



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING - REVISED AGENDA

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Wednesday, February 21, 2024 at 7:00 PM

REGULAR 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@orccity.org or call 503-496-1509 by 3:00 PM on the day of the meeting to register)*
- *Email recorderteam@orccity.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. FLAG SALUTE

3. CEREMONIES AND PROCLAMATIONS

[3a.](#) Oath of Office for New Oregon City Police Officer Matthew Pavey

4. 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.

5. PRESENTATIONS

[5a.](#) 2023 Police Department Annual Report

6. ADOPTION OF THE AGENDA

7. CONSENT AGENDA

This section allows the City Commission to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may only be discussed if it is pulled from the consent agenda.

[7a.](#) OLCC: Liquor License Application – Off-Premises, Pinnacle 365 Site 3203 (dba Colvin Oil I, LLC), 13001 Clackamas River Dr., Ste. 100., Oregon City

[7b.](#) Public Improvement Contract for the 2024 Manhole Rehabilitation Project (CI 23-011)

[7c.](#) Personal Services Agreement with Archaeological Investigations Northwest, Inc. (AINW) for the Holmes Lane Waterline Replacement Project (CI 24-002)

[7d.](#) Minutes of the November 15, 2023 City Commission Work Session Meeting

[7e.](#) Minutes of the December 12, 2023 City Commission Work Session Meeting

8. PUBLIC HEARINGS

[8a.](#) Second Reading of Ordinance No. 24-1002, Approving Zoning Text Amendments to I - Institutional District to Allow Recreational Vehicle Parks as an Allowed Accessory Use for Clackamette Park to City Code Section 17.39.030 (GLUA-23-00039 / ZC-23-00004)

9. GENERAL BUSINESS

[9a.](#) 2040 Planning and Development Grant Intergovernmental Agreement (IGA) Metro – City of Oregon City for the Beavercreek Road Industrial Land Readiness Strategic Plan

10. COMMUNICATIONS

City Manager

Commissioners

Mayor

11. ADJOURNMENT

ORDINANCE NOTICE

If an ordinance is noticed above in this agenda, the text of the ordinance is available online with the posted agenda packet. In addition, three copies are provided for public review in the Office of the City Recorder upon request.

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

Sworn Police Officer
Oregon City Police Department

*I, **Matthew Pavey**, do solemnly swear that I will uphold the law, and support the Constitution of the United States and the State of Oregon. I will abide by the Law Enforcement Code of Ethics, and the department's rules and regulations, while faithfully performing my duties as a Police Officer for Oregon City, Oregon.*

GIVEN THIS 21st DAY OF FEBRUARY 2024

Denyse C. McGriff, Mayor

SUBSCRIBED AND SWORN to before me this 21st day of February 2024.

Notary Public
State of Oregon
My commission expires: _____

08 February 2024

Mayor McGriff,

It was a pleasure seeing and talking to you at the City Commission meeting last night. Amazing to think that just a few short years ago we worked together on the Planning Commission. Those were the days huh?

The proposal for the HSCCC 'Resource Center' certainly puts the City of Oregon City in an awkward situation to say the least. The State of Oregon has put the City in a compromised position related to Land-Use & Zoning as well as public safety issues. If the facility goes forward as proposed, there will no doubt be negative financial impacts to City operations.

In our conversation during the break, you made a couple of comments that I want to respond to and clarify my thoughts.

1. You stated that the proposed HSCCC facility is not a navigation center.

The group of residents and business owners I am associated with in opposition to the proposed HSCCC facility have referred to it as the Oregon City Navigation Center because that is how it was presented to the public last April & May when it was unveiled. The headline from a news article published last May specially referred to it as a Navigation Center in Oregon City, and how it was presented in the grant application presentation to the Clackamas County Commission.

