 26.5 0.000		D 26.5 0.000	
		F 619.0 0.000		F 619.0 0.000	
		A 8.9 0.000		A 8.9 0.000	
		F 127.2 0.000		F 127.2 0.000	
		C 21.9 0.000		C 21.9 0.000	

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Park Place Concept Plan - Oregon City, OR
2027 Background Traffic Conditions, Weekday PM Peak Hour

Level Of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #2 205 NB Ramps/213

Average Delay (sec/veh): 139.7 Worst Case Level Of Service: F[36590.6]

Street Name: 205 NB
Approach: North Bound South Bound East Bound West Bound
Movement: L - T - R L - T - R L - T - R L - T - R

Control: Uncontrolled Uncontrolled Stop Sign Ignore Stop Sign
Rights: Include Include Ignore Include
Lanes: 0 0 0 1 1 1 0 2 0 0 1 0 0 0 1 0 0 0 0

Volume Module: 4:30-5:30 PM

Base Vol: 0 1280 1965 30 3910 0 20 0 1475 0 0 0
Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
Initial Bse: 0 1280 1965 30 3910 0 20 0 1475 0 0 0
Added Vol: 0 0 0 0 0 0 0 0 0 0 0 0
PasserByVol: 0 0 0 0 0 0 0 0 0 0 0 0
Initial Fut: 0 1280 1965 30 3910 0 20 0 1475 0 0 0
User Adj: 1.00 1.00 0.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Adj: 1.00 1.00 0.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Volume: 0 1280 0 30 3910 0 20 0 0 0 0 0
Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0
Final Vol: 0 1280 0 30 3910 0 20 0 0 0 0 0
Critical Gap Module:
Critical Gap:xxxxxx 4.1 xxxxx 6.4 xxxxx 6.3 xxxxx xxxxx
FollowUpTim:xxxxxx 2.2 xxxxx 3.5 xxxxx 3.3 xxxxx xxxxx

Capacity Module:
Conflict Vol: xxxxx xxxxx 1280 xxxxx xxxxx 5250 xxxxx 1955 xxxxx xxxxx
Potent Cap.: xxxxx xxxxx xxxxx 539 xxxxx xxxxx 0 xxxxx 78 xxxxx xxxxx
Move Cap.: xxxxx xxxxx xxxxx 539 xxxxx xxxxx 0 xxxxx 78 xxxxx xxxxx
Volume/Cap: xxxxx xxxxx xxxxx 0.06 xxxxx xxxxx 48.12 xxxxx 0.00 xxxxx xxxxx

Level Of Service Module:
2Way95thQ: xxxxx xxxxx 0.2 xxxxx xxxxx 4.2 xxxxx xxxxx xxxxx xxxxx
Control Del:xxxxxx xxxxx 12.1 xxxxx xxxxx 36591 xxxxx xxxxx xxxxx
LOS by Move: LT - LTR - RT LT - LTR - RT LT - LTR - RT LT - LTR - RT
Shared Cap.: xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx
SharedQueue:xxxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx
Shrd ConDel:xxxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx
Shared LOS: xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx
ApproachDel: xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx
ApproachLOS: F
Note: Queue reported is the number of cars per lane.

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Park Place Concept Plan - Oregon City, OR
2027 Background Traffic Conditions, Weekday PM Peak Hour

Level Of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #1 205 SB Ramps/213 (North Part)

Average Delay (sec/veh): OVERFLOW Worst Case Level Of Service: F[xxxxx]

Street Name: 205 SB
Approach: North Bound South Bound East Bound West Bound
Movement: L - T - R L - T - R L - T - R L - T - R

Control: Uncontrolled Uncontrolled Stop Sign Include Stop Sign
Rights: Include Include Include Include
Lanes: 1 0 1 0 0 0 0 1 0 0 0 0 1 0 1 0 1

Volume Module: 4:30-5:30

Base Vol: 0 710 0 0 0 0 0 905 0 10 0 40
Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
Initial Bse: 0 710 0 0 0 0 0 905 0 10 0 40
Added Vol: 0 0 0 0 0 0 0 0 0 0 0 0
PasserByVol: 0 0 0 0 0 0 0 0 0 0 0 0
Initial Fut: 0 710 0 0 0 0 0 905 0 10 0 40
User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Volume: 0 710 0 0 0 0 0 905 0 10 0 40
Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0
Final Vol: 0 710 0 0 0 0 0 905 0 10 0 40
Critical Gap Module:
Critical Gap:xxxxxx xxxxx xxxxx xxxxx xxxxx 6.5 xxxxx 7.1 6.5 6.2
FollowUpTim:xxxxxx xxxxx xxxxx xxxxx xxxxx 4.0 xxxxx 3.5 4.0 3.3

Capacity Module:
Conflict Vol: xxxxx xxxxx xxxxx xxxxx xxxxx 710 xxxxx 1163 710 710
Potent Cap.: xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx 357 xxxxx 171 357 432
Move Cap.: xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx 357 xxxxx 0 357 432
Volume/Cap: xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx 2.53 xxxxx xxxxx 0.00 0.09

Level Of Service Module:
2Way95thQ: xxxxx xxxxx xxxxx xxxxx xxxxx 73.1 xxxxx xxxxx xxxxx 0.3
Control Del:xxxxxx xxxxx xxxxx xxxxx xxxxx 721 xxxxx xxxxx xxxxx 14.2
LOS by Move: LT - LTR - RT LT - LTR - RT LT - LTR - RT LT - LTR - RT
Shared Cap.: xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx
SharedQueue:xxxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx
Shrd ConDel:xxxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx
Shared LOS: xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx
ApproachDel: xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx
ApproachLOS: F
Note: Queue reported is the number of cars per lane.

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Kittelson & Associates, Inc. #7938 Park Place Concept Plan - Oregon City, OR 2027 Background Traffic Conditions, Weekday PM Peak Hour		
Level Of Service Computation Report		
2000 HCM Unsignalized Method (Future Volume Alternative)		
Intersection #23 205 SB Ramps/213 (South Part)		
Average Delay (sec/veh): 474.0 Worst Case Level Of Service: F(1869.6)		
Street Name: North Bound South Bound East Bound West Bound		
Approach: L - T - R L - T - R L - T - R L - T - R		
Movement: L - T - R L - T - R L - T - R L - T - R		
Control: Uncontrolled Uncontrolled Stop Sign Stop Sign		
Rights: Include Include Include Include		
Lanes: 0 0 1 0 0 0 1 0 0 0 0 0 1 0 0 0 0		
Volume Module:		
Base Vol: 0 1300 0 0 1365 0 0 0 905 0 0 0		
Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00		
Initial Bse: 0 1300 0 0 1365 0 0 0 905 0 0 0		
Added Vol: 0 0 0 0 0 0 0 0 0 0 0 0		
PasserByVol: 0 0 0 0 0 0 0 0 0 0 0 0		
Initial Fut: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00		
User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00		
PHF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00		
PHF Volume: 0 1300 0 0 1365 0 0 0 905 0 0 0		
Reduced Vol: 0 0 0 0 0 0 0 0 0 0 0 0		
Final Vol: 0 1300 0 0 1365 0 0 0 905 0 0 0		
Critical Gap Module:		
Critical Gap: 6.2 6.2 6.2 6.2 6.2 6.2 6.2 6.2 6.2 6.2 6.2 6.2		
FollowUpTm: 6.2 6.2 6.2 6.2 6.2 6.2 6.2 6.2 6.2 6.2 6.2 6.2		
Capacity Module:		
Conflict Vol: 1365 1365 1365 1365 1365 1365 1365 1365 1365 1365 1365 1365		
Potential Cap: 179 179 179 179 179 179 179 179 179 179 179 179		
Move Cap: 179 179 179 179 179 179 179 179 179 179 179 179		
Volume/Cap: 5.04 5.04 5.04 5.04 5.04 5.04 5.04 5.04 5.04 5.04 5.04 5.04		
Level Of Service Module:		
2Way95thQ: 94.3 94.3 94.3 94.3 94.3 94.3 94.3 94.3 94.3 94.3 94.3 94.3		
Control Del: 1870 1870 1870 1870 1870 1870 1870 1870 1870 1870 1870 1870		
LOS by Move:		
Movement: LT - LTR - RT LT - LTR - RT LT - LTR - RT LT - LTR - RT		
Shared Cap: 179 179 179 179 179 179 179 179 179 179 179 179		
Shared Queue: 179 179 179 179 179 179 179 179 179 179 179 179		
Shrd ConDel: 1869.6 1869.6 1869.6 1869.6 1869.6 1869.6 1869.6 1869.6 1869.6 1869.6 1869.6 1869.6		
Shared LOS: F F F F F F F F F F F F		
ApproachDel: 1869.6 1869.6 1869.6 1869.6 1869.6 1869.6 1869.6 1869.6 1869.6 1869.6 1869.6 1869.6		
ApproachLOS: F F F F F F F F F F F F		
Note: Queue reported is the number of cars per lane.		

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Kittelson & Associates, Inc. #7938 Park Place Concept Plan - Oregon City, OR 2027 Background Traffic Conditions, Weekday PM Peak Hour		
Level Of Service Computation Report		
2000 HCM Operations Method (Future Volume Alternative)		
Intersection #101 Redland Rd/Abernathy Rd-Holcomb Blvd		
Cycle (sec): 100 Critical Vol./Cap.(X): 1.173		
Loss Time (sec): 16 (Y+R=4.0 sec) Average Delay (sec/veh): 122.2		
Optimal Cycle: 180 Level Of Service: F		
Street Name: North Bound South Bound East Bound West Bound		
Approach: L - T - R L - T - R L - T - R L - T - R		
Movement: L - T - R L - T - R L - T - R L - T - R		
Control: Protected Protected Protected Protected		
Rights: Include Include Include Include		
Min. Green: 0 0 0 0 0 0 0 0 0 0 0 0		
Lanes: 1 0 0 1 0 1 0 1 0 1 0 1		
Volume Module: 5:00-6:00		
Base Vol: 234 347 83 318 546 45 74 392 462 128 212 189		
Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00		
Initial Bse: 234 347 83 318 546 45 74 392 462 128 212 189		
Added Vol: 0 0 0 0 0 0 0 0 0 0 0 0		
PasserByVol: 0 0 0 0 0 0 0 0 0 0 0 0		
Initial Fut: 234 347 83 318 546 45 74 392 462 128 212 189		
User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00		
PHF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00		
PHF Volume: 234 347 83 318 546 45 74 392 462 128 212 189		
Reduced Vol: 0 0 0 0 0 0 0 0 0 0 0 0		
FCE Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00		
MLF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00		
Final Vol: 234 347 83 318 546 45 74 392 462 128 212 189		
Saturation Flow Module:		
Sat/Lane: 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900		
Adjustment: 0.94 0.96 0.96 0.94 0.99 0.84 0.93 0.90 0.90 0.92 0.97 0.83		
Lanes: 1.00 0.81 0.19 1.00 1.00 1.00 1.00 0.46 0.54 1.00 1.00 1.00		
Final Sat: 1787 1474 353 1787 1881 1599 1769 785 926 1753 1845 1568		
Capacity Analysis Module:		
Vol/Sat: 0.13 0.24 0.24 0.18 0.29 0.03 0.04 0.50 0.50 0.07 0.11 0.12		
Crit Moves: ****		
Green/Cycle: 0.11 0.20 0.20 0.15 0.24 0.24 0.13 0.43 0.43 0.06 0.36 0.36		
Volume/Cap: 1.20 1.17 1.17 1.17 1.20 0.12 0.33 1.17 1.17 1.17 0.32 0.33		
Delay/Veh: 171.4 143 143.1 152.3 146 29.6 40.8 121 120.8 187.0 23.3 23.5		
User DelAdj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00		
AdjDel/Veh: 171.4 143 143.1 152.3 146 29.6 40.8 121 120.8 187.0 23.3 23.5		
LOS by Move: F F F F F F C D F F C C		
HCM2kAvgQ: 15 24 24 19 31 1 2 45 45 9 5 4		
Note: Queue reported is the number of cars per lane.		

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Kittelton & Associates, Inc. #7938
 Park Place Concept Plan - Oregon City, OR
 2027 Background Traffic Conditions, Weekday PM Peak Hour
 Level Of Service Computation Report
 2000 HCM Unsignalized Method (Future Volume Alternative)

 Intersection #102 Redland Rd/Anchor Way
 Average Delay (sec/veh): 193.1 Worst Case Level Of Service: F(782.3)

 Street Name: Anchor Way Redland Rd
 Approach: North Bound South Bound East Bound West Bound
 Movement: L - T - R L - T - R L - T - R L - T - R
 Control: Stop Sign Stop Sign Stop Sign Stop Sign
 Lanes: 0 0 1 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
 Volume Module: 5:00-6:00 PM
 Base Vol: 152 0 403 0 0 0 827 288 70 512 0
 Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
 Initial Bse: 152 0 403 0 0 0 827 288 70 512 0
 Added Vol: 0 0 0 0 0 0 0 0 0 0 0
 PasserByVol: 0 0 0 0 0 0 0 0 0 0 0
 Initial Fut: 152 0 403 0 0 0 827 288 70 512 0
 User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
 PHF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
 PHF Volume: 152 0 403 0 0 0 827 288 70 512 0
 Reduct Vol: 0 0 0 0 0 0 0 0 0 0
 Final Vol: 152 0 403 0 0 0 827 288 70 512 0
 Critical Gap Module:
 Critical Gap: 6.4 6.5 6.2 xxxxx xxxxx xxxxx xxxxx 4.1 xxxxx
 FollowUpTm: 3.5 4.0 3.3 xxxxx xxxxx xxxxx xxxxx 2.2 xxxxx
 Capacity Module:
 Conflict Vol: 1623 1623 971 xxxxx xxxxx xxxxx xxxxx 1115 xxxxx
 Potent Cap.: 114 104 309 xxxxx xxxxx xxxxx xxxxx 623 xxxxx
 Move Cap.: 104 92 309 xxxxx xxxxx xxxxx xxxxx 623 xxxxx
 Volume/Cap: 1.46 0.00 1.30 xxxxx xxxxx xxxxx xxxxx 0.11 xxxxx
 Level Of Service Module:
 2Way95thQ: xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx 0.4 xxxxx
 Control Del: xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx 11.5 xxxxx
 LOS by Move: * * * * * B *
 Movement: LT - LTR - RT LT - LTR - RT LT - LTR - RT
 Shared Cap.: xxx 211 xxxxx xxxxx xxxxx xxxxx xxxxx 0.4 xxxxx
 SharedQueue: xxxxx 47.4 xxxxx xxxxx xxxxx xxxxx xxxxx 0.4 xxxxx
 Shrd ConDel: xxxxx 782 xxxxx xxxxx xxxxx xxxxx xxxxx 11.5 xxxxx
 Shared LOS: * F * * * * * B *
 ApproachDel: 782.3 xxxxx *
 ApproachLOS: F *
 Note: Queue reported is the number of cars per lane.

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Kittelton & Associates, Inc. #7938
 Park Place Concept Plan - Oregon City, OR
 2027 Background Traffic Conditions, Weekday PM Peak Hour
 Level Of Service Computation Report
 2000 HCM Unsignalized Method (Future Volume Alternative)

 Intersection #103 Redland Rd/Livesay Rd
 Average Delay (sec/veh): 0.5 Worst Case Level Of Service: D(29.1)

 Street Name: Livesay Rd Redland Rd
 Approach: North Bound South Bound East Bound West Bound
 Movement: L - T - R L - T - R L - T - R L - T - R
 Control: Stop Sign Stop Sign Stop Sign Stop Sign
 Lanes: 0 0 0 0 0 0 1 0 0 0 0 0 0 0 0 0 0 0 0 0
 Volume Module: 5:00-6:00 PM
 Base Vol: 0 0 0 0 10 0 15 25 1190 0 0 557 10
 Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
 Initial Bse: 0 0 0 0 10 0 15 25 1190 0 0 557 10
 Added Vol: 0 0 0 0 0 0 0 0 0 0 0 0 0
 PasserByVol: 0 0 0 0 0 0 0 0 0 0 0 0 0
 Initial Fut: 0 0 0 0 10 0 15 25 1190 0 0 557 10
 User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
 PHF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
 PHF Volume: 0 0 0 0 10 0 15 25 1190 0 0 557 10
 Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0 0
 Final Vol: 0 0 0 0 10 0 15 25 1190 0 0 557 10
 Critical Gap Module:
 Critical Gap: xxxxx xxxxx xxxxx 6.4 6.5 6.2 4.1 xxxxx xxxxx xxxxx
 FollowUpTm: xxxxx xxxxx xxxxx 3.5 4.0 3.3 2.2 xxxxx xxxxx xxxxx
 Capacity Module:
 Conflict Vol: xxxxx xxxxx xxxxx 1802 1802 562 xxxxx xxxxx xxxxx
 Potent Cap.: xxxxx xxxxx xxxxx 89 80 530 1000 xxxxx xxxxx
 Move Cap.: xxxxx xxxxx xxxxx 87 78 530 1000 xxxxx xxxxx
 Volume/Cap: xxxxx xxxxx xxxxx 0.12 0.00 0.03 0.02 xxxxx xxxxx
 Level Of Service Module:
 2Way95thQ: xxxxx xxxxx xxxxx xxxxx xxxxx 0.1 xxxxx xxxxx
 Control Del: xxxxx xxxxx xxxxx xxxxx xxxxx 8.7 xxxxx xxxxx
 LOS by Move: * * * * * A *
 Movement: LT - LTR - RT LT - LTR - RT LT - LTR - RT
 Shared Cap.: xxxxx xxxxx xxxxx xxxxx 174 xxxxx xxxxx
 SharedQueue: xxxxx xxxxx xxxxx xxxxx 0.5 xxxxx xxxxx
 Shrd ConDel: xxxxx xxxxx xxxxx xxxxx 29.1 xxxxx 8.7 xxxxx
 Shared LOS: * * * * * D *
 ApproachDel: xxxxx 29.1 xxxxx
 ApproachLOS: D *
 Note: Queue reported is the number of cars per lane.

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Kittelson & Associates, Inc. #7938 Park Place Concept Plan - Oregon City, OR 2027 Background Traffic Conditions, Weekday PM Peak Hour		
Level Of Service Computation Report		
2000 HCM Unsignalized Method (Future Volume Alternative)		
Intersection #105 Holly Lane/Donovan Road		
Average Delay (sec/veh): 1.0 Worst Case Level Of Service: A[8.9]		
Street Name: Holly Lane		
Approach: North Bound South Bound East Bound West Bound		
Movement: L - T - R L - T - R L - T - R L - T - R		
Control:	Uncontrolled	Uncontrolled
Rights:	Include	Include
Lanes:	0 1 0 0 0 0 0 1 0 0 0 1 0 0 0 0 0 0	Stop Sign
Volume Module:		
Base Vol:	30 320 0 0 425 35 45 0 25 0 0 0	0 0 0
Growth Adj:	1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00	1.00 1.00 1.00
Initial Bse:	30 320 0 0 425 35 45 0 25 0 0 0	0 0 0
Added Vol:	0 0 0 0 0 0 0 0 0 0 0 0	0 0 0
PasserByVol:	0 0 0 0 0 0 0 0 0 0 0 0	0 0 0
Initial Fut:	30 320 0 0 425 35 45 0 25 0 0 0	0 0 0
User Adj:	1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00	1.00 1.00 1.00
PHF Adj:	1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00	1.00 1.00 1.00
PHF Volume:	30 320 0 0 425 35 45 0 25 0 0 0	0 0 0
Reduct Vol:	0 0 0 0 0 0 0 0 0 0 0 0	0 0 0
Final Vol:	30 320 0 0 425 35 45 0 25 0 0 0	0 0 0
Critical Gap Module:		
Critical Gp:	4.1 xxxxx xxxxx xxxxx xxxxx xxxxx 6.4 6.5 6.2 xxxxx xxxxx xxxxx	xxxxx xxxxx xxxxx
FollowUpTm:	2.2 xxxxx xxxxx xxxxx xxxxx xxxxx 3.5 4.0 3.3 xxxxx xxxxx xxxxx	xxxxx xxxxx xxxxx
Capacity Module:		
Conflict Vol:	460 xxxxx xxxxx xxxxx xxxxx xxxxx 823 823 443 xxxxx xxxxx xxxxx	xxxxx xxxxx xxxxx
Potent Cap:	1106 xxxxx xxxxx xxxxx xxxxx xxxxx 343 309 615 xxxxx xxxxx xxxxx	xxxxx xxxxx xxxxx
Move Cap:	1106 xxxxx xxxxx xxxxx xxxxx xxxxx 336 300 615 xxxxx xxxxx xxxxx	xxxxx xxxxx xxxxx
Volume/Cap:	0.03 xxxxx xxxxx xxxxx xxxxx xxxxx 0.13 0.00 0.04 xxxxx xxxxx xxxxx	xxxxx xxxxx xxxxx
Level Of Service Module:		
2Way95thQ:	0.1 xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx	xxxxx xxxxx xxxxx
Control Del:	8.3 xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx	xxxxx xxxxx xxxxx
LOS by Move:	A	A
Movement:	LT - LTR - RT LT - LTR - RT LT - LTR - RT LT - LTR - RT	LT - LTR - RT
Shared Cap:	xxxx xxxxx xxxxx xxxxx xxxxx xxxxx 990 xxxxx xxxxx xxxxx xxxxx	xxxx xxxxx xxxxx
Shared Queue:	0.1 xxxxx xxxxx xxxxx xxxxx xxxxx 0.2 xxxxx xxxxx xxxxx xxxxx	xxxx xxxxx xxxxx
Shrd ConDel:	8.3 xxxxx xxxxx xxxxx xxxxx xxxxx 8.9 xxxxx xxxxx xxxxx xxxxx	xxxx xxxxx xxxxx
Shared LOS:	A	A
ApproachDel:	xxxxxx	8.9 xxxxx
ApproachLOS:	A	A
Note: Queue reported is the number of cars per lane.		

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PM	Wed Mar 28, 2007 14:19:24	Page 9-1
Kittelson & Associates, Inc. #7938 Park Place Concept Plan - Oregon City, OR 2027 Background Traffic Conditions, Weekday PM Peak Hour		
Level Of Service Computation Report		
2000 HCM Unsignalized Method (Future Volume Alternative)		
Intersection #104 Redland Rd/Holly Ln		
Average Delay (sec/veh): 112.7 Worst Case Level Of Service: F[619.0]		
Street Name: Holly Ln		
Approach: North Bound South Bound East Bound West Bound		
Movement: L - T - R L - T - R L - T - R L - T - R		
Control:	Stop Sign	Uncontrolled
Rights:	Include	Include
Lanes:	0 0 1 0 0 0 0 0 0 0 0 1 0 0 0 0 0 0	0 1 0 0 0
Volume Module: 5:00-6:00 PM		
Base Vol:	177 0 193 0 0 0 0 781 407 86 398 0	86 398 0
Growth Adj:	1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00	1.00 1.00 1.00
Initial Bse:	177 0 193 0 0 0 0 781 407 86 398 0	86 398 0
Added Vol:	0 0 0 0 0 0 0 0 0 0 0 0	0 0 0
PasserByVol:	0 0 0 0 0 0 0 0 0 0 0 0	0 0 0
Initial Fut:	177 0 193 0 0 0 0 781 407 86 398 0	86 398 0
User Adj:	1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00	1.00 1.00 1.00
PHF Adj:	1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00	1.00 1.00 1.00
PHF Volume:	177 0 193 0 0 0 0 781 407 86 398 0	86 398 0
Reduct Vol:	0 0 0 0 0 0 0 0 0 0 0 0	0 0 0
Final Vol:	177 0 193 0 0 0 0 781 407 86 398 0	86 398 0
Critical Gap Module:		
Critical Gp:	6.4 6.5 6.2 xxxxx xxxxx xxxxx xxxxx xxxxx 4.1 xxxxx xxxxx	4.1 xxxxx xxxxx
FollowUpTm:	3.5 4.0 3.3 xxxxx xxxxx xxxxx xxxxx xxxxx 2.2 xxxxx xxxxx	2.2 xxxxx xxxxx
Capacity Module:		
Conflict Vol:	1555 985 xxxxx xxxxx xxxxx xxxxx xxxxx 1188 xxxxx xxxxx	1188 xxxxx xxxxx
Potent Cap:	126 114 304 xxxxx xxxxx xxxxx xxxxx xxxxx 577 xxxxx xxxxx	577 xxxxx xxxxx
Move Cap:	111 96 304 xxxxx xxxxx xxxxx xxxxx xxxxx 577 xxxxx xxxxx	577 xxxxx xxxxx
Volume/Cap:	1.60 0.00 0.64 xxxxx xxxxx xxxxx xxxxx xxxxx 0.15 xxxxx xxxxx	0.15 xxxxx xxxxx
Level Of Service Module:		
2Way95thQ:	xxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx	0.5 xxxxx xxxxx
Control Del:	xxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx	12.3 xxxxx xxxxx
LOS by Move:	A	B
Movement:	LT - LTR - RT LT - LTR - RT LT - LTR - RT LT - LTR - RT	LT - LTR - RT
Shared Cap:	xxxx 166 xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx	xxxx xxxxx xxxxx
Shared Queue:	xxxx 30.2 xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx	0.5 xxxxx xxxxx
Shrd ConDel:	xxxx 619 xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx	12.3 xxxxx xxxxx
Shared LOS:	F	B
ApproachDel:	619.0	xxxxxx
ApproachLOS:	F	xxxxxx
Note: Queue reported is the number of cars per lane.		

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Kittelton & Associates, Inc. #7938
 Park Place Concept Plan - Oregon City, OR
 2027 Background Traffic Conditions, Weekday PM Peak Hour

Level Of Service Computation Report

2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #106 Holly Ln/Maplelane Rd

Average Delay (sec/veh): 30.8 Worst Case Level Of Service: F[127.2]

Street Name: Holly Ln Maplelane Rd

Approach: North Bound South Bound East Bound West Bound

Movement: L - T - R L - T - R L - T - R L - T - R

Control: Stop Sign Stop Sign Stop Sign Stop Sign

Rights: Include Include Include Include

Lanes: 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0

Volume Module: 5:00-6:00 PM

Base Vol: 0 0 0 154 0 152 198 368 0 0 378 71

Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

Initial Bse: 0 0 0 154 0 152 198 368 0 0 378 71

Added Vol: 0 0 0 0 0 0 0 0 0 0 0 0

PasserByVol: 0 0 0 0 0 0 0 0 0 0 0 0

Initial Fut: 0 0 0 154 0 152 198 368 0 0 378 71

User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

PHF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

PHF Volume: 0 0 0 154 0 152 198 368 0 0 378 71

Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0

Final Vol.: 0 0 0 154 0 152 198 368 0 0 378 71

Critical Gap Module:

Critical Gap:xxxxx 6.4 6.5 6.2 4.1 xxxx xxxx xxxx xxxx xxxx

FollowUpTim:xxxxx 3.5 4.0 3.3 2.2 xxxx xxxx xxxx xxxx xxxx

Capacity Module:

Conflict Vol: xxxx xxxx 1178 414 449 xxxx xxxx xxxx xxxx xxxx

Potent Cap.: xxxx xxxx 209 189 634 1117 xxxx xxxx xxxx xxxx xxxx

Move Cap.: xxxx xxxx 177 152 634 1117 xxxx xxxx xxxx xxxx xxxx

Volume/Cap: xxxx xxxx 0.87 0.00 0.24 0.18 xxxx xxxx xxxx xxxx xxxx

Level Of Service Module:

2Way95thQ: xxxx xxxx xxxx xxxx xxxx 0.6 xxxx xxxx xxxx xxxx

Control Del:xxxxx xxxx xxxx xxxx xxxx 8.9 xxxx xxxx xxxx xxxx

LOS by Move: * * * * * A * * * * *

Movement: LT - LTR - RT LT - LTR - RT LT - LTR - RT LT - LTR - RT

Shared Cap.: xxxx xxxx xxxx xxxx 276 xxxx xxxx xxxx xxxx xxxx

SharedQueue:xxxxx xxxx xxxx xxxx 12.8 xxxx xxxx xxxx xxxx xxxx

Shrd ConDel:xxxxx xxxx xxxx xxxx 127 xxxx xxxx xxxx xxxx xxxx

Shared LOS: * * * * * F * * * * *

ApproachDel: xxxxxx 127.2 xxxxxx

ApproachLOS: F

Note: Queue reported is the number of cars per lane.

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Kittelton & Associates, Inc. #7938
 Park Place Concept Plan - Oregon City, OR
 2027 Background Traffic Conditions, Weekday PM Peak Hour

Level Of Service Computation Report

2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #107 Holcomb Blvd/Front St

Average Delay (sec/veh): 1.9 Worst Case Level Of Service: C[21.9]

Street Name: Front St Holcomb Blvd

Approach: North Bound South Bound East Bound West Bound

Movement: L - T - R L - T - R L - T - R L - T - R

Control: Stop Sign Stop Sign Stop Sign Stop Sign

Rights: Include Include Include Include

Lanes: 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0

Volume Module: 5:00-6:00 PM

Base Vol: 0 0 0 29 0 54 91 699 0 0 474 15

Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

Initial Bse: 0 0 0 29 0 54 91 699 0 0 474 15

Added Vol: 0 0 0 0 0 0 0 0 0 0 0 0

PasserByVol: 0 0 0 0 0 0 0 0 0 0 0 0

Initial Fut: 0 0 0 29 0 54 91 699 0 0 474 15

User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

PHF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

PHF Volume: 0 0 0 29 0 54 91 699 0 0 474 15

Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0

Final Vol.: 0 0 0 29 0 54 91 699 0 0 474 15

Critical Gap Module:

Critical Gap:xxxxx 6.4 6.5 6.2 4.1 xxxx xxxx xxxx xxxx xxxx

FollowUpTim:xxxxx 3.5 4.0 3.3 2.2 xxxx xxxx xxxx xxxx xxxx

Capacity Module:

Conflict Vol: xxxx xxxx 1363 1363 482 489 xxxx xxxx xxxx xxxx

Potent Cap.: xxxx xxxx 165 149 589 1079 xxxx xxxx xxxx xxxx

Move Cap.: xxxx xxxx 153 136 589 1079 xxxx xxxx xxxx xxxx

Volume/Cap: xxxx xxxx 0.19 0.00 0.09 0.08 xxxx xxxx xxxx xxxx

Level Of Service Module:

2Way95thQ: xxxx xxxx xxxx xxxx xxxx 0.3 xxxx xxxx xxxx xxxx

Control Del:xxxxx xxxx xxxx xxxx xxxx 8.6 xxxx xxxx xxxx xxxx

LOS by Move: * * * * * A * * * * *

Movement: LT - LTR - RT LT - LTR - RT LT - LTR - RT LT - LTR - RT

Shared Cap.: xxxx xxxx xxxx xxxx 296 xxxx xxxx xxxx xxxx xxxx

SharedQueue:xxxxx xxxx xxxx xxxx 1.1 xxxx xxxx xxxx xxxx xxxx

Shrd ConDel:xxxxx xxxx xxxx xxxx 21.9 xxxx xxxx xxxx xxxx xxxx

Shared LOS: * * * * * C * * * * *

ApproachDel: xxxxxx 21.9 xxxxxx

ApproachLOS: C

Note: Queue reported is the number of cars per lane.

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Kittelston & Associates, Inc. #7938
Park Place Concept Plan - Oregon City, OR
2027 Background Traffic Conditions, Weekday PM Peak Hour

Level Of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #108 Holcomb Blvd/Swan Ave

Average Delay (sec/veh): 2.7 Worst Case Level Of Service: D(26.5)

Street Name:	Swan Ave			Holcomb Blvd		
Approach:	North Bound	South Bound	East Bound	West Bound	West Bound	West Bound
Movement:	L - T - R	L - T - R	L - T - R	L - T - R	L - T - R	L - T - R
Control:	Stop Sign	Stop Sign	Uncontrolled	Uncontrolled	Uncontrolled	Uncontrolled
Rights:	Include	Include	Include	Include	Include	Include
Lanes:	0 0 1! 0 0	0 0 1! 0 0	0 0 1! 0 0	0 0 1! 0 0	0 0 1! 0 0	0 0 1! 0 0
Volume Module: 5:00-6:00 PM						
Base Vol:	16 6 7	17 7 7	71 86 561	33 11 293	26	
Growth Adj:	1.00 1.00 1.00	1.00 1.00 1.00	1.00 1.00 1.00	1.00 1.00 1.00	1.00 1.00 1.00	
Initial Bse:	16 6 7	17 7 7	71 86 561	33 11 293	26	
Added Vol:	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	
PasserByVol:	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	
Initial Fut:	16 6 7	17 7 7	71 86 561	33 11 293	26	
User Adj:	1.00 1.00 1.00	1.00 1.00 1.00	1.00 1.00 1.00	1.00 1.00 1.00	1.00 1.00 1.00	
PHF Adj:	1.00 1.00 1.00	1.00 1.00 1.00	1.00 1.00 1.00	1.00 1.00 1.00	1.00 1.00 1.00	
PHF Volume:	16 6 7	17 7 7	71 86 561	33 11 293	26	
Reduct Vol:	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	
Final Vol:	16 6 7	17 7 7	71 86 561	33 11 293	26	
Critical Gap Module:						
Critical Gp:	7.1 6.5 6.2	7.1 6.5 6.2	4.1 xxxxx	4.1 xxxxx	4.1 xxxxx	
FollowUpTrm:	3.5 4.0 3.3	3.5 4.0 3.3	2.2 xxxxx	2.2 xxxxx	2.2 xxxxx	
Capacity Module:						
Conflict Vol:	1117 1091	578 1084 1094	306 319 xxxxx	594 xxxxx	594 xxxxx	
Potent Cap.:	186 217	520 196 216	739 1247 xxxxx	982 xxxxx	982 xxxxx	
Move Cap.:	154 199	520 177 198	739 1247 xxxxx	982 xxxxx	982 xxxxx	
Volume/Cap:	0.10 0.03	0.01 0.10 0.04	0.10 0.07 xxxxx	0.01 xxxxx	0.01 xxxxx	
Level Of Service Module:						
2Way95thQ:	xxxx xxxx	xxxx xxxx	0.2 xxxxx	0.0 xxxxx	0.0 xxxxx	
Control Del:xxxxx	xxxx xxxx	xxxx xxxx	8.1 xxxxx	8.7 xxxxx	8.7 xxxxx	
LOS by Move:	A	A	A	A	A	
Movement:	LT - LTR - RT	LT - LTR - RT	LT - LTR - RT	LT - LTR - RT	LT - LTR - RT	
Shared Cap.:	xxxx 196 xxxxx	xxxx 418 xxxxx	xxxx xxxxx	xxxx xxxxx	xxxx xxxxx	
SharedQueue:xxxxx	0.5 xxxxx	0.9 xxxxx	xxxx xxxxx	xxxx xxxxx	xxxx xxxxx	
Shrd ConDel:xxxxx	26.5 xxxxx	16.1 xxxxx	xxxx xxxxx	xxxx xxxxx	xxxx xxxxx	
Shared LOS:	D	C	A	A	A	
ApproachDel:	26.5	16.1	xxxxxx	xxxxxx	xxxxxx	
ApproachLOS:	D	C	A	A	A	

Note: Queue reported is the number of cars per lane.

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Appendix D

2027 Mitigated No-Build
Traffic Conditions
Level-of-Service
Worksheets

HCM Signalized Intersection Capacity Analysis 2027 Mitigated Background Traffic Conditions 150: Washington Street & Cascade Hwy South

5/18/2007

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Lane Util. Factor	0.97	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.97	0.95	1.00
Frt	1.00	1.00	0.85	1.00	1.00	0.85	1.00	1.00	0.85	1.00	1.00	0.85
Flt Protected	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00
Satd. Flow (prot)	3367	1827	1553	1736	1827	1553	1736	1827	1553	3367	3471	1553
Flt Permitted	0.29	1.00	1.00	0.49	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00
Satd. Flow (perm)	1025	1827	1553	889	1827	1553	1736	1827	1553	3367	3471	1553
Volume (vph)	520	165	200	155	185	430	100	685	140	760	945	805
Peak-hour factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00	0.95	0.95	0.95	0.95	0.95	0.95
Adj. Flow (vph)	520	165	200	155	185	430	105	721	147	800	995	847
Lane Group Flow (vph)	520	165	200	155	185	430	105	721	147	800	995	847
Heavy Vehicles (%)	4%	4%	4%	4%	4%	4%	4%	4%	4%	4%	4%	4%
Turn Type	pm+pt	pm+ov	pm+pt	pm+ov	Prot	pm+ov	Prot	pm+ov	Prot	pm+ov	Prot	pm+ov
Protected Phases	3	8	1	7	4	5	1	6	7	5	2	3
Permitted Phases	8		8	4		4		6				2
Actuated Green, G (s)	33.4	18.4	31.4	30.4	16.9	38.9	13.0	47.1	60.6	22.0	56.1	71.1
Effective Green, g (s)	37.4	20.4	34.4	32.4	17.9	40.9	14.0	50.1	64.6	23.0	59.1	76.1
Actuated g/C Ratio	0.31	0.17	0.29	0.27	0.15	0.34	0.12	0.42	0.54	0.19	0.49	0.63
Clearance Time (s)	5.0	5.0	4.0	4.0	4.0	4.0	4.0	6.0	4.0	4.0	6.0	5.0
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Lane Grp Cap (vph)	651	311	445	342	273	568	203	763	875	645	1709	985
v/s Ratio Prot	c0.11	0.09	0.05	0.05	0.10	0.15	0.06	c0.39	0.02	c0.24	0.29	c0.12
v/s Ratio Perm	c0.14		0.08	0.07		0.13			0.07			0.42
v/c Ratio	0.80	0.53	0.45	0.45	0.68	0.76	0.52	0.94	0.17	1.24	0.58	0.86
Uniform Delay, d1	34.3	45.4	35.0	35.2	48.3	35.1	49.8	33.6	14.1	48.5	21.7	17.7
Progression Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.19	1.31	3.31	1.00	1.00	1.00
Incremental Delay, d2	6.8	1.7	0.7	1.0	6.5	5.7	2.0	20.2	0.1	121.0	1.5	7.6
Delay (s)	41.1	47.2	35.8	36.2	54.8	40.9	61.2	64.1	46.7	169.5	23.1	25.3
Level of Service	D	D	D	D	D	D	E	E	D	F	C	C
Approach Delay (s)		41.0			43.3			61.2			68.1	
Approach LOS		D			D			E			E	

Intersection Summary

HCM Average Control Delay	58.7	HCM Level of Service	E
HCM Volume to Capacity ratio	0.99		
Actuated Cycle Length (s)	120.0	Sum of lost time (s)	12.0
Intersection Capacity Utilization	98.7%	ICU Level of Service	E

c Critical Lane Group

HCM Signalized Intersection Capacity Analysis 2027 Mitigated Background Traffic Conditions 250: Redland Road & Cascade Hwy South 5/18/2007

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	←←←		←	→	→	←
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Total Lost time (s)	3.0		3.0	3.0	3.0	3.0
Lane Util. Factor	0.97		1.00	1.00	1.00	1.00
Frt	0.97		1.00	1.00	1.00	0.85
Flt Protected	0.96		0.95	1.00	1.00	1.00
Satd. Flow (prot)	3369		1736	1827	1827	1553
Flt Permitted	0.96		0.95	1.00	1.00	1.00
Satd. Flow (perm)	3369		1736	1827	1827	1553
Volume (vph)	485	125	160	440	550	750
Peak-hour factor, PHF	1.00	1.00	0.95	0.95	0.95	0.95
Adj. Flow (vph)	485	125	168	463	579	789
Lane Group Flow (vph)	610	0	168	463	579	789
Heavy Vehicles (%)	2%	2%	4%	4%	4%	4%
Turn Type			Prot		pm+ov	
Protected Phases	8		1	6	2	8
Permitted Phases						2
Actuated Green, G (s)	25.7		16.0	86.3	66.3	92.0
Effective Green, g (s)	26.7		17.0	87.3	67.3	94.0
Actuated g/C Ratio	0.22		0.14	0.73	0.56	0.78
Clearance Time (s)	4.0		4.0	4.0	4.0	4.0
Vehicle Extension (s)	3.0		3.0	3.0	3.0	3.0
Lane Grp Cap (vph)	750		246	1329	1025	1255
v/s Ratio Prot	c0.18		c0.10	0.25	0.32	c0.14
v/s Ratio Perm						0.37
v/c Ratio	0.81		0.68	0.35	0.56	0.63
Uniform Delay, d1	44.3		48.9	6.0	16.9	5.5
Progression Factor	1.00		1.00	1.00	0.46	1.68
Incremental Delay, d2	6.7		7.6	0.7	2.0	0.9
Delay (s)	51.0		56.5	6.7	9.8	10.2
Level of Service	D		E	A	A	B
Approach Delay (s)	51.0			20.0	10.0	
Approach LOS	D			B	B	
Intersection Summary						
HCM Average Control Delay			22.0		HCM Level of Service	C
HCM Volume to Capacity ratio			0.68			
Actuated Cycle Length (s)			120.0		Sum of lost time (s)	9.0
Intersection Capacity Utilization			67.6%		ICU Level of Service	B

c Critical Lane Group

PM		Wed Mar 28, 2007 15:05:29		Page 1-1	
		Kittelson & Associates, Inc. #7938			
		Park Place Concept Plan - Oregon City, OR			
		2027 Mitigated Background Traffic Conditions, Weekday PM Peak Hour			
		Scenario Report			
Scenario:	PM				
Command:	PM				
Volume:	PM				
Geometry:	PM				
Impact Fee:	Default Impact Fee				
Trip Generation:	PM				
Trip Distribution:	Default Trip Distribution				
Paths:	Default Paths				
Routes:	Default Routes				
Configuration:	Default Configuration				
		Scenario Report			
		Level Of Service			
		Impact Analysis Report			
		Level Of Service			
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Kittelson & Associates, Inc. #7938
Park Place Concept Plan - Oregon City, OR
2027 Mitigated Background Traffic Conditions, Weekday PM Peak Hour

Level Of Service Computation Report
2000 HCM Operations Method (Future Volume Alternative)

Intersection #101 Redland Rd/Abernathy Rd-Holcomb Blvd

Cycle (sec): 100 Critical Vol./Cap.(X): 0.830
Loss time (sec): 16 (Y+R=4.0 sec) Average Delay (sec/veh): 43.1
Optimal Cycle: 94 Level Of Service: D

Street Name: Abernathy-Holcomb Redland Rd
Approach: North Bound South Bound East Bound West Bound
Movement: L - T - R L - T - R L - T - R L - T - R
Control: Protected Protected Protected Protected Protected
Rights: Include Include Include Include Include
Min. Green: 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
Lanes: 1 0 0 1 0 1 0 1 0 1 0 1 0 1 0 1

Volume Module: 5:00-6:00
Base Vol: 234 347 83 318 546 45 74 392 462 128 212 189
Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
Initial Bse: 234 347 83 318 546 45 74 392 462 128 212 189
Added Vol: 0 0 0 0 0 0 0 0 0 0 0 0
PasserByVol: 0 0 0 0 0 0 0 0 0 0 0 0
Initial Fut: 234 347 83 318 546 45 74 392 462 128 212 189
User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Volume: 234 347 83 318 546 45 74 392 462 128 212 189
Reduced Vol: 0 0 0 0 0 0 0 0 0 0 0 0
Reduced Vol: 234 347 83 318 546 45 74 392 462 128 212 189
PCE Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
MLF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
Final Vol.: 234 347 83 318 546 45 74 392 462 128 212 189

Saturation Flow Module:
Sat/Lane: 1900 1900 1900 1900 1900 1900 1900 1900
Adjustment: 0.94 0.96 0.96 0.94 0.99 0.84 0.93 0.98 0.83 0.92 0.97 0.83
Lanes: 1.00 0.81 0.19 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
Final Sat.: 1787 1474 353 1787 1881 1599 1769 1862 1583 1753 1845 1568

Capacity Analysis Module:
Vol/Sat: 0.13 0.24 0.24 0.18 0.29 0.03 0.04 0.21 0.29 0.07 0.11 0.12
Crit Moves: ****
Green/Cycle: 0.15 0.28 0.28 0.21 0.34 0.34 0.09 0.25 0.41 0.09 0.25 0.25
Volume/Cap: 0.85 0.83 0.83 0.83 0.85 0.08 0.48 0.83 0.71 0.83 0.45 0.48
Delay/Veh: 61.7 44.3 44.3 51.6 40.4 22.2 45.7 47.0 28.5 74.6 32.2 32.6
User DelAdj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
AdjDel/Veh: 61.7 44.3 44.3 51.6 40.4 22.2 45.7 47.0 28.5 74.6 32.2 32.6
LOS by Move: E D D D C D C D C E C C
HCM2kavgQ: 10 15 15 12 18 1 3 14 13 6 6 5

Note: Queue reported is the number of cars per lane.

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Kittelson & Associates, Inc. #7938
Park Place Concept Plan - Oregon City, OR
2027 Mitigated Background Traffic Conditions, Weekday PM Peak Hour

Level Of Service Computation Report
2000 HCM Operations Method (Future Volume Alternative)

Intersection #102 Redland Rd/Anchor Way

Cycle (sec): 100 Critical Vol./Cap.(X): 0.982
Loss time (sec): 12 (Y+R=4.0 sec) Average Delay (sec/veh): 38.1
Optimal Cycle: 167 Level Of Service: D

Street Name: Anchor Way Redland Rd
Approach: North Bound South Bound East Bound West Bound
Movement: L - T - R L - T - R L - T - R L - T - R
Control: Split Phase Split Phase Split Phase Split Phase
Rights: Include Include Include Include
Min. Green: 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
Lanes: 1 0 0 0 1 0 0 0 0 0 0 0 0 0 0 0

Volume Module: 5:00-6:00 PM
Base Vol: 152 0 403 0 0 0 827 288 70 512 0
Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
Initial Bse: 152 0 403 0 0 0 827 288 70 512 0
Added Vol: 0 0 0 0 0 0 0 0 0 0 0
PasserByVol: 0 0 0 0 0 0 0 0 0 0 0
Initial Fut: 152 0 403 0 0 0 827 288 70 512 0
User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Volume: 152 0 403 0 0 0 827 288 70 512 0
Reduced Vol: 0 0 0 0 0 0 0 0 0 0 0
Reduced Vol: 152 0 403 0 0 0 827 288 70 512 0
PCE Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
MLF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
Final Vol.: 152 0 403 0 0 0 827 288 70 512 0

Saturation Flow Module:
Sat/Lane: 1900 1900 1900 1900 1900 1900 1900 1900
Adjustment: 0.95 1.00 0.85 1.00 1.00 1.00 1.00 0.96 0.96 0.92 0.97 1.00
Lanes: 1.00 0.00 1.00 0.00 0.00 0.00 0.00 0.74 0.26 1.00 1.00 0.00
Final Sat.: 1805 0 1615 0 0 0 0 1346 469 1753 1845 0

Capacity Analysis Module:
Vol/Sat: 0.08 0.00 0.25 0.00 0.00 0.00 0.00 0.61 0.61 0.04 0.28 0.00
Crit Moves: ****
Green/Cycle: 0.21 0.00 0.25 0.00 0.00 0.00 0.00 0.63 0.63 0.67 0.67 0.00
Volume/Cap: 0.39 0.00 0.98 0.00 0.00 0.00 0.00 0.98 0.98 0.10 0.42 0.00
Delay/Veh: 34.4 0 76.5 0 0 0 0 40.4 40.4 8.8 7.9 0.0
User DelAdj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
AdjDel/Veh: 34.4 0 76.5 0 0 0 0 40.4 40.4 8.8 7.9 0.0
LOS by Move: C A A A A A A D D A A A
HCM2kavgQ: 4 0 18 0 0 0 0 41 41 1 7 0

Note: Queue reported is the number of cars per lane.

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Kittelson & Associates, Inc. #7938														
Park Place Concept Plan - Oregon City, OR														
2027 Mitigated Background Traffic Conditions, Weekday PM Peak Hour														
Level of Service Computation Report														
2000 HCM Operations Method (Future Volume Alternative)														
Intersection #104 Redland Rd/Holly Ln														
Street Name:		North Bound			South Bound			East Bound			West Bound			
Approach:		L	T	R	L	T	R	L	T	R	L	T	R	
Movement:		Split Phase			Split Phase			Permitted			Prot+Permit			
Control:		Include			Include			Include			Include			
Rights:		Ovl												
Min. Green:		0	0	0	0	0	0	0	0	0	0	0	0	
Lanes:		1	0	0	1	0	0	0	0	0	0	1	0	
Volume Module: 5:00-6:00 PM														
Base Vol:		177	0	193	0	0	0	0	781	407	86	398	0	
Growth Adj:		1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	
Initial Bse:		177	0	193	0	0	0	0	781	407	86	398	0	
Added Vol:		0	0	0	0	0	0	0	0	0	0	0	0	
PasserByVol:		0	0	0	0	0	0	0	0	0	0	0	0	
Initial Fut:		177	0	193	0	0	0	0	781	407	86	398	0	
User Adj:		1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	
PHF Adj:		1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	
PHF Volume:		177	0	193	0	0	0	0	781	407	86	398	0	
Reduct Vol:		0	0	0	0	0	0	0	0	0	0	0	0	
Reduced Vol:		177	0	193	0	0	0	0	781	407	86	398	0	
PCE Adj:		1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	
MLF Adj:		1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	
Final Vol.:		177	0	193	0	0	0	0	781	407	86	398	0	
Saturation Flow Module:														
Sat/Lane:		1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	
Adj/Adjment:		0.95	1.00	0.85	1.00	1.00	1.00	1.00	0.94	0.94	0.90	0.95	1.00	
Lanes:		1.00	0.00	1.00	0.00	0.00	0.00	0.00	0.66	0.34	1.00	1.00	0.00	
Final Sat.:		1805	0	1615	0	0	0	0	1180	615	1718	1809	0	
Capacity Analysis Module:														
Vol/Sat:		0.10	0.00	0.12	0.00	0.00	0.00	0.00	0.66	0.66	0.05	0.22	0.00	
Crit Moves:		***							***	***				
Green/Cycle:		0.11	0.00	0.16	0.00	0.00	0.00	0.00	0.74	0.74	0.79	0.79	0.00	
Volume/Cap:		0.90	0.00	0.73	0.00	0.00	0.00	0.00	0.90	0.90	0.13	0.28	0.00	
Delay/Veh:		90.5	0.0	57.2	0.0	0.0	0.0	0.0	21.1	21.1	4.7	3.5	0.0	
User DelAdj:		1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	
AdjDel/Veh:		90.5	0.0	57.2	0.0	0.0	0.0	0.0	21.1	21.1	4.7	3.5	0.0	
LOS by Move:		F	A	E	A	A	A	A	C	C	A	A	A	
HCM2KvqQ:		9	0	8	0	0	0	0	37	37	1	4		

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Kittelson & Associates, Inc. #7938
 Park Place Concept Plan - Oregon City, OR
 2027 Mitigated Background Traffic Conditions, Weekday PM Peak Hour

Level of Service Computation Report
 2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #103 Redland Rd/Livesay Rd

Average Delay (sec/veh): 0.5 Worst Case Level of Service: D [29.1]

Street Name:	Livesay Rd			South Bound			East Bound			Redland Rd		
	L	T	R	L	T	R	L	T	R	L	T	R
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Stop Sign			Stop Sign			Uncontrolled			Uncontrolled		
Rights:	Include			Include			Uncontrolled			Include		
Lanes:	0	0	0	0	0	0	0	1	0	0	0	0
Volume Module: 5:00-6:00 PM												
Base Vol:	0	0	0	10	0	15	25	1190	0	0	557	10
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	0	0	0	10	0	15	25	1190	0	0	557	10
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	0	0	0	10	0	15	25	1190	0	0	557	10
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	0	0	0	10	0	15	25	1190	0	0	557	10
Reduced Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Final Vol:	0	0	0	10	0	15	25	1190	0	0	557	10
Critical Gap Module:												
Critical Gap:	xxxx	xxxx	xxxx	xxxx	xxxx	xxxx	6.4	6.5	6.2	4.1	xxxx	xxxx
FollowUp:	xxxx	xxxx	xxxx	xxxx	xxxx	xxxx	3.5	4.0	3.3	2.2	xxxx	xxxx
Capacity Module:												
Conflict Vol:	xxxx	xxxx	xxxx	1802	1802	562	567	xxxx	xxxx	xxxx	xxxx	xxxx
Potent Cap:	xxxx	xxxx	xxxx	89	80	530	1000	xxxx	xxxx	xxxx	xxxx	xxxx
Move Cap:	xxxx	xxxx	xxxx	87	78	530	1000	xxxx	xxxx	xxxx	xxxx	xxxx
Volume/Cap:	xxxx	xxxx	xxxx	0.12	0.00	0.03	0.02	xxxx	xxxx	xxxx	xxxx	xxxx
Level of Service Module:												
Way5thQ:	xxxx	xxxx	xxxx	xxxx	xxxx	xxxx	0.1	xxxx	xxxx	xxxx	xxxx	xxxx
Control Del:	xxxx	xxxx	xxxx	xxxx	xxxx	xxxx	8.7	xxxx	xxxx	xxxx	xxxx	xxxx
LOS by Move:	LT - LTR - RT	LT - LTR - RT	LT - LTR - RT	LT - LTR - RT	LT - LTR - RT	LT - LTR - RT	A	xxxx	xxxx	xxxx	xxxx	xxxx
Shared Cap:	xxxx	xxxx	xxxx	xxxx	174	xxxx	xxxx	xxxx	xxxx	xxxx	xxxx	xxxx
Shared Queue:	xxxx	xxxx	xxxx	xxxx	0.5	xxxx	0.1	xxxx	xxxx	xxxx	xxxx	xxxx
Shrd Condel:	xxxx	xxxx	xxxx	xxxx	29.1	xxxx	8.7	xxxx	xxxx	xxxx	xxxx	xxxx
Shared LOS:	xxxx	xxxx	xxxx	xxxx	D	xxxx	A	xxxx	xxxx	xxxx	xxxx	xxxx
Approach Del:	xxxxxx	xxxxxx	xxxxxx	29.1	xxxxxx	xxxxxx	xxxxxx	xxxxxx	xxxxxx	xxxxxx	xxxxxx	xxxxxx
Approach LOS:	xxxx	xxxx	xxxx	D	xxxx	xxxx	A	xxxx	xxxx	xxxx	xxxx	xxxx

Note: Queue reported is the number of cars per lane.

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Kittelton & Associates, Inc. #7938
Park Place Concept Plan - Oregon City, OR
2027 Mitigated Background Traffic Conditions, Weekday PM Peak Hour

Level of Service Computation Report

2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #105 Holly Lane/Donovan Road

Average Delay (sec/veh): 1.0 Worst Case Level of Service: A [8.9]

Street Name: Holly Lane Donovan Road

Approach: North Bound South Bound East Bound West Bound

Movement: L - T - R L - T - R L - T - R L - T - R

Control: Uncontrolled Uncontrolled Stop Sign Stop Sign

Rights: Include Include Include Include

Lanes: 0 1 0 0 0 0 0 1 0 0 0 1 0 0 0 0 0 0

Volume Module:

Base Vol: 30 320 0 0 425 35 45 0 25 0 0 0 0

Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

Initial Bse: 30 320 0 0 425 35 45 0 25 0 0 0 0

Added Vol: 0 0 0 0 0 0 0 0 0 0 0 0

PasserByVol: 0 0 0 0 0 0 0 0 0 0 0 0

Initial Fut: 30 320 0 0 425 35 45 0 25 0 0 0 0

User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

PHF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

PHF Volume: 30 320 0 0 425 35 45 0 25 0 0 0 0

Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0

Final Vol: 30 320 0 0 425 35 45 0 25 0 0 0 0

Critical Gap Module:

Critical Gap: 4.1 xxx xxxxxx xxxxxx 6.4 6.5 6.2 xxxxxx xxxxxx

FollowUpTm: 2.2 xxx xxxxxx xxxxxx 3.5 4.0 3.3 xxxxxx xxxxxx

Capacity Module:

Conflict Vol: 460 xxx xxxxxx xxxxxx 823 823 443 xxxxxx xxxxxx

Potent Cap: 1106 xxx xxxxxx xxxxxx 343 309 615 xxxxxx xxxxxx

Move Cap: 1106 xxx xxxxxx xxxxxx 336 300 615 xxxxxx xxxxxx

Volume/Cap: 0.03 xxx xxxxxx xxxxxx 0.13 0.00 0.04 xxxxxx xxxxxx

Level of Service Module:

2Way95thQ: 0.1 xxx xxxxxx xxxxxx xxxxxx xxxxxx xxxxxx xxxxxx

Control Del: 8.3 xxx xxxxxx xxxxxx xxxxxx xxxxxx xxxxxx xxxxxx

LOS by Move: A *

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Kittelton & Associates, Inc. #7938
Park Place Concept Plan - Oregon City, OR
2027 Mitigated Background Traffic Conditions, Weekday PM Peak Hour

Level of Service Computation Report

2000 HCM Operations Method (Future Volume Alternative)

Intersection #106 Holly Ln/Maplelane Rd

Cycle (sec): 100 Critical Vol./Cap. (X): 0.612

Loss Time (sec): 12 (Y+R=4.0 sec) Average Delay (sec/veh): 21.1

Optimal Cycle: 49 Level of Service: C

Street Name: Holly Ln Maplelane Rd

Approach: North Bound South Bound East Bound West Bound

Movement: L - T - R L - T - R L - T - R L - T - R

Control: Split Phase Split Phase Split Phase Split Phase

Rights: Include Include Include Include

Min. Green: 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0

Lanes: 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0

Volume Module: 5:00-6:00 PM

Base Vol: 0 0 0 0 154 0 152 198 368 0 0 378 71

Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

Initial Bse: 0 0 0 0 154 0 152 198 368 0 0 378 71

Added Vol: 0 0 0 0 0 0 0 0 0 0 0 0 0

PasserByVol: 0 0 0 0 0 0 0 0 0 0 0 0 0

Initial Fut: 0 0 0 0 154 0 152 198 368 0 0 378 71

User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

PHF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

PHF Volume: 0 0 0 0 154 0 152 198 368 0 0 378 71

Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0 0

PCE Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

MLF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

Final Vol: 0 0 0 0 154 0 152 198 368 0 0 378 71

Saturation Flow Module:

Sat/Lane: 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900

Adjustment: 1.00 1.00 1.00 1.00 0.88 1.00 0.88 0.94 0.99 1.00 1.00 0.97

Lanes: 0.00 0.00 0.00 0.00 0.50 0.00 0.50 1.00 1.00 0.00 0.00 0.84

Final Sat: 0 0 0 0 837 0 826 1787 1881 0 0 1550 291

Capacity Analysis Module:

Vol/Sat: 0.00 0.00 0.00 0.00 0.18 0.00 0.18 0.11 0.20 0.00 0.00 0.24

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Kittelton & Associates, Inc. #7938
Park Place Concept Plan - Oregon City, OR
2027 Mitigated Background Traffic Conditions, Weekday PM Peak Hour

Level of Service Computation Report

2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #105 Holly Lane/Donovan Road

Average Delay (sec/veh): 1.0 Worst Case Level of Service: A [8.9]

Street Name: Holly Lane Donovan Road

Approach: North Bound South Bound East Bound West Bound

Movement: L - T - R L - T - R L - T - R L - T - R

Control: Uncontrolled Uncontrolled Stop Sign Stop Sign

Rights: Include Include Include Include

Lanes: 0 1 0 0 0 0 0 1 0 0 0 0 0 0 0 0

Volume Module:

Base Vol: 30 320 0 0 425 35 45 0 25 0 0 0 0

Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

Initial Bse: 30 320 0 0 425 35 45 0 25 0 0 0 0

Added Vol: 0 0 0 0 0 0 0 0 0 0 0 0

PasserByVol: 0 0 0 0 0 0 0 0 0 0 0 0

Initial Fut: 30 320 0 0 425 35 45 0 25 0 0 0 0

User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

PHF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

PHF Volume: 30 320 0 0 425 35 45 0 25 0 0 0 0

Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0

Final Vol: 30 320 0 0 425 35 45 0 25 0 0 0 0

Critical Gap Module:

Critical Gap: 4.1 xxx xxxxxx xxxxxx 6.4 6.5 6.2 xxxxxx xxxxxx

FollowUpTm: 2.2 xxx xxxxxx xxxxxx 3.5 4.0 3.3 xxxxxx xxxxxx

Capacity Module:

Conflict Vol: 460 xxx xxxxxx xxxxxx 823 823 443 xxxxxx xxxxxx

Potent Cap: 1106 xxx xxxxxx xxxxxx 343 309 615 xxxxxx xxxxxx

Move Cap: 1106 xxx xxxxxx xxxxxx 336 300 615 xxxxxx xxxxxx

Volume/Cap: 0.03 xxx xxxxxx xxxxxx 0.13 0.00 0.04 xxxxxx xxxxxx

Level of Service Module:

2Way95thQ: 0.1 xxx xxxxxx xxxxxx xxxxxx xxxxxx xxxxxx xxxxxx

Control Del: 8.3 xxx xxxxxx xxxxxx xxxxxx xxxxxx xxxxxx xxxxxx

LOS by Move: A *

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Park Place Concept Plan - Oregon City, OR		
2027 Mitigated Background Traffic Conditions, Weekday PM Peak Hour		
Level Of Service Computation Report		
2000 HCM Unsignalized Method (Future Volume Alternative)		
Intersection #107 Holcomb Blvd/Front St		
Average Delay (sec/veh): 1.9 Worst Case Level Of Service: C [21.9]		
Street Name: Front St Holcomb Blvd		
Approach: North Bound South Bound East Bound West Bound		
Movement: L - T - R L - T - R L - T - R L - T - R		
Control:	Stop Sign	Uncontrolled
Rights:	Include	Include
Lanes:	0 0 0 0 0 1 0 0 0 1 0 0 0 0 0 0 1 0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
Volume Module: 5:00-6:00 PM		
Base Vol:	0 0 0 29 0 54 91 699 0 0 474 15	0 0 0 29 0 54 91 699 0 0 474 15
Growth Adj:	1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00	1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
Initial Bse:	0 0 0 29 0 54 91 699 0 0 474 15	0 0 0 29 0 54 91 699 0 0 474 15
Added Vol:	0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0
PasserByVol:	0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0
Initial Fut:	0 0 0 29 0 54 91 699 0 0 474 15	0 0 0 29 0 54 91 699 0 0 474 15
User Adj:	1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00	1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Adj:	1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00	1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Volume:	0 0 0 29 0 54 91 699 0 0 474 15	0 0 0 29 0 54 91 699 0 0 474 15
Reduct Vol:	0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0
Final Vol:	0 0 0 29 0 54 91 699 0 0 474 15	0 0 0 29 0 54 91 699 0 0 474 15
Critical Gap Module:		
Critical Gap:	6.4 6.5 6.2 4.1 xxxxx xxxxx xxxxx xxxxx xxxxx	6.4 6.5 6.2 4.1 xxxxx xxxxx xxxxx xxxxx xxxxx
FollowUpTm:	3.5 4.0 3.3 2.2 xxxxx xxxxx xxxxx xxxxx xxxxx	3.5 4.0 3.3 2.2 xxxxx xxxxx xxxxx xxxxx xxxxx
Capacity Module:		
Conflict Vol:	1363 1363 482 489 xxxxx xxxxx xxxxx xxxxx xxxxx	1363 1363 482 489 xxxxx xxxxx xxxxx xxxxx xxxxx
Potent Cap:	165 149 589 1079 xxxxx xxxxx xxxxx xxxxx xxxxx	165 149 589 1079 xxxxx xxxxx xxxxx xxxxx xxxxx
Move Cap:	153 136 589 1079 xxxxx xxxxx xxxxx xxxxx xxxxx	153 136 589 1079 xxxxx xxxxx xxxxx xxxxx xxxxx
Volume/Cap:	0.19 0.00 0.09 0.08 xxxxx xxxxx xxxxx xxxxx xxxxx	0.19 0.00 0.09 0.08 xxxxx xxxxx xxxxx xxxxx xxxxx
Level Of Service Module:		
2Way95thQ:	xxxx xxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx	xxxx xxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx
Control Del:	xxxx xxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx	xxxx xxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx
LOS by Move:	A A A A A A A A A A A A	A A A A A A A A A A A A
Movement:	LT - LTR - RT LT - LTR - RT LT - LTR - RT LT - LTR - RT	LT - LTR - RT LT - LTR - RT LT - LTR - RT LT - LTR - RT
Shared Cap:	xxxx xxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx	xxxx xxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx
Shared Queue:	xxxx xxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx	xxxx xxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx
Shrd ConDel:	xxxx xxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx	xxxx xxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx
Shared LOS:	C C C C C C C C C C C C	C C C C C C C C C C C C
ApproachDel:	xxxxxx 21.9 xxxxxx xxxxxx	xxxxxx 21.9 xxxxxx xxxxxx
ApproachLOS:	C C C C C C C C C C C C	C C C C C C C C C C C C
Note: Queue reported is the number of cars per lane.		

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H:\profile\7938 - Park Place Concept Plan\traffix\traffix output.doc

PM	Wed Mar 28, 2007 15:05:31	Page 10-1
Kittelson & Associates, Inc. #7938		
Park Place Concept Plan - Oregon City, OR		
2027 Mitigated Background Traffic Conditions, Weekday PM Peak Hour		
Level Of Service Computation Report		
2000 HCM Unsignalized Method (Future Volume Alternative)		
Intersection #108 Holcomb Blvd/Swan Ave		
Average Delay (sec/veh): 2.7 Worst Case Level Of Service: D [26.5]		
Street Name: Swan Ave Holcomb Blvd		
Approach: North Bound South Bound East Bound West Bound		
Movement: L - T - R L - T - R L - T - R L - T - R		
Control:	Stop Sign	Uncontrolled
Rights:	Include	Include
Lanes:	0 0 1 0 0 0 0 1 0 0 0 0 1 0 0 0 1 0 0	0 0 1 0 0 0 0 1 0 0 0 0 1 0 0 0 1 0 0
Volume Module: 5:00-6:00 PM		
Base Vol:	16 6 7 17 7 71 86 561 33 11 293 26	16 6 7 17 7 71 86 561 33 11 293 26
Growth Adj:	1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00	1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
Initial Bse:	16 6 7 17 7 71 86 561 33 11 293 26	16 6 7 17 7 71 86 561 33 11 293 26
Added Vol:	0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0
PasserByVol:	0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0
Initial Fut:	16 6 7 17 7 71 86 561 33 11 293 26	16 6 7 17 7 71 86 561 33 11 293 26
User Adj:	1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00	1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Adj:	1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00	1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Volume:	16 6 7 17 7 71 86 561 33 11 293 26	16 6 7 17 7 71 86 561 33 11 293 26
Reduct Vol:	0 0 0 0 0 0 0 0 0 0 0 0	0 0 0 0 0 0 0 0 0 0 0 0
Final Vol:	16 6 7 17 7 71 86 561 33 11 293 26	16 6 7 17 7 71 86 561 33 11 293 26
Critical Gap Module:		
Critical Gap:	7.1 6.5 6.2 7.1 6.5 6.2 4.1 xxxxx xxxxx 4.1 xxxxx xxxxx	7.1 6.5 6.2 7.1 6.5 6.2 4.1 xxxxx xxxxx 4.1 xxxxx xxxxx
FollowUpTm:	3.5 4.0 3.3 3.5 4.0 3.3 2.2 xxxxx xxxxx 2.2 xxxxx xxxxx	3.5 4.0 3.3 3.5 4.0 3.3 2.2 xxxxx xxxxx 2.2 xxxxx xxxxx
Capacity Module:		
Conflict Vol:	1117 1091 578 1084 1094 306 319 xxxxx xxxxx 594 xxxxx xxxxx	1117 1091 578 1084 1094 306 319 xxxxx xxxxx 594 xxxxx xxxxx
Potent Cap:	186 217 520 196 216 739 1247 xxxxx xxxxx 982 xxxxx xxxxx	186 217 520 196 216 739 1247 xxxxx xxxxx 982 xxxxx xxxxx
Move Cap:	154 199 520 177 198 739 1247 xxxxx xxxxx 982 xxxxx xxxxx	154 199 520 177 198 739 1247 xxxxx xxxxx 982 xxxxx xxxxx
Volume/Cap:	0.10 0.03 0.01 0.10 0.04 0.10 0.07 xxxxx xxxxx 0.01 xxxxx xxxxx	0.10 0.03 0.01 0.10 0.04 0.10 0.07 xxxxx xxxxx 0.01 xxxxx xxxxx
Level Of Service Module:		
2Way95thQ:	xxxx xxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx	xxxx xxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx
Control Del:	xxxx xxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx	xxxx xxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx
LOS by Move:	A A A A A A A A A A A A	A A A A A A A A A A A A
Movement:	LT - LTR - RT LT - LTR - RT LT - LTR - RT LT - LTR - RT	LT - LTR - RT LT - LTR - RT LT - LTR - RT LT - LTR - RT
Shared Cap:	xxxx 196 xxxxx xxxxx 418 xxxxx xxxxx xxxxx xxxxx xxxxx	xxxx 196 xxxxx xxxxx 418 xxxxx xxxxx xxxxx xxxxx xxxxx
Shared Queue:	xxxx 0.5 xxxxx xxxxx 0.9 xxxxx xxxxx xxxxx xxxxx xxxxx	xxxx 0.5 xxxxx xxxxx 0.9 xxxxx xxxxx xxxxx xxxxx xxxxx
Shrd ConDel:	xxxx 26.5 xxxxx xxxxx 16.1 xxxxx xxxxx xxxxx xxxxx xxxxx	xxxx 26.5 xxxxx xxxxx 16.1 xxxxx xxxxx xxxxx xxxxx xxxxx
Shared LOS:	D D C C C C C C C C C C	D D C C C C C C C C C C
ApproachDel:	26.5 16.1 xxxxxx xxxxxx	26.5 16.1 xxxxxx xxxxxx
ApproachLOS:	D C C C C C C C C C C C	D C C C C C C C C C C C
Note: Queue reported is the number of cars per lane.		

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Appendix E

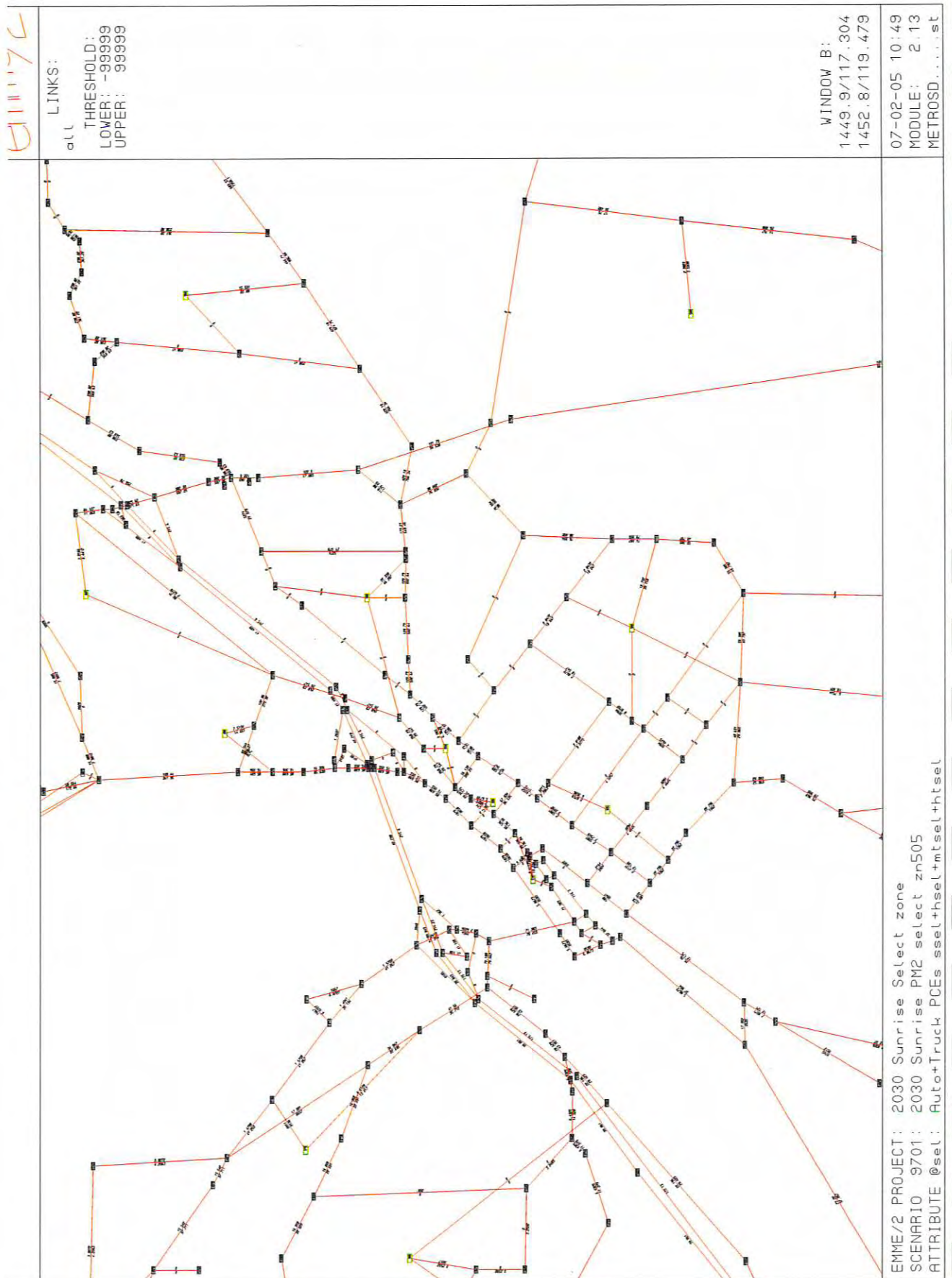
2030 Sunrise Model TAZ Land Use Estimates for Park Place Planning Area

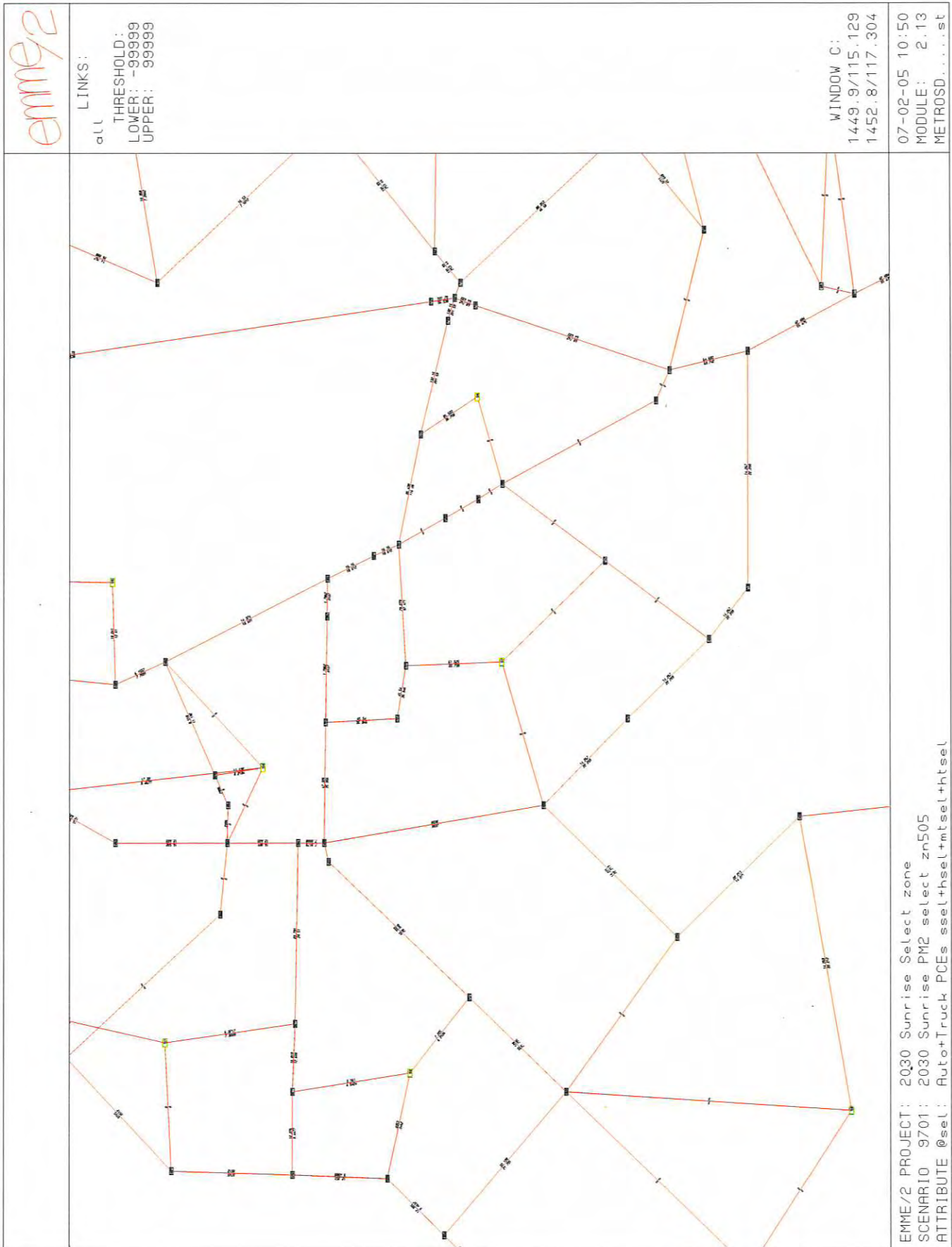
H. Transportation

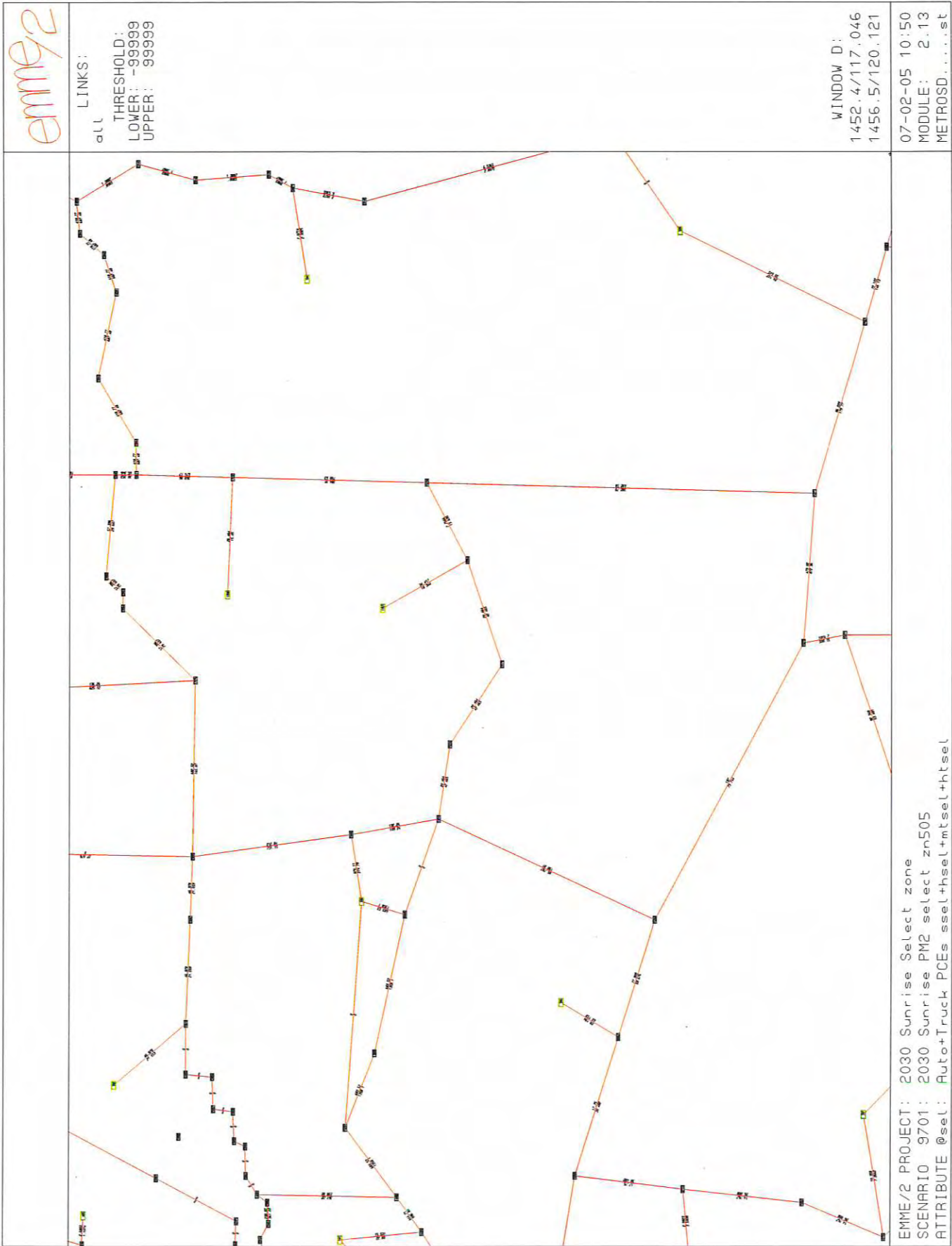
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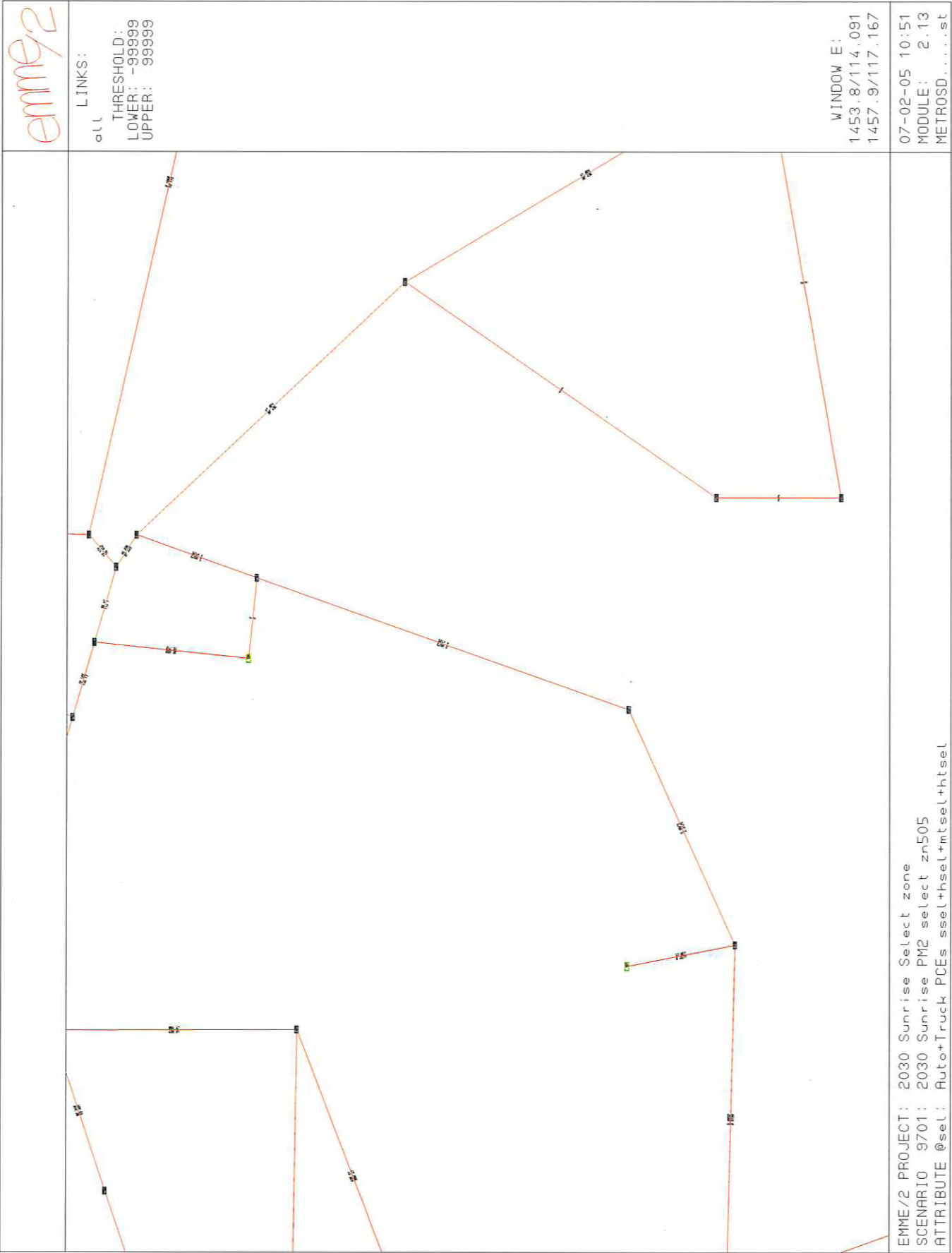
Appendix F