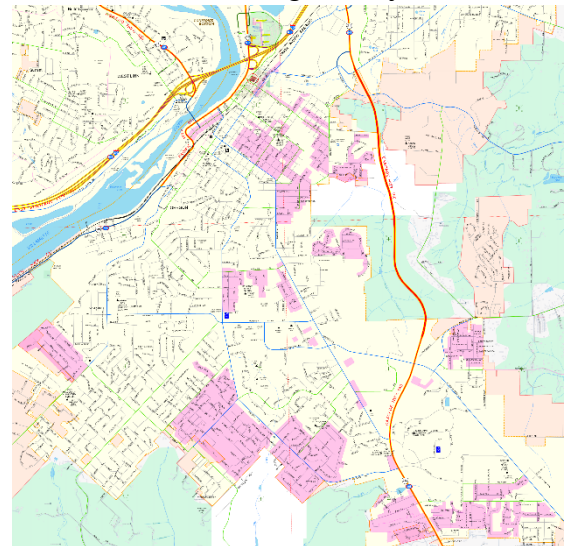


Also note that in the House Bill 4001 legislation that enabled the Low-Barrier Emergency Shelters, Section 10. (1) states: *"navigation center" means low-barrier emergency shelter.* The conundrum is that if the facility is not a navigation center or low-barrier emergency shelter, the land-use exemption would not be applicable in accordance with HB 4001, sections 2 & 3.

2. You took exception to the petition that our group has been promoting, saying that it has no force and that you think most of the signatories were from outside of Oregon City.

Our group understands that the petition has no legal force and was never intended as such. Rather, we wanted to demonstrate to the City leaders that there is strong public opinion against the proposed use of the facility. What I wanted to explain is that we have only been promoting the opposition petition in Oregon City and Gladstone where people will be most affected. There are very few signatories outside of that area.

The petition flyers have only been distributed to a small portion of Oregon City since late November. We have well over 2400 signatures to date. Nearly everyone we interacted with was surprised to hear about the facility and well over 90% against it. This highlighted map shows the area of Oregon City we have covered.



3. You also took exception to the lack of any contact information on the petition fliers and how they were distributed.

I agree with you that some contact information should have been provided. It wasn't an intentional omission; we were just focused on the message. From this point forward, any fliers being distributed will include my name and an email address contact.

The fact that you found loose petition fliers on the street in your neighborhood is a disappointment to me since the instruction given to our group was to either hand them to a person or place them under the 'welcome mat'. We will review the distribution process with the team to minimize that situation going forward.

As I stated in my testimony last night, we are not insensitive about the homeless situation in our region but are realistic about it. We hope a solution that fits the needs of our City can be found that does not disrupt and endanger public safety of our citizens.

Once again, it was good to see you again last night.

Respectfully submitted,

Charles Kidwell



CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: Chief of Police Shaun Davis

Agenda Date: 02/21/2024

SUBJECT:

2023 Police Department Annual Report

STAFF RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

This will be a general presentation on our annual report for 2023.

BACKGROUND:

N/A

OPTIONS: N/A

BUDGET IMPACT:

Amount: N/A

FY(s): N/A

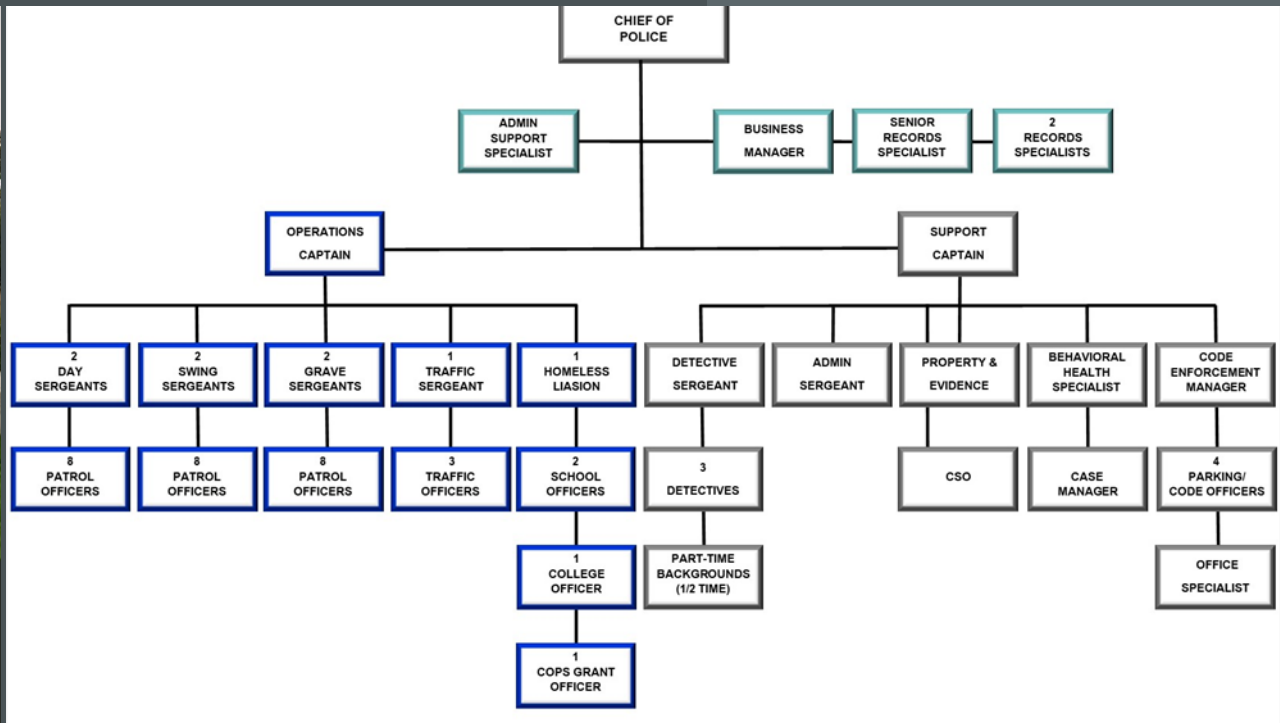
Funding Source(s): N/A

2023 ANNUAL REPORT

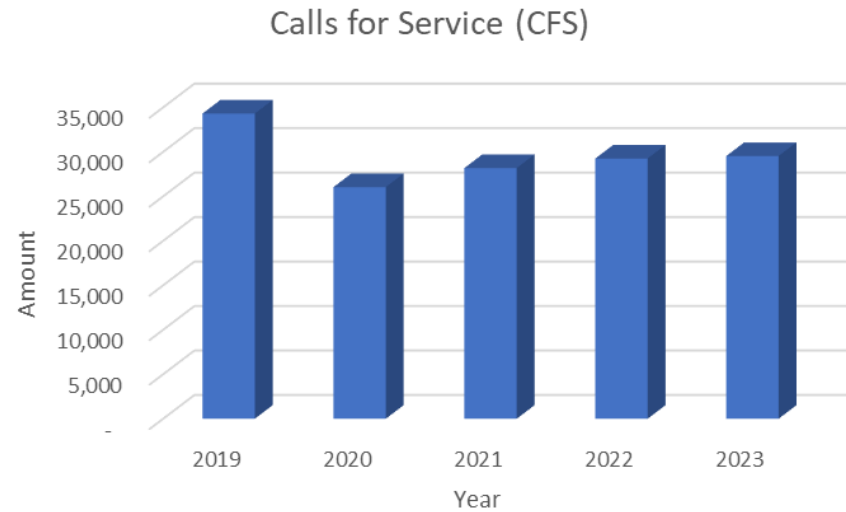
CHIEF SHAUN DAVIS



OUR DEPARTMENT



Calls for Service (CFS)		
Year	Amount	Increase / Decrease
2019	34,305	
2020	26,034	-31.8%
2021	28,177	7.6%
2022	29,253	3.7%
2023	29,530	0.9%
Grand Total	147,299	



Self-Initiated CFS					Item 5a.
Year	CC - COMMUNITY CONTACT	SS - SUBJECT STOP	TS - TRAFFIC STOP	Grand Total	% of CFS
2019	242	956	8,607	9,805	28.6%
2020	321	560	4,697	5,578	21.4%
2021	469	600	5,996	7,065	25.1%
2022	459	608	5,506	6,573	22.5%
2023	613	615	6,815	8,043	27.2%
Grand Total	2,104	3,339	31,621	37,064	25.2%



CALLS FOR SERVICE (CFS)

Homeless Related CFS

Type	2019	2020	2021	2022	2023	Grand Total
H1-REPORT TAKEN-HOMELESS	8	61	57	56	48	230
H2-WARNING GIVEN-HOMELESS	62	261	227	461	464	1,475
H3-UNFOUNDED-HOMELESS	19	31	38	76	64	228
H4-SERVICES OFFERED-HOMELESS	18	50	127	174	117	486
H5-ARREST MADE-HOMELESS	23	119	182	164	138	626
Grand Total	130	522	631	931	831	3,045