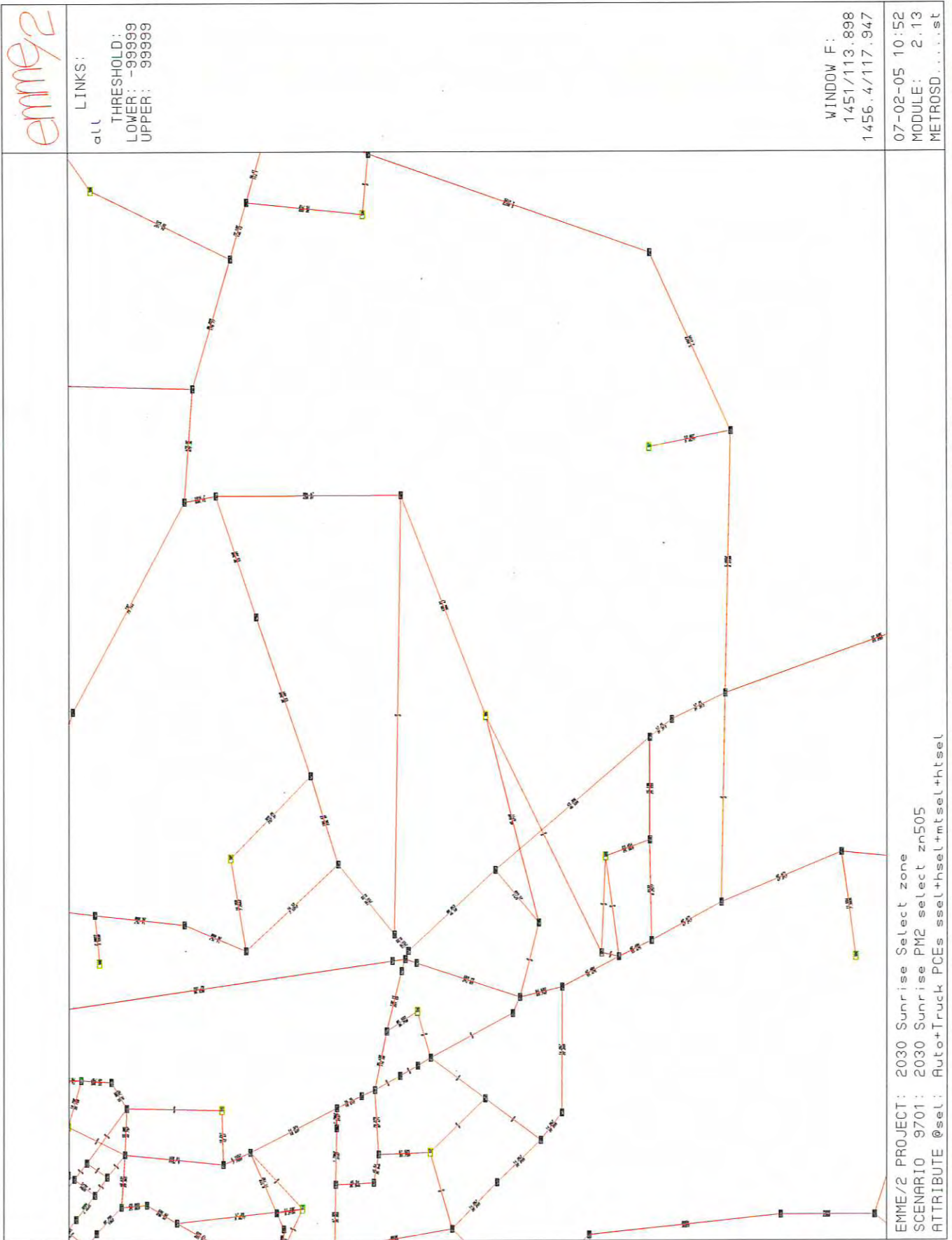
2030 Sunrise Model Select Zone Analyses

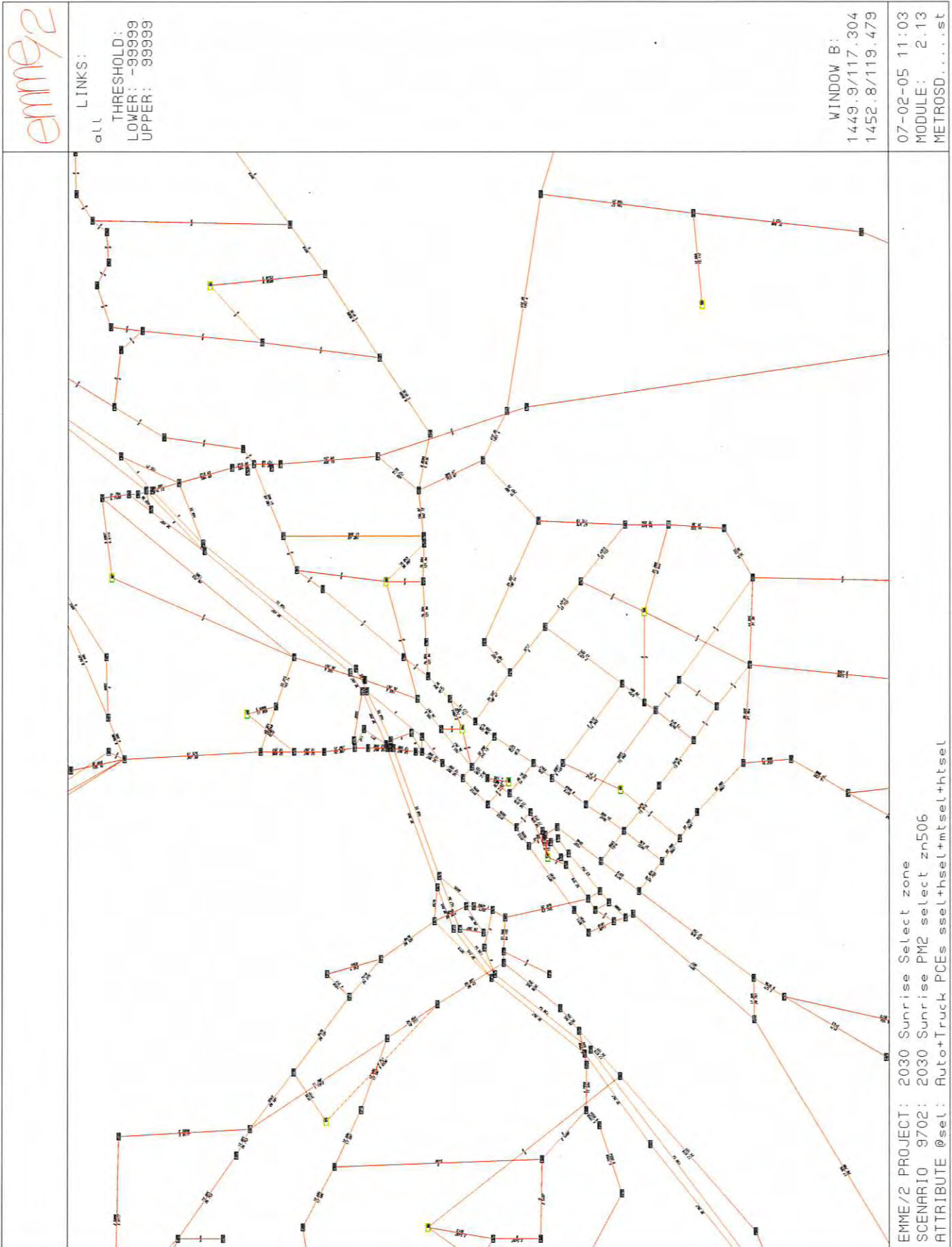


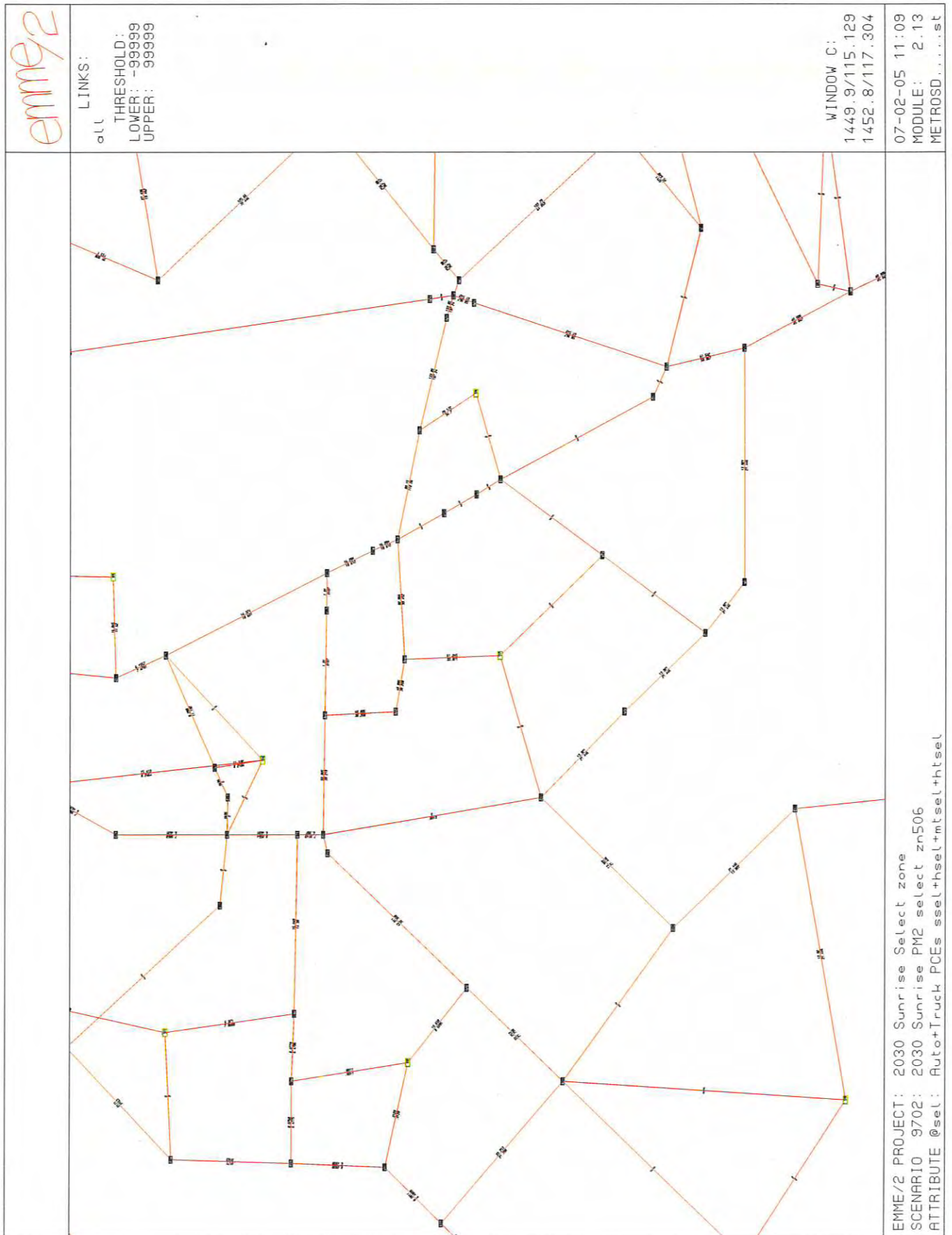


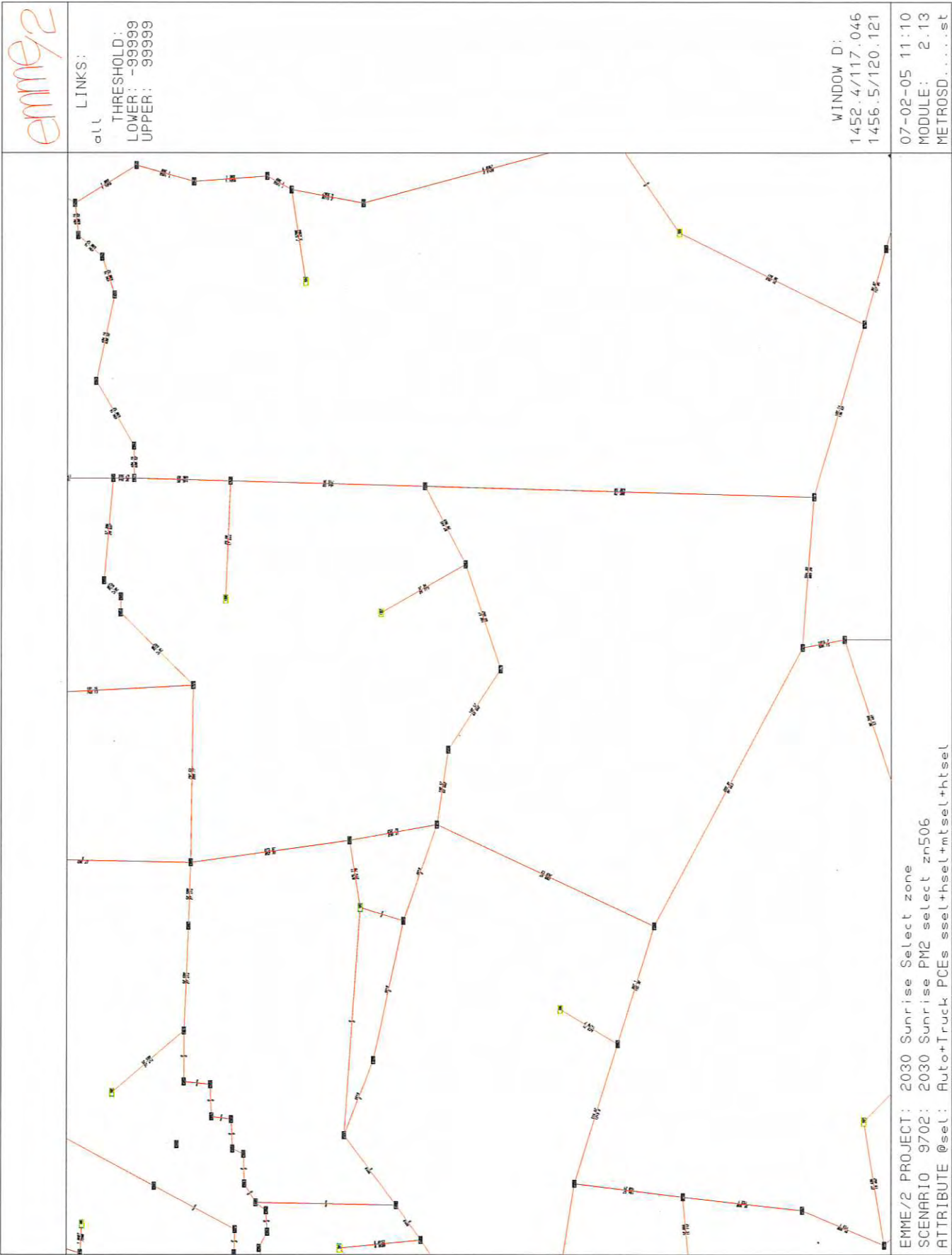


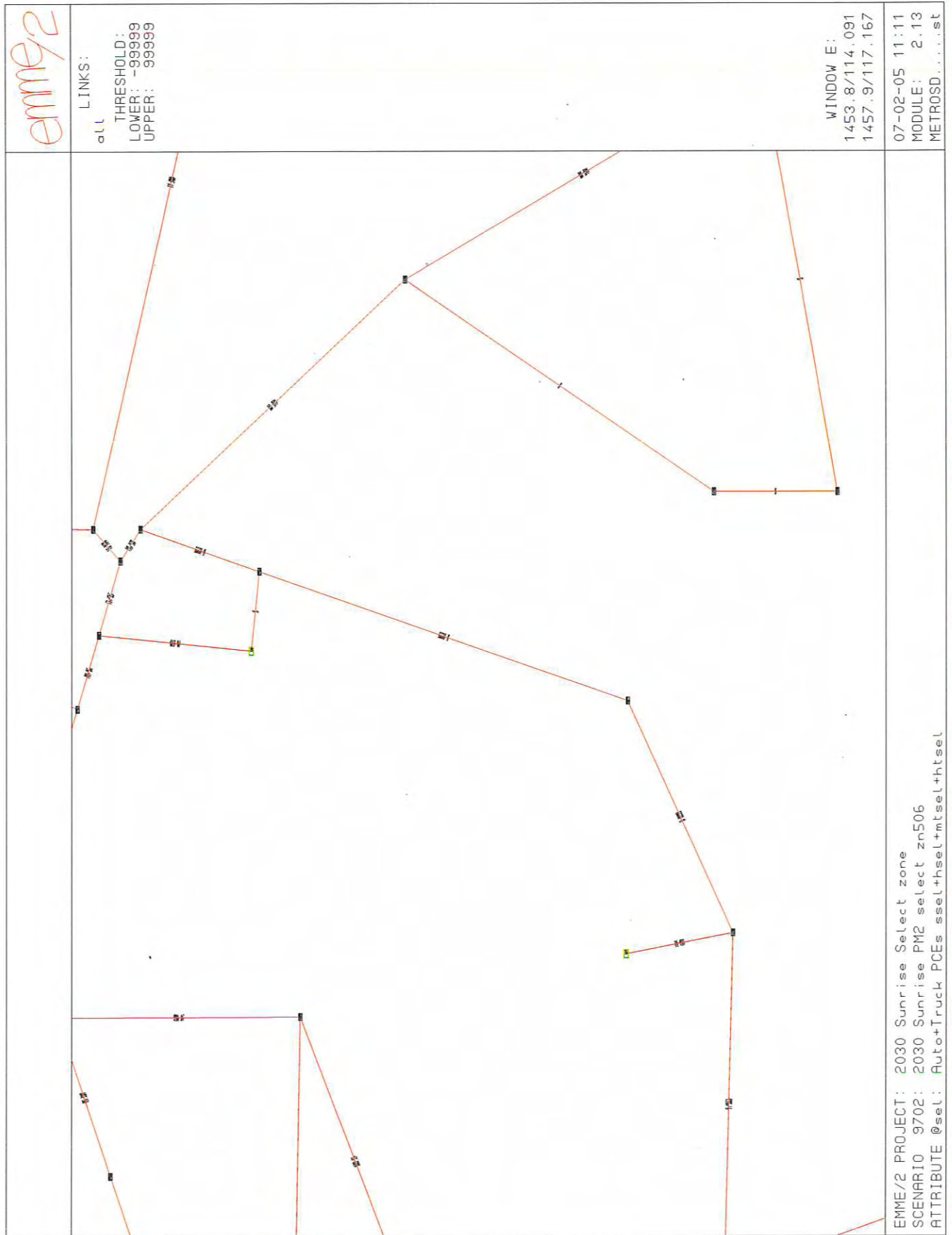


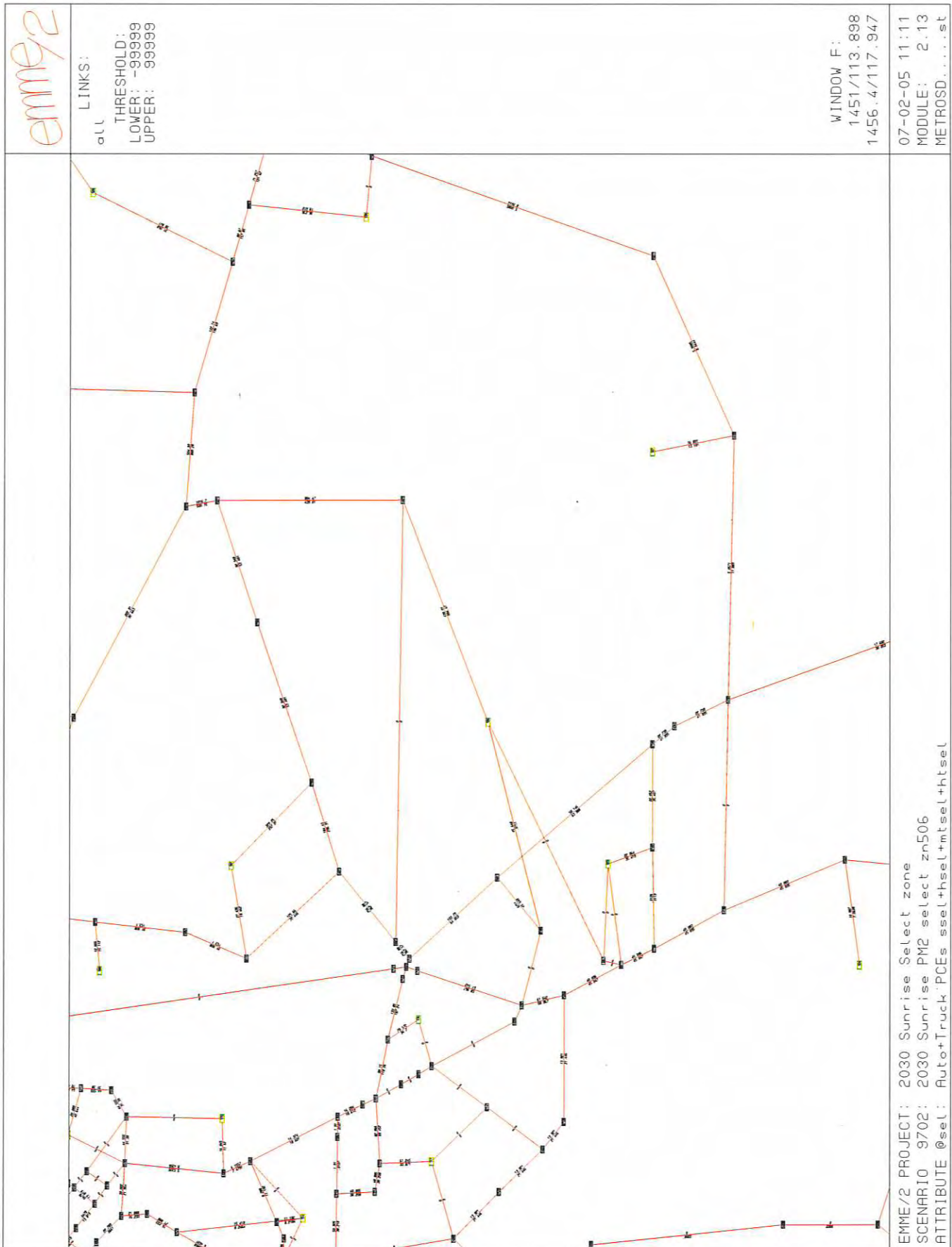


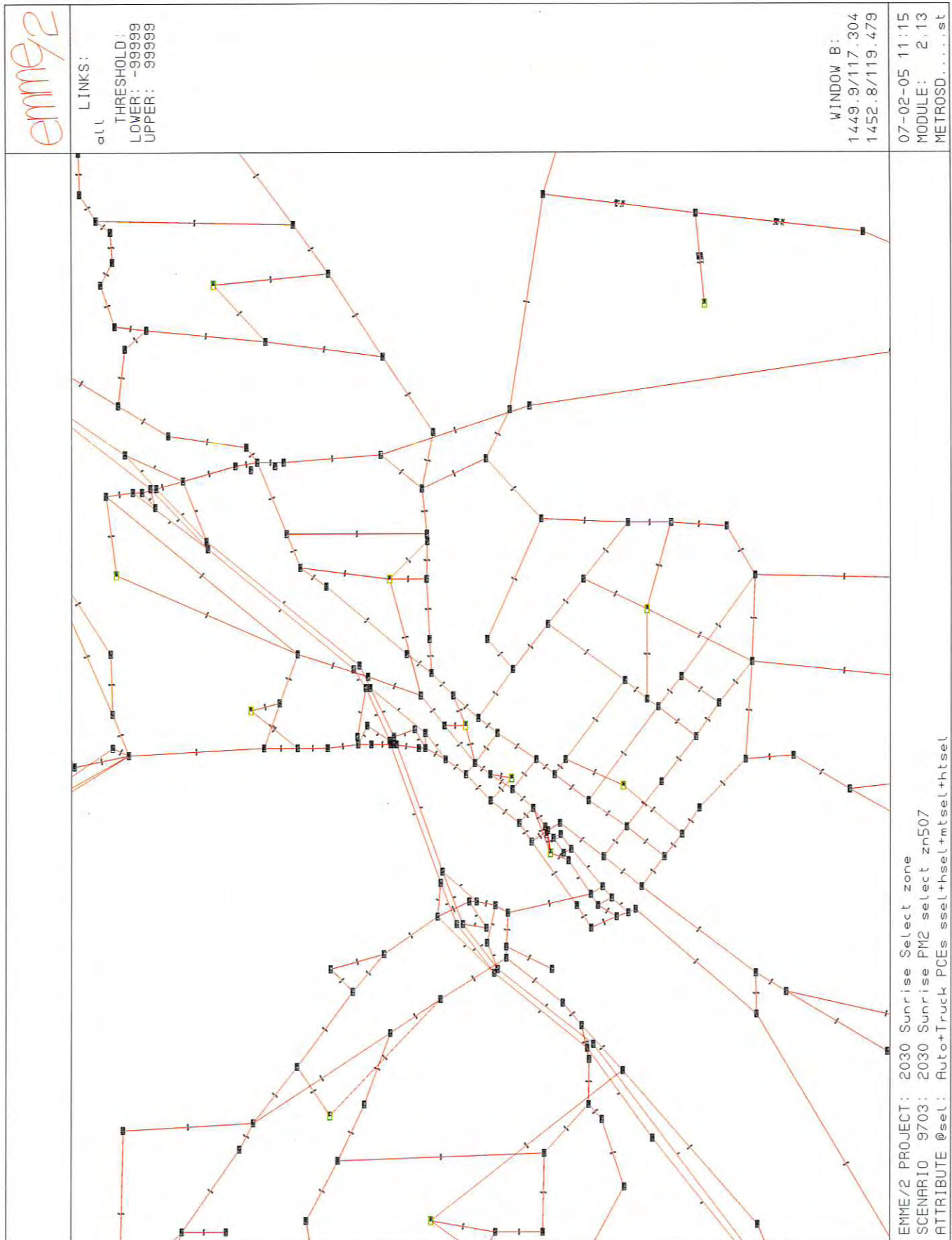


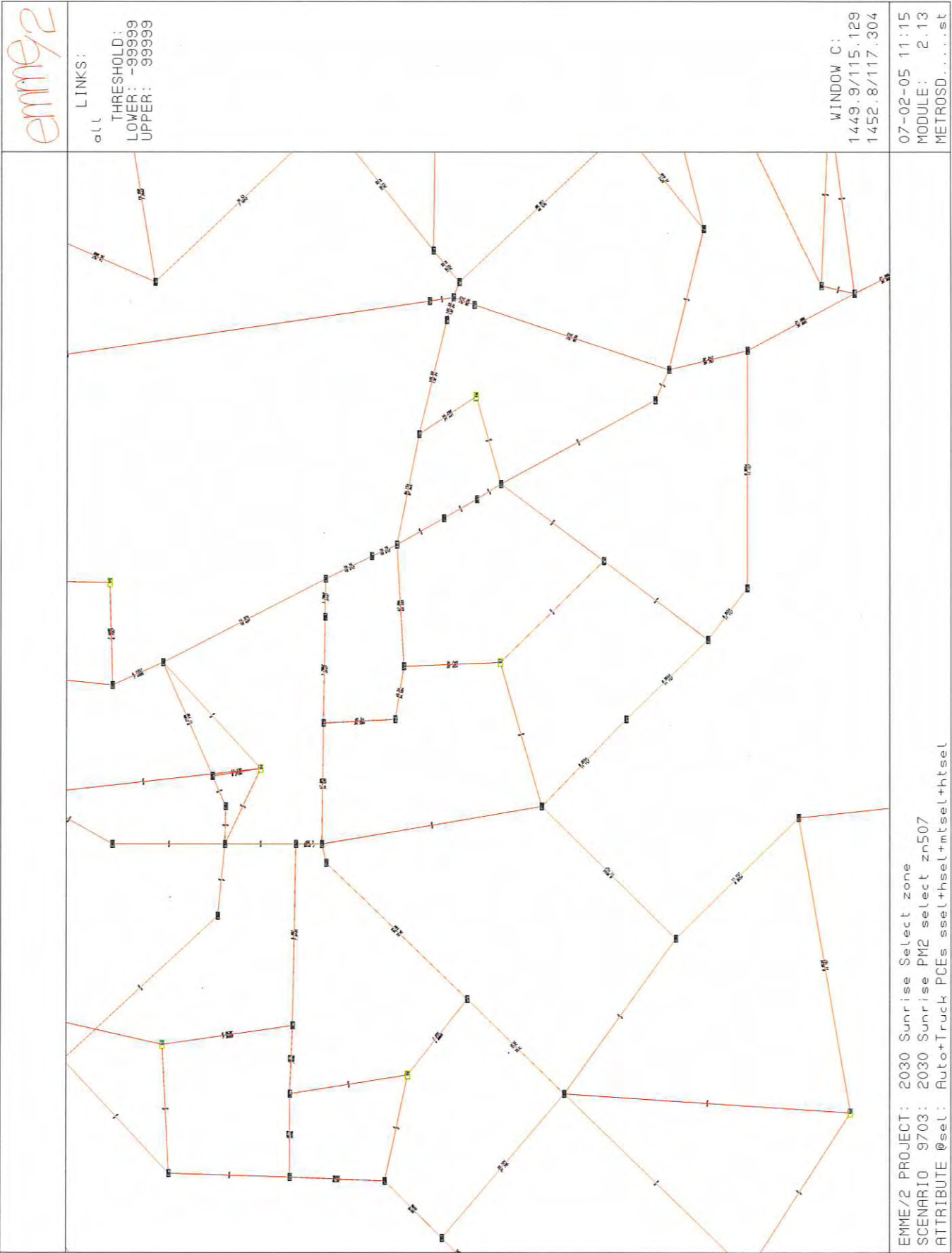


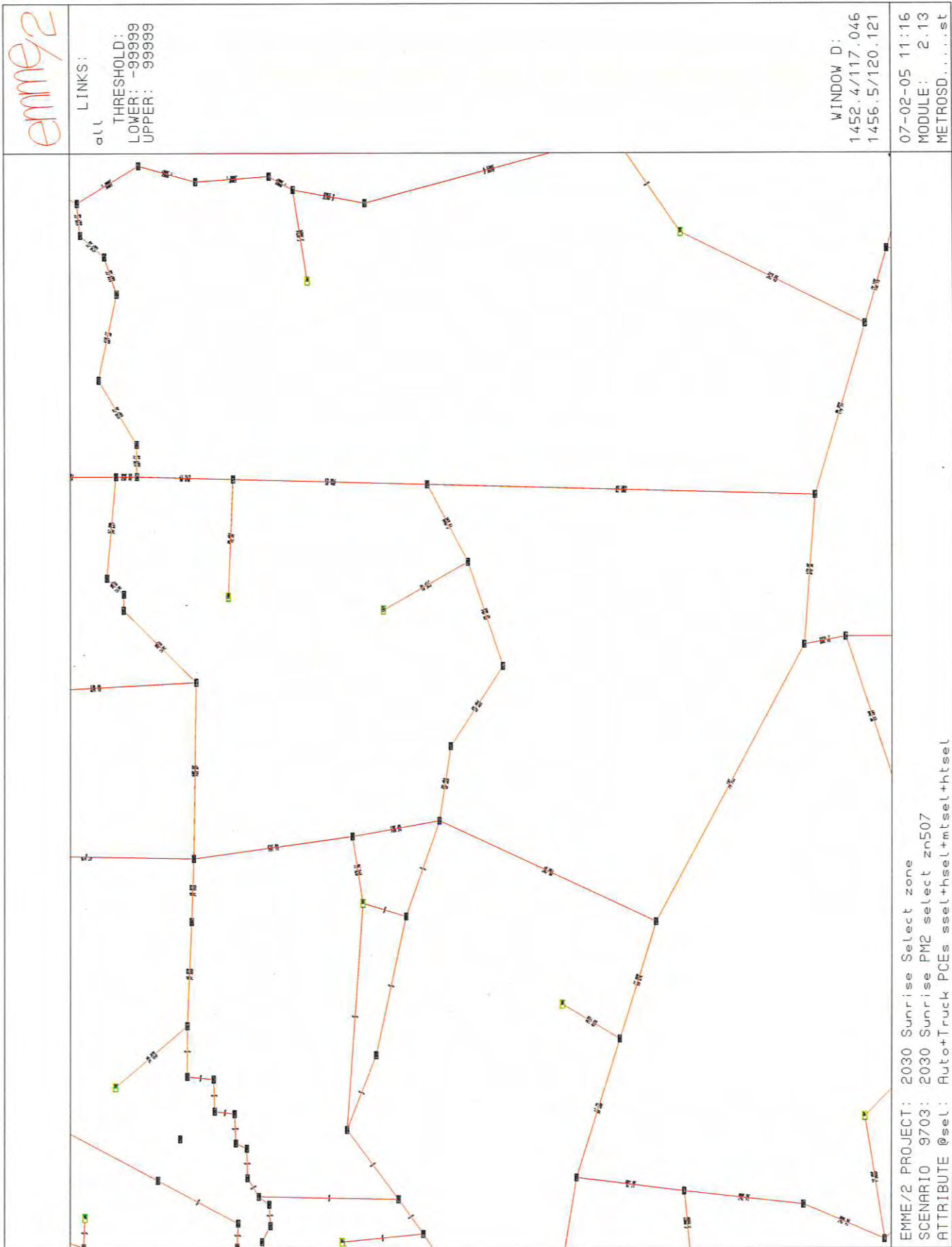


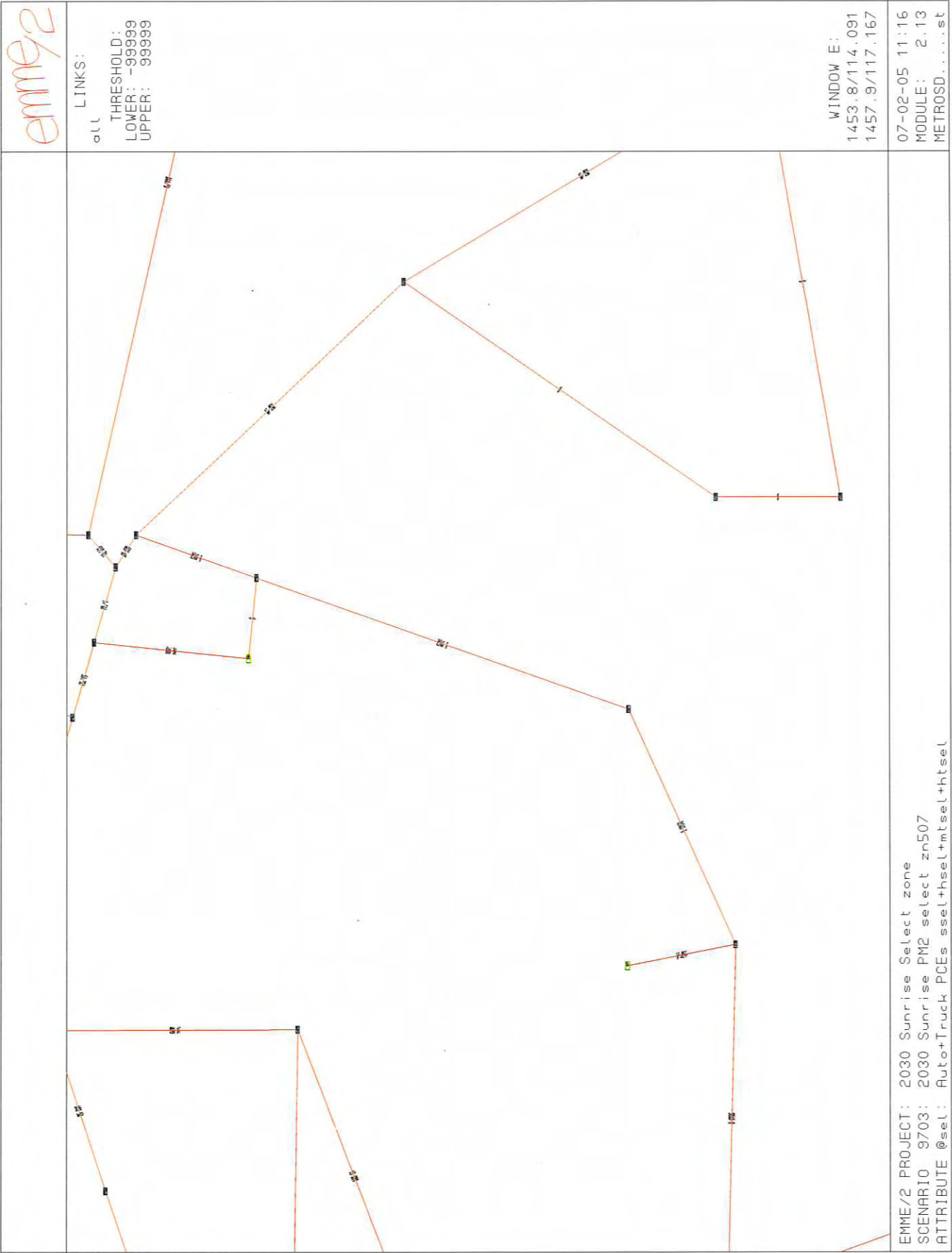


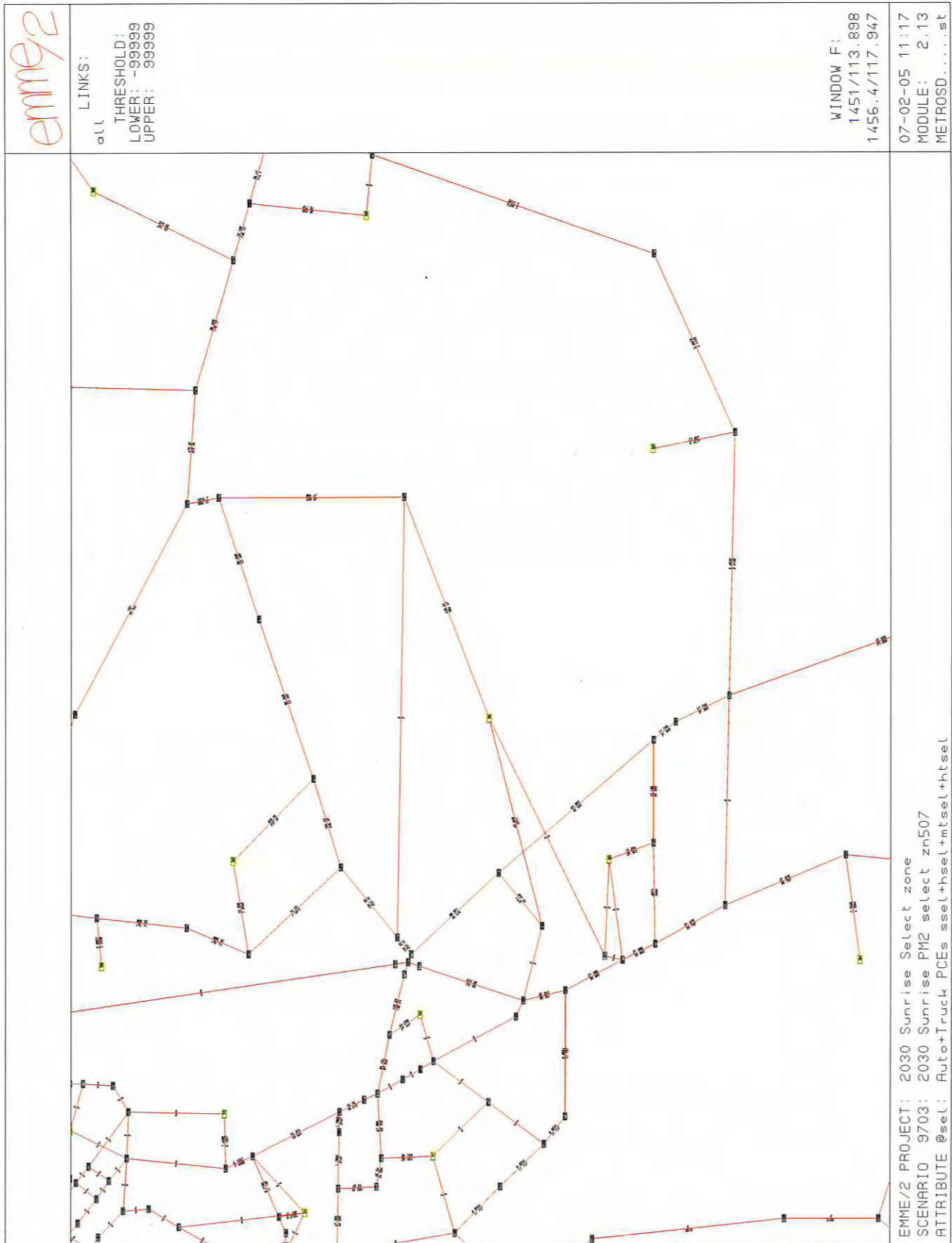




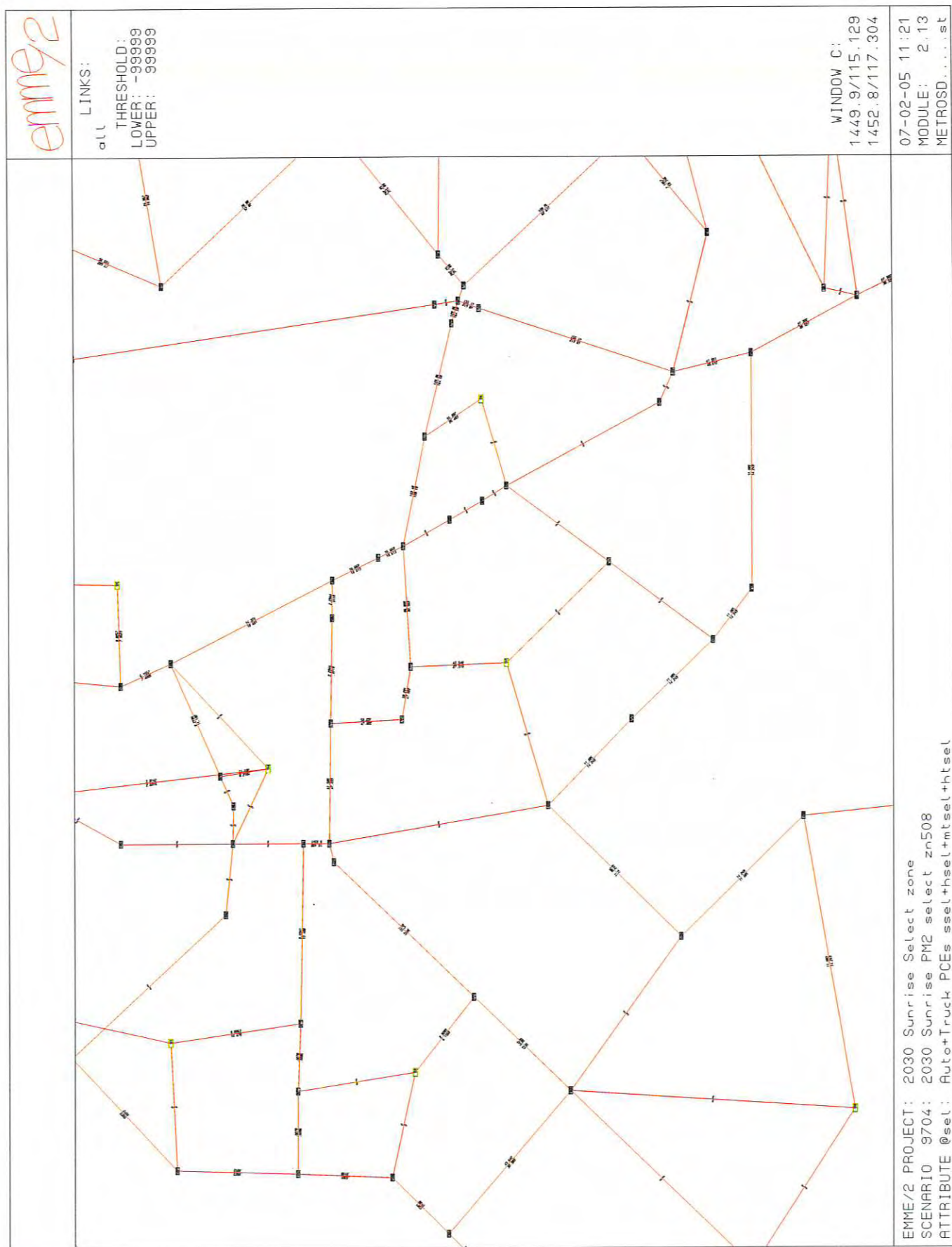


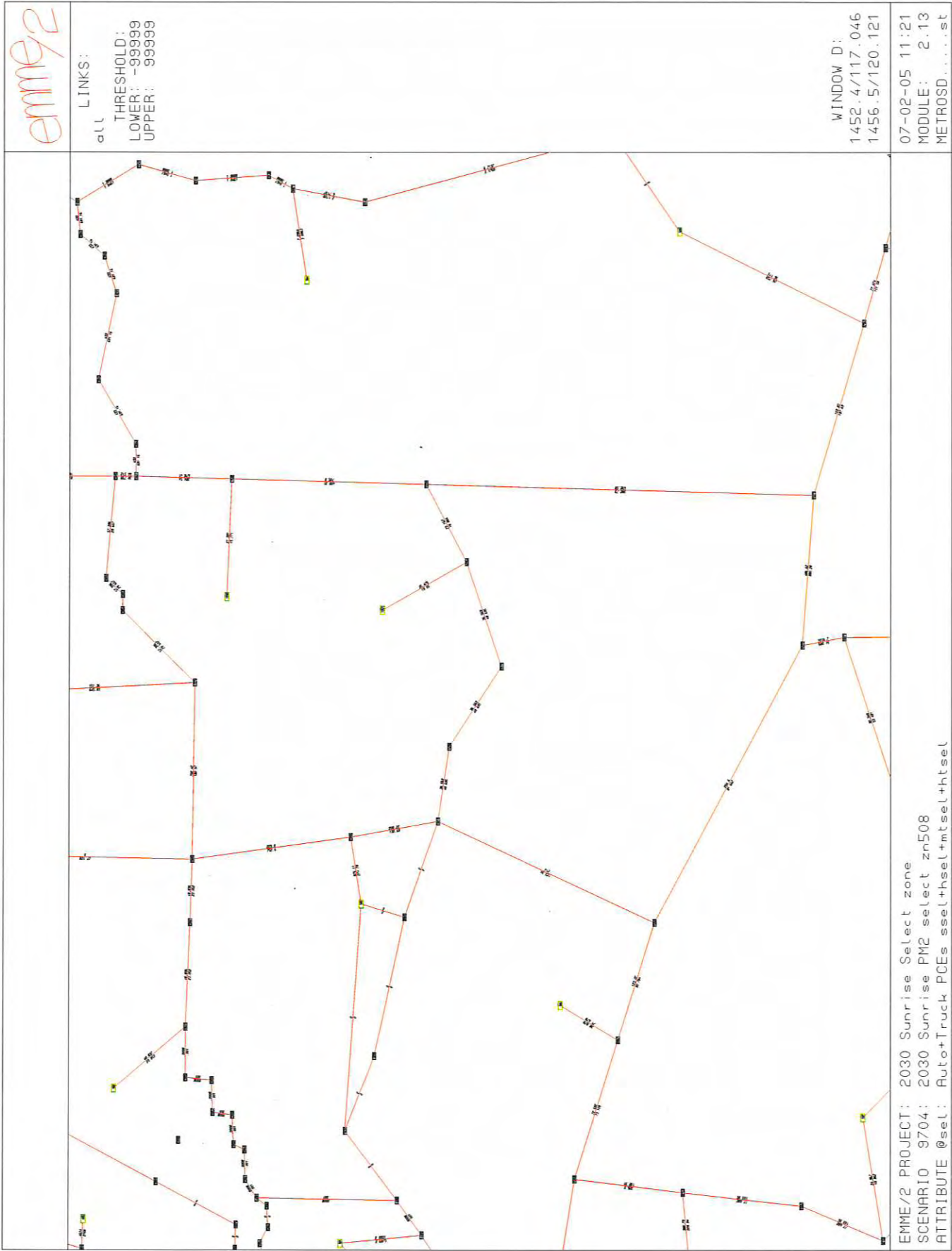


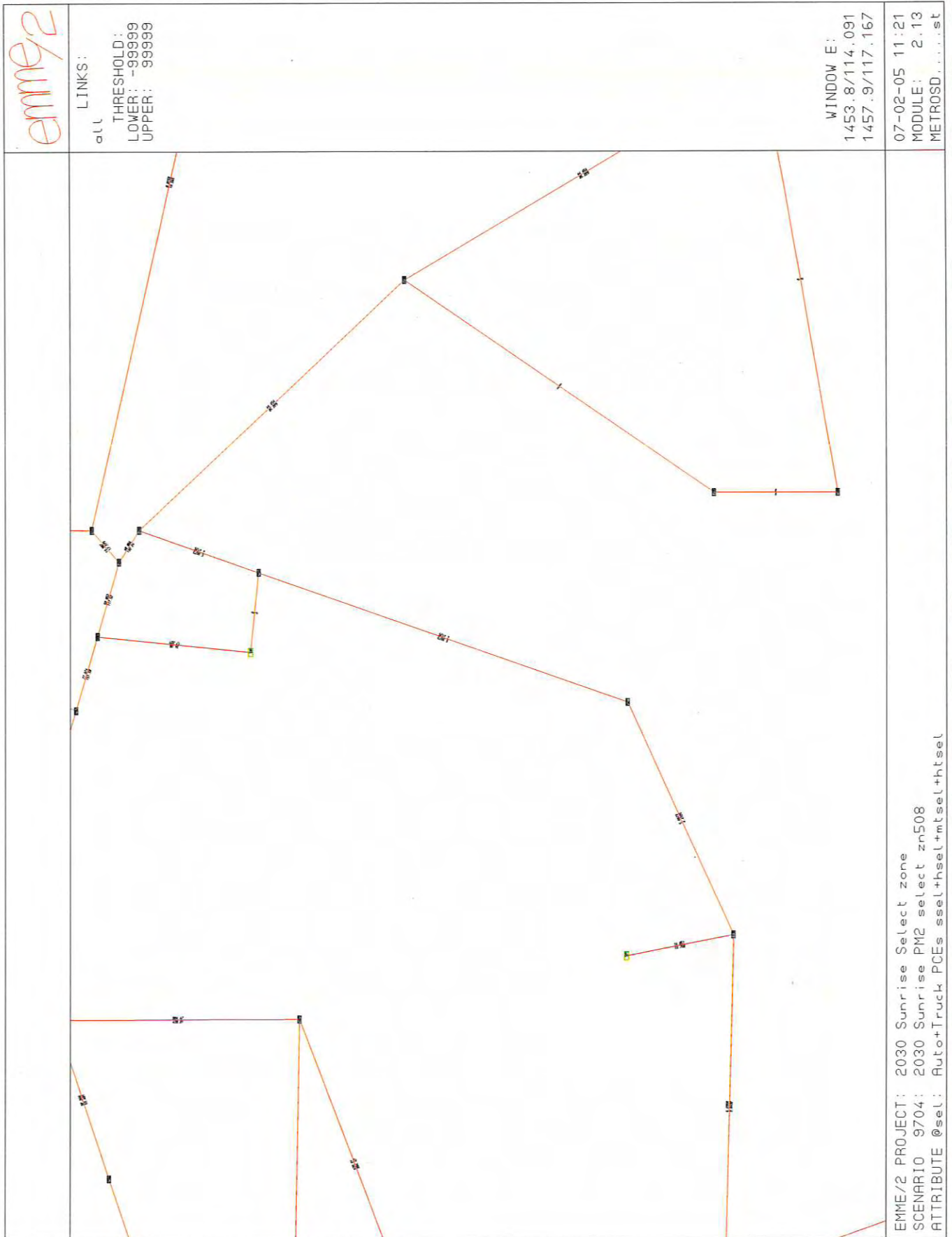














Appendix G

Preferred Alternative Concept Plan



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

Appendix H

Redland Rd./Holly Ln. Intersection
2027 Build Conditions
Level-of-Service Worksheets
without
Swan Avenue Extension

PM ----- Wed Apr 4, 2007 15:01:57 ----- Page 1-1

Kittelson & Associates, Inc. #7938
Park Place Concept Plan - Oregon City, OR

2027 Mitigated Total Traffic Conditions (no Swan Ave Ext), Weekday PM Peak Hour

Scenario: PM

Command: PM

Volume: PM

Geometry: PM

Impact Fee: Default Impact Fee

Trip Generation: PM

Trip Distribution: Default Trip Distribution

Paths: Default Paths

Routes: Default Routes

Configuration: Default Configuration

PM ----- Wed Apr 4, 2007 15:01:57 ----- Page 2-1

Kittelson & Associates, Inc. #7938
Park Place Concept Plan - Oregon City, OR

2027 Mitigated Total Traffic Conditions (no Swan Ave Ext), Weekday PM Peak Hour

Impact Analysis Report
Level Of Service

Intersection	Base Del/ LOS Veh	V/ C	Future Del/ LOS Veh	V/ C	Change in
#104 Redland Rd/Holly Ln	D 37.5	0.858	D 37.5	0.858	+ 0.000 D/V

Traffix 7.8.0115 (c) 2007 Dowling Assoc. Licensed to KITTELSON, BOISE

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Traffix 7.8.0115 (c) 2007 Dowling Assoc. Licensed to KITTELSON, BOISE

Page 1 of 3

PM Wed Apr 4, 2007 15:01:57 Page 3-1

Kittelson & Associates, Inc. #7938
Park Place Concept Plan - Oregon City, OR

2027 Mitigated Total Traffic Conditions (no Swan Ave Ext), Weekday PM Peak Hour

Level Of Service Computation Report

2000 HCM Operations Method (Future Volume Alternative)

Intersection #104 Redland Rd/Holly Ln

Cycle (sec): 120 Critical Vol./Cap.(X): 0.858
Loss Time (sec): 16 (Y+R=4.0 sec) Average Delay (sec/veh): 37.5
Optimal Cycle: 111 Level Of Service: D

Street Name: Holly Ln Redland Rd

Approach: North Bound South Bound East Bound West Bound

Movement: L - T - R L - T - R L - T - R L - T - R

Control: Protected Protected Protected Permitted Permitted Prot+Permit

Rights: Include Ovl Include

Min. Green: 0 0 0 0 0 0 0 0 0 0 0 0

Lanes: 2 0 0 1 0 1 0 1 0 1 0 1 1 0 0 1 0

Volume Module: 5:00-6:00 PM

Base Vol:	320	95	225	75	105	315	290	830	605	125	450	40
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	320	95	225	75	105	315	290	830	605	125	450	40
Added Vol:	0	0	0	0	0	0	0	0	0	0	0	0
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	320	95	225	75	105	315	290	830	605	125	450	40
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	320	95	225	75	105	315	290	830	605	125	450	40
Reduced Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	320	95	225	75	105	315	290	830	605	125	450	40
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Final Vol.:	320	95	225	75	105	315	290	830	605	125	450	40

Saturation Flow Module:

Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.92	0.90	0.90	0.95	1.00	0.85	0.94	0.99	0.84	0.90	0.94
Lanes:	2.00	0.30	0.70	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.92
Final Sat.:	3502	505	1196	1805	1900	1615	1787	1881	1599	1718	1641

Capacity Analysis Module:

Vol/Sat:	0.09	0.19	0.19	0.04	0.06	0.20	0.16	0.44	0.38	0.07	0.27
Crit Moves:	0.17	0.22	0.22	0.05	0.10	0.32	0.22	0.51	0.68	0.38	0.38
Green/Cycle:	0.55	0.86	0.86	0.86	0.55	0.60	0.73	0.86	0.56	0.61	0.73
Volume/Cap:	46.9	62.7	62.7	109.4	54.7	36.1	50.0	33.1	10.5	30.3	36.2
Delay/Veh:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
User DelAdj:	46.9	62.7	62.7	109.4	54.7	36.1	50.0	33.1	10.5	30.3	36.2
AdjDel/Veh:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
LOS by Move:	D	E	E	F	D	D	D	C	B	C	D
HCM2RAvgQ:	6	14	14	5	4	10	11	29	12	5	16

Note: Queue reported is the number of cars per lane.

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Appendix I

2027 Unmitigated Build
Traffic Conditions
Level-of-Service
Worksheets

HCM Signalized Intersection Capacity Analysis 250: Redland Road & Cascade Hwy South

2027 Total Traffic Conditions
5/21/2007

						
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	 				 	
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Total Lost time (s)	3.0		3.0	3.0	3.0	3.0
Lane Util. Factor	0.97		1.00	1.00	1.00	1.00
Frt	0.97		1.00	1.00	1.00	0.85
Flt Protected	0.96		0.95	1.00	1.00	1.00
Satd. Flow (prot)	3360		1736	1827	1827	1553
Flt Permitted	0.96		0.95	1.00	1.00	1.00
Satd. Flow (perm)	3360		1736	1827	1827	1553
Volume (vph)	801	237	271	440	550	1093
Peak-hour factor, PHF	1.00	1.00	0.95	0.95	0.95	0.95
Adj. Flow (vph)	801	237	285	463	579	1151
Lane Group Flow (vph)	1038	0	285	463	579	1151
Heavy Vehicles (%)	2%	2%	4%	4%	4%	4%
Turn Type			Prot		pm+ov	
Protected Phases	8		1	6	2	8
Permitted Phases						2
Actuated Green, G (s)	43.3		20.0	68.7	44.7	88.0
Effective Green, g (s)	44.3		21.0	69.7	45.7	90.0
Actuated g/C Ratio	0.37		0.18	0.58	0.38	0.75
Clearance Time (s)	4.0		4.0	4.0	4.0	4.0
Vehicle Extension (s)	3.0		3.0	3.0	3.0	3.0
Lane Grp Cap (vph)	1240		304	1061	696	1204
v/s Ratio Prot	0.31		c0.16	0.25	0.32	c0.35
v/s Ratio Perm						0.39
v/c Ratio	0.84		0.94	0.44	0.83	0.96
Uniform Delay, d1	34.6		48.9	14.1	33.7	13.3
Progression Factor	1.00		1.00	1.00	0.61	1.54
Incremental Delay, d2	5.1		35.1	1.3	8.6	13.3
Delay (s)	39.6		83.9	15.4	29.0	33.8
Level of Service	D		F	B	C	C
Approach Delay (s)	39.6			41.5	32.2	
Approach LOS	D			D	C	
Intersection Summary						
HCM Average Control Delay			36.4		HCM Level of Service	D
HCM Volume to Capacity ratio			0.95			
Actuated Cycle Length (s)			120.0		Sum of lost time (s)	6.0
Intersection Capacity Utilization			93.7%		ICU Level of Service	E

c Critical Lane Group

PM		Thu Mar 29, 2007 08:42:54		Page 1-1		Thu Mar 29, 2007 08:43:00		Page 2-1	
Scenario:		PM		Kittelson & Associates, Inc. #7938		Kittelson & Associates, Inc. #7938		Park Place Concept Plan - Oregon City, OR	
Command:		PM		Park Place Concept Plan - Oregon City, OR		Park Place Concept Plan - Oregon City, OR		2027 Total Traffic Conditions, PM Peak Hour	
Volume:		PM		2027 Total Traffic Conditions, PM Peak Hour		2027 Total Traffic Conditions, PM Peak Hour		Impact Analysis Report	
Geometry:		PM		Scenario Report		Level Of Service			
Impact Fee:		PM							
Trip Generation:		PM							
Trip Distribution:		PM							
Paths:		PM							
Routes:		PM							
Configuration:		PM							
Default Impact Fee		PM							
Default Trip Distribution		PM							
Default Paths		PM							
Default Routes		PM							
Default Configuration		PM							
Intersection		PM							
#101 Redland Rd/Abernathy Rd-Holcom		PM							
#102 Redland Rd/Anchor Way		PM							
#103 Redland Rd/Livesay Rd		PM							
#104 Redland Rd/Holly Ln		PM							
#105 Holly Lane/Donovan Road		PM							
#106 Holly Ln/Maplelane Rd		PM							
#107 Holcomb Blvd/Front St		PM							
#108 Holcomb Blvd/Swan Ave		PM							
#300 Holcomb Blvd/Holly Ln		PM							
#301 Livesay Rd/Swan Ave		PM							
#302 Livesay Rd/Holly Ln		PM							
#303 Redland Rd/Swan Ave		PM							
#304 Swan Ave/Donovan Rd		PM							

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PM Thu Mar 29, 2007 08:43:00 Page 3-1

Kittelson & Associates, Inc. #7938
Park Place Concept Plan - Oregon City, OR
2027 Total Traffic Conditions, PM Peak Hour

Level of Service Computation Report

2000 HCM Operations Method (Future Volume Alternative)

Intersection #101 Redland Rd/Abernathy Rd-Holcomb Blvd

Cycle (sec): 100 Critical Vol./Cap.(X): 1.174
Loss Time (sec): 16 (Y+R=4.0 sec) Average Delay (sec/veh): 107.3
Optimal Cycle: 180 Level of Service: F

Street Name: North Bound South Bound East Bound West Bound
Approach: L - T - R L - T - R L - T - R L - T - R
Movement: L - T - R L - T - R L - T - R L - T - R

Control: Protected Protected Protected Protected Protected Protected
Rights: Include Include Include Include Include Include
Min. Green: 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
Lanes: 1 0 0 1 0 1 0 1 0 1 0 1 0 1 0 1

Volume Module: 5:00-6:00

Base Vol: 234 347 83 318 546 45 74 392 462 128 212 189
Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
Initial Bse: 234 347 83 318 546 45 74 392 462 128 212 189
Added Vol: 118 344 5 81 373 0 0 29 137 3 36 84
PasserByVol: 0 0 0 0 0 0 0 0 0 0 0 0
Initial Fut: 352 691 88 399 919 45 74 421 599 131 248 273
User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Volume: 352 691 88 399 919 45 74 421 599 131 248 273
Reduced Vol: 0 0 0 0 0 0 0 0 0 0 0 0
Reduced Vol: 352 691 88 399 919 45 74 421 599 131 248 273
PCE Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
MLF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
Final Vol: 352 691 88 399 919 45 74 421 599 131 248 273

Saturation Flow Module:

Sat/Lane: 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900
Adjustment: 0.94 0.97 0.97 0.94 0.99 0.84 0.93 0.98 0.83 0.92 0.97 0.83
Lanes: 1.00 0.89 0.11 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
Final Sat: 1787 1640 209 1787 1881 1599 1769 1862 1583 1753 1845 1568

Capacity Analysis Module:

Vol/Sat: 0.20 0.42 0.42 0.22 0.49 0.03 0.04 0.23 0.38 0.07 0.13 0.17
Crit Moves: ****
Green/Cycle: 0.17 0.38 0.38 0.20 0.42 0.42 0.05 0.19 0.36 0.06 0.21 0.21
Volume/Cap: 1.17 1.10 1.10 1.10 1.17 0.07 0.84 1.17 1.05 1.17 0.65 0.84
Delay/Veh: 149.5 97.0 97.0 118.3 121 17.6 95.8 144 83.6 186.4 40.3 55.9
User DelAdj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
AdjDel/Veh: 149.5 97.0 97.0 118.3 121 17.6 95.8 144 83.6 186.4 40.3 55.9
LOS by Move: F F F F F F F F F F F F
HCM2kavq: 20 37 37 21 48 1 4 24 27 9 8 11

Note: Queue reported is the number of cars per lane.

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PM Thu Mar 29, 2007 08:43:00 Page 4-1

Kittelson & Associates, Inc. #7938
Park Place Concept Plan - Oregon City, OR
2027 Total Traffic Conditions, PM Peak Hour

Level of Service Computation Report

2000 HCM Operations Method (Future Volume Alternative)

Intersection #102 Redland Rd/Anchor Way

Cycle (sec): 100 Critical Vol./Cap.(X): 1.323
Loss Time (sec): 12 (Y+R=4.0 sec) Average Delay (sec/veh): 121.5
Optimal Cycle: 180 Level of Service: F

Street Name: North Bound South Bound East Bound West Bound
Approach: L - T - R L - T - R L - T - R L - T - R
Movement: L - T - R L - T - R L - T - R L - T - R

Control: Split Phase Split Phase Split Phase Split Phase
Rights: Include Include Include Include
Min. Green: 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
Lanes: 1 0 0 0 1 0 0 0 0 0 0 0 0 0 0 0

Volume Module: 5:00-6:00 PM

Base Vol: 152 0 403 0 0 0 827 288 70 512 0
Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
Initial Bse: 152 0 403 0 0 0 827 288 70 512 0
Added Vol: 5 0 79 0 0 0 0 510 3 74 462 0
PasserByVol: 0 0 0 0 0 0 0 0 0 0 0
Initial Fut: 157 0 482 0 0 0 1337 291 144 974 0
User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Volume: 157 0 482 0 0 0 1337 291 144 974 0
Reduced Vol: 0 0 0 0 0 0 0 0 0 0 0
Reduced Vol: 157 0 482 0 0 0 1337 291 144 974 0
PCE Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
MLF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
Final Vol: 157 0 482 0 0 0 1337 291 144 974 0

Saturation Flow Module:

Sat/Lane: 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900
Adjustment: 0.95 1.00 0.85 1.00 1.00 1.00 1.00 0.97 0.97 0.77 0.97 1.00
Lanes: 1.00 0.00 1.00 0.00 0.00 0.00 0.00 0.82 0.18 1.00 1.00 0.00
Final Sat: 1805 0 1615 0 0 0 0 1508 328 1457 1845 0

Capacity Analysis Module:

Vol/Sat: 0.09 0.00 0.30 0.00 0.00 0.00 0.00 0.89 0.89 0.10 0.53 0.00
Crit Moves: ****
Green/Cycle: 0.16 0.00 0.22 0.00 0.00 0.00 0.00 0.66 0.66 0.72 0.72 0.00
Volume/Cap: 0.54 0.00 1.35 0.00 0.00 0.00 0.00 1.35 1.35 0.19 0.73 0.00
Delay/Veh: 40.7 0.0 212.6 0.0 0.0 0.0 0.0 179 178.7 9.0 10.5 0.0
User DelAdj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
AdjDel/Veh: 40.7 0.0 212.6 0.0 0.0 0.0 0.0 179 178.7 9.0 10.5 0.0
LOS by Move: D A F A A A A A F A B A
HCM2kavq: 5 0 32 0 0 0 0 101 101 2 19 0

Note: Queue reported is the number of cars per lane.

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PM	Thu Mar 29, 2007 08:43:00	Page 5-1
Kittelson & Associates, Inc. #7938 Park Place Concept Plan - Oregon City, OR 2027 Total Traffic Conditions, PM Peak Hour		
Level of Service Computation Report 2000 HCM Unsignalized Method (Future Volume Alternative) Intersection #103 Redland Rd/Livesay Rd		
Average Delay (sec/veh): 5.1 Worst Case Level of Service: F(170.9)		
Street Name: Livesay Rd Redland Rd		
Approach: North Bound South Bound East Bound West Bound		
Movement: L - T - R L - T - R L - T - R L - T - R		
Control: Stop Sign Stop Sign Uncontrolled Uncontrolled		
Rights: Include Include Include Include		
Lanes: 0 0 0 0 0 0 1 0 0 0 1 0 0 0 0 0 1 0		
Volume Module: 5:00-6:00 PM		
Base Vol: 0 0 0 10 0 15 25 1190 0 0 557 10		
Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00		
Initial Bse: 0 0 0 10 0 15 25 1190 0 0 557 10		
Added Vol: 0 0 0 1 0 56 49 540 0 0 480 2		
PasserByVol: 0 0 0 0 0 0 0 0 0 0 0 0		
Initial Fut: 0 0 0 11 0 71 74 1730 0 0 1037 12		
User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00		
PHF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00		
PHF Volume: 0 0 0 11 0 71 74 1730 0 0 1037 12		
Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0		
Final Vol: 0 0 0 11 0 71 74 1730 0 0 1037 12		
Critical Gap Module:		
Critical Gap: 6.4 6.5 6.2 4.1 6.5 6.2 4.1 6.5 6.2 4.1 6.5 6.2		
FollowUpTime: 3.5 4.0 3.3 2.2 3.5 4.0 3.3 2.2 3.5 4.0 3.3 2.2		
Capacity Module:		
Conflict Vol: 2921 2921 1043 1049 2921 2921 1043 1049 2921 2921 1043 1049		
Potent Cap: 17 16 281 660 17 16 281 660 17 16 281 660		
Move Cap: 16 14 281 660 16 14 281 660 16 14 281 660		
Volume/Cap: 0.70 0.00 0.25 0.11 0.70 0.00 0.25 0.11 0.70 0.00 0.25 0.11		
Level of Service Module:		
2Way95thQ: 170.9 170.9 170.9 170.9 170.9 170.9 170.9 170.9 170.9 170.9 170.9 170.9		
Control Del: 170.9 170.9 170.9 170.9 170.9 170.9 170.9 170.9 170.9 170.9 170.9 170.9		
LOS by Move:		
Movement: LT - LTR - RT LT - LTR - RT LT - LTR - RT LT - LTR - RT		
Shared Cap: 86 86 86 86 86 86 86 86 86 86 86 86		
Shared Queue: 5.3 5.3 5.3 5.3 5.3 5.3 5.3 5.3 5.3 5.3 5.3 5.3		
Shrd ConDel: 171 171 171 171 171 171 171 171 171 171 171 171		
Shared LOS:		
ApproachDel: 170.9 170.9 170.9 170.9 170.9 170.9 170.9 170.9 170.9 170.9 170.9 170.9		
ApproachLOS:		
Note: Queue reported is the number of cars per lane.		

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PM Thu Mar 29, 2007 08:43:01 Page 15-1

Kittelson & Associates, Inc. #7938
Park Place Concept Plan - Oregon City, OR
2027 Total Traffic Conditions, PM Peak Hour

Level Of Service Computation Report

2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #304 Swan Ave/Donovan Rd

Average Delay (sec/veh): 10.6 Worst Case Level Of Service: C [15.1]

Street Name: Swan Ave Donovan Rd

Approach: North Bound South Bound East Bound West Bound

Movement: L - T - R L - T - R L - T - R L - T - R

Control: Stop Sign Stop Sign Uncontrolled Uncontrolled

Rights: Include Include Include Include

Lanes: 0 0 1 0 0 0 0 1 0 0 0 1 0 0 0 0 1 0

Volume Module:

Base Vol: 0 80 0 0 200 0 0 60 0 0 50 0

Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

Initial Bse: 0 80 0 0 200 0 0 60 0 0 50 0

Added Vol: 0 75 0 20 72 35 15 0 0 15 13

PasserByVol: 0 0 0 0 0 0 0 0 0 0 0

Initial Fut: 0 155 0 20 272 35 35 75 0 0 65 13

User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

PHF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

PHF Volume: 0 155 0 20 272 35 35 75 0 0 65 13

Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0

Final Vol: 0 155 0 20 272 35 35 75 0 0 65 13

Critical Gap Module:

Critical Gap: 6.5 xxxxx 7.1 6.5 6.2 4.1 xxxxx xxxxx xxxxx xxxxx

FollowUpPim: 4.0 xxxxx 3.5 4.0 3.3 2.2 xxxxx xxxxx xxxxx xxxxx

Capacity Module:

Conflict Vol: 223 xxxxx 294 217 72 78 xxxxx xxxxx xxxxx xxxxx

Potent Cap: 676 xxxxx 658 681 991 1520 xxxxx xxxxx xxxxx xxxxx

Move Cap: 660 xxxxx 530 665 991 1520 xxxxx xxxxx xxxxx xxxxx

Volume/Cap: 0.23 xxxxx 0.04 0.41 0.04 0.02 xxxxx xxxxx xxxxx xxxxx

Level Of Service Module:

2Way95thQ: 0.9 xxxxx xxxxx xxxxx xxxxx 0.1 xxxxx xxxxx xxxxx xxxxx

Control Del: 12.1 xxxxx xxxxx xxxxx xxxxx 7.4 xxxxx xxxxx xxxxx xxxxx

LOS by Move: B A A A A A A A A A A A

Movement: LT - LTR - RT LT - LTR - RT LT - LTR - RT LT - LTR - RT

Shared Cap: 679 xxxxx xxxxx 679 xxxxx xxxxx xxxxx xxxxx xxxxx

Shared Queue: 2.6 xxxxx xxxxx 2.6 xxxxx xxxxx xxxxx xxxxx xxxxx

Shrd ConDel: 15.1 xxxxx xxxxx 15.1 xxxxx xxxxx xxxxx xxxxx xxxxx

Shared LOS: C C C C C C C C C C C C

ApproachDel: 12.1 15.1 xxxxx xxxxx

ApproachLOS: B C C C C C C C C C C C

Note: Queue reported is the number of cars per lane.

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Appendix J

2027 Mitigated Build
Traffic Conditions
Level-of-Service
Worksheets

HCM Signalized Intersection Capacity Analysis250: Redland Road & Cascade Hwy South

2027 Mitigated Total Traffic Conditions
5/18/2007

						
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	←←	→	←	→	→	←
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Total Lost time (s)	3.0		3.0	3.0	3.0	3.0
Lane Util. Factor	0.97		1.00	1.00	1.00	1.00
Frt	0.97		1.00	1.00	1.00	0.85
Flt Protected	0.96		0.95	1.00	1.00	1.00
Satd. Flow (prot)	3360		1736	1827	1827	1553
Flt Permitted	0.96		0.95	1.00	1.00	1.00
Satd. Flow (perm)	3360		1736	1827	1827	1553
Volume (vph)	801	237	271	440	550	1093
Peak-hour factor, PHF	1.00	1.00	0.95	0.95	0.95	0.95
Adj. Flow (vph)	801	237	285	463	579	1151
Lane Group Flow (vph)	1038	0	285	463	579	1151
Heavy Vehicles (%)	2%	2%	4%	4%	4%	4%
Turn Type			Prot		pm+ov	
Protected Phases	8		1	6	2	8
Permitted Phases						2
Actuated Green, G (s)	43.3		20.0	68.7	44.7	88.0
Effective Green, g (s)	44.3		21.0	69.7	45.7	90.0
Actuated g/C Ratio	0.37		0.18	0.58	0.38	0.75
Clearance Time (s)	4.0		4.0	4.0	4.0	4.0
Vehicle Extension (s)	3.0		3.0	3.0	3.0	3.0
Lane Grp Cap (vph)	1240		304	1061	696	1204
v/s Ratio Prot	0.31		c0.16	0.25	0.32	c0.35
v/s Ratio Perm						0.39
v/c Ratio	0.84		0.94	0.44	0.83	0.96
Uniform Delay, d1	34.6		48.9	14.1	33.7	13.3
Progression Factor	1.00		1.00	1.00	0.61	1.54
Incremental Delay, d2	5.1		35.1	1.3	8.6	13.3
Delay (s)	39.6		83.9	15.4	29.0	33.8
Level of Service	D		F	B	C	C
Approach Delay (s)	39.6			41.5	32.2	
Approach LOS	D			D	C	
Intersection Summary						
HCM Average Control Delay			36.4		HCM Level of Service	D
HCM Volume to Capacity ratio			0.95			
Actuated Cycle Length (s)			120.0		Sum of lost time (s)	6.0
Intersection Capacity Utilization			93.7%		ICU Level of Service	E

c Critical Lane Group

PM Thu Mar 29, 2007 09:04:33 Page 1-1

Kittelson & Associates, Inc. #7938
Park Place Concept Plan - Oregon City, OR
2027 Mitigated Total Traffic Conditions, PM Peak Hour

Scenario: PM Scenario Report

Command: PM
Volume: PM
Geometry: PM
Impact Fee: PM
Trip Generation: PM
Trip Distribution: PM
Paths: PM
Routes: PM
Configuration: PM

PM Thu Mar 29, 2007 09:04:39 Page 2-1

Kittelson & Associates, Inc. #7938
Park Place Concept Plan - Oregon City, OR
2027 Mitigated Total Traffic Conditions, PM Peak Hour

Impact Analysis Report
Level Of Service

Intersection	Base Del/V/ C	Future Del/V/ C	Change in
#101 Redland Rd/Abernathy Rd-Holcom	C 34.6 0.697	D 46.2 0.899	+11.593 D/V
#102 Redland Rd/Anchor Way	C 22.2 0.698	C 32.9 0.965	+10.742 D/V
#103 Redland Rd/Livesay Rd	B 13.1 0.000	C 16.8 0.000	+ 3.787 D/V
#104 Redland Rd/Holly Ln	C 20.4 0.671	D 39.6 0.887	+19.171 D/V
#105 Holly Lane/Donovan Road	A 7.8 0.000	A 8.2 0.000	+ 0.377 D/V
#106 Holly Ln/Maplelane Rd	B 16.6 0.642	D 35.4 0.938	+18.883 D/V
#107 Holcomb Blvd/Front St	C 21.9 0.000	E 38.1 0.000	+16.234 D/V
#108 Holcomb Blvd/Swan Ave	A 7.5 0.498	B 11.2 0.623	+ 3.700 D/V
#300 Holcomb Blvd/Holly Ln	A 0.0 0.000	B 14.3 0.000	+14.296 D/V
#301 Livesay Rd/Swan Ave	0.0 0.000	B 11.9 0.000	+11.936 D/V
#302 Livesay Rd/Holly Ln	0.0 0.000	A 9.3 0.000	+ 9.345 D/V
#303 Redland Rd/Swan Ave	A 5.6 0.430	C 27.8 0.785	+22.226 D/V
#304 Swan Ave/Donovan Rd	B 11.2 0.000	C 15.1 0.000	+ 3.939 D/V

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 Park Place Concept Plan - Oregon City, OR
 2027 Mitigated Total Traffic Conditions, PM Peak Hour

Level Of Service Computation Report

2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #103 Redland Rd/Livesay Rd

Average Delay (sec/veh): 0.8 Worst Case Level Of Service: C [16.8]

Street Name: Livesay Rd Redland Rd

Approach: North Bound South Bound East Bound West Bound

Movement: L - T - R L - T - R L - T - R L - T - R

Control: Stop Sign Stop Sign Uncontrolled Uncontrolled

Rights: Include Include Include Include

Lanes: 0 0 0 0 0 0 1 0 0 1 0 2 0 0 0 0 1 1 0

Volume Module: 5:00-6:00 PM

Base Vol: 0 0 0 0 10 0 15 25 1190 0 0 557 10

Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

Initial Bse: 0 0 0 0 10 0 15 25 1190 0 0 557 10

Added Vol: 0 0 0 0 1 0 56 49 540 0 0 480 2

PasserByVol: 0 0 0 0 0 0 0 0 0 0 0 0 0

Initial Fut: 0 0 0 0 11 0 71 74 1730 0 0 1037 12

User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

PHF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

PHF Volume: 0 0 0 0 11 0 71 74 1730 0 0 1037 12

Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0 0

Final Vol: 0 0 0 0 11 0 71 74 1730 0 0 1037 12

Critical Gap Module:

Critical Gap: 6.8 6.5 6.9 4.2 4.2 4.2 4.2 4.2 4.2 4.2 4.2 4.2

FollowUpTm: 3.5 4.0 3.3 2.2 2.2 2.2 2.2 2.2 2.2 2.2 2.2 2.2

Capacity Module:

Conflict Vol: 2056 2921 525 1049 1049 1049 1049 1049 1049 1049 1049 1049

Potent Cap: 49 16 503 653 653 653 653 653 653 653 653 653

Move Cap: 45 14 503 653 653 653 653 653 653 653 653 653

Total Cap: 55 73 154 78 154 78 154 78 154 78 154 78

Volume/Cap: 0.07 0.00 0.14 0.11 0.11 0.11 0.11 0.11 0.11 0.11 0.11 0.11

Level Of Service Module:

2Way95thQ: 11.2 11.2 11.2 11.2 11.2 11.2 11.2 11.2 11.2 11.2 11.2 11.2

Control Del: 11.2 11.2 11.2 11.2 11.2 11.2 11.2 11.2 11.2 11.2 11.2 11.2

LOS by Move: B B B B B B B B B B B B

Movement: LT - LTR - RT LT - LTR - RT LT - LTR - RT LT - LTR - RT

Shared Cap: 385 385 385 385 385 385 385 385 385 385 385 385

Shared Queue: 0.8 0.8 0.8 0.8 0.8 0.8 0.8 0.8 0.8 0.8 0.8 0.8

Shrd ConDel: 16.8 16.8 16.8 16.8 16.8 16.8 16.8 16.8 16.8 16.8 16.8 16.8

Shared LOS: C C C C C C C C C C C C

ApproachDel: 16.8 16.8 16.8 16.8 16.8 16.8 16.8 16.8 16.8 16.8 16.8 16.8

ApproachLOS: C C C C C C C C C C C C

Note: Queue reported is the number of cars per lane.