Homeless Related CFS

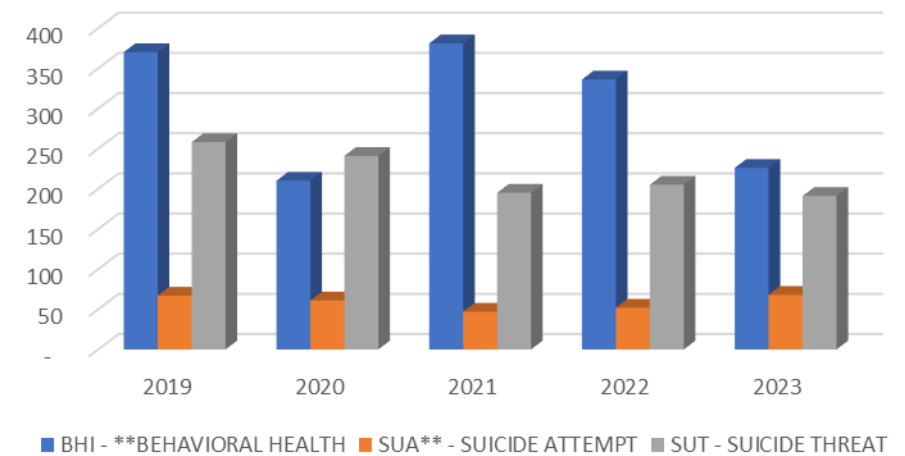


Behavioral Health Related CFS

Item 5a.

Type	2019	2020	2021	2022	2023	Grand Total
BHI - **BEHAVIORAL HEALTH	370	210	381	336	226	1,523
SUA** - SUICIDE ATTEMPT	67	61	47	52	68	295
SUT - SUICIDE THREAT	258	241	195	205	191	1,090
Grand Total	695	512	623	593	485	2,908

Behavioral Health Related CFS



CALLS FOR SERVICE (CFS)

STOP DATA



Statistical Transparency of Policing –

The STOP program stems from the 2017 Oregon Legislative Session, where HB 2355 was enacted and signed into law. The bill requires:

All Oregon Law Enforcement Agencies (LEAs) to collect specific data related to officer-initiated traffic and pedestrian stops.

Oregon State Police (OSP), in consultation with the Criminal Justice Commission (CJC) and the Department of Justice (DOJ), to establish a standardized method for the collection of required data elements from all Oregon LEAs.

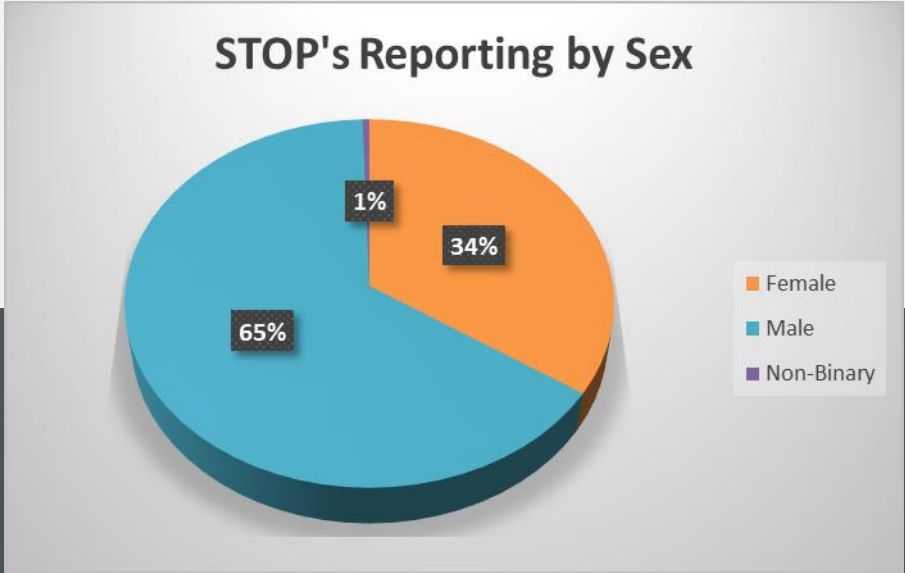
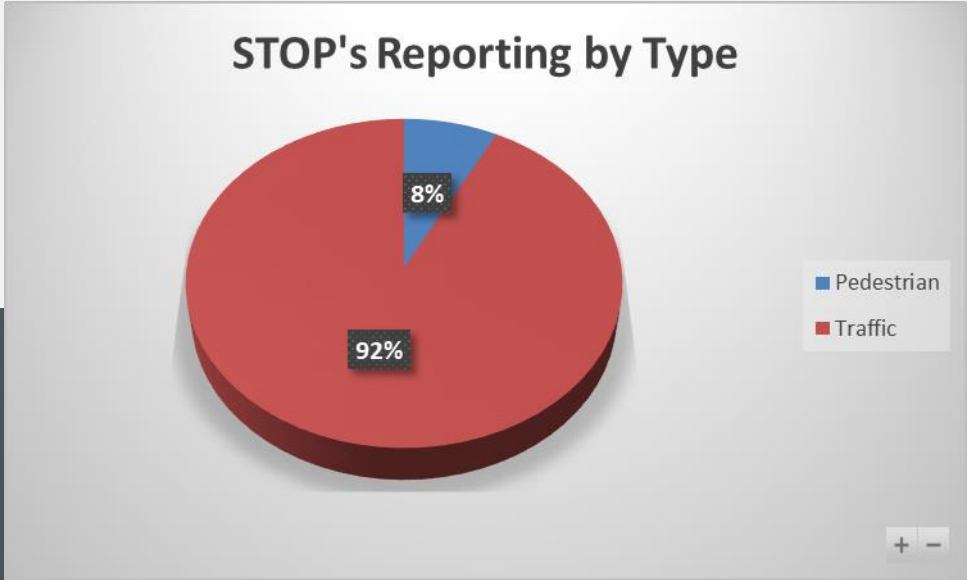
CJC to perform the requisite data analysis to identify patterns and practices and profiling and deliver a report to DPSST to provide advice or technical assistance based on the best practices of policing to LEAs.