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PM Thu Mar 29, 2007 09:04:40 Kittelson & Associates, Inc. #7938 Page 6-1
 Park Place Concept Plan - Oregon City, OR
 2027 Mitigated Total Traffic Conditions, PM Peak Hour

Level Of Service Computation Report

2000 HCM Operations Method (Future Volume Alternative)

Intersection #104 Redland Rd/Holly Ln

Cycle (sec): 120 Critical Vol./Cap.(X): 0.887

Loss time (sec): 16 (Y/R=4.0 sec) Average Delay (sec/veh): 39.6

Optimal Cycle: 123 Level Of Service: D

Street Name: Holly Ln Redland Rd

Approach: North Bound South Bound East Bound West Bound

Movement: L - T - R L - T - R L - T - R L - T - R

Control: Prot+Permit Prot+Permit Protected Protected

Rights: Include Include Include Include

Min. Green: 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0

Lanes: 1 0 0 1 0 1 0 0 1 0 1 0 1 0 1 0 1 0

Volume Module: 5:00-6:00 PM

Base Vol: 137 0 153 0 0 0 0 821 207 86 398 0

Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

Initial Bse: 137 0 153 0 0 0 0 821 207 86 398 0

Added Vol: 46 67 21 46 73 133 149 91 74 22 67 42

PasserByVol: 0 0 0 0 0 0 0 0 0 0 0 0

Initial Fut: 183 67 174 46 73 133 149 91 281 108 465 42

User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

PHF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

PHF Volume: 183 67 174 46 73 133 149 91 281 108 465 42

Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0

Reduced Vol: 183 67 174 46 73 133 149 91 281 108 465 42

PCE Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

MLF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

Final Vol: 183 67 174 46 73 133 149 91 281 108 465 42

Saturation Flow Module:

Sat/Lane: 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900

AdjSmtment: 0.95 0.89 0.89 0.95 0.90 0.90 0.94 0.99 0.84 0.90 0.94 0.94

Lanes: 1.00 0.28 0.72 1.00 0.35 0.65 1.00 1.00 1.00 1.00 0.92 0.08

Final Sat: 1805 471 1224 1805 608 1108 1787 1881 1599 1718 1639 148

Capacity Analysis Module:

Vol/Sat: 0.10 0.14 0.14 0.03 0.12 0.12 0.08 0.48 0.18 0.06 0.28 0.28

Crit Moves: 0.28 0.21 0.21 0.17 0.14 0.14 0.14 0.55 0.55 0.07 0.48 0.48

Green/Cycle: 0.67 0.67 0.67 0.22 0.89 0.89 0.59 0.89 0.32 0.89 0.59 0.59

Volume/Cap: 41.5 48.4 48.4 42.6 82.1 82.1 52.2 33.5 15.2 104.0 24.1 24.1

Delay/Veh: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

User DelAdj: 41.5 48.4 48.4 42.6 82.1 82.1 52.2 33.5 15.2 104.0 24.1 24.1

AdjDel/Veh: 7 9 9 2 10 10 6 32 6 6 14 14

LOS by Move: D D D F F D C B F C C

HCM2kavq: 7 9 9 2 10 10 6 32 6 6 14 14

Note: Queue reported is the number of cars per lane.

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Kittelson & Associates, Inc. #7938 Park Place Concept Plan - Oregon City, OR 2027 Mitigated Total Traffic Conditions, PM Peak Hour									
Level of Service Computation Report									
2000 HCM Unsignalized Method (Future Volume Alternative)									
Intersection #105 Holly Lane/Donovan Road									
Average Delay (sec/veh): 1.3 Worst Case Level of Service: A[8.2]									
Street Name: Holly Lane Donovan Road									
Approach: North Bound East Bound West Bound									
Control: Uncontrolled Uncontrolled Stop Sign Stop Sign									
Rights: Include Include Include Include									
Lanes: 0 1 0 0 0 0 1 0 0 0 0 0 0 0 0 0									
Volume Module: 5:00-6:00 PM									
Base Vol: 30 240 0 0 225 35 45 0 25 0 0 0 0									
Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00									
Initial Bse: 30 240 0 0 225 35 45 0 25 0 0 0 0									
Added Vol: 23 112 0 0 118 4 2 0 20 0 0 0 0									
PasserByVol: 0 0 0 0 0 0 0 0 0 0 0 0 0 0									
Initial Fut: 53 352 0 0 343 39 47 0 45 0 0 0 0									
User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00									
PHF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00									
PHF Volume: 53 352 0 0 343 39 47 0 45 0 0 0 0									
Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0									
Final Vol: 53 352 0 0 343 39 47 0 45 0 0 0 0									
Critical Gap Module:									
Critical Gap: 4.1 xxx xxx xxx xxx xxx 6.4 6.5 6.2 xxx xxx xxx xxx									
FollowUpTm: 2.2 xxx xxx xxx xxx xxx 3.5 4.0 3.3 xxx xxx xxx xxx									
Capacity Module:									
Conflict Vol: 382 xxx xxx xxx xxx 821 821 363 xxx xxx xxx xxx									
Potential Cap: 1182 xxx xxx xxx xxx 344 310 682 xxx xxx xxx xxx									
Move Cap: 1182 xxx xxx xxx xxx 332 295 682 xxx xxx xxx xxx									
Volume/Cap: 0.04 xxx xxx xxx 0.14 0.00 0.07 xxx xxx xxx xxx									
Level of Service Module:									
2Way95thQ: 0.1 xxx xxx xxx xxx xxx xxx xxx xxx xxx xxx									
Control Del: 8.2 xxx xxx xxx xxx xxx xxx xxx xxx xxx xxx									
LOS by Move: A * * * * * LT - LTR - RT LT - LTR - RT									
Movement: LT - LTR - RT LT - LTR - RT LT - LTR - RT LT - LTR - RT									
Shared Cap: xxx xxx xxx xxx xxx xxx 1228 xxx xxx xxx xxx									
SharedQueue: 0.1 xxx xxx xxx xxx xxx xxx 0.2 xxx xxx xxx xxx									
Shrd ConDel: 8.2 xxx xxx xxx xxx xxx xxx 8.2 xxx xxx xxx xxx									
Shared LOS: A * * * * * A * * * * *									
ApproachDel: xxx xxx xxx 8.2 xxx xxx xxx xxx									
ApproachLOS: A * * * * * A * * * * *									
Note: Queue reported is the number of cars per lane.									

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Kittelson & Associates, Inc. #7938 Park Place Concept Plan - Oregon City, OR 2027 Mitigated Total Traffic Conditions, PM Peak Hour									
Level of Service Computation Report									
2000 HCM Operations Method (Future Volume Alternative)									
Intersection #106 Holly Ln/Maplelane Rd									
Cycle (sec): 100 Critical Vol./Cap.(X): 0.938									
Loss Time (sec): 8 (Y+R=4.0 sec) Average Delay (sec/veh): 35.4									
Optimal Cycle: 125 Level of Service: D									
Street Name: Holly Ln Maplelane Rd									
Approach: North Bound South Bound East Bound West Bound									
Movement: L - T - R L - T - R L - T - R L - T - R									
Control: Split Phase Split Phase Permitted Permitted									
Rights: Include Include Include Include									
Lanes: 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0									
Volume Module: 5:00-6:00 PM									
Base Vol: 0 0 0 154 0 152 198 368 0 0 378 71									
Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00									
Initial Bse: 0 0 0 154 0 152 198 368 0 0 378 71									
Added Vol: 0 0 0 10 0 147 169 0 0 0 0 10									
PasserByVol: 0 0 0 0 0 0 0 0 0 0 0 0									
Initial Fut: 0 0 0 164 0 299 367 368 0 0 378 81									
User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00									
PHF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00									
PHF Volume: 0 0 0 164 0 299 367 368 0 0 378 81									
Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0									
Reduced Vol: 0 0 0 164 0 299 367 368 0 0 378 81									
PCE Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00									
MLF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00									
Final Vol: 0 0 0 164 0 299 367 368 0 0 378 81									
Saturation Flow Module:									
Sat/Lane: 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900									
Adjustment: 1.00 1.00 1.00 0.86 1.00 0.86 0.67 0.67 1.00 1.00									
Lanes: 0.00 0.00 0.00 0.35 0.00 0.65 0.50 0.50 0.00 0.00									
Final Sat: 0 0 0 581 0 1059 632 634 0 0 1512 324									
Capacity Analysis Module:									
Vol/Sat: 0.00 0.00 0.00 0.28 0.00 0.28 0.58 0.58 0.00 0.00									
Crit Moves: ****									
Green/Cycle: 0.00 0.00 0.00 0.30 0.00 0.30 0.62 0.62 0.00 0.00									
Volume/Cap: 0.00 0.00 0.00 0.94 0.00 0.94 0.94 0.94 0.00 0.00									
Delay/Veh: 0.0 0.0 0.0 59.8 0.0 59.8 36.0 36.0 0.0 0.0									
User DelAdj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00									
AdjDel/Veh: 0.0 0.0 0.0 59.8 0.0 59.8 36.0 36.0 0.0 0.0									
LOS by Move: A A A E A E D D A A A									
HCM2kAvgQ: 0 0 0 18 0 18 26 26 0 0 7 7									
Note: Queue reported is the number of cars per lane.									

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Kittelson & Associates, Inc. #7938
Park Place Concept Plan - Oregon City, OR
2027 Mitigated Total Traffic Conditions, PM Peak Hour

Level of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)
Intersection #107 Holcomb Blvd/Front St

Average Delay (sec/veh): 2.7 Worst Case Level of Service: E [38.1]
Street Name: Front St Holcomb Blvd
Approach: North Bound South Bound East Bound West Bound
Movement: L - T - R L - T - R L - T - R L - T - R
Control: Stop Sign Stop Sign Uncontrolled Uncontrolled
Rights: Include Include Include Include
Lanes: 0 0 0 0 0 0 1 0 0 0 1 0 0 0 0 0 1 0

Volume Module: 5:00-6:00 PM
Base Vol: 0 0 0 29 0 54 91 699 0 0 474 15
Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
Initial Bse: 0 0 0 29 0 54 91 699 0 0 474 15
Added Vol: 0 0 0 0 0 0 0 0 114 0 0 0 122 10
PasserByVol: 0 0 0 0 0 0 0 0 0 0 0 0 0 0
Initial Fut: 0 0 39 0 54 91 813 0 0 0 596 25
User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Volume: 0 0 0 39 0 54 91 813 0 0 596 25
Reduced Vol: 0 0 0 0 0 0 0 0 0 0 0 0
Final Vol: 0 0 0 39 0 54 91 813 0 0 596 25

Critical Gap Module:
Critical Gap:xxxxx 6.4 6.5 6.2 4.1 xxxxx xxxxx xxxxx xxxxx
FollowUpTim:xxxxx 3.5 4.0 3.3 2.2 xxxxx xxxxx xxxxx xxxxx

Capacity Module:
Conflict Vol: xxx xxxxxx 1604 1604 609 621 xxxxx xxxxx xxxxx xxxxx
Potential Cap.: xxx xxxxxx 117 107 499 965 xxxxx xxxxx xxxxx xxxxx
Move Cap.: xxx xxxxxx 108 96 499 965 xxxxx xxxxx xxxxx xxxxx
Volume/Cap: xxx xxxxxx 0.36 0.00 0.11 0.09 xxxxx xxxxx xxxxx xxxxx

Level of Service Module:
2Way95thQ: xxx xxxxxx xxx xxxxxx 0.3 xxxxx xxxxx xxxxx xxxxx
Control Del:xxxxx xxx xxxxxx 9.1 xxxxx xxxxx xxxxx xxxxx
LOS by Move: * * * * * A * * * * *

Movement: LT - LTR - RT LT - LTR - RT LT - LTR - RT LT - LTR - RT
Shared Cap.: xxx xxxxxx xxx 199 xxxxx xxx xxxxx xxxxx xxxxx
SharedQueue:xxxxx xxx xxxxxx 2.3 xxxxx xxx xxxxx xxxxx xxxxx
Shrd ConDel:xxxxx xxx xxxxxx 38.1 xxxxx 9.1 xxxxx xxxxx xxxxx xxxxx

Shared LOS: * * * * * E * * * * *
ApproachDel: xxxxxx 38.1 xxxxxx xxxxxx
ApproachLOS: * * * * *
Note: Queue reported is the number of cars per lane.

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Kittelson & Associates, Inc. #7938
Park Place Concept Plan - Oregon City, OR
2027 Mitigated Total Traffic Conditions, PM Peak Hour

Level of Service Computation Report
2000 HCM Operations Method (Future Volume Alternative)
Intersection #108 Holcomb Blvd/Swan Ave

Average Delay (sec/veh): 100 Critical Vol./Cap.(X): 0.623
Loss Time (sec): 8 (Y+R=4.0 sec) Average Delay (sec/veh): 11.2
Optimal Cycle: 40 Level of Service: B
Street Name: North Bound South Bound East Bound West Bound
Approach: L - T - R L - T - R L - T - R L - T - R
Movement: L - T - R L - T - R L - T - R L - T - R
Control: Permitted Permitted Permitted Permitted
Rights: Include Include Include Include
Lanes: 0 0 1 0 0 0 0 0 1 0 0 0 0 0 1 0 0 0

Volume Module: 5:00-6:00 PM
Base Vol: 16 6 7 17 7 71 86 561 33 11 293 26
Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
Initial Bse: 16 6 7 17 7 71 86 561 33 11 293 26
Added Vol: 67 9 13 1 9 0 0 0 0 0 0 0
PasserByVol: 0 0 0 0 0 0 0 0 0 0 0 0
Initial Fut: 83 15 20 18 16 71 86 640 79 24 358 27
User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
PHF Volume: 83 15 20 18 16 71 86 640 79 24 358 27
Reduced Vol: 0 0 0 0 0 0 0 0 0 0 0 0
PCE Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
MUF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
Final Vol: 83 15 20 18 16 71 86 640 79 24 358 27

Saturation Flow Module:
Sat/Lane: 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900
Adjustment: 0.64 0.64 0.64 0.86 0.86 0.86 0.89 0.89 0.89 0.91 0.91
Lanes: 0.70 0.13 0.17 0.17 0.15 0.68 0.11 0.79 0.10 0.06 0.87 0.07
Final Sat: 851 154 205 280 249 1105 181 1346 166 102 1518 115

Capacity Analysis Module:
Vol/Sat: 0.10 0.10 0.10 0.06 0.06 0.06 0.48 0.48 0.48 0.24 0.24
Crit Moves: * * * * *
Green/Cycle: 0.16 0.16 0.16 0.16 0.16 0.16 0.76 0.76 0.76 0.76 0.76
Volume/Cap: 0.62 0.62 0.62 0.41 0.41 0.41 0.62 0.62 0.62 0.31 0.31
Delay/Veh: 45.7 45.7 45.7 39.1 39.1 39.1 6.3 6.3 6.3 3.8 3.8
User DelAdj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
AdjDel/Veh: 45.7 45.7 45.7 39.1 39.1 39.1 6.3 6.3 6.3 3.8 3.8
LOS by Move: D D D D D D A A A A A A
HCM2KAVQ: 4 4 4 3 3 3 12 12 12 4 4

Note: Queue reported is the number of cars per lane.

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Kittelston & Associates, Inc. #7938
Park Place Concept Plan - Oregon City, OR
2027 Mitigated Total Traffic Conditions, PM Peak Hour

Level of Service Computation Report
2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #302 Livesay Rd/Holly Ln

Average Delay (sec/veh): 2.8 Worst Case Level of Service: A [9.3]

Street Name: Holly Ln North Bound South Bound East Bound West Bound

Approach: L - T - R L - T - R L - T - R L - T - R

Movement: L - T - R L - T - R L - T - R L - T - R

Control: Uncontrolled Uncontrolled Uncontrolled Uncontrolled

Rights: 0 1 0 0 0 0 0 1 0 0 0 1 0 0 0 0 1 0 0

Lanes: 0 1 0 0 0 0 0 1 0 0 0 1 0 0 0 0 1 0 0

Volume Module:

Base Vol: 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0

Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

Initial Bse: 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0

Added Vol: 37 133 0 0 0 98 6 10 0 0 65 0 0 0 0 0 0 0 0

PasserByVol: 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0

Initial Fut: 37 133 0 0 0 98 6 10 0 0 65 0 0 0 0 0 0 0 0

User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

PHF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

PHF Volume: 37 133 0 0 0 98 6 10 0 0 65 0 0 0 0 0 0 0 0

Reduced Vol: 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0

Final Vol: 37 133 0 0 0 98 6 10 0 0 65 0 0 0 0 0 0 0 0

Critical Gap Module:

Critical Gap: 4.1 xxx xxxxxx xxx xxx 6.4 6.5 6.2 7.1 6.5 6.2

FollowUpTim: 2.2 xxx xxxxxx xxx xxx 3.5 4.0 3.3 3.5 4.0 3.3

Capacity Module:

Conflict Vol: 104 xxx xxxxxx xxx xxx 308 308 101 341 311 133

Potent Cap: 148 xxx xxxxxx xxx xxx 684 606 954 613 604 916

Move Cap: 148 xxx xxxxxx xxx xxx 671 591 954 561 588 916

Volume/Cap: 0.02 xxx xxxxxx xxx xxx 0.01 0.00 0.07 0.00 0.00 0.00

Level of Service Module:

2Way95thQ: 0.1 xxx xxxxxx xxx xxx 9.3 xxx xxx xxx xxx

Control Del: 7.5 xxx xxxxxx xxx xxx 9.3 xxx xxx xxx xxx

LOS by Move: A * * * * * A * * * * *

Movement: LT - LTR - RT LT - LTR - RT LT - LTR - RT LT - LTR - RT

Shared Cap: xxx xxx xxxxxx xxx xxx 903 xxx xxx xxx 0 xxx xxx

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Kittelston & Associates, Inc. #7938
Park Place Concept Plan - Oregon City, OR
2027 Mitigated Total Traffic Conditions, PM Peak Hour

Level of Service Computation Report
2000 HCM Operations Method (Future Volume Alternative)

Intersection #303 Redland Rd/Swan Ave

Average Delay (sec/veh): 120 Critical Vol./Cap.(X): 0.785

Loss Time (sec): 16 (Y+R=4.0 sec) Average Delay (sec/veh): 27.8

Optimal Cycle: 89 Level of Service: C

Street Name: Swan Ave North Bound South Bound East Bound West Bound

Approach: L - T - R L - T - R L - T - R L - T - R

Movement: L - T - R L - T - R L - T - R L - T - R

Control: Prot+Permit Prot+Permit Prot+Permit Prot+Permit

Rights: 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0

Min. Green: 1 0 0 1 0 1 0 0 1 0 1 0 1 0 1 0 1 0

Lanes: 1 0 0 1 0 1 0 0 1 0 1 0 1 0 1 0 1 0

Volume Module:

Base Vol: 40 0 40 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0

Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

Initial Bse: 40 0 40 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0

Added Vol: 97 30 11 29 30 178 142 273 126 13 207 25

PasserByVol: 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0

Initial Fut: 137 30 51 29 30 178 142 1261 326 13 743 25

User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

PHF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

PHF Volume: 137 30 51 29 30 178 142 1261 326 13 743 25

Reduced Vol: 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0

Final Vol: 137 30 51 29 30 178 142 1261 326 13 743 25

PCE Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

MLF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

Final Vol: 137 30 51 29 30 178 142 1261 326 13 743 25

Saturation Flow Module:

Sat/Lane: 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900

Adjustment: 0.93 0.89 0.89 0.93 0.85 0.85 0.85 0.85 0.85 0.85 0.85 0.85 0.85 0.85 0.85 0.85 0.85

Lanes: 1.00 0.37 0.63 1.00 0.14 0.86 1.00 1.59 0.41 1.00 1.93 0.07

Final Sat: 1769 625 1062 1769 234 1389 1753 2699 698 1702 3277 110

Capacity Analysis Module:

Vol/Sat: 0.08 0.05 0.05 0.02 0.13 0.13 0.08 0.47 0.47 0.01 0.23 0.23

Crit Moves: 0.30 0.20 0.20 0.23 0.16 0.16 0.16 0.60 0.60 0.01 0.45 0.45

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Kittelston & Associates, Inc. #7938
 Park Place Concept Plan - Oregon City, OR
 2027 Mitigated Total Traffic Conditions, PM Peak Hour

Level Of Service Computation Report
 2000 HCM Unsignalized Method (Future Volume Alternative)

Intersection #304 Swan Ave/Donovan Rd

Average Delay (sec/veh): 10.6 Worst Case Level Of Service: C[15.1]

Street Name:	Swan Ave				Donovan Rd				
Approach:	North Bound		South Bound		East Bound		West Bound		
Movement:	L	T	R	L	T	R	L	T	R
Control:	Stop Sign		Stop Sign		Uncontrolled		Uncontrolled		
Rights:	Include		Include		Include		Include		
Lanes:	0	0	1	0	0	0	1	0	0

Volume Module:	Swan Ave				Donovan Rd							
Base Vol:	0	80	0	0	200	0	0	60	0	0	50	0
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	0	80	0	0	200	0	0	60	0	0	50	0
Added Vol:	0	75	0	20	72	35	35	15	0	0	15	13
PasserByVol:	0	0	0	0	0	0	0	0	0	0	0	0
Initial Fut:	0	155	0	20	272	35	35	75	0	0	65	13
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Volume:	0	155	0	20	272	35	35	75	0	0	65	13
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Final Vol.:	0	155	0	20	272	35	35	75	0	0	65	13

Critical Gap Module:	Swan Ave				Donovan Rd							
Critical Gp:xxxxx	6.5	xxxxx	7.1	6.5	6.2	4.1	xxxxx	xxxxx	xxxxx	xxxxx	xxxxx	xxxxx
FollowUpTim:xxxxx	4.0	xxxxx	3.5	4.0	3.3	2.2	xxxxx	xxxxx	xxxxx	xxxxx	xxxxx	xxxxx

Capacity Module:	Swan Ave				Donovan Rd							
Cnflct Vol:	xxxx	223	xxxxx	294	217	72	78	xxxx	xxxxx	xxxx	xxxx	xxxxx
Potent Cap.:	xxxx	676	xxxxx	658	681	991	1520	xxxx	xxxxx	xxxx	xxxx	xxxxx
Move Cap.:	xxxx	660	xxxxx	530	665	991	1520	xxxx	xxxxx	xxxx	xxxx	xxxxx
Volume/Cap:	xxxx	0.23	xxxx	0.04	0.41	0.04	0.02	xxxx	xxxx	xxxx	xxxx	xxxx

Level Of Service Module:	Swan Ave				Donovan Rd							
2Way95thQ:	xxxx	0.9	xxxxx	xxxx	xxxx	xxxxx	0.1	xxxx	xxxxx	xxxx	xxxx	xxxxx
Control Del:xxxxx	12.1	xxxxx	xxxxx	xxxx	xxxx	xxxxx	7.4	xxxx	xxxxx	xxxx	xxxx	xxxxx
LOS by Move:	B	*	*	*	*	*	A	*	*	*	*	*
Movement:	LT	LTR	RT	LT	LTR	RT	LT	LTR	RT	LT	LTR	RT
Shared Cap.:	xxxx	xxxx	xxxxx	xxxx	679	xxxxx	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx
SharedQueue:xxxxx	xxxx	xxxxx	xxxxx	xxxxx	2.6	xxxxx	0.1	xxxx	xxxxx	xxxx	xxxx	xxxxx
Shrd ConDel:xxxxx	xxxx	xxxxx	xxxxx	xxxxx	15.1	xxxxx	7.4	xxxx	xxxxx	xxxx	xxxx	xxxxx
Shared LOS:	*	*	*	*	C	*	A	*	*	*	*	*
ApproachDel:	12.1			15.1			xxxxxx			xxxxxx		
ApproachLOS:	B			C			*			*		

Note: Queue reported is the number of cars per lane.

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I. Land Use: Implementation



LAND USE PLANNING • TRANSPORTATION PLANNING • PROJECT MANAGEMENT

Memorandum

Date: May 25, 2007
To: David Berniker, LEED AP, Project Manager, SERA Architects
From: Shayna Rehberg, AICP, Planner, Angelo Planning Group
cc: Frank Angelo, Principal, Angelo Planning Group
Re: Implementation of the Park Place Concept Plan – Development Code Amendments (**DRAFT**)

Introduction

The Park Place Concept Plan ("Concept Plan") will be implemented by updating, supplementing, and being referenced in City comprehensive planning documents and by amending associated implementing documents. Changes to comprehensive planning documents such as City public facility master plans are recommended in sets of policies and implementation strategies included in Chapter 4 (Implementation) of the Concept Plan. These sets of goals, policies, and strategies serve to supplement goals, policies, and strategies established in the City's existing Comprehensive Plan. Given the comprehensive planning document updates and supplements provided elsewhere in the Concept Plan, this memorandum focuses on the types of amendments that are recommended for the City's development code, the primary implementing document for land use in the City.

Development Code Amendments

The Park Place Concept Plan envisions vibrant, mixed-use neighborhoods and neighborhood centers that also respect existing neighborhoods and environmentally sensitive lands and meet minimum regional housing requirements. In order to address these objectives in a way that will be reasonable for an applicant to use and the City to administer, it is recommended that following types of revisions be made to the base zones, standards, and procedures found in the City's development code. Some of these revisions would apply citywide while others will apply only to Park Place.

- I. Residential District Code Amendments
 - A. New R-5 zone
 - B. Modifications to R-3.5 zone
 - C. New standards for attached single-family dwellings
 - D. Additional standards for multi-family dwellings
 - E. New land division requirements and architectural standards for residential development
 - F. Modified master planning requirements



- II. Commercial/Mixed-Use District Code Amendments
 - A. Modified standards for Neighborhood Commercial (NC) zone
 - B. Modified standards for Medium-Density Mixed Use Corridor (MUC-1) zone
 - C. New “main street” standards **for NC and MUC-1 zones**
 - D. New definitions and standards for live/work units
- III. Transportation-Related Code Amendments
 - A. Modified parking standards
 - B. New requirements in R-3.5, NC, and MUC-1 zones**
- IV. Natural Resource Code Amendments
 - A. Integration of regional Nature in Neighborhoods Best Management Practices into development code**
 - B. New density transfer provisions in Floodplain/Flood Management Overlay Zone and Geologic Hazards Overlay Zone**

The following sections address each element of the outline in greater detail. **These code amendments and other implementation measures are also presented in the implementation matrix at the end of Chapter 4 (Implementation) of the Concept Plan.**

I. Residential District Code Amendments

Residential zones depicted in the Park Place Concept Plan diagram were created assuming an average of 7 units/acre for low/medium-density housing and 12 units/acre for medium/high-density housing. These densities correspond to the yellow and orange shading on the Concept Plan diagram, respectively (Appendix A). These densities are critical in providing a vibrant, more urban environment in Park Place while satisfying Title 11 minimum density requirements.

Existing residential base zones in Oregon City come close to these density requirements, but do not necessarily provide sufficient density or housing variety to fulfill Title 11 housing requirements. **It is recommended that a new residential zone be adopted citywide and modifications to an existing residential zone be adopted for Park Place. These new and modified zones are intended not only to achieve target housing densities, but to conform to more historical platting patterns and to include standards that foster a more vibrant pedestrian environment and seek compatibility with existing development. This new residential zone (the R-5 zone) and modified existing residential zone (R-3.5 zone) are intended to implement the low/medium-density and medium/high-density housing (yellow and orange shading) depicted in the Concept Plan diagram (Appendix A).**

Further, there are new standards recommended for attached single-family dwelling units and modified standards for multi-family dwelling units that will support development flexibility as well as compatibility with the surrounding neighborhood. At the City’s request, potential modifications to existing land division standards, residential design standards, **and master planning requirements are also discussed.**

The full set of existing lot and use standards that apply to the zones referenced in the following sections are included in this report as Appendix E.



A. Low/Medium-Density Residential Zone (R-5)

The proposed new R-5 zone is based largely on the City's existing R-6 zone, but reflects historical platting patterns present elsewhere in the city. It is recommended that if the R-5 zone is adopted, the City consider phasing out the R-6 zone over time and replacing it with the R-5 zone.

The following is a summary of how proposed standards for the new R-5 zone vary from standards in the existing R-6 zone.

- Decrease minimum lot size
- Increase minimum and maximum density¹
- Increase maximum lot coverage
- Add more housing types as permitted uses

All the other standards established in the R-6 zone would apply to the new R-5 zone. (See Appendix E for standards in the R-6 zone.) The proposed standards differ in order to meet housing targets, make more efficient use of land, concentrate housing outside of environmentally sensitive areas, create more housing choices and affordability, and encourage compatibility with existing development. The specific proposed standards are presented in Table 1.

Table 1: Lot Standards and Use Standards in Low/Medium-Density Single-Family Residential (R-5) Zone

Proposed R-5 Zone	Proposed Standard
Minimum Lot Size	5,000 sq. ft. (note: 6,000 sq. ft. in R-6 zone)
Maximum Building Lot Coverage	50% (note: 40% in R-6 zone)
Minimum Density	7 units/acre
Maximum Density	8 units/acre
Minimum setbacks (subject to solar standards, OCMC Section 17.54.070)	Rear yard adjacent to existing development – 40 ft. (note: 20ft. in R-6 zone)
Permitted Uses	Add attached single-family units, duplexes, and accessory

¹ It is a City standard to calculate the minimum density as 80% of the maximum density. Maximum density can be derived from minimum lot size. For example, a minimum lot size of 10,000 square feet corresponds to 4 units/acre. Conversely, the maximum density may be calculated as 120% of the minimum density.

Chapter 16.12 (Minimum Improvements and Design Requirements for Land Divisions), Section -235, allows for lot sizes up to 10% less than the minimum lot size specified for the underlying base zone, given that the average lot size for the entire subdivision meets the minimum lot size requirement. ADUs and non-dwelling tracts (e.g. storm water, natural resources, open space, or access) are not included in lot size averaging calculations.

The City's Site Plan and Design Review standards reinforce these exceptions and methods for determining minimum density: *For a residential development, site layout shall achieve at least 80% of the maximum density of the base zone for the net developable area. Net developable area excludes all areas for required right-of-way dedication, land protected from development through water resource and steep slopes, and required open space or park dedication.* (OCMC Section 17.62.050)

² According to the supplemental standards in OCMC Section 17.54.090, accessory dwelling units (ADUs) are allowed in all single-family residential zones, subject to special development and occupancy standards.



Proposed R-5 Zone	Proposed Standard
	dwelling units (ADUs) ² to list of explicitly permitted uses (<i>note: attached single-family units and duplexes are not allowed uses in the R-6 zone</i>)

B. Medium/High-Density Residential Zone (R-3.5)

Modifications to the existing medium/high-density residential base zone (R-3.5 zone) are recommended to be made within the base zone code section, with language specifying that these modifications would apply only to the zone as it is used in Park Place. The modifications presented in Table 2 are intended to foster a more pedestrian-oriented environment and assist in achieving the mix of housing types needed in Park Place.

Table 2: Design Standards and Use Standards in Medium/High-Density Residential (R-3.5) Zone

Modified R-3.5 Zone	Proposed Standard
Design Standards	Add alley requirement
Permitted Uses	Add multi-family residential uses (subject to existing and amended design standards)

C. Attached Single-Family Housing Standards

Allowing attached single-family housing and establishing standards for this type of housing supports the following objectives.

- Greater variety of housing types
- Housing that can be developed more densely and make more efficient use of the land
- Design that is compatible with surrounding development and with the Concept Plan diagram

It is recommended that the City adopt specific standards for attached single-family housing (townhouses and rowhouses) **that could be applied in Park Place and citywide** by incorporating them into the City's Site Plan and Design Review regulations (OCMC Section 17.62).

Attached single-family housing standards address building orientation, garages, alleys, and common areas. These standards can be added to **site plan and design review regulations to apply to townhouse and rowhouse development in Park Place or citywide**. An example of these standards is provided in Appendix F – Attached Single-Family Housing Standards.

D. Multi-Family Housing Standards

The City already has development standards for multi-family housing addressing building design, parking, and open space. The City may choose to augment its existing standards with those recommended by the State's Model Code **to improve the quality of multi-family housing Park Place. Similar to the proposed attached single-family housing standards, these standards can be added to site plan and design review requirements to apply to townhouse and rowhouse development either in Park Place only or citywide.** The elements addressed in the Model Code and that are not currently in the City's code include:

- Building mass;
- Type of open space;
- Open space dimensions; and
- Trash receptacles.

However, ADUs are not explicitly listed as allowed uses in the R-6 zone, and for clarity it is recommended that they be listed.



The template language from the Model Code is excerpted below.

Multi-family Housing Development Standards

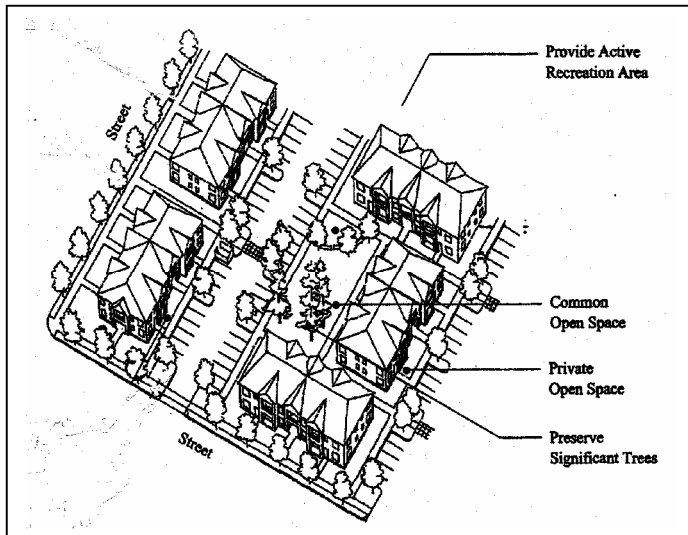
Where multi-family housing is allowed, it shall conform to all of the following standards, which are intended to promote livability for residents and compatibility with nearby uses. Figure 2.2.200.H provides a conceptual illustration of the requirements listed below.

1. *Building mass.* *The maximum width or length of a multiple family building shall not exceed [80-160] feet from end-wall to end-wall, not including outdoor living areas (e.g., porches, balconies, patios, and similar unenclosed spaces).*
2. *Common open space.* *A minimum of [10] percent of the site area shall be designated and permanently reserved as common open space in [all multiple family developments / multiple family developments with more than [20] dwellings], in accordance with all of the following criteria:*
 - a. *The site area is defined as the lot or parcel on which the development to be located, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.);*
 - b. *In meeting the common open space standard, the multiple family development shall contain one or more of the following: outdoor recreation area, protection of sensitive lands (e.g., trees preserved), play fields, outdoor playgrounds, outdoor sports courts, swim pools, walking fitness courses, pedestrian amenities, or similar open space amenities for residents.*
 - c. *Historic buildings or landmarks that are open to the public may count toward meeting the common open space requirements when approved by the [planning commission/historic resource commission];*
 - d. *To receive credit under Section 2.2.200.H, a common open space area shall have an average width that is not less than 20 feet and an average length that is not less than 20 feet;*
 - e. *Projects in the Residential-Commercial District that provide pedestrian amenities between primary building entrance(s) and adjoining street(s) are required to provide a minimum of [5] percent of the site in common open space;*
 - f. *The approval body may waive the common open space requirement for the first [20-50] dwelling units in a multiple family project that is located within one-quarter mile (measured walking distance) of a public park, and there is a direct, accessible (i.e., Americans With Disabilities Act-compliant), lighted pedestrian walkway or multi-use pathway connecting the site to the park. If the park is not developed, or only partially developed, the approval body may require the multiple family housing developer to improve park land in an amount comparable to that which he or she would otherwise be required to provide in his or her development.*
3. *Private open space.* *Private open space areas shall be required for ground-floor and upper-floor housing units based on all of the following criteria:*
 - a. *[A minimum of [40-60] percent of all] ground-floor housing units shall have front or rear patios or decks measuring at least [48] square feet. Ground-floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (i.e., after grading and landscaping);*
 - b. *[A minimum of [40-60] percent of all] upper-floor housing units shall have balconies or porches measuring at least [48]] square feet. Upper-floor housing means housing units that are more than 5 feet above the finished grade; and*



c. In the Residential-Commercial District, multiple family dwellings are exempt from the private open space standard where the development contains pedestrian amenities located between primary building entrance(s) and adjoining streets

Figure 2.2.200H – Examples of Multiple Family Open Space



4. Trash receptacles. Trash receptacles shall be oriented away from building entrances, setback at least ten (10) feet from any public right-of-way and adjacent residences and shall be screened with an evergreen hedge or solid fence or wall of not less than 6 feet in height. Receptacles must be accessible to trash pick-up trucks.

E. Land Division and Residential Design Standards

The City has expressed interest in allowing for development flexibility, given certain performance standards, and more architectural variety in residential development in the city and Park Place. The following are code concepts the City may wish to pursue in implementing the Park Place Concept Plan.

Lot size averaging and open space

The City's existing code already allows for lot size averaging in residential subdivisions.³ However, for even greater flexibility in lot size averaging, the City may wish to consider increasing the percentage that a lot can be less than the minimum lot size for that district. Currently, the City's code would allow a lot to be up to 10% less than the minimum lot size, and it is recommended that this allowance be increased to 20%. While the City's existing lot size averaging allow for tracts to be created for open space and natural resource protection, it is recommended that these provisions be amended to **require** open space tracts within residential subdivisions.

Planned unit development, cluster development, and cottage development

Planned unit development (PUDs), cluster development, and cottage development are code concepts that allow flexibility in residential development on different scales, while assuring density, open space, and other performance standards are met. The City of Redmond provides an example of planned unit, cluster, and

³ Chapter 16.12 addresses minimum improvements and design standards for land divisions and OCMC Section 16.12.235 (Calculations of Lot Area) specifically addresses lot size averaging. According to the code, ADUs and tracts created for non-dwelling unit purposes such as open space, natural resources and hazards, storm water tracts, or access ways are not included in these calculations.



cottage development regulations in its zoning code, Redmond Development Code (RDC) Sections 8.0275-8.0287.⁴

Architectural integrity and variety

For architectural integrity and variety, the City may consider increasing the number of residential design elements currently required of single-family dwellings and two-family dwelling (duplexes). Similarly, the City could revise the standards to require certain elements for all applicable development, and then leave other elements to be selected from a menu-style method already used by the City.

As an example, the State Transportation Growth Management (TGM) Program's Model Development Code for Small Cities, 2nd Edition, ("Model Code") regulates the building length, articulation, and presence of building entries, windows, porches, and balconies for all residential development. The applicant must choose a minimum number of design details from amongst a list. The following is an excerpt of the architectural elements regulated for all development.

1. Building Length. The continuous horizontal distance, as measured from end-wall to end-wall, of individual buildings shall not exceed [80-160] feet.

2. Articulation. All buildings shall incorporate design features such as varying roof lines, offsets, balconies, projections (e.g., overhangs, porches, or similar features), recessed or covered entrances, window reveals, or similar elements to break up large expanses of uninterrupted building surfaces (blank walls). Along the vertical face of a structure, and on all building stories, such elements shall occur at a minimum interval of [30-40] feet, and each floor shall contain at least two elements, as generally shown in Figure 2.2.190C(2):

a. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of [4-6] feet;

b. Extension (e.g., floor area, deck, patio, entrance, overhang, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or

c. Offsets or breaks in roof elevation of 2 feet or greater in height;

3. Eyes on the Street. All building elevations visible from a street right of way shall provide prominent defined entrances, and a combination of windows, porches, and/or balconies. A minimum of [40-60] percent of front (i.e., street-facing) elevations [(30% for manufactured homes that also conform to Section 2.2.200.D)], and a minimum of [30] percent of side and rear building elevations shall meet this standard, as generally shown in Figure 2.2.190C(2), above. "Percent of elevation" is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. The standard applies to each full and partial building story.

Appendix D presents an excerpt of the architectural variety standards required by the City of Battle Ground, Washington. For a thorough assessment and update of the City's code, it is recommended that the City pursue a code assistance grant administered by the State's Transportation Growth Management (TGM) program.

Solar Orientation

Supplemental zoning regulations in the City's existing code (OCMC Section 17.54.070) already establish solar access standards (maximum shade point heights and maximum shade height on solar features) for single-family residential development. In order to maximize passive solar heating of homes proposed as part of a PUD or subdivision and to reinforce the street layout proposed for Park Place, it is recommended that solar orientation standards be added to this existing set of solar regulations. The following is sample solar orientation regulation language from the Oregon Department of Energy and Boulder, Colorado.

⁴ The City of Redmond's zoning code can be viewed at:

http://doc.ci.redmond.or.us/Community_Development/Development_Code/Zoning_Updated_101006.pdf.



3. Siting Requirements: All planned unit developments and subdivisions shall be designed and constructed in compliance with the following solar siting requirements:

A. All new residential units shall have a roof surface that meets all of the following criteria:

i. Is oriented within 30 degrees of a true east-west direction;

ii. Is flat or not sloped towards true north; 100 square feet of un-shaded solar collectors for each individual dwelling unit in the building; and

iv. Has unimpeded solar access consistent with the requirements of Section 8.0370.2 or through easements, covenants, or other private agreements among affected landowners that the city manager finds are adequate to protect continued solar access for such roof surface.

4. Street Orientation Requirement:

A. New residential streets in planned unit developments and subdivisions, shall be predominantly oriented within thirty degrees of true east-west in order to maximize the number of homes with the major walls and windows facing south.

F. Modified Master Planning Requirements

The City has expressed interest in modifying its master planning requirements to accommodate more residential development. In doing so, the City would need to set a threshold acreage above which master planning would be required. Thresholds in the two to ten acre range should be considered. These modifications may be made in the City's development code (OCMC 17.65) to apply citywide or specifically to Park Place. It is critical that clear and explicit reference be made to the Park Place Concept Plan in modifying master planning requirements so that principles and policies included in the plan are implemented in master planned development.

II. Commercial/Mixed-Use District Code Amendments

The neighborhood centers – North Village and South Village – in Park Place are key components of the Park Place Concept Plan. These centers combine commercial uses, civic uses, higher-density residential uses, and public open spaces for residents to live, recreate, gather, and access everyday services. These uses are reflected in the mix of land use designations proposed in the Village Center. (See Appendix A.)



Figure 1: Examples of Neighborhood Commercial and Mixed-Use Development



Source: SERA Architects

The following sections address recommended standards for the commercial and mixed-use districts proposed in Park Place. In particular, **modifications** to the City's existing Neighborhood Commercial (NC) and Medium-Density Mixed-Used Corridor (MUC-1) are proposed, **including "main street" standards**, in addition to **provisions for live/work uses**. **Figure 1** presents examples of the kind of neighborhood-scale commercial and mixed uses that could be allowed in the proposed North and South Village NC and MUC-1 zones.

A. Neighborhood Commercial (NC) Zone Standards

The City's existing Neighborhood Commercial (NC) base zone includes many of the use and development standards that will enable the type of development envisioned in the Park Place Concept Plan.

Existing standards in the NC zone already prescribe a maximum front setback of 5 feet that creates a more active, pedestrian-oriented environment, with provisions for more of a setback if public space and pedestrian amenities are proposed in the setback. Minimum building height and landscaping also contribute to the pedestrian orientation of the environment. Similarly, a higher maximum building height provides opportunities for more density and mixed uses and creates a unique identity for the Village Centers. A wider range of allowed uses will support the provision of everyday services to residents so that they do not need to travel outside of Park Place to meet these needs. Therefore, it is recommended that the following provisions be **amended in the Neighborhood Commercial (NC) base zone with specifications that they apply to Park Place**.

- Provide incentives for minimum building height
- Increase maximum building height
- Add minimum landscaping requirement
- Add permitted uses



The specific standards recommended for addition to or modification of the existing NC zone are presented in Table 3.

Table 3: Lot Standards and Use Standards in the Neighborhood Commercial (NC) District in the Park Place Overlay Zone

	Existing Standards	Proposed Standards
Minimum Building Height	-	<i>Note: A minimum height requirement is not generally recommended because it can be too restrictive and discouraging to development. However, to encourage mixed uses and a sense of enclosure that multi-story buildings can provide, it is suggested that the City discuss provisions that would offer public investments in streetscape amenities or parking in exchange for construction of multi-story buildings</i>
Maximum Building Height	35 ft.	45 ft.
Minimum Landscaping	-	20% including parking lot landscaping (<i>note: same as required in MUC-1 zone</i>)
Permitted Uses	Antique Shops; Apparel shop; Art gallery, store, supplies; Bakery, retail; Banks without a drive-through; Barbershop; Beauty parlor; Bicycle sales, service, rental; Bookstore; Candy store; Coffee shop without a drive-through; Computer or audio equipment sales Craft store; Custom dressmaking and tailoring; Dry cleaners; Dry cleaners, self-service; Dry cleaning agencies; Delicatessen store; Drug stores; Dry good stores; Florist shops; Gift shops; Grocery, fruit or vegetable store; Hardware store; Ice-cream store; Interior decoration, including drapery and upholstery;	Add professional services (e.g. insurance, real estate, medical/dental) to permitted uses.



	Existing Standards	Proposed Standards
	Jewelry store; Laundromat, self-service; Laundry agencies; Locksmith; Music store; Plant or garden shop; Printing and copy service (no audible sounds beyond the premises); Restaurants without a drive-through; Seasonal sales, subject to the provisions of OCMC Section 17.54.060; Shoe sales, repair; Stationery store; Studio for art, dance, music, photo; and Watch and clock repair shop.	
Conditional Uses	Any permitted use more than 10,000 square feet in floor area	Allow vehicle fuel sales in NC zone conditionally (<i>note: currently allowed conditionally in MUC zones and prohibited in NC zone</i>)

B. Medium-Density Mixed-Use Corridor (MUC-1) Zone Standards

Similar to modifications proposed for the NC zone, it is recommended that the following provisions for the MUC-1 zone be **made in the base zone and specified for use in Park Place** in order to support housing targets and foster a pedestrian-oriented urban environment in the Park Place North Village.

- Minimum building height for live/work units
- Allow additional mixed uses
- Prohibit auto-oriented uses

Currently, attached single- and two-family housing and multi-family housing is allowed in the MUC-1 zone (see Table 4). It is recommended that flexible “live/work units” also be allowed in the MUC-1 zone within the Park Place. Live/work units are those in which up to 50% of the ground floor can be in commercial use, while the remaining building area is in residential use. “Main street” development standards, such as requiring entrances to be at sidewalk level, will allow the conversion of ground floor uses from residential to commercial use as needed. Standards for live/work units and main streets are addressed in more detail in **following sections of this memorandum**.

Unlike the NC zone where development is expected to be largely commercial with limited secondary residential uses, development in the MUC-1 zone in Park Place is expected to be primarily residential, for which multi-story building requirements are generally less prohibitive. In particular, a minimum building height requirement is recommended for live/work units. To further encourage density, multi-story building, and a pedestrian environment, it is recommended that a minimum lot coverage requirement be added the MUC-1 zone **for** Park Place. These and other recommended standards are presented in Table 4.



Table 4: Lot Standards and Use Standards in the Medium-Density Mixed Use Corridor (MUC-1) District in the Park Place Overlay Zone

	Existing Standards	Proposed Standards
Minimum Height (subject to solar standards, OCMC Section 17.54.070)	-	Require minimum of 2-story buildings for live/work units (<i>note: definition and standards for live/work units provided in following section</i>)
Minimum Lot Coverage	-	50% (<i>note: there is currently no minimum requirement, but the existing maximum lot coverage standard in the MUC-1 zone is 80%</i>)
Permitted Uses	A. Banquet, conference facilities and meeting rooms; B. Bed and breakfast and other lodging facilities for up to ten guests per night; C. Child care facilities; D. Health and fitness clubs; E. Medical and dental clinics, outpatient; infirmity services; F. Museums, libraries and cultural facilities; G. Offices, including finance, insurance, real estate and government; H. 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; I. Postal services; J. Publicly-owned parks, playgrounds, play fields and community or neighborhood centers; K. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment; L. Residential units, single-family detached residential existing prior to adoption of this chapter; M. Residential units, single-family and two-family attached; N. Residential units, multi-family; O. Restaurants, eating and drinking establishments without a drive through; P. Retail services, including personal, professional, educational and financial services; laundry and dry-cleaning; Q. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use	Allow live/work townhomes (attached single-family units) and apartments (multi-family units) (<i>note: see the definitions and standards in the following section on live/work units</i>)



	Existing Standards	Proposed Standards
	permitted in the neighborhood commercial, historic commercial or limited commercial districts, provided the maximum footprint for a stand alone building with a single store does not exceed 60,000 sq. ft.; R. Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes; S. Studios and galleries, including dance, art, photography, music and other arts; T. 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. U. Veterinary clinics or pet hospitals, pet day care.	
Conditional Uses	A. Clubs/lodges; B. Car washes; C. Drive-in or drive-through facilities for a permitted or conditional use; D. Emergency and ambulance services; E. Motor vehicle service, parts sales, repair, or equipment rental; F. Museums and cultural facilities; G. Outdoor markets that do not meet the criteria of OCMC Section 17.29.020(H); H. Public utilities and services such as pump stations and sub stations; I. Religious institutions; J. Retail trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts that have a footprint for a stand alone building with a single store in excess of 60,000 sq. ft. in the MUC-1 or MUC-2 zone; K. Schools, including trade schools and technical institutes; and L. Vehicle fuel sales.	Allow conditionally: - retail trade over 30,000 sq. ft. in floor area (<i>note: lowers the threshold for conditional review from 60,000 sq. ft. established in subsection J</i>). Prohibit: - car washes (<i>note: currently conditionally allowed by subsection B</i>); - drive-in or drive-through facilities (<i>note: currently allowed by subsection C</i>); - motor vehicle service, parts sales and equipment rental (<i>note: currently allowed by subsection E</i>); - vehicle fuel sales (<i>note: currently allowed by subsection L and proposed to be allowed conditionally in NC zone in Park Place Overlay Zone</i>)



C. “Main Street” Standards

There are Site Plan and Design Review standards⁵ that currently apply to commercial development in Oregon City that should be expanded to apply to mixed-use and live/work development in Park Place. In particular, these standards will encourage an active and pedestrian-oriented environment in the Village Centers. **It is recommended that these standards be added to the MUC-1 zone with specifications that they apply to the MUC-1 zone in Park Place.**⁶ These existing design review standards include the following:

Maximum front yard setbacks of 5 feet, with exceptions for cases in which the applicant provides additional public space and pedestrian amenities within the setback.

- Primary building entrances oriented to the main street, accessed by a public sidewalk, and featuring some sort of weather protection.
- Parking areas located below, to the sides, or behind the building.
- Façade transparency for at least 60% of the ground floor facing the street and for at least 30% of the side elevations.

The City’s existing Site Plan and Design Review standards for commercial development also address roof treatments, entryways, lighting, and building massing. It is recommended that all of these design review standards be **added to the MUC-1 zone in Park Place** as well.

In order to further support the pedestrian orientation of the Village Center and the quality of development in the centers, it is recommended that the following code concepts be developed for adoption as main street standards

1. **Building entrances**

In addition to requiring a primary entrance along the main street adjacent to the building and providing weather protection, additional standards regarding the level of the entrance and the entrances of buildings at the corners of intersections are recommended. These standards will support the conversion between residential and commercial uses in live/work units in the mixed-use zone and will create a stronger pedestrian orientation and visual interest at intersections.

It is recommended that building entrances be required to be at sidewalk level and that stairs and stoops to the entrance be prohibited.

For buildings located at the corner of intersections, it is recommended that one of the three treatments be required. This sample language is based on design standards proposed for downtown Redmond, Oregon.

1. *Locate the primary entry to the building at the corner of the building or within 25 feet of the corner of the building.*
2. *Incorporate prominent architectural elements, such as increased building height or massing, a cupola, a turret, or a pitched roof, at the corner of the building or within 25 feet of the corner of the building.*

⁵ OCMC Chapter 17.62, Sections –050 and –055

⁶ The City may wish to further specify that these standards apply to the first 50 feet of depth of property in these zones. This specification avoids applying the standards to flaglots or lots that do not otherwise have a building frontage and presence on the main streets.



3. *Chamfer the corner of the building (i.e. cut the corner at a 45-degree angle and a minimum of 10 feet from the corner) and incorporate include extended weather protection (arcade or awning), special paving materials, street furnishings, or plantings in the cut.*

2. **Architectural standards**

While the City currently requires some façade and entryway treatments as part of its existing Site Plan and Design Review standards, it is recommended that the City consider requiring that development along the Village Center main streets in Park Place incorporate two of the following standards. These standards are intended to create more transparency and visual interest of buildings, particularly for pedestrians at the street level. These examples are taken from standards proposed for downtown Redmond, Oregon.

- *Canopies or overhangs (5'-0" minimum, measured from either the face of the column or the street-facing elevation) for the width of the building*
- *Transom window*
- *Storefront frieze, horizontal sign band, or a belt course above the transom window or mezzanine level*
- *Window plant box (minimum of one per window)*
- *Projected window sill (12" to 24" above grade)*

3. **Materials**

Related to additional architectural standards, the City may wish to consider regulating building materials in order to achieve a higher quality of development in Park Place, especially along the main streets **in the NC and MUC-1 zones in Park Place**. The City may choose either to require certain exterior building materials, to limit and prohibit other kinds of building materials, or to combine these methods. Below is sample language from the City of Milwaukie, which chose to prohibit certain building materials in its downtown zones.

- b. *The following wall materials are prohibited at the street level of the building:*
- i. *EIFS or other synthetic stucco panels;*
 - ii. *Split-face or other masonry block.*
- c. *The following wall materials are prohibited at all levels of the building in all downtown zones:*
- i. *Plywood paneling;*
 - ii. *Brick with dimensions larger than four by eight by two inches;*
 - iii. *Spandrel glazing/curtain wall;*
 - iv. *Vinyl or metal cladding;*
 - v. *Composite wood fiberboard or composite cement-based siding, except as permitted in the downtown residential zone in subsection (C)(2)(d)(iii);*



4. Streetscape

While the previous sets of development and design standards applied mainly to the building architecture along Park Place main streets, the following sets of standards related to street trees, lighting, seating, signs, and awnings can be classified as “streetscape” standards. These standards affect the quality of the space between the building and the street.

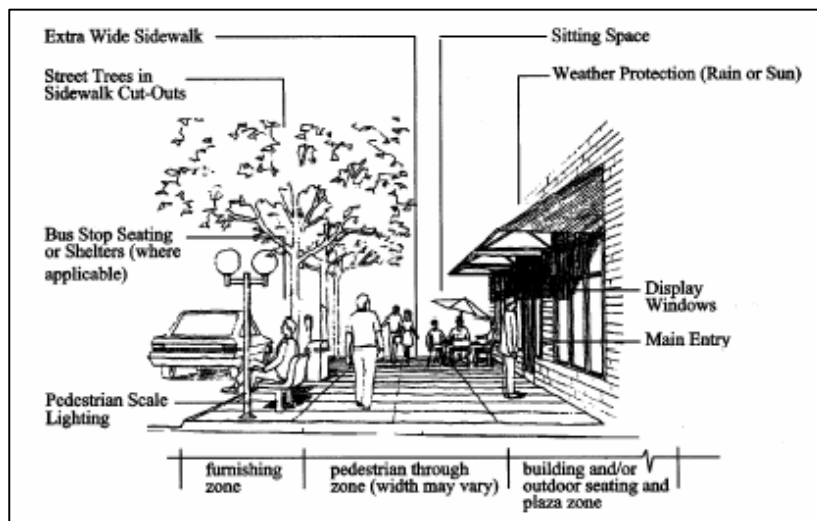
The State’s Model Code recommends code language addressing the streetscape and offers the diagram in Figure 2 to illustrate elements of an active and pedestrian-oriented streetscape, which is recommended for main streets in Park Place.

5. Street Trees

As shown in Figure 2, street trees are a crucial streetscape element. They are depicted as part of urban design drawings of the Livesay Main Street in the North Village in the Park Place Concept Plan ([Figure 3-2 in the Concept Plan](#)). The City’s existing Site Plan and Design Review standards address landscaping standards, minimum percentage of landscaping, protection of existing trees and vegetation, and replacement requirements. Landscaping is also specifically required for off-street parking, and interior landscaping for parking cannot be counted as part of the required minimum landscaping for the site.

Planting street trees in the “furnishing zone” or planting strip are an additional recommended standard for the main streets in Park Place. The City is responsible for maintaining a list of appropriate trees for landscaping, and street trees should be selected from this list.

Figure 2: Examples of Pedestrian and Transit Amenities



5. Lighting

In addition to basic existing lighting requirements, it is recommended that the City require pedestrian-scale and certain types of lighting along Village Center main streets in Park Place. The following is sample lighting regulation language proposed in a code update for the City of Oakridge, Oregon.

Lighting shall be provided at all building entrances, pathways and other pedestrian areas, and be lit to two-foot candles with pedestrian-scale lighting (e.g., wall mounted, sidewalk

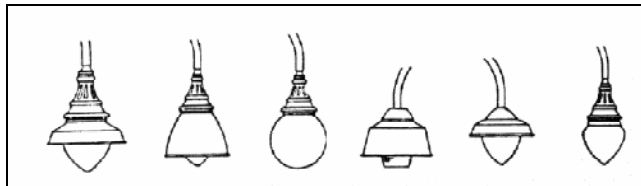


lamps, bollards, landscape up lighting, etc.). Alternative lighting to meet the intent of the design guidelines may be approved through site design review.

As another example, the following language is part of design guidelines for the Gateway Overlay District in Astoria, Oregon.

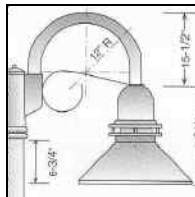
1. *Exterior lighting shall consist of at least one of the following lighting types.*
 - a. *Decorative lighting integrated with architecture.*
 - b. *Metal halide or incandescent.*
 - c. *Pedestrian and traffic signals combined with street lamps.*
 - d. *Light fixtures that direct light downward and eliminate glare.*

Figure N.1.c



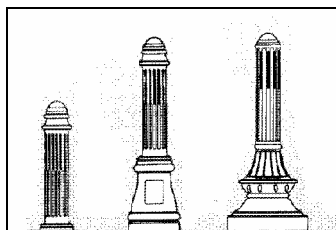
- e. *Historic street lamps along walks and parking lots.*
- f. *Industrial pan light with goose neck.*

Figure N.2.a



- g. *Low bollard lighting.*

Figure N.2.b



2. *The following types of exterior lighting are prohibited.*
 - a. *Sodium vapor (amber).*



- b. *Fluorescent tube.*
- c. *Cobra head street lamps or other contemporary fixtures.*
- d. *Fixtures with undiffused, undirected light that do not focus the light to the ground.*

6. Seating

The following sample language is provided by the State's Model Code, which recommends that various streetscape elements be required for commercial development. In order to encourage residents to gather and customers to relax and linger, it is suggested that the City consider requiring one of the seating elements below.

- 1. *A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of [6] feet);*
- 2. *Sitting space (i.e., dining area, benches, garden wall or ledges between the building entrance and sidewalk) with a minimum of 16 inches in height and 30 inches in width;*
- 3. *Building canopy, awning, pergola, or similar weather protection (minimum projection of 4 feet over a sidewalk or other pedestrian space);*
- 4. *Public art that incorporates seating (e.g., fountain, sculpture).*
- 5. *Transit amenity, such as bus shelter, per the standards of the [name of transit district].*

7. Signs and Awnings

In order to establish the main streets as special places within Park Place, the City should consider additional sign standards for businesses along the Village Center main streets. Further, while weather protection may already be required for commercial development in the City, it may be helpful to specify and illustrate the kind of weather protection permitted, particularly in regards to awnings.

The sample language below addresses sign and awning standards in a special plan district in Astoria, Oregon.

- 1. *Signs shall incorporate at least one of the following elements.*
 - a. *Hanging blade signs. (See Figure L.1.a.)*
 - b. *Signs painted on building facade.*
 - c. *Signs applied to building facade.*
 - d. *Front lit.*
 - e. *Graphics historic in character.*
 - f. *Exterior neon. (See Figure L.2.)*

Figure L.1.a. Blade Sign



Source: City of Astoria



Figure L.2. Neon Sign



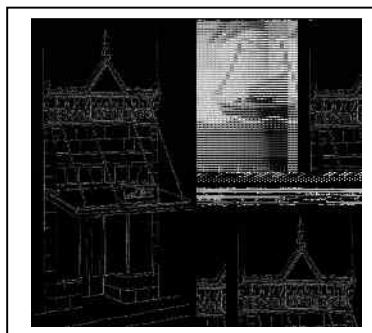
Source: City of Astoria

2. The following types of signs are prohibited.
 - a. Pole mounted freestanding signs.
 - b. Plastic or internal and back lit plastic.

1. The following type of awning shall be used for commercial buildings.
 - a. Canvas awnings or fixed canopies for rain protection. (See Figure 14.090.E.1.)
 - b. Vinyl awnings.

2. The following type of awning is prohibited.
 - a. Back lit awnings.

Figure 14.090.E.1. Commercial Awning



Source: City of Astoria

8. Driveways and Alleys

As a final consideration for the streetscape environment on Village Center main streets, it is recommended that the City consider restricting driveways and access onto the main streets themselves in the NC and MUC-1 zones in Park Place, requiring instead access from a side street or alley. If it is deemed too excessive to restrict this access on all parts of Swan, Donovan, and Livesay in the North and South Villages, it is recommended that



the City consider restricting driveways at least in the mixed-use zone (MUC-1) along Livesay in the North Village.

C. Live/work Units

Allowing live/work units in the mixed-use zone proposed in the Park Place Village Centers is important for the flexibility it provides in combining residential and commercial uses and allowing for commercial uses on the ground floor when the market is ready to support them.

The following definitions of live/work units and standards governing them are examples from the City of Bend's NorthWest Crossing Overlay Zone.⁷

E. Live/work Dwelling. A dwelling in which a business may be operated on the ground floor. The ground floor commercial or office space has visibility, signage and access from the primary street.

To preserve the pedestrian orientation of the commercial or office space, alley access is required to provide trash service and residential parking. A live/work dwelling is allowed instead of, or in addition to, home occupation as defined by this Code. The location of lots where live/work dwellings may be sited shall be specified on the subdivision plat. The permitted live/work housing types are defined below:

a. Live/work House: A single-family detached house with no more than 50 percent of the ground floor of the building available as commercial or office space.

b. Live/work Townhome: A residential, fee simple townhome unit in which a business may be operated. The commercial or office portion of the building shall be limited to the ground floor and may not exceed 50 percent of the square footage of the entire building, excluding the garage.

c. Live/work Apartment: A primarily residential multi-story, multi-unit building with a maximum of 50 percent of the building ground floor square footage used as commercial or office space. Residential units may be for rent or for sale in condominium or cooperative ownership.

G. Primary Street Frontage. The location along a street in the Residential Mixed-use District where live/work housing or community commercial uses may be located. Table 2.7.320 of this Chapter identifies areas and limits the maximum lot frontage along the Primary Street Frontage that may be used for live/work housing or community commercial uses in each area. The primary entrance to the office or commercial portion of live/work housing or a community commercial building must be located on the Primary Street Frontage.

9. Platting Lots for Live/work Housing and Community Commercial Uses.

a. The final plat for a subdivision in the Residential Mixed-use Overlay District shall specify the lots where live/work housing or community commercial uses will be permitted.

b. A deed restriction shall be recorded with each lot identified on the final plat as a live/work housing or community commercial.

⁷ Section 2.7.300 of Chapter 2.7, Special Planned Districts, in the City of Bend's Development Code



c. The number of lots in the Residential Mixed-use Overlay District shall be limited to a maximum amount of linear primary street frontage.

10. Sign Standards.

a. Each live/work house or live/work townhome may have non-illuminated sign(s) not exceeding a combined maximum area of 16 square feet. Signs shall be attached to the building.

b. Each live/work apartment or community commercial building may have one non-illuminated monument sign and/or one building mounted sign not exceeding a combined maximum area of 32 square feet.

c. Individual businesses in live/work apartment buildings may have additional non-illuminated sign(s) mounted on the building not exceeding a combined maximum of 8 square feet in size.

11. Off-street Parking Standards.

a. Each live/work house or live/work townhome may have no more than two off-street spaces in addition to the two spaces required by Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking of this code.

b. The off-street parking standards in Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking shall apply to a work use in a live/work apartment building.

12. Special Standards For Live/work Townhomes and Live/work Houses.

a. The area dedicated to the work use in the live/work unit shall not exceed the size requirement in the applicable definition of live/work house or live/work townhome in Section 2.7.310.

b. The work use shall not generate noise exceeding 55-decibel level as measured at the lot line of the lot containing the live/work house or live/work townhome.

c. No outside storage of materials or goods related to the work occupation or business shall be permitted.

d. No dust or noxious odor shall be evident off the premises.

e. Employees of the work occupation or business may not occupy more than 2 on-street parking spaces at any time.

f. If the business is open to the public, public access must be through the front door and the business may not be open to clients or the public before 7:00 a.m. or after 7:00 p.m.

III. Transportation-Related Code Amendments

A generalized street plan and updates to the City's Transportation System Plan, including proposed new street cross-sections and projects, are included in Chapter 3 (Plan Elements) and Appendix H of the Park Place Concept Plan. Further, "green street" standards for natural stormwater management in roadway right-of-way are addressed as part of the Stormwater Infrastructure System Improvements in Chapter 3 and Appendix J of



the Concept Plan. In addition to these transportation elements of the Concept Plan, there are a few minor transportation-related code amendments that are recommended that are described below.

A. Parking Standards

In order to make efficient use of land and foster a more urban environment, it is recommended that parking standards be reviewed. However, the City has essentially adopted Metro parking standards, and these standards are both more prescriptive in instituting parking maximums and less regulatory in not requiring minimums for many land uses as compared to other standards around the region and the state.

The City may wish to adopt on-street parking credits to reduce the need for off-street parking and make more efficient use of land. These credits typically occur at a one-to-one ratio, for each space of on-street parking along the street frontage of the proposed building. These standards can be adopted as part of the **parking standards for application either citywide or just in Park Place**. The following is sample language from the State's Model Code regulating on-street parking credits.

C. On-Street Parking. *On-street parking shall conform to the following standards:*

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

- a. Parallel parking, each [22] feet of uninterrupted 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 Table 3.3.300A 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.

B. Driveways and Alleys

As addressed in previous sections of this memo, it is recommended that the City consider regulations related to driveways and alleys to support the pedestrian orientation of neighborhoods in Park Place. In particular, the City should consider prohibiting curb cuts and driveways in the NC and MUC-1 zones (which include frontage on the Livesay, Donovan, and Swan main streets) in Park Place. At the very least, some form of restriction of driveways should be considered for the MUC-1 zone in Park Place. Related to these driveway and access provisions, alleys should be required in the NC and MUC-1 zones in Park Place. In addition, alleys should be provided for medium/high-density housing in the R-3.5 zone in Park Place.

IV. Natural Resources Code Amendments

The City currently has the following overlay zones to help protect environmentally sensitive and constrained areas, which can be applied in Park Place.

- Water resource overlay zone
- Flood management overlay zone
- Geologic hazards (steep slopes) overlay zone.



The City has been developing a composite environmental overlay zone based on the existing environmental overlay zones, with updated information and requirements regarding steep slopes and potential landslide hazards that have been developed as part of the Park Place Concept Plan. (See Appendix K – Preliminary Geologic and Geotechnical Evaluation.)

A. Nature in Neighborhoods Best Management Practices

According to mapping of Goal 5 resources and Habitat Conservation Areas (HCAs) included in the Park Place Existing Conditions Report (Figure 2-2 in the Concept Plan), there are areas of Class A and B upland wildlife habitat in Park Place that are not classified as HCAs or subject to Metro HCA regulations.

Instead of recommending that a new environmental overlay zone be created to regulate this upland habitat, David Evans and Associates is recommending that best management practices (BMPs) developed for the regulation of non-Habitat Conservation Areas (HCAs) be applied to development throughout the Park Place. These BMPs are included in ordinances adopted by Metro as part of their Nature in Neighborhoods program, implemented by Title 13 of their Urban Growth Management Functional Plan. A table of the BMPs included in Title 13, and the sections of Oregon City code (OCMC) or other planning and engineering documents into which they could potentially be incorporated, are presented below in Table 5.

Table 5: Best Management Practices for Habitat Conservation Areas⁸

Part (a): Design and Construction Practices to Minimize Hydrologic Impacts	
Potential amendments to: Building Construction Standards (OCMC 15.04 Building Code and OCMC 15.12 Housing Code), Transportation System Plan and Street Design Manual, OCMC 16.12 Minimum Improvements and Design Standards for Land Divisions, OCMC 17.62 Site Plan and Design Review, OCMC 17.52 Off-Street Parking and Loading	
1. Amend disturbed soils to original or higher level of porosity to regain infiltration and stormwater storage capacity.	
2. Use pervious paving materials for residential driveways, parking lots, walkways, and within centers of cul-de-sacs.	
3. Incorporate stormwater management in road right-of-ways.	
4. Landscape with rain gardens to provide on-lot detention, filtering of rainwater, and groundwater recharge.	
5. Use green roofs for runoff reduction, energy savings, improved air quality, and enhanced aesthetics.	
6. Disconnect downspouts from roofs and direct the flow to vegetated infiltration/filtration areas such as rain gardens.	
7. Retain rooftop runoff in a rain barrel for later on-lot use in lawn and garden watering.	
8. Use multi-functional open drainage systems in lieu of more conventional curb-and-gutter systems.	
9. Use bioretention cells as rain gardens in landscaped parking lot islands to reduce runoff volume and filter pollutants.	
10. Apply a treatment train approach to provide multiple opportunities for storm water treatment and reduce the	

⁸ Table 3.07-13c in Exhibit C of Ordinance No. 05-1077C, Title 13 (Nature in Neighborhoods) of the Urban Growth Management Functional Plan (Metro Code Chapter 3.07)



possibility of system failure.

11. Reduce sidewalk width and grade them such that they drain to the front yard of a residential lot or retention area.

12. Reduce impervious impacts of residential driveways by narrowing widths and moving access to the rear of the site.

13. Use shared driveways.

14. Reduce width of residential streets, depending on traffic and parking needs.

15. Reduce street length, primarily in residential areas, by encouraging clustering and using curvilinear designs.

16. Reduce cul-de-sac radii and use pervious vegetated islands in center to minimize impervious effects, and allow them to be utilized for truck maneuvering/loading to reduce need for wide loading areas on site.

17. Eliminate redundant non-ADA sidewalks within a site (i.e., sidewalk to all entryways and/or to truck loading areas may be unnecessary for industrial developments).

18. Minimize car spaces and stall dimensions, reduce parking ratios, and use shared parking facilities and structured parking.

19. Minimize the number of stream crossings and place crossing perpendicular to stream channel if possible.

20. Allow narrow street right-of-ways through stream corridors whenever possible to reduce adverse impacts of transportation corridors.

Part (b): Design and Construction Practices to Minimize Impacts on Wildlife Corridors and Fish Passage

Potential amendments to: Transportation System Plan and Street Design Manual, OCMC 16.12 Minimum Improvements and Design Standards for Land Divisions, OCMC 17.62 Site Plan and Design Review

1. Carefully integrate fencing into the landscape to guide animals toward animal crossings under, over, or around transportation corridors.

2. Use bridge crossings rather than culverts wherever possible.

3. If culverts are utilized, install slab, arch or box type culverts, preferably using bottomless designs that more closely mimic stream bottom habitat.

4. Design stream crossings for fish passage with shelves and other design features to facilitate terrestrial wildlife passage.

5. Extend vegetative cover through the wildlife crossing in the migratory route, along with sheltering areas.


Part (c): Miscellaneous Other Habitat-Friendly Design and Construction Practices

Potential amendments to: OCMC 16.12 Minimum Improvements and Design Standards for Land Divisions and OCMC 17.62 Site Plan and Design Review

1. Use native plants throughout the development (not just in HCA).
2. Locate landscaping (required by other sections of the code) adjacent to HCA.
3. Reduce light-spill off into HCAs from development.
4. Preserve and maintain existing trees and tree canopy coverage, and plant trees, where appropriate, to maximize future tree canopy coverage.

Excerpts of Title 13 that address implementing ordinances required for Cities and Counties are included as Appendix G. Metro also developed a model ordinance for implementation of Title 13. The model ordinance was developed to apply to all HCAs and to provide application criteria, development standards, and measures for development flexibility and mitigation within HCAs. The complete Title 13 Model Ordinance can be viewed online at: <http://www.metro-region.org/article.cfm?ArticleID=15311>.

B. Density Transfers

Most of the “green fingers” associated with stream corridors and steep slopes in Park Place – and generally designated as open space in the Concept Plan diagram (Appendix A) – will be zoned with the City’s lowest-density residential (R-10) district. The R-10 zone has an established 10,000 square foot minimum lot size or, in essence, a maximum density of 4 units/acre.

Natural resource and natural hazard areas in Park Place, zoned primarily R-10, will be overlaid with a combination of existing City environmental overlay zones **or a composite of these zones**. Excerpts of existing code addressing applicability and standards for environmentally sensitive areas of the City are included **at the end of this memorandum** as Appendix H. Parts of these zones preclude development or would limit housing density to 2 units/acre.

Existing City Code allows density transfers in association with the City’s water resource overlay zone. In order to protect other natural resources in Park Place and allow for needed housing, it is recommended that these density transfer provisions be extended to flood management and geologic hazards (steep slope) overlay zones **and any other new composite environmental zones that are developed**. The following is a template for density transfer provisions based on existing language in the City’s water resource overlay zoning code.

Density transfers.

A. The purpose of this section is to allow density accruing to portions of a property within the R-10 zone to be transferred outside the R-10 zone to other areas of the Park Place Overlay District.

B. Development applications for partitions that request a density transfer shall:

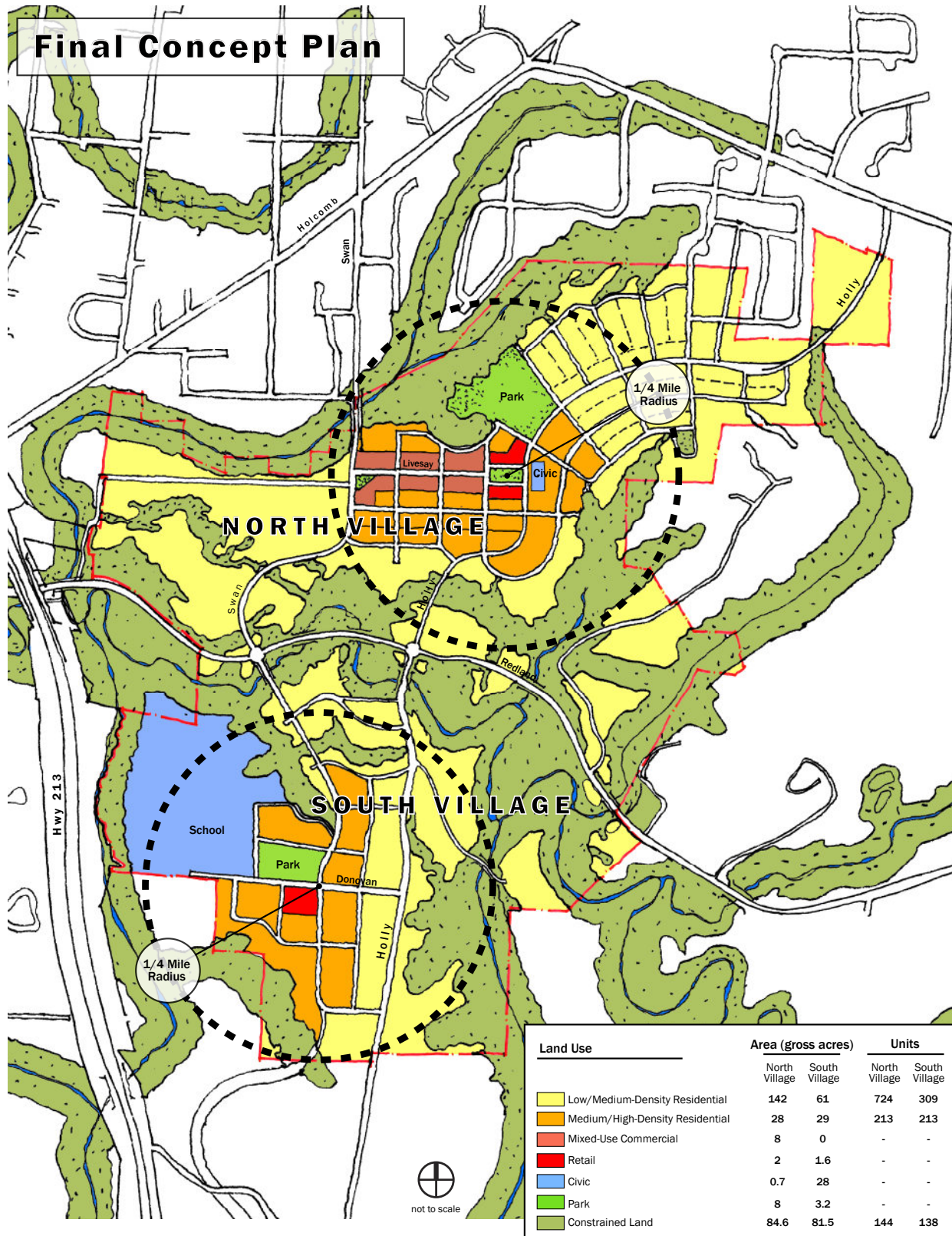
- 1. Provide a map showing the net buildable area to which the density will be transferred;*
- 2. Provide calculations justifying the requested density increase;*
- 3. Demonstrate that the minimum lot size requirements can be met based on an average of all lots created, including the [water quality resource area tract] created pursuant to Section 17.49.060, and that no residential lot created is less than ten thousand square feet;*



4. Demonstrate that, with the exception of the [water quality resource area parcel] created pursuant to Section 17.49.060, no parcels have been created which would be unbuildable in terms of minimum yard setbacks;

5. Meet all other standards of the base zone.

C. The area of land contained in a [water quality resource area] may be excluded from the calculations for determining compliance with minimum density requirements of the zoning code. (Ord. 99-1013 §10(part), 1999)





Appendix B: Land Use Areas

Land Use	Area (gross acres)		Units	
	North Village	South Village	North Village	South Village
 Low/Medium-Density Residential	142	61	724	309
 Medium/High-Density Residential	28	29	213	213
 Mixed-Use Commercial	8	0	-	-
 Retail	2	1.6	-	-
 Civic	0.7	28	-	-
 Park	8	3.2	-	-
 Constrained Land	84.6	81.5	144	138



Appendix C: Conditional Uses in Existing Oregon City Code

The following uses are permitted conditionally in zones throughout the City except as otherwise specified.

Conditional Uses

17.56.030 Uses requiring conditional use permit.

Uses requiring conditional use permit are:

- A. Ambulance services in C and GI districts;
- B. Boarding, lodging houses and bed and breakfast inns;
- C. Boat repair, for boats not exceeding twenty-five feet in length, in the C district;
- D. Cemeteries, crematories, mausoleums and columbariums;
- E. Child care centers and nursery schools;
- F. Churches;
- G. Colleges and universities, excluding residential districts;
- H. Correctional facilities, in the GI district;
- I. Emergency service facilities (police and fire), excluding correctional facilities;
- J. Government and public service buildings;
- K. Helipad in conjunction with a permitted use, excluding residential districts;
- L. Hospitals, excluding residential districts;
- M. Houseboats;
- N. Hydroelectric generating facilities in GI district only;
- O. Motor vehicle towing and temporary storage in the GI district; recreational vehicle storage in C and GI districts;
- P. Museums;
- Q. Nursing homes;
- R. Parking lots not in conjunction with a primary use;
- S. Private and public schools;
- T. Private clubs and lodges, excluding residential districts;
- U. Public utilities, including sub-stations (such as buildings, plants and other structures);
- V. Sales and service establishments of manufactured homes and recreational vehicles in C and GI districts;
- W. Stadiums, arenas and auditoriums, excluding residential districts; and
- X. Welfare institutions and social service organizations, excluding residential districts. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 98-1004 §§1, 2, 1998; Ord. 91-1025 §2, 1991)



Appendix D: Architectural Variety Standards from the City of Battle Ground, Washington Development Code

The following design standards, referred to as the City of Battle Ground's "legacy standards", were adopted by the City in 1999 and apply to all new residential development in the city.

17.106.040 Neighborhood design standards.

A. Applicability. The provisions of this section shall apply to all new residential development projects within the city of Battle Ground.

B. Development Compatibility and Continuity. Development within residential districts shall be designed to the following standards to assure compatibility and continuity between and within developments:

The provisions of this subsection shall apply only to developments with a density equivalent to that of an R3 zone or greater. Directly abutting residential uses, either within a single proposal or between a proposed and existing or preliminarily approved development, shall be designed to assure that there is a maximum twenty-five percent density differential to transition between housing types or densities. When separated by a street, facing housing types shall be of the same type and densities of facing residential uses shall be within ten percent of each other. The director or examiner may modify the provisions of this section upon finding that physical site constraints require development to be designed with a separation of more than three hundred feet between building envelopes or to accommodate unique designs that address compatibility between housing types and densities. Where adjacent properties are undeveloped or developed at densities substantially less than what is permitted by the zone, the minimum average lot size allowed in the zone shall be used to determine what the density of the abutting property is for the purposes of compliance with this section.