Each year the CJC publishes an annual report,
<https://www.oregon.gov/cjc/stop/pages/default.aspx>

In addition, we can also analyze our data

Type	Count	Total %
Pedestrian	558	7.6%
Traffic	6,765	92.4%
Grand Total	7,323	100.0%

Sex	Count	Total %
Female	2,522	34.4%
Male	4,765	65.1%
Non-Binary	36	0.5%
Grand Total	7,323	100%



STOP DATA

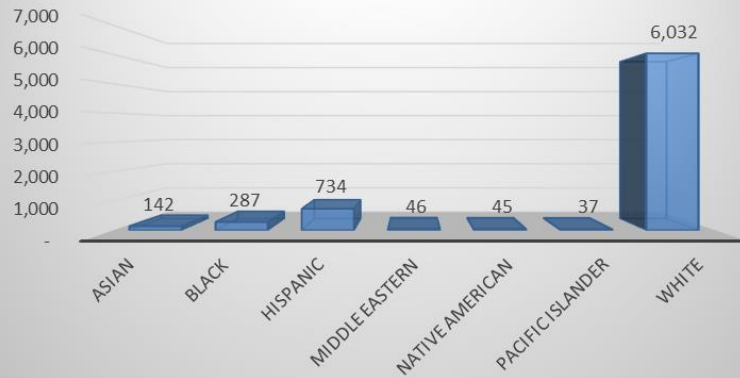
Statistical Transparency of Policing

Ethnicity	Count	Total %
Asian	142	1.9%
Black	287	3.9%
Hispanic	734	10.0%
Middle Eastern	46	0.6%
Native American	45	0.6%
Pacific Islander	37	0.5%
White	6,032	82.4%
Grand Total	7,323	100.0%

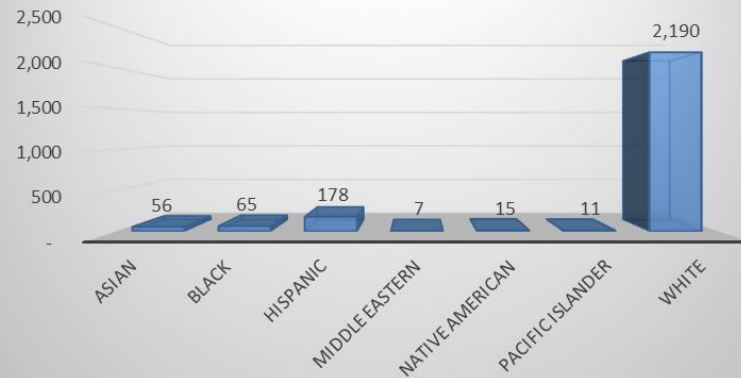
Female	Count	Total %	% by Sex
Asian	56	0.8%	2.2%
Black	65	0.9%	2.6%
Hispanic	178	2.4%	7.1%
Middle Eastern	7	0.1%	0.3%
Native American	15	0.2%	0.6%
Pacific Islander	11	0.2%	0.4%
White	2,190	29.9%	86.8%
Grand Total	2,522	34.4%	100.0%