C. Architectural Variety. To assure variety in architecture and to reduce the dominance of garages on the streetscape, the following provisions shall apply to new residential development:

- 1. In single-family detached or duplex residential developments, no five or fewer linearly contiguous lots shall have repetitious facades. Facades shall be substantially different beyond simple mirrored plans, garage or window relocation, and shall include combinations of architectural variety such as: front porches, dormers, gables, bay windows, hipped or pitched roofs or other such architectural features that substantially differentiate house facades.*
- 2. Garages with entry doors facing the street in single-family or duplex residential development shall be set back from the front face of the residential structure, including covered porches, by at least four feet. To qualify as a porch under this subsection, the porch must extend the full length of the street fronting building facade that is not devoted to the garage. Garage doors may be located forward of the front face of the residential structure and located in the front yard setback, if placed so their entrance doors are perpendicular to the right-of-way; and provided, that they have windows, doors or other architectural treatments covering at least thirty percent of the wall facing the street.*
- 3. Where houses are served by alleys, all garages and on-site parking shall be accessible from the alley and the facade of the house facing the public street shall be designed as the front of the house including, but not limited to, a primary building entrance consisting of inward swinging door(s), porches, windows and pathways to the public sidewalks.*
- 4. Applicants for building permits shall demonstrate compliance with the provisions of this section.*
- 5. All single-family residences shall be constructed with a roof of nominal 6:12 pitch or steeper for the main portion of the roof and containing eaves of a minimum of six inches. Roofs with a lower pitch are acceptable if they contain multiple roof lines, gables, dormers or other features that serve to reduce the visual impact of the lesser pitched roof. Hipped,*



gambrel, saltbox and shed roofs are also permitted. Roofs not meeting these specific standards may be approved by the planning director if they are found to be consistent with the overall intent of this section.

6. Each single-family residence shall contain a porch or covered entry area for the primary entrance facing or accessible from the public or private street serving the residence.

7. Each single-family residence shall contain at least three of the following features:

- a. An attached or detached garage;*
- b. Bay window(s) facing the street;*
- c. Cross gable roof;*
- d. Roof dormers;*
- e. Trim a minimum of two inches wide around the windows facing a public street;*
- f. Varied roof line with at least one intersecting plane. (Ord. 05-014 § 3, 2005: Ord. 04-024 § 16 (part), 2004: Ord. 01-006 § 1, 2001: Ord. 99-004 § 4 (part), 1999)*



Appendix E: Existing Use and Development Standards in Oregon City Zones

Tables A-1 through A-5 present existing lot, use, and some development standards for development in R-10, R-6, R-3.5, NC, and MUC-1 zones proposed for use in Park Place.

Table A-1: Existing Lot Standards and Use Standards in Single-Family Residential (R-10) District

Minimum Lot Size	10,000 sq. ft.
Minimum Lot Width	65 ft.
Minimum Lot Depth	80 ft.
Maximum Height	2.5 stories (35 ft.)
Maximum Building Lot Coverage	40%
Minimum Density	3 units/acre
Maximum Density	4 units/acre
Minimum Setbacks	Front yard – 20 ft. Rear yard – 20 ft. Interior side yard – 10 ft. one side, 8 ft. other side Corner side yard – 15 ft. Attached garage – 20 ft. (plus residential design standards)
Design Standards	(OCMC Section 17.20; addresses façade and garage options, and architectural elements including dormers, porches, window coverage, door orientation and entry, building face offsets; applies to all new single-family and two-family (duplex) dwelling units)
Permitted Uses	A. Single-family detached residential units; B. Publicly-owned parks, playgrounds, playfields and community or neighborhood centers; C. Home occupations; D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than 20,000 sq. ft. in area (retail sales of materials grown on site is permitted); E. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed; F. Accessory uses, buildings and dwellings; G. Family day care provider, subject to the provisions of OCMC Section 17.54.050.
Conditional Uses	A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises; B. Uses listed in OCMC Section 17.56.030 (Appendix C).

Table A-2: Existing Lot Standards and Use Standards in Single-Family Residential (R-6) District

Minimum Lot Size	6,000 sq. ft.
Minimum Lot Width	50 ft.



Minimum Lot Depth	70 ft.
Maximum Height	2.5 stories (35 ft.)
Maximum Building Lot Coverage	40%
Minimum Density	5 units/acre
Maximum Density	7 units/acre
Minimum Setbacks	Front yard – 10 ft. Rear yard – 20 ft. Interior side yard – 9 ft. one side, 5 ft. other side Corner side yard – 15 ft. Attached garage – 20 ft. (plus residential design standards)
Design Standards	(OCMC Section 17.20; addresses façade and garage options, and architectural elements including dormers, porches, window coverage, door orientation and entry, building face offsets; applies to all new single-family and two-family (duplex) dwelling units)
Permitted Uses	A. Single-family detached residential units; B. Publicly-owned parks, playgrounds, playfields and community or neighborhood centers; C. Home occupations; D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than 20,000 sq. ft. in area (retail sales of materials grown on site is permitted); E. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed; F. Accessory uses, buildings and dwellings; G. Family day care provider, subject to the provisions of OCMC Section 17.54.050.
Conditional Uses	A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises; B. Uses listed in OCMC Section 17.56.030 (Appendix C).

Table A-3: Lot Standards and Use Standards in the Medium and High-Density Residential (R-3.5 and R-2) Districts

Minimum Lot Size	3,500 sq. ft.
Minimum Lot Width	25 ft. in R-3.5 20 ft. in R-2
Minimum Lot Depth	70 ft.
Maximum Height (subject to solar standards, OCMC Section 17.54.070)	2.5 stories (35 ft.) in R-3.5 4 stories (55 ft.) in R-2
Maximum Building	NA



Lot Coverage	
Minimum Density	9 units/acre in R-3.5 16 units/acre in R-2
Maximum Density	12 units/acre 21 units/acre in R-2
Minimum setbacks (subject to solar standards, OCMC Section 17.54.070)	Front yard – 5 ft. Rear yard – 15 ft. Interior side yard, detached unit – 5 ft. Interior side yard, attached unit (not common property line) – 7 ft. Garage – 20 ft.
Design Standards	(OCMC Section 17.20; addresses façade and garage options, and architectural elements including dormers, porches, window coverage, door orientation and entry, building face offsets; applies to all new single-family and two-family (duplex) dwelling units)
Permitted Uses	A. Two-family dwellings (duplexes); B. Single-family detached residential units; C. Single-family attached residential units (Row houses with no more than 6 dwelling units may be attached in a row in R-3.5); D. Publicly owned parks, playgrounds, playfields and community or neighborhood centers; E. Home occupations; F. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed; G. Accessory uses, buildings, and dwellings; H. Family day care provider, subject to the provisions of OCMC Section 17.54.050.
Conditional Uses	A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises; B. Uses listed in OCMC Section 17.56.030 (Appendix C).

Table A-4: Existing Lot Standards and Use Standards in the Neighborhood Commercial (NC) District

Maximum Height (subject to solar standards, OCMC Section 17.54.070)	2.5 stories (35 ft.)
Maximum Lot Coverage	Building footprint – 10,000 sq. ft.
Minimum setbacks (subject to solar standards, OCMC Section 17.54.070)	Interior side and rear yard (if abutting residential zone) – 10 ft. None if not abutting a residential zone
Minimum Landscaping	None (note: versus MUC-1 zone: 20% including parking lot landscaping)
Maximum Setbacks	Front yard – 5 ft. (exceptions through Site Plan and Design Review, OCMC Section 17.62.055)



	Rear yard – none Interior side yard – none Corner side yard – 30 ft. (given Site Plan and Design Review requirements met)
Permitted Uses	Antique Shops; Apparel shop; Art gallery, store, supplies; Bakery, retail; Banks without a drive thru; Barbershop; Beauty parlor; Bicycle sales, service, rental; Bookstore; Candy store; Coffee shop without a drive thru; Computer or audio equipment sales Craft store; Custom dressmaking and tailoring; Dry cleaners; Dry cleaners, self-service; Dry cleaning agencies; Delicatessen store; Drug stores; Dry good stores; Florist shops; Gift shops; Grocery, fruit or vegetable store; Hardware store; Ice-cream store; Interior decoration, including drapery and upholstery; Jewelry store; Laundromat, self-service; Laundry agencies; Locksmith; Music store; Plant or garden shop; Printing and copy service (no audible sounds beyond the premises); Restaurants without a drive thru; Seasonal sales, subject to the provisions of OCMC Section 17.54.060; Shoe sales, repair; Stationery store; Studio for art, dance, music, photo; and Watch and clock repair shop.
Conditional Uses	A. Any use permitted in the Neighborhood Commercial District that has a building footprint in excess of 10,000 square feet.
Limited Uses	Dwelling units are permitted above the ground floor if in conjunction with a permitted use as identified in OCMC Section 17.24.020 or conditional use as identified in OCMC Section 17.24.025. [two sections above]



Table A-5: Existing Lot Standards and Use Standards in the Medium-Density Mixed Use Corridor (MUC-1) and High-Density Mixed Use Corridor (MUC-2) Districts

Minimum Lot Area	None
Maximum Height	3 stories (45 ft.) in MUC-1 60 ft. in MUC-2 (Minimum Height: 2 stories/25 ft.)
Maximum Lot Coverage	Building and parking lot – 80% in MUC-1 Building and parking lot – 90% in MUC-2
Minimum Setbacks (MUC-1)	Rear and interior side yard (if abutting a residential zone) – 20 ft. plus 1 ft. for every foot of building height over 35 ft. None if not abutting residential zone
Maximum Setbacks (MUC-1)	Front yard – 5 ft. (exceptions through Site Plan and Design Review, OCMC Section 17.62.055) Rear yard – none Interior side yard – none Corner side yard – 30 ft. (given Site Plan and Design Review requirements met)
Minimum Landscaping	20% (including parking lot landscaping)
Permitted Uses	A. Banquet, conference facilities and meeting rooms; B. Bed and breakfast and other lodging facilities for up to ten guests per night; C. Child care facilities; D. Health and fitness clubs; E. Medical and dental clinics, outpatient; infirmity services; F. Museums, libraries and cultural facilities; G. Offices, including finance, insurance, real estate and government; H. 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; I. Postal services; J. Publicly-owned parks, playgrounds, play fields and community or neighborhood centers; K. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment; L. Residential units, single-family detached residential existing prior to adoption of this chapter; M. Residential units, single-family and two-family attached; N. Residential units, multi-family; O. Restaurants, eating and drinking establishments without a drive through; P. Retail services, including personal, professional, educational and financial services; laundry and dry-cleaning; Q. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood commercial, historic commercial or limited commercial districts, provided the maximum footprint for a stand alone building with a single store does not exceed 60,000 sq. ft.; R. Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes;



	S. Studios and galleries, including dance, art, photography, music and other arts; T. 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. U. Veterinary clinics or pet hospitals, pet day care. V. Those uses allowed in 17.29.020 with the following exception: Retail Trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the Neighborhood, Historic or Limited Commercial Districts, provided the maximum footprint for a stand alone building with a single store does not exceed 60,000 square feet in MUC-2.
Conditional Uses	A. Clubs/lodges; B. Car washes; C. Drive-in or drive-through facilities for a permitted or conditional use; D. Emergency and ambulance services; E. Motor vehicle service, parts sales, repair, or equipment rental; F. Museums and cultural facilities; G. Outdoor markets that do not meet the criteria of OCMC Section 17.29.020(H); H. Public utilities and services such as pump stations and sub stations; I. Religious institutions; J. Retail trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts that have a footprint for a stand alone building with a single store in excess of 60,000 sq. ft. in the MUC-1 or MUC-2 zone; K. Schools, including trade schools and technical institutes; and L. Vehicle fuel sales.
Prohibited Uses	A. Bulk retail or wholesale uses B. Commercial or industrial laundry C. Contractor's equipment yard D. Foundry casting lightweight nonferrous metals E. Frozen food lockers F. Heavy equipment service, repair, sales, storage or rental. G. Hotels and motels, commercial lodging H. Hospitals I. Ice or cold storage plant J. Kennels K. Motor vehicle sales or storage L. Outdoor sales or storage (except secured areas for overnight parking or temporary parking of vehicles used in the business) M. Retail feed, fuel or lumber yard N. Self-service storage facilities

¹ Except secured areas for overnight parking or temporary parking of vehicles used in the business

² Heavy equipment includes but is not limited to construction equipment and machinery and farming equipment



Appendix F: Proposed Attached Single-Family Housing Standards

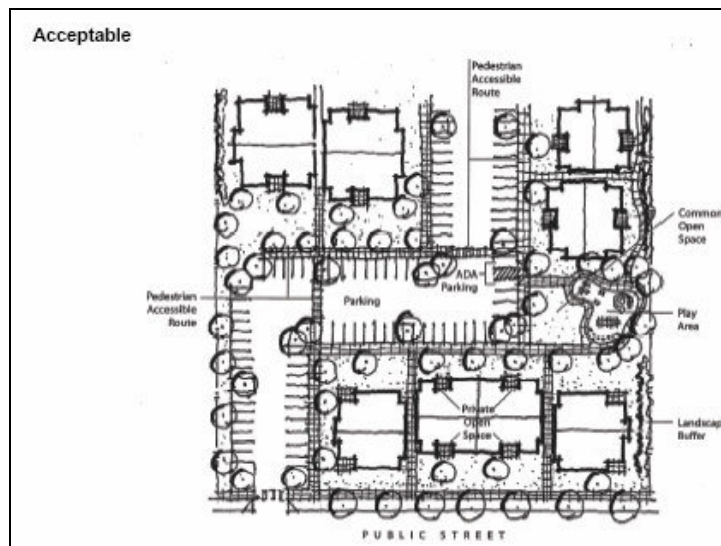
The following template language for attached single-family housing (townhouse and rowhouse) standards is provided by the Oregon Transportation and Growth Management (TGM) Model Development Code and User's Guide for Small Cities, 2nd Edition. An example of vehicle access and circulation standards is also included in this appendix because they are referenced in the housing standards.

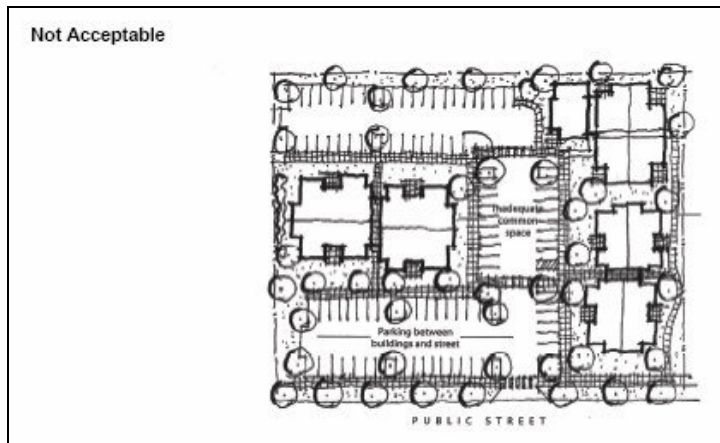
Orientation

b. Attached single family housing developments (townhomes) with street-facing garages may have one driveway access located between the street and the primary building entrance for every two dwelling units, provided they meet the following criteria, as generally shown in Figure 2.2.180C(2):

- 1) Where two abutting townhomes have street-facing garages, they shall share one driveway access that does not exceed 16 feet in width where it crosses the sidewalk and intersects the street;*
- 2) All primary building entrances shall be connected to a driveway (and sidewalk) via a pedestrian walkway that is not less than three (3) feet wide;*
- 3) The maximum number consecutively attached townhomes with garages facing the same street is four (4) (two driveways); and*
- 4) Street-facing garages shall be setback at least 20 feet from the street; where a building is placed less than 20 feet from the street, the 20-foot garage setback may be accomplished recessing the garage behind the front building elevation.*

Figure 2.2.180.C(1) – Townhome Building Orientation





Special Use Standards

B. Attached Single Family (Townhouses and Rowhouses) and Duplexes. Single-family attached housing with three or more dwellings (lots), and attached duplex housing (two or more consecutively attached duplexes), shall comply with the standards in sections 1-2, below, which are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.

1. *Alley Access Required for Subdivisions Principally Containing Townhomes or Duplexes.* Subdivisions, or phases of subdivisions, proposed to contain three (3) or more consecutively attached single family dwellings, and developments with two (2) or more attached duplexes (4+ dwelling units), shall provide vehicle access to all such lots and units from an alley or parking court, as described in Chapter 3.1.2. Alley(s) and parking court(s) shall be created at the time of subdivision approval, and may be contained in private tracts or, if approved by the City, in public right-of-way, in accordance with Chapter 3.4.1, Transportation Standards, and Chapter 4.3, Land Divisions.

2. *Common Areas.* Any common areas (e.g., landscaping, private tracts, common driveways, private alleys, building exteriors, and/or similar common areas) shall be owned and maintained by a homeowners association or other legal entity. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.



Appendix G: Excerpts of Metro Urban Growth Management Functional Plan, Title 13 (Metro Ordinance No. 05-1077C)

Section 3. Implementation Alternatives for Cities and Counties

B. Each city and county in the region shall either:

- 1. Amend its comprehensive plan and implementing ordinances to adopt the Title 13 Model Ordinance and the Metro Habitat Conservation Areas Map, and demonstrate compliance with the provisions of (a) subsection 4(A)(5) of this title, related to enhanced fish and wildlife protection and management of publicly-owned parks and open spaces that have been designated as natural areas and are not intended for future urban development, and (b) subsection 4(A)(8) of this title, related to the restoration of Habitat Conservation Areas when developed property is undergoing significant redevelopment; or*
- 2. Demonstrate that its existing or amended comprehensive plan and existing, amended, or new implementing ordinances substantially comply with the performance standards and best management practices described in Section 4, and that maps that it has adopted and uses substantially comply with the Metro Habitat Conservation Areas Map; or*
- 3. Demonstrate that it has implemented a program based on alternative approaches that will achieve protection and enhancement of Class I and II riparian habitat areas, and of Class A and B upland wildlife habitat areas in territory added to the Metro UGB after the effective date of Ordinance No. 05-1077, substantially comparable with the protection and restoration that would result from the application of a program that complied with subsections 3(B)(1) or 3(B)(2) of this title. [program criteria]*

C. The comprehensive plan and implementing ordinances relied upon by a city or county to comply with this title shall contain clear and objective standards. A standard shall be considered clear and objective if it meets any one of the following criteria:

- 1. It is a fixed numerical standard, such as fixed distance (e.g. "50 feet") or land area (e.g. "1 acre");*
- 2. It is a nondiscretionary requirement, such as a requirement that grading not occur beneath the dripline of a protected tree; or*
- 3. It is a performance standard that describes the outcome to be achieved, specifies the objective criteria to be used in evaluating outcome or performance, and provides a process for application of the performance standard, such as a conditional use or design review process.*

D. In addition to complying with subsection 3(C) of this section, the comprehensive plan and implementing ordinances that a city or county relies upon to satisfy the requirements of this title may include an alternative, discretionary approval process that is not clear and objective provided that the comprehensive plan and implementing ordinance provisions of such a process:

- 1. Specify that property owners have the choice of proceeding under either the clear and objective approval process, which each city or county must have pursuant to subsection 3(D) of this section, or under the alternative, discretionary approval process; and*



2. Require a level of protection for, or enhancement of, the fish and wildlife habitat that meets or exceeds the level of protection or enhancement that would be achieved by following the clear and objective standards described in Section 3(D) of this title.

Section 4. Performance Standards and Best Management Practices for Habitat Conservation Areas

B. City and county comprehensive plans and implementing ordinances shall contain review standards applicable to development in all Habitat Conservation Areas that include:

1. Clear and objective development approval standards consistent with subsection 3(C) of this title that protect Habitat Conservation Areas but which allow limited development within High Habitat Conservation Areas, slightly more development in Moderate Habitat Conservation Areas, and even more development in Low Habitat Conservation Areas.... Standards that meet the requirements of this subsection and subsection 3(C) of this title are provided in Section 7 of the Metro Title 13 Model Ordinance; and

2. Discretionary development approval standards consistent with subsection 3(D) of this title that comply with subsections (a), (b), and (c) of this subsection. Standards that meet the requirements of this subsection and subsection 3(D) of this title are provided in Section 8 of the Metro Title 13 Model Ordinance.

a. Avoid Habitat Conservation Areas.

i. Development may occur within a Habitat Conservation Area only if a property owner demonstrates that no practicable alternatives to the requested development exist which will not disturb the Habitat Conservation Area;

ii. When implementing this requirement to determine whether a practicable alternative exists, cities and counties shall include consideration of the type of Habitat Conservation Area that will be affected by the proposed development. For example, High Habitat Conservation Areas have been so designated because they are areas that have been identified as having lower urban development value and higher-valued habitat, while Low Habitat Conservation Areas have been so designated because they are areas that have been identified as having higher urban development value and lower-valued habitat; and

iii. Cities and counties shall allow flexibility in the application of local code requirements that may limit a property owner's ability to avoid development in Habitat Conservation Areas, such as setback and landscaping requirements or limits on clustering and the transfer of development rights on-site. Property owners shall also consider reduced building footprints and use of minimal excavation foundation systems (e.g., pier, post or piling foundation). The use of the techniques described in this paragraph shall be part of the alternatives analysis to determine whether any alternative to development within the Habitat Conservation Area is practicable; and

b. Minimize Impacts on Habitat Conservation Areas and Water Quality.

i. If there is no practicable alternative, limit the development to minimize, to the extent practicable, the detrimental impacts on Habitat Conservation Areas associated with the proposed development;

ii. When implementing this requirement to determine whether development has been minimized to the extent practicable, cities and counties shall include consideration of the type of Habitat Conservation Area that will be affected by the proposed development. For example, High Habitat Conservation Areas have been so designated because they are areas that have been identified as having lower urban development value and higher-valued habitat, while Low Habitat Conservation Areas have been so designated because they are areas that have been identified as having higher urban development value and lower-valued habitat; and

iii. The techniques described in subsection 4(B)(2)(a)(iii) shall be used to demonstrate that development within a Habitat Conservation Area has been minimized. In addition, the magnitude of the impact of development within



Habitat Conservation Areas also shall be minimized, such as by use of the habitat-friendly development practices described in Table 3.07-13c, unless the use of such practices is prohibited by an applicable and required State or Federal permit issued to a unit of local government having jurisdiction in the area, such as a permit required under the Clean Water Act, 33 U.S.C. §§1251 et seq., or the Safe Drinking Water Act, 42 U.S.C. §§300f et seq., and including conditions or plans required by such permit; and

c. Mitigate Impacts on Habitat Conservation Areas and Water Quality.

When development occurs, require mitigation to restore the ecological functions that were lost or damaged as a result of the development, after taking into consideration the property owner's efforts to minimize the magnitude of the detrimental impacts through the use of the techniques described in Table 3.07-13c and through any additional or innovative techniques.

C. City and county comprehensive plans and implementing ordinances shall include procedures to consider claims of hardship and to grant hardship variances for any property demonstrated to be converted to an unbuildable lot by application of any provisions implemented to comply with the requirements of this title.



Appendix H: Excerpts from Natural Resource Overlay Zones in Existing Oregon City Code

The following three natural resource overlay zones apply to areas of Park Place.

Water Resource Overlay
Flood Management Overlay
Geologic Hazards (Steep Slopes) Overlay

The excerpts of existing code sections for these zones address how they may affect residential density and development in Park Place.

In Water Resource Overlay Zone:

E. Provisional Uses. The following uses are allowed in the water quality resource area subject to compliance with the application requirements and development standards of subsections G and H of this section:

1. Any use allowed in the base zone, other than those listed in subsection C and D of this section [stream and wetland uses, maintenance and repair or minor alterations of existing structures];

17.49.060 Subdivisions and partitions.

C. Prior to preliminary plat approval, the water quality resource Area shall be shown either as a separate tract or part of a larger tract that meets the requirements of subsection (D) of this section, which shall not be a part of any parcel used for construction of a dwelling unit.

D. Prior to final plat approval, ownership of the water quality resource area tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:

- 1. Private open space held by the owner or a homeowners association; or*
- 2. 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*
- 3. At the owners option, public open space where the tract has been dedicated to the city or other governmental unit; or*
- 4. Any other ownership proposed by the owner and approved by the city manager. (Ord. 99-1013 §10(part), 1999)*

17.49.070 Density transfers.

A. The purpose of this section is to allow density accruing to portions of a property within the water quality resource area to be transferred outside the water quality resource area.

B. Development applications for partitions that request a density transfer shall:

- 1. Provide a map showing the net buildable area to which the density will be transferred;*
- 2. Provide calculations justifying the requested density increase;*



3. Demonstrate that the minimum lot size requirements can be met based on an average of all lots created, including the water quality resource area tract created pursuant to Section 17.49.060, and that no residential lot created is less than five thousand square feet;

4. Demonstrate that, with the exception of the water quality resource area parcel created pursuant to Section 17.49.060, no parcels have been created which would be unbuildable in terms of minimum yard setbacks;

5. Meet all other standards of the base zone.

C. The area of land contained in a water quality resource area may be excluded from the calculations for determining compliance with minimum density requirements of the zoning code. (Ord. 99-1013 §10(part), 1999)

In Geologic Hazards Overlay Zone:

17.44.030 Applicability and procedures.

The provisions of this chapter shall apply to all applications for new development and for the expansion of existing development on landslide areas, hillsides or unstable slopes.

17.44.020 Definitions.

"Hillside" refers to any area with a slope of twenty-five percent or more.

"Landslide areas" means those areas identified as known or potential landslide or mass movement geological hazard areas:

1. By the State of Oregon Department of Geology and Mineral Industries (DOGAMI) in Bulletin 99, Geology and Geological Hazards of North Clackamas County, Oregon (1979), or in any subsequent DOGAMI mapping for the Oregon City area; or

2. By Portland State University in a study entitled "Environmental Assessment of Newell Creek Canyon, Oregon City, Oregon" (1992).

"Unstable slopes" or "unstable soils" includes:

1. Any area identified on the city's Steep Slope map;

2. Any other area that is identified on official city, county or federal or state agency maps as being subject to soil instability, slumping or earth flow, high ground water level, landslide or erosion, seismic activity or for which field investigation, performed by a suitably qualified geotechnical engineer or engineering geologist who is licensed in Oregon and derives his or her livelihood principally from that profession, confirm the existence of or potential for a severe hazard. (Ord. 94-1001 §2(part), 1994)

17.44.060 Development standards.

H. Density shall be determined as follows:

1. For those areas with slopes less than twenty-five percent between grade breaks, the allowed density shall be that permitted by the underlying zoning district;



2. For those areas with slopes of twenty-five to thirty-five percent between grade breaks, the density shall not exceed two dwelling units per acre except as otherwise provided in subsection I of this section;

3. For those areas with slopes over thirty-five percent between grade breaks, development shall be prohibited except as otherwise provided in subsection J of this section.

In the Flood Management Overlay Zone:

17.42.020 Definitions.

"Flood management areas" means all lands contained within the one-hundred-year floodplain, flood area and floodway as shown on the Federal Emergency Management Agency flood insurance rate maps, floodway maps and the area of inundation for the February 1996 flood.

"Floodplain" means the land area identified and designated by the United States Army Corps of Engineers, the Oregon Division of State Lands, FEMA, or city of Oregon City that has been or may be covered temporarily by water as a result of a storm event of identified frequency. It is usually the flat area of land adjacent to a stream or river formed by floods.

17.42.170 Flood management area standards.

A. Uses Permitted Outright:

1. Excavation and fill required to plant any new trees or vegetation;

2. Restoration or enhancement of floodplains, riparian areas, wetland, upland and streams that meet federal and state standards provided that any restoration project which encroaches on the floodway complies with the requirements of Section 17.42.200 (Floodways).

B. Provisional Uses. All uses allowed in the base zone or existing flood hazard overlay zone are allowed in the Flood Management Overlay District subject to compliance with the Development Standards of this section.

D. Site Development Standards.

4. Residential Construction.

a. New construction and substantial improvements of any residential structure shall have the lowest floor, including basement, elevated to at least one foot above the design flood elevation.

b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

17.42.190 Subdivision standards.

B. The purpose of this section is to allow density accruing to portions of a property within the flood management overlay district to be transferred outside the overlay district.

1. Development applications shall comply with the submittal requirements of Chapter 17.64, Planned Unit Development, if the applicant wishes to transfer density.



2. Density transfers shall be allowed if the applicant demonstrates compliance with the following standards:

a. The density transfer is proposed as part of a planned unit development and meets the requirements of Section 17.64.050.

b. Minimum density standards will not increase due to the density transfers.

c. The area of land contained in a flood management area may be excluded from the calculations for determining compliance with minimum density requirements of the zoning code.

J. Water Infrastructure and Natural Resources



DAVID EVANS
AND ASSOCIATES INC.

MEMORANDUM

DATE: February 13, 2007
TO: David Berniker
FROM: Tom Puttman, PE, AICP, LEED AP
SUBJECT: 90% Concept Plan Sections - Water Infrastructure and Natural Resources (preliminary)
PROJECT: City of Oregon City Park Place UGB Concept Plan
PROJECT NO: SSER0000-0011
COPIES:

A. Water Infrastructure System Improvements

General Findings and Recommendations:

As described in the existing conditions report, water infrastructure is limited within the concept plan area. Of the water infrastructure that does exist, there are two systems. The water system located in the area of the future North Village is owned and operated by the City of Oregon City. The water system located in the area of the future South Village is owned and operated by Clackamas River Water (CRW). The CRW system primarily provides water transmission to areas outside of the concept plan area.

Based on these existing conditions, it is recommended that the existing City of Oregon City water system be expanded to serve the entire concept plan area. This system should be constructed, owned and operated by the City of Oregon City. The existing CRW system should be preserved to continue to provide water transmission.

Concept Plan Water System Summary:

Water Supply Improvements

Based on the existing conditions review, adequate supply capacity exists in the current City of Oregon City water system to serve the development anticipated for the concept plan area.

According to the Oregon City Water Master plan the current water demand in the Park Place Lower Zone is split between Barlow Crest Reservoir and Mountainview Reservoir. While Mountainview has ample storage capacity (10.5 million gallons) to satisfy both existing and future demand, Barlow Crest reservoir (1.75 mg) will ultimately require expansion. According to the master plan, complete buildout of the whole area will require 3.23 million gallons of capacity at Barlow Crest. As development may occur outside the concept plan area, additional reservoir capacity may be needed. A potential location for this reservoir has been shown on the water system concept plan; however, it is for reference only and has not been included in design and cost estimate activities. The location of this reservoir is consistent with the City's Water Master Plan.

Distribution Improvements

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The proposed water system improvements are based on future system improvements assumed in the City of Oregon City Water Master Plan and modified to fit the concept plan. The Water Master Plan shows the future system as an expansion of the City water system the currently exists to the north of the concept plan area.

The proposed water main system improvements are shown ____ (see water system map). Water main improvements consist of new water mains ranging from 8-inches to 16-inches. Four connections are recommended to the existing water system to provide sufficient system looping and redundancy. A new 16-inch water main should be provided along Redland Road. A new water main, with pipe sizes varying from 10-16-inches, should be provided along Holly Lane and the Holly Lane Extension. A new 16-inch water main should be provided along the new Swan Road. A new water main, with pipe sizes ranging from 10- to 12-inches, should be provided along Livesay Road. Smaller water mains will be needed to serve development within each Village. These pipes are generally anticipated to be a minimum of 8-inches, as established by City of Oregon City standards, however larger sizes may be required to meet fire flow requirements.

Preliminary pipe size estimates were developed based on fire flow requirements and demand flows. The fire flows used were 3,000 gpm for 3 hours applied to both new and existing buildings. The existing school was assumed to require the new school fire flow rate of 5,000 gpm for 4 hours. In most cases pipe sizes are controlled by the sum of Maximum Daily Demand (MDD) and fire flow. MDD was determined based on housing densities shown on the "Preferred Alternative" dated 10/19/06 showing the Swan Avenue Extension. All pipe size estimates below are preliminary and should be revised with detailed flow modeling. Size calculations assume that flow velocities should be kept at or below 10 ft per second. *These sizes are to be verified by West Yost and Associates (DEA to coordinate).*

A summary of water demand information has been provided at the end of this memo.

The grid network created by this new system should alleviate existing system pressure issues. As such, the existing pump station located along Livesay Road should be able to be removed. The existing CRW water transmission mains, located along Holly Lane and Redland Road, should remain as the concept plan area develops in order to provide continued water service to CRW customers.

Recommended Next Steps:

The following next steps are recommended for the development of the water system:

- **Water Master Plan** – Once the concept plan is adopted, prepare a water master plan. The objective of this master plan is to further refine the sanitary sewer system outlined in the Concept Plan. The objective of this master plan is to further refine the water system outlined in the Concept Plan.

B. Sanitary Sewer Infrastructure System Improvements

General Findings and Recommendations:

Existing public sanitary sewer services within the concept plan area is very limited. As such, a new sanitary sewer system will need to be developed to service future development within the concept plan area. A new 36-inch sanitary sewer should be constructed along Redland Road to service the entire concept plan area. This sewer shall serve both the concept plan area and the existing areas currently managed by the existing TCSD system.

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Additional sanitary sewers will need to be constructed to serve future development within the North and South Villages.

Ownership of the new 36-inch pipe should remain with TCSD as it conveys sanitary sewerage from both the concept plan area and areas outside the concept plan area. The existing TCSD sanitary system should remain and continue to provide sanitary conveyance to areas outside of the concept plan area. For areas inside the concept plan area boundary, these areas should be transitioned to the new City of Oregon City sanitary sewer system.

Concept Plan Sanitary Sewer System Summary:

Sanitary Treatment Improvements

Improvements to the existing TCSD treatment plant shall not be required as the capacity of the existing plant is adequate to meet additional flows generated by future development within the concept plan area. In addition, adequate capacity exists in the TCSD conveyance system to convey sanitary sewerage from the concept plan area to the treatment plant.

Sanitary Sewer Improvements

The proposed sanitary sewer system improvements are shown ____ (*see sanitary system map*). Due to the topography of the concept plan area, the future areas of the North Village and South Village should be easily conveyed to Redland Road. The existing 12-inch sanitary sewer, currently owned and operated by the Tri-City Sewer District (TCSD), should be upgraded to a 36-inch pipe. This upgrade should occur from the existing point of connection at Redland and Highway 213 and continue to the eastern edge of the concept plan area. The upgraded pipe shall serve both the concept plan area and the existing areas currently managed by the existing 12-inch pipe.

The North Village shall be served with three sanitary sewer mains. A new 10-inch sewer shall be provided along Livesay Road and connect to the new 36-inch Redland Road sanitary sewer at the intersection of Redland Road and Livesay Road. A new 12-inch sewer shall be provided from the North Village main street down the Swan Avenue extension to the new 36-inch Redland Road sanitary sewer. A new sewer, ranging from 10- to 12-inches, should be provided along the Holly Lane extension to convey sanitary sewerage from the upper reaches of the North Village.

The South Village shall be served with two sanitary sewer mains. A new 12-inch sewer shall be provided from the South Village down the Swan Avenue extension to the new 36-inch Redland Road sanitary sewer. The existing Holly Lane sewer should be upgraded to a 10- to 12-inch sewer to convey sanitary sewerage from the South Village.

A summary of sanitary flows information has been provided at the end of this memo.

Recommended Next Steps:

The following next steps are recommended for the development of the sanitary sewer system:

- ***Sanitary Sewer Master Plan*** – Once the concept plan is adopted, prepare a sanitary sewer master plan. The objective of this master plan is to further refine the sanitary sewer system outlined in the Concept Plan.

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C. Stormwater Infrastructure System Improvements

General Findings and Recommendations:

The area is comprised three watersheds: Abernethy Creek, Newell Creek and Livesay Creek. As noted in the existing conditions, no major stormwater infrastructure exists within the concept plan area other than roadside ditches and natural drainage channels.

It is recommended that a low-impact stormwater approach to developed with a goal of mimicing the natural hydrological conditions of the three watersheds of the concept plan area. These three watersheds shall be used to delineate the stormwater approach for the concept plan.

Concept Plan Stormwater System Summary:

Stormwater Management Approach

The general approach of the stormwater management system for the concept plan is to establish a system that mimics the natural hydrology of the site to the extent practicable. In pursuing this design goal, the concept plan area has been separated into three distinct systems based on the boundaries of the existing watersheds. The stormwater system within each watershed shall utilize the combination of centralized and decentralized low-impact stormwater best management practices to manage stormwater generated from the concept plan area.

Central to stormwater approach of the Concept Plan, is a stormwater hierarchy focused on managing stormwater in a naturalistic manner at three separate scales: site, street and neighborhood (vs. a one-size fits all approach). This hierarchy is described as follows:

- ***Tier 1 – Site Specific Stormwater Management Facilities (Site)*** – All private property within the study area shall utilize site specific (or on-site) low-impact stormwater facilities to manage stormwater on-site to the extent practicable. The objective of these facilities is to reduce the quantity (flow and volume) through detention and retention/infiltration of stormwater generated from private property as well as improve the water quality of stormwater.

These facilities are comprised of three types: impervious area reduction facilities, stormwater management facilities, and infiltration only facilities. Impervious area reduction facilities are focused on preventing the generation of stormwater in the first place and include porous pavement and ecoroofs. Stormwater management facilities are focused on managing the stormwater in a manner to , stormwater planters, stormwater swales, and vegetated infiltration basins. See Appendix ____ for images of these facilities. These facilities may be used for single-family residential, multi-family residential, commercial, and open space. Most site specific facilities shall be privately owned and maintained except facilities located within public open space.

- ***Tier 2 – Greenstreets Stormwater Management Facilities (Street)*** – In urban environments, much of the stormwater quantity and pollution issues are attributed to streets. An innovative, low-impact

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manner in which to address this reality is through the use of greenstreets. Greenstreets are streets that integrate the management of stormwater into the street design itself to provide a stormwater management benefit as well as an urban design element and they may potentially reduce the need for downstream stormwater facilities such as large stormwater ponds.

They can serve as both stormwater management facilities and stormwater conveyance facilities. As a stormwater management facility, their objective is to manage stormwater runoff generated from streets. As a stormwater conveyance facility, their objective is to convey stormwater from both private property and streets to regional stormwater management facilities. Greenstreets typically take the form of vegetated swales located along the street with curb cuts to allow street runoff to enter them. In more urban areas, stormwater planter boxes mimicing the look of street tree wells may be used. Most greenstreet stormwater facilities shall be publicly owned and maintained.

- **Tier 3 – Regional Stormwater Management Facilities (Neighborhood)** – Regional stormwater management facilities are facilities focused on managing large stormwater flows and volumes that may be passed through Tier 1 and Tier 2 facilities. Moreover, they are to provide additional water quality benefits prior to discharging stormwater to the existing creeks. These stormwater facilities are typically to be located adjacent to the existing streams and should take on a more naturalistic form such as a wetland pond. Most greenstreet stormwater facilities shall be publicly owned and maintained.

The stormwater system concept plan, see _____, shows generally how this stormwater approach should be implemented for the concept plan area.

Stormwater Conveyance Approach

Surface conveyance, in the form of swales and ditches, should be provided as a means to conveying stormwater via gravity from private property and streets to the existing creeks to the extent practicable. Piped conveyance will be required but should be kept to a minimum if possible.

Recommended Next Steps:

The following next steps are recommended for the development of the sanitary sewer system:

- **Stormwater Master Plan** – Once the concept plan is adopted, prepare a stormwater master plan. The objective of this master plan is to further refine the stormwater approach outlined in the Concept Plan.
- **Infiltration and Slope Stability Hazards** – Further study should be performed to identify areas with the concept plan boundaries in which infiltration of stormwater should be allowed, limited or restricted.

D. Natural Resources

General Findings and Recommendations:

Significant natural resources exist within the concept plan area and generally located adjacent or near Abernethy Creek, Livesay Creek and Newell Creek. In order to protect these natural resources, an inventory map, which delineates natural resource areas of greatest significance (including riparian areas, wildlife habitat, and parks and open spaces) and a habitat conservation area map, which identifies the highest value riparian areas, were utilized

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to help determine where to build, where to build with restrictions, and where not to build within the Concept Plan area.

The Concept Plan was significantly shaped by the existing natural resources of the concept plan area. Development within the concept plan area is targeted outside all habitat conservation areas (HCA) except for infrastructure improvements such as roads. As such, regulations and restrictions associated with development within HCAs may be avoided. Voluntary best management practices have been identified however to help guide development in a manner that further protects existing natural resources within the study area.

Concept Plan Summary:

As noted before, the Concept Plan was significantly shaped by the existing natural resources. Approximately ___% (___-acres) of the Concept Plan area has been preserved to protect existing natural resources. For all Concept Plan development, Metro's Nature in Neighborhood design guidelines were followed. These guidelines, though voluntary, are very applicable to achieving the environmental protection goals of the Concept Plan.

The Nature in Neighborhoods program is an effort to protect clean water and health natural areas for fish, wildlife and people. Much of the Concept Plan has been developed to meet Nature in Neighborhood design goals including:

- Conserving and improving streamside, wetland and floodplain habitat and their connections
- 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

As the Concept Plan developments, the table below provides a list of best development practices that should be considered:

Table 10: Best Management Practices for Habitat Conservation Areas¹

Part (a): Design and Construction Practices to Minimize Hydrologic Impacts
1. Amend disturbed soils to original or higher level of porosity to regain infiltration and stormwater storage capacity. 2. Use pervious paving materials for residential driveways, parking lots, walkways, and within centers of cul-de-sacs. 3. Incorporate stormwater management in road right-of-ways. 4. Landscape with rain gardens to provide on-lot detention, filtering of rainwater, and groundwater recharge.

¹ Table 3.07-13c in Exhibit C of Ordinance No. 05-1077C, Title 13 (Nature in Neighborhoods) of the Urban Growth Management Functional Plan (Metro Code Chapter 3.07)

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5. Use green roofs for runoff reduction, energy savings, improved air quality, and enhanced aesthetics.
6. Disconnect downspouts from roofs and direct the flow to vegetated infiltration/filtration areas such as rain gardens.
7. Retain rooftop runoff in a rain barrel for later on-lot use in lawn and garden watering.
8. Use multi-functional open drainage systems in lieu of more conventional curb-and-gutter systems.
9. Use bioretention cells as rain gardens in landscaped parking lot islands to reduce runoff volume and filter pollutants.
10. Apply a treatment train approach to provide multiple opportunities for storm water treatment and reduce the possibility of system failure.
11. Reduce sidewalk width and grade them such that they drain to the front yard of a residential lot or retention area.
12. Reduce impervious impacts of residential driveways by narrowing widths and moving access to the rear of the site.
13. Use shared driveways.
14. Reduce width of residential streets, depending on traffic and parking needs.
15. Reduce street length, primarily in residential areas, by encouraging clustering and using curvilinear designs.
16. Reduce cul-de-sac radii and use pervious vegetated islands in center to minimize impervious effects, and allow them to be utilized for truck maneuvering/loading to reduce need for wide loading areas on site.
17. Eliminate redundant non-ADA sidewalks within a site (i.e., sidewalk to all entryways and/or to truck loading areas may be unnecessary for industrial developments).
18. Minimize car spaces and stall dimensions, reduce parking ratios, and use shared parking facilities and structured parking.
19. Minimize the number of stream crossings and place crossing perpendicular to stream channel if possible.
20. Allow narrow street right-of-ways through stream corridors whenever possible to reduce adverse impacts of transportation corridors.

Part (b): Design and Construction Practices to Minimize Impacts on Wildlife Corridors and Fish Passage

1. Carefully integrate fencing into the landscape to guide animals toward animal crossings under, over, or around transportation corridors.
2. Use bridge crossings rather than culverts wherever possible.
3. If culverts are utilized, install slab, arch or box type culverts, preferably using bottomless designs that more closely mimic stream bottom habitat.

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4. Design stream crossings for fish passage with shelves and other design features to facilitate terrestrial wildlife passage.

5. Extend vegetative cover through the wildlife crossing in the migratory route, along with sheltering areas.

Part (c): Miscellaneous Other Habitat-Friendly Design and Construction Practices

1. Use native plants throughout the development (not just in HCA).

2. Locate landscaping (required by other sections of the code) adjacent to HCA.

3. Reduce light-spill off into HCAs from development.

4. Preserve and maintain existing trees and tree canopy coverage, and plant trees, where appropriate, to maximize future tree canopy coverage.

Although Concept Plan development is currently not targeted within existing HCAs, development is not precluded from these areas. Development could occur within existing HCAs but it will be subject to regulatory performance standards and best management practices. See existing conditions memo.

Recommended Next Steps:

The following next steps are recommended related to natural resources within the concept plan area:

- ***Refine Buildable Areas Map*** – Perform a GIS evaluation of the City of Oregon City water quality overlay zone with existing topography. The result of this evaluation may necessitate the modification of no-build areas which could increase or decrease buildable lands within the concept plan area.
- ***Field Verify Existing Natural Resources(?)*** – Field verifying existing natural resources would aid in further refinement of the buildable areas map which could increase or decrease buildable lands within the concept plan area.
- ***Identify Regulations and/or Restrictions Associated with Infrastructure Impacts on HCAs***

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D. Regulatory Compliance (Title 11)

Title 11 Standard:

Provide a conceptual public facilities and services plan for the provision of sanitary sewer, water and storm drainage. The plan shall, consistent with OAR Chapter 660, Division 11, include preliminary cost estimates and funding strategies, including likely financing approaches.

Title 11 Response:

Conceptual public facility plans have been developed for the provision of sanitary sewer, water and storm drainage. These plans have been developed to comply with goals of the local community, City of Oregon City, Metro and the following documents:

- City of Oregon City Water Master Plan
- City of Oregon City Sanitary Sewer Master Plan
- City of Oregon City Drainage Master Plan
- City of Oregon City Draft Stormwater Management Plan
- City of Oregon City Stormwater and Grading Design Standards

The City of Oregon City Water Master Plan was referenced to determine anticipated water demands within the concept plan area. Average daily demand as well as peak demand and fire demand were evaluated at a preliminary level. *Insert Yost West findings...* In general, water demand from planned development within the concept plan area is consistent with demands anticipated in the Water Master Plan.

The City of Oregon City Sanitary Sewer Master Plan was referenced to determine anticipated sanitary sewer generation within the concept plan area. In general, similar sanitary flows were developed. As a result, sanitary flows generated by development within the concept plan area are consistent with those found in the Sanitary Sewer Master Plan.

All three stormwater documents emphasize minimizing the amount of post-development stormwater runoff to pre-development conditions and reducing pollution loads. The Concept Plan stormwater approach was developed to meet these goals.

Attachments: Concept cost estimates
 Stormwater Photographs
 Sanitary and Water Design Flow Assumptions

Initials: TJP

File Name: P:\SSER00000011\0800REC\0830Deliverables\Concept Plan - Draft\90% Concept Plan - DEA sections 02-01-07.doc

Project Number: SSER0000-0011

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Park Place Concept Plan - Water Line Cost Estimate

	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				\$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				\$759,838

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

Costs are based roughly on the 2004 Oregon City Water Master Plan inflated at 3% over 3 years

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Park Place Concept Plan - Sanitary Cost Estimate

	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		\$1,236,940
Redland Road: *					
48" connection to Swan Ave	36" DI		1891	\$335	\$633,485
Manholes	6'	6		\$7,200	\$41,238
Swan Ave to Holly Lane	36" DI		1245	\$335	\$417,075
Manholes	6'	4		\$7,200	\$29,610
Holly Lane to UGB Boundary	36" DI		2448	\$335	\$820,080
Manholes	6'	7		\$7,200	\$51,264
subtotal					\$1,941,488
South Village:					
Swan Ave - Redland Rd to Donovan Lane	12"		1995	\$100	\$199,500
Manholes	4'	6		\$4,000	\$23,950
Swan Ave - Donovan Lane to UGB Bndry	10"		1353	\$95	\$128,535
Manholes	4'	4		\$4,000	\$17,530
Holly Lane - Redland Rd to Donovan Lane	12"		1910	\$100	\$191,000
Manholes	4'	6		\$4,000	\$23,100
Holly Lane - Donovan Lane to UGB Bndry	10"		1244	\$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
subtotal					\$718,235

Construction Cost

\$3,896,663

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Design Costs (20% of construction cost)	\$779,333
Construction + Design Cost	\$4,675,996
Contingency (15%)	\$701,399
Total Cost	\$5,377,395

* Unit costs for 36-inch pipe in Redland Road are based partly on numbers provided by Tri-Cities Sewer District for recent 30-inch sewer pipe; increased assuming 36-inch ductile iron.

All other unit costs are based on numbers from recent ODOT projects.

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Park Place Concept Plan - Storm System Cost Estimate

	Quantity	Units	Cost/ft	Total Cost
Livesay Creek Basin				
Ponds - Assumed approx 10,000 cu ft	5	EACH	\$15,000	\$75,000
Pipe - Assumed 12"	1,200	LF	\$68	\$81,600
subtotals				\$156,600
Holcomb Creek Basin				
Ponds - Assumed approx 10,000 cu ft	1	EACH	\$15,000	\$15,000
Pipe - Assumed 12"	260	LF	\$68	\$17,680
subtotals				\$32,680
Abernethy Creek Basin				
Ponds - Assumed approx 10,000 cu ft	13	EACH	\$15,000	\$195,000
Pipe - Assumed 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

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Summary of Flows:

Sanitary

South Village Flow Estimate: 1.3 cfs

North Village Flow Estimate: 2.3 cfs

Population	2.3 people/lot	Oregon City Sanitary Master Plan
Industrial Flow:	3,000 gpad	Oregon City Sanitary Master Plan
School Flow:	1,200 gpad	Web Search
Infiltration & Inflow	3,300 gpad	Oregon City Sanitary Master Plan
Per Capita Flow	80 gpcd	Oregon City Sanitary Master Plan
Peaking Factor	3	Oregon City Sanitary Master Plan

Water

South Village Flow Estimate: 1.8 cfs

North Village Flow Estimate: 3.9 cfs

Population	2.3 people/lot	From Oregon City Sanitary Master Plan
Industrial Flow:	2,500 gpad	Estimated Based on number for sanitary.
School Flow:	1,000 gpad	Estimated Based on number for sanitary.
Per Capita Flow	144 gpcd	From Oregon City Water Master Plan
Peaking Factor	4	From Oregon City Water Master Plan
Fire Flow - Res.	3,000 gpm/3hrs	From Oregon City Water Master Plan
Fire Flow - School	5,000 gpm/4hrs	From Oregon City Water Master Plan

K. Preliminary Geologic and Geotechnical Evaluations

**Geotechnical & Environmental Consultants**

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Portland, Oregon 97005-3364
PHONE 503/641/3478 FAX 503/644/8034

February 7, 2007

4584 PRELIM GEOTECH EVALUATION
(ISSUED 3-28-07)

SERA Architects
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Attention: David Berniker

**SUBJECT: Preliminary Geologic and Geotechnical Evaluation
Park Place Concept Plan
Oregon City, Oregon**

At your request, GRI has completed a preliminary geologic and geotechnical evaluation for the proposed Park Place Concept Plan project in Oregon City, Oregon. This evaluation addressed the Park Place study area, which is shown on the Vicinity Map, Figure 1. The Park Place Concept Plan is being developed to identify the preferred long-term land use of the study area. The Concept Plan was developed by the design team and local community during a design charrette and series of community meetings.

The purpose of the evaluation was to identify, on a preliminary basis, the potential geologic hazards within the study area and provide geotechnical considerations for future development, to be included in the Concept Plan document for the City of Oregon City (City). This includes recommendations for site-specific geotechnical evaluations prior to development and general slope hazard management. The conclusions and recommendations provided in this report are based on a review of the previous work completed in the study area by others and other sources of information described herein.

The evaluation consisted of limited field reconnaissance; review of published geologic reports and maps, readily available geotechnical reports and subsurface information, and water well records on file with the Oregon Water Resources Department (OWRD); and examination of aerial photographs. The intent of this document is to serve as a practical guide to assist the City in their understanding and management of the short- and long-term geologic risks associated with future development in the Park Place Concept Plan study area.

PROJECT DESCRIPTION

The study area is located in Clackamas County, Oregon, east of Highway 213 and south of Redland and Holcomb roads. The total study area is approximately 470 acres; 180 acres of the study area are located immediately adjacent to Oregon City limits in the vicinity of Livesay Road, but have not been annexed as part of the City, and 300 acres were brought into the Urban Growth Boundary in 2002. The study area is composed of 138 individual property owners. The largest property under one ownership is approximately 48 acres, and nearly half the parcels in the study area are 1 acre or less.

The Park Place Concept Plan was developed to identify the preferred long-term land use of the study area. The Concept Plan identifies the general areas of different housing densities, commercial and industrial land uses, parks, open spaces, and schools.

The study area includes existing residential developments and a public middle school, but is generally rural and distinguished by steep slopes, several creeks, marsh areas, and wooded areas. The general topography of the study area is shown on the Slope Map, Figure 2, and the Landslide Geomorphology Map, Figure 3. The long-term development outlined in the proposed Concept Plan includes new mixed-use and residential development, new roads between Holly Lane and Highway 213 and Redland and Holcomb roads, and improvements to existing roadways. We understand the proposed Concept Plan has identified open space areas located in conjunction with environmentally constrained and natural areas, which will serve as undeveloped parks and natural resource areas for the study area. These open spaces include all areas with slopes of 25% or steeper within the Concept Plan study area.

GEOLOGIC SETTING

The study area is located in the Abernathy Creek drainage of the Willamette Valley. The Abernathy Creek drainage consists of a narrow meandering creek, fed by Newell and Holcomb creeks, which flows directly into the Willamette River immediately northwest of the study area. The drainage is characterized by steep canyons subject to ongoing slope processes. The local geology is dominated by the fine-grained facies of the Missoula Flood deposits (Madin, in press) primarily comprised of silt, sand, and gravel of late Pleistocene age, as shown on the Geologic Map, Figure 4. These deposits generally form terraces at the lower extent of the local creeks and mantle slopes up to about elevation 200 to 250 ft. In the low-lying areas within the floodplain of Abernathy Creek is alluvium and Pleistocene-age Willamette Silt, which consists of fine-grained sands, silt and clay with scattered lenses of fine- to medium-grained sand. At the north edge of the study area (along Holcomb Road, at the south end along Holly Lane and at the southwest edge, adjacent to Newell Creek Canyon), mudstone, claystone, and sandstone of the Troutdale Formation are present, typically in steep canyons and ridges. Geomorphic and geologic evidence indicates these tributary canyons of Abernathy Creek have been modified by ongoing, large-scale landslides. The Oregon Department of Geology and Mineral Industries' (DOGAMI) preliminary geologic map of the area indicates an inferred trace of the Oatfield Fault may extend into the northwest portion of the study area; however there is no direct evidence that the fault exists in this area (Madin, in press).

PREVIOUS WORK

Due to the presence of landslides in the Oregon City area, a number of geologic maps and geotechnical studies have been completed in the vicinity of the Concept Plan study area. DOGAMI Bulletin 99, "Geology and Geologic Hazards of Northwestern Clackamas County, Oregon," documents the initial study focusing on the geology and geologic hazards of the area (Schlicker & Finlayson, 1979). This report identified slopes of 10 to more than 50% within the study area. The report also identified hazards associated with flooding along Abernathy Creek and the potential for a high water table near Ogden Middle School, west of Holly Lane. Bulletin 99 did not identify landslide-specific hazards within the Concept Plan study area, but identified landslide topography, local slumping, earthflow, mudflow, and debris flow in Newell Creek Canyon, immediately west of the study area, and in canyons on both sides of Holly Lane, south and east of the study area.

Subsequent to Bulletin 99, Portland State University (PSU) evaluated geologic constraints for future development of Newell Creek Canyon (Burns and others, 1993). The study area included in this report is immediately adjacent to the Concept Plan study area, to the west. The report included evaluation of geologic, soil, and groundwater conditions within the canyon and included a landslide susceptibility map for the canyon, which identified existing landslides as high risk, and exposures of Troutdale Formation with slopes of 14% (8°) or more as having a moderate risk of landslides. The report identified over 50 existing landslides in Newell Creek Canyon and noted that 73% of the project area was at moderate risk for landslides. Several other site-specific geologic and geotechnical investigations have been conducted within Newell Creek Canyon to assess landslide hazards associated with residential development. In addition, two studies have been published following storm-induced landslides in 1996 and 1997, documenting landslides immediately adjacent to the study area (Burns and others, 1998; Hofmeister, 2000).

In 2006, DOGAMI developed a map identifying landslide geomorphology in the vicinity of Oregon City, including the Concept Plan study area, using light detection and ranging (LIDAR) surveys and air photos (Madin and Burns, 2006). This map identifies over 35 existing landslides and debris fans within the Concept Plan study area, as shown in Figure 3. DOGAMI is currently completing a geologic map of the Oregon City vicinity (Madin, in press). A draft version of this map is shown on Figure 4. At this time, the 2006 map is the most up-to-date source of information concerning landslides in the study area.

SITE RECONNAISSANCE

Methodology

A certified engineering geologist (CEG) and registered geologist (RG) from GRI conducted a general reconnaissance of the study area on November 29, 2006. The ground-level reconnaissance consisted of viewing the majority of the study area from roadway rights-of-way. Visual reconnaissance was limited to areas and facilities that were readily observable from streets or other public areas.

Study Area Observations

The study area lies on both sides of Redland Road, extending north toward Holcomb Road and south toward Maple Lane, primarily along adjacent creek canyons. Redland Road bisects the study area from east to west, and Holly Lane extends from Redland to the south end of the study area. There are no north-south connecting roads from Redland Road to Holcomb Boulevard. Between Redland Road and Holcomb Boulevard there are a number of separate residential developments with discontinuous streets. Significant portions of the study area include steep, wooded creek canyons and generally rural property.

Redland Road is a two-lane, minor arterial linking Highway 213 to residential areas to the east of Oregon City. Redland Road transects the Abernathy Creek valley and crosses Abernathy Creek four times within the study area. As shown on Figure 2, the slopes at creek crossings are typically steeper than 25%. We observed localized slumping and raveling along these stream banks. In addition, slopes greater than 25% were observed along much of Redland Road, as road cuts on the north side of the road and sloping toward the creek on the south side of the road. Several small roads intersect Redland Road and extend northward into residential developments. These residential developments are generally low density and established on slopes of 5 to 15%. Readily apparent and obvious indications of recent large-scale, deep seated slope instability were not observed in these developments.

Holly Lane is a local street that runs south from Redland Road to Maplelane Road and has steep grades and very narrow shoulders. There is a steep canyon to the east of Holly Lane and steep slopes (greater than 25%) along Holly Lane between Redland Road and Donovan Lane. Based on personal communication with property owners, GRI understands that localized slope failures have occurred at residential properties on the south east side of Holly Lane, just outside the Concept Plan study area (Moxley, personal communication, 2006).

There are no connecting roads between Redland Road and Holcomb Boulevard in the north portion of the study area. Development in this area is composed of isolated residential developments that have been constructed over the past 50 years. Swan Avenue and Livesay Road are residential streets that extend east-west through this portion of the study area. These residential developments occur on the relatively flat plateau above Redland Road. We did not observe any development adjacent to the canyon at the north edge of the study area; however, development has occurred immediately outside the study area, in the Oak Valley area. Evidence of soil creep observed during the reconnaissance includes tilted and bowed trees around the perimeter slopes of the development.

SUBSURFACE CONDITIONS

To provide a preliminary characterization of subsurface materials and conditions within the study area, GRI reviewed water well logs available through OWRD and available boring logs for sites adjacent to the project area. There are limited well logs available for the study area, as shown on Figures 2 through 4. Review of well logs indicates the study area is generally mantled with silt, which is underlain by weathered sedimentary rocks. This characterization is consistent with the conditions described in boring logs included in the study by PSU (1993) and in the preliminary mapping by Madin (in press).

Groundwater

It is anticipated that the groundwater level in low-lying areas of the study area, in the Abernathy Creek drainage, will fluctuate according to seasonal rainfall and may occur near the ground surface during wet, winter and spring months and during periods of prolonged or intense rainfall, and within several feet of the ground surface during drier months.

It is anticipated the regional water table occurs at depth in areas of higher elevation; however, shallow perched water can occur in and over the weathered sedimentary rock and fine-grained soil, particularly following intense and/or prolonged precipitation.

CONCLUSIONS AND RECOMMENDATIONS

Landslides have occurred within the study area and in adjacent areas with similar topography, geology, and groundwater conditions. With regard to slope instability, most of the known slope instability has occurred on the steeper slopes on ravines along streams and drainages. We understand the recommended Concept Plan developed by the design team identifies areas with slopes of 25% or more as open space that will remain undeveloped. Limiting development in these areas is an appropriate measure to limit the risk of slope instability and landslides impacting future development. In addition, for the purpose of this Concept Plan, GRI recommends further site-specific study be conducted for future developments, in accordance with the City's municipal code Chapter 17.44, for managing geologic hazards and in accordance with following recommendations.



It would be prudent for the City to expand the definitions included in the City of Oregon City Municipal Code, Chapter 17.44.020, to include the Portland State University study, "Landslides in the Portland, Oregon, Metropolitan Area Resulting from the Storm of February 1996: Inventory Map, Database and Evaluation" (Burns and others, 1998); the DOGAMI Open File Report O-06-27, "Map of Landslide Geomorphology of Oregon City, Oregon, and Vicinity Interpreted from LIDAR Imagery and Aerial Photographs" (Madin and Burns, 2006); and the upcoming "Preliminary Geologic Map of the Oregon City Quadrangle, Clackamas County, Oregon" (Madin, in press), as references for identifying mapped landslides and landslide materials, "landslide areas," "unstable slopes," "unstable soils," and debris fans. We also recommend that the City require a geotechnical evaluation/investigation as part of any future development in areas with slopes of 25% or steeper and within a 200-ft setback of the crest and toe of these slopes, and in areas previously mapped as landslides. This would include all new construction, including additions to existing homes such as swimming pools and retaining walls, installation of underground utilities, new access driveways and/or roadways, and similar types of projects that require significant earthwork. The geotechnical evaluation/investigation should address the slope hazards in the development and specifically address how the proposed development will limit the risk of future slope instability, prior to issuing a building permit. The geotechnical evaluation/investigation should also address setbacks from existing slopes and recommendations for cut and fill and on-site stormwater management, as described in more detail below. In addition, the City should require special inspection by the geotechnical engineer during construction of soil- and foundation-related elements and a summary letter of compliance upon completion of the work.

The actual scope of the geotechnical evaluation/investigation will depend somewhat on the location within the study area and the proposed development. For example, for development in areas that will likely require little if any earthwork, a reconnaissance-level site evaluation may be adequate prior to issuing a building permit. However, if the new development requires cuts deeper than about 5 ft into the existing hillsides, the geotechnical engineer may need to consider performing subsurface explorations, such as test pit excavations and/or shallow borings, as part of their evaluation/investigation. For any development within or adjacent to mapped landslide areas or debris fans, or any development that requires excavations deeper than about 10 ft into the existing hillside, it would be prudent to perform a more-detailed, comprehensive geotechnical investigation prior to issuing a building permit. An engineering geologist should provide site-specific geologic input for any development with proposed cuts deeper than about 10 ft and all evaluations within the limits of mapped landslide areas and debris fans.

To assist the City, GRI has prepared the following geotechnical-related considerations for future development in the Park Place Concept Plan area.

- 1) Require a development- and/or lot-specific evaluation/investigation and report by a Professional Engineer, registered in the State of Oregon, who by training, education, and experience is qualified in the practice of geotechnical engineering. The engineer should be assisted in the evaluation of mapped landslide areas and debris fans by a Certified Engineering Geologist (CEG) certified in the State of Oregon. The evaluation/investigation and report should include, but not be limited to, the following type of considerations, as appropriate for the type of proposed development:

General earthwork considerations, including recommendations for temporary and permanent cut and fill slopes and placement of structural fill,

Location of residence on lot,

Building setbacks from slopes,

Subdrainage and/or management of groundwater seepage,

Foundations,

Embedded/retaining walls,

Management of surface water and irrigation water, and

Impact of the development on the slope stability of the lot and the adjacent properties

- 2) The geotechnical engineer of record should review final grading, drainage, and foundation plans and specifications and confirm in writing that they are in conformance with the recommendations provided in their report.
- 3) For large complex developments on sites with challenging conditions, at the City's discretion, it may be appropriate to obtain a peer review of the geotechnical evaluation/investigation report for the development and/or lot plans. The peer reviewer should be selected by the City. The applicant's geotechnical engineer will need to respond to written comments provided by the City's peer review prior to issuance of building permit.
- 4) The applicant's geotechnical engineer should provide special inspection during construction to confirm that the subsurface conditions/assumptions made as part of their geotechnical evaluation/investigation are appropriate. This will allow for timely design changes if site conditions are encountered that are different from those anticipated. In addition, prior to issuing an occupancy permit, the City should require the geotechnical engineer to prepare a summary letter stating that the soils- and foundation-related project elements were accomplished in substantial conformance with their recommendations.

Concluding Remarks and Limitations

This report has been prepared to identify geologic hazards and geotechnical considerations associated with future development in the Park Place Concept Plan study area.

The opinions and recommendations stated in this report are based on a review of the previous work completed in the study area by others and other sources of information described herein. With respect to the work performed by others, GRI did not participate in the implementation of the work and did not independently verify the accuracy or completeness of the information provided. GRI makes no representations or warranty regarding instruments of service completed by others. The information presented in this report was developed by GRI in a manner consistent with that level of care and skill



ordinarily exercised by members of the profession currently practicing under similar conditions. No other warranty, expressed or implied, is made.

It is important to note that GRI's work evaluated the study area as a whole and did not address individual properties. For this reason, property owners/developers should retain qualified engineers and geologists to assist in the evaluation of specific properties and to prepare associated development plans and designs.

This evaluation has been prepared to aid SERA Architects and the City in the completion of the Park Place Concept Plan. The scope is limited by the fact that the actual plans for the study area are indefinite; hence, only preliminary opinions are presented.

Submitted for GRI,



Dwight J. Hardin, PE
Principal

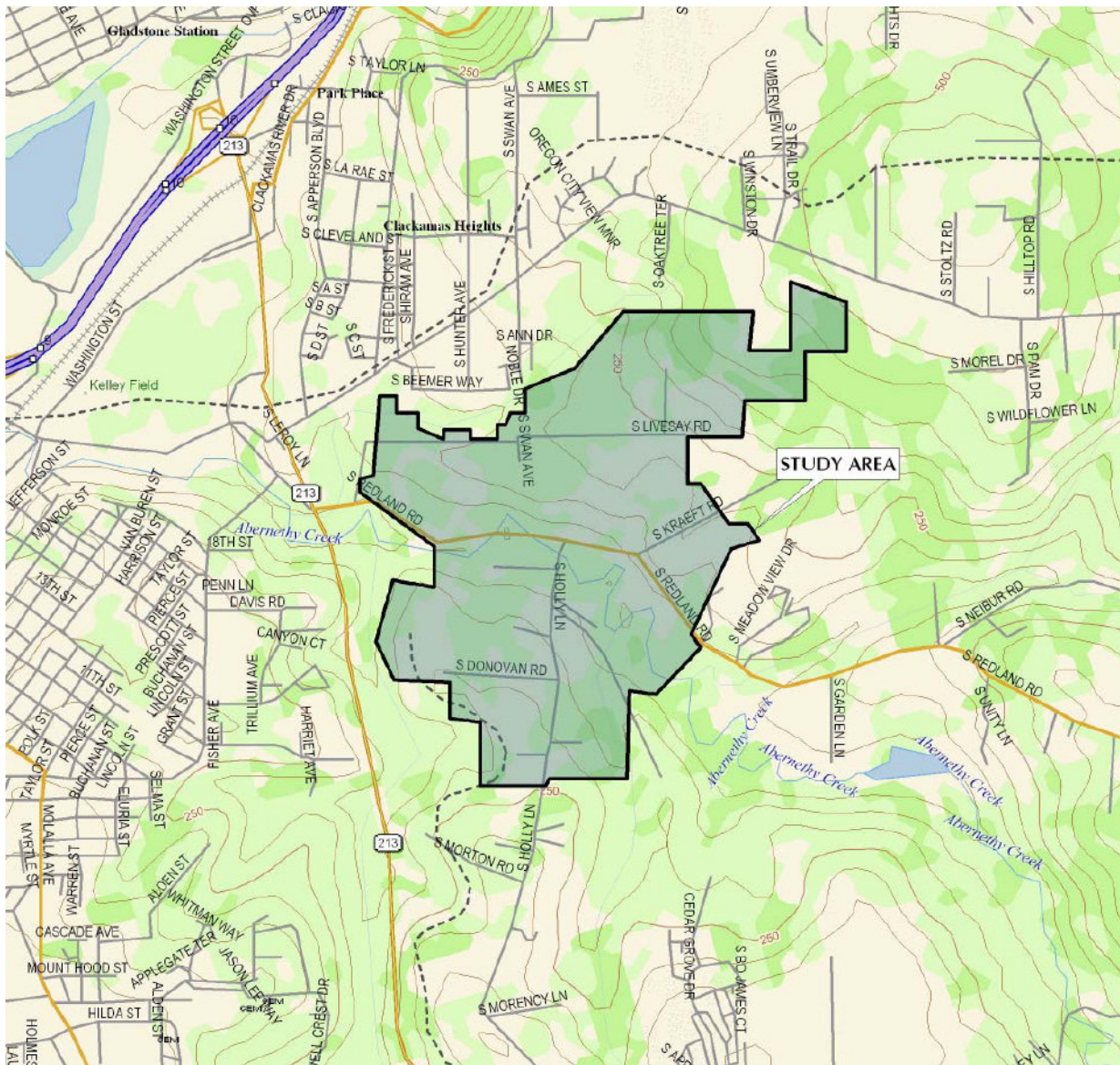


George A. Freitag, RG, CEG
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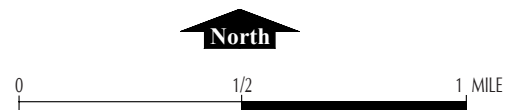
Tova R. Peltz, PE, RG
Project Engineer/Geologist

References

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DELORME 3-D TOPOQUADS, OREGON
OREGON CITY, OREG. (1bb, 2aa, & 2ad) 2004



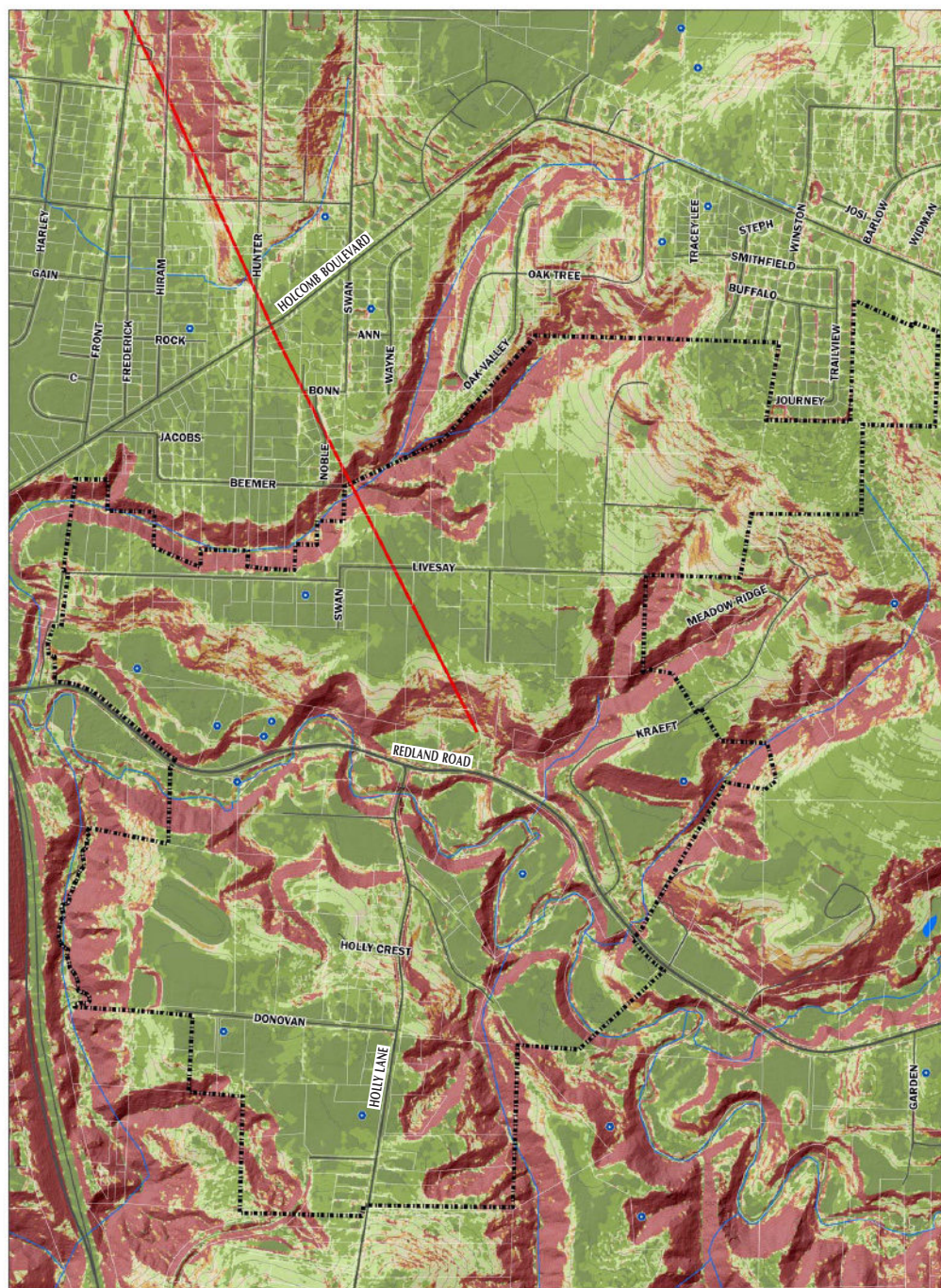
SERA ARCHITECTS
PARK PLACE CONCEPT PLAN, CITY OF OREGON CITY

VICINITY MAP

FEB. 2007

JOB NO. 4584

FIG. 1



Source: Oregon City GIS, 2006; RLIS 2006

Park Place Concept Plan
Slope

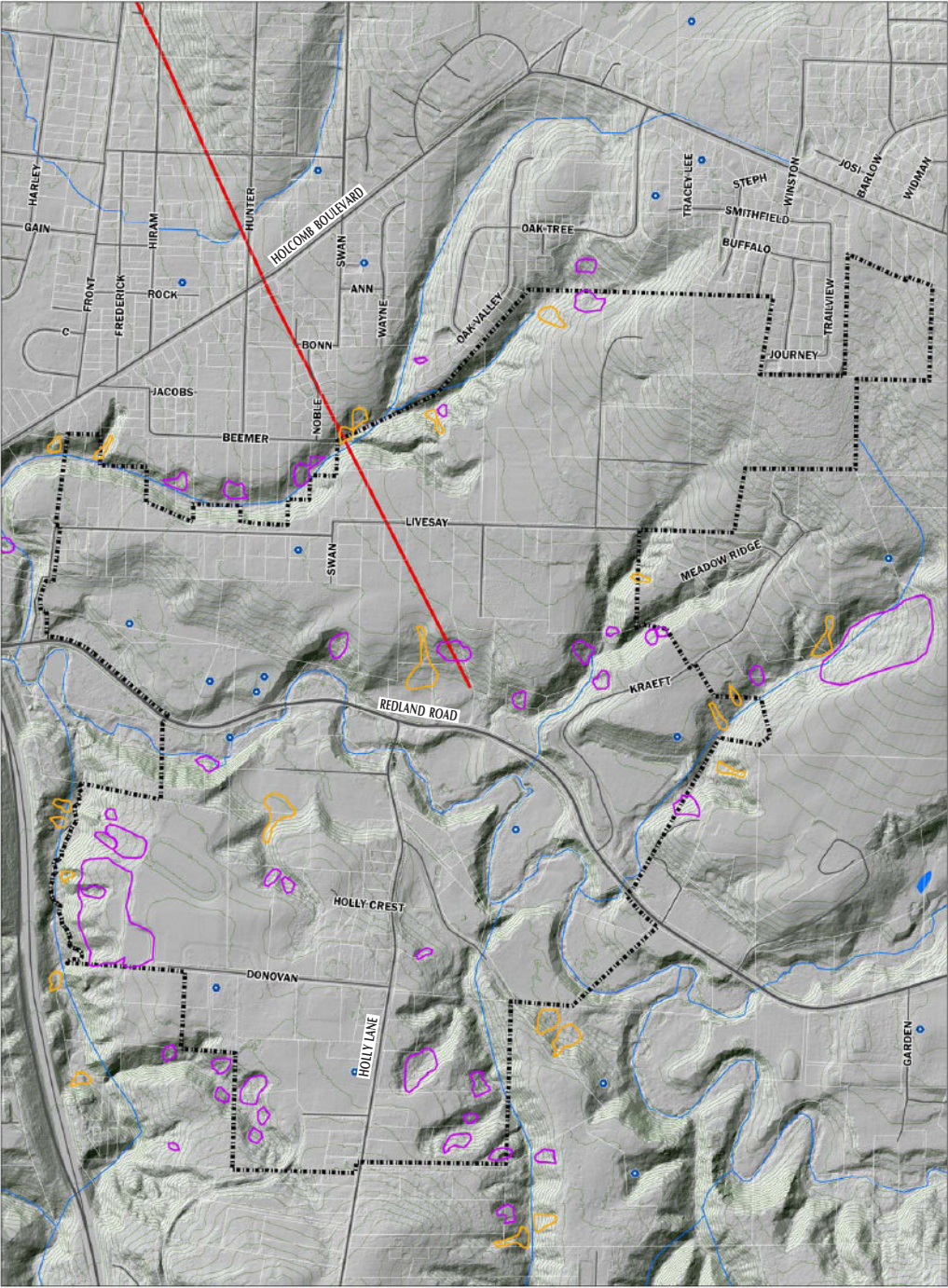
GRI SERA ARCHITECTS
PARK PLACE CONCEPT PLAN, CITY OF OREGON CITY

SLOPE MAP

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FIG. 2



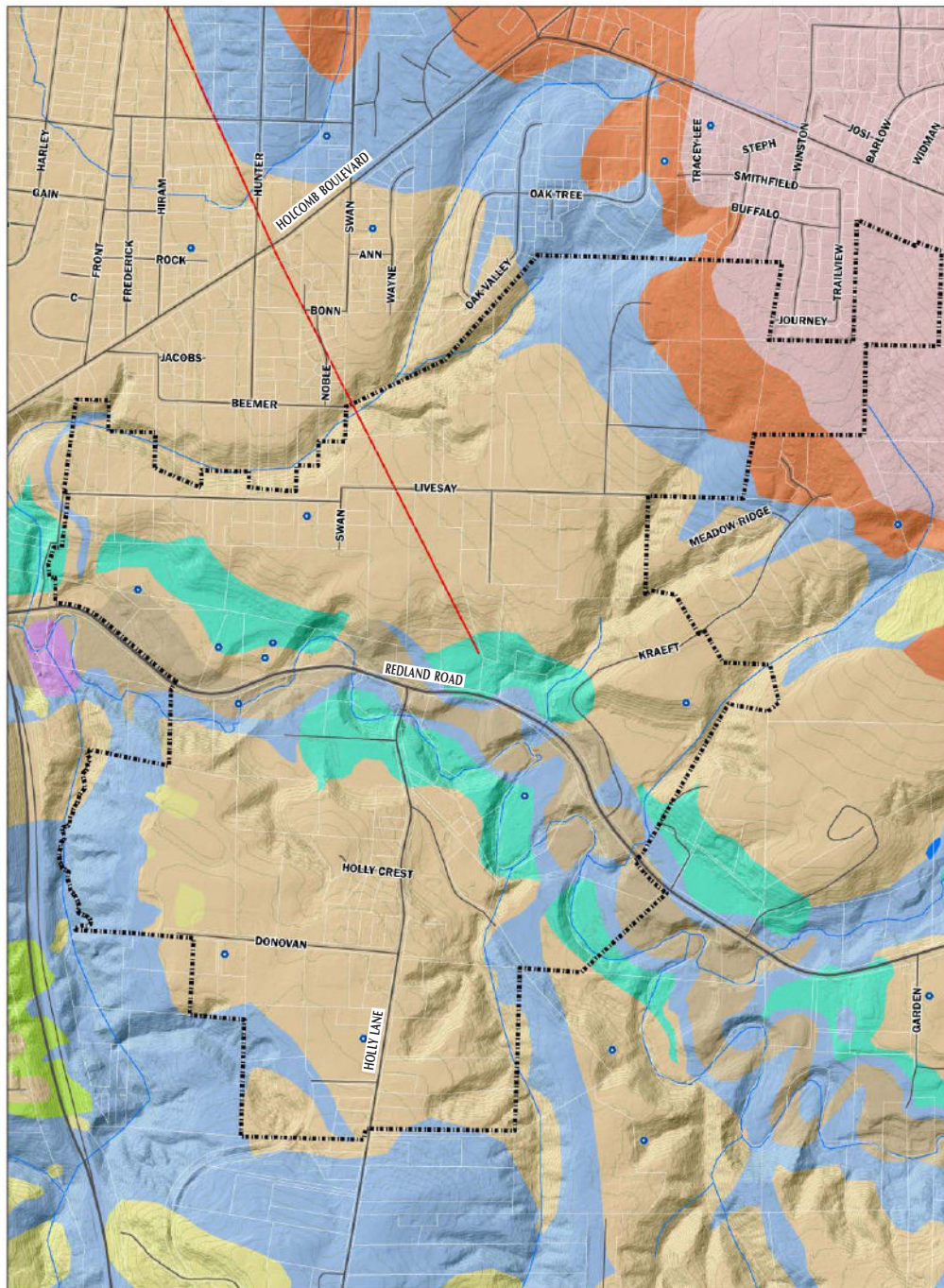
Source: Oregon City GIS, 2006; RLIS 2006
(Based on Madin + Burns, 2006)

Park Place Concept Plan
Landslide Geomorphology

GRI SERA ARCHITECTS
PARK PLACE CONCEPT PLAN, CITY OF OREGON CITY

LANDSLIDE GEOMORPHOLOGY

FEB. 2007 JOB NO. 4384 FIG. 3



Source: Oregon City GIS, 2006; RLIS 2006
(Based on Madin, in press)

	Study Area		Qff		af		Qal		Artificial Fill (Recent)
	Located Wells		Qbo		Qbc		Qts		Alluvium (Late Pleistocene-Holocene)
	Road		Qt		Qbc		Qt		Fine-grained Facies of Missoula Flood deposits (Latest Pleistocene)
	Fault Line		Qls		Qls		Qbo		Boring Volcanic Field-Basalt andesite of Outlook (Pleistocene)
	Waterway		Qts		Qts		Tt		Springwater Formation (Pliocene to Pleistocene)
	Contour = 10'								Troutdale Formation (Miocene to Pliocene)

Park Place Concept Plan
Geology



GRI SERA ARCHITECTS
PARK PLACE CONCEPT PLAN, CITY OF OREGON CITY

GEOLOGY MAP

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FIG. 4

L. Preliminary Costs

* See Section 5 (Funding and Finance) of
Park Place Concept Plan Draft: May 30,
2007 - Version 1.2 Redline.