Male	Count	Total %	% by Sex
Asian	86	1.2%	4.6%
Black	220	3.0%	11.5%
Hispanic	550	7.5%	0.8%
Middle Eastern	39	0.5%	0.6%
Native American	30	0.4%	0.5%
Pacific Islander	25	0.3%	80.1%
White	3,815	52.1%	
Grand Total	4,765	65.1%	100.0%

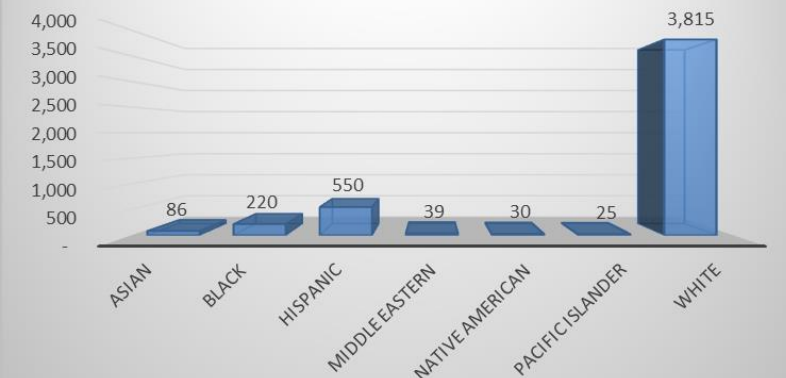
STOP's by Race / Ethnicity



Female STOP Data



Male STOP Data



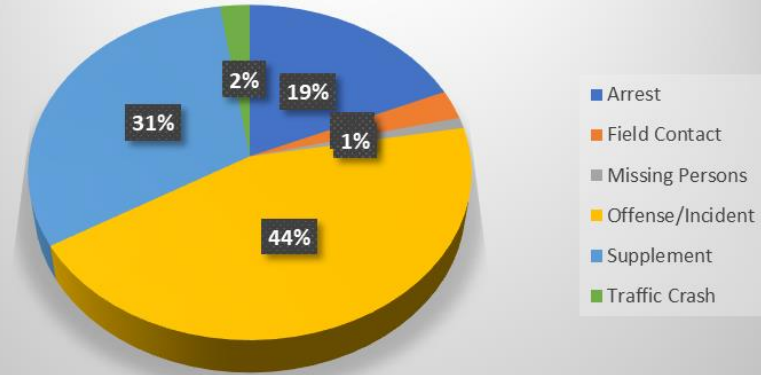
STOP DATA

Statistical Transparency of Policing

POLICE REPORTS

- Records also processed
674 Report Requests
- Public Report Requests
- Requests from Other
Agencies
- Discovery Requests
- Passed CJIS Audit

2023 Reports by Type

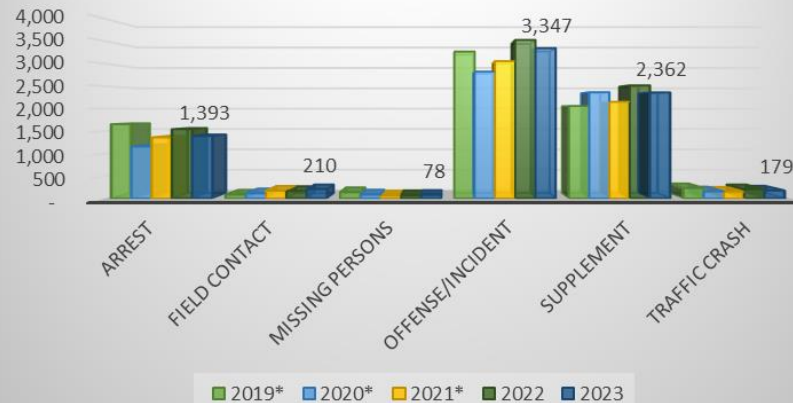


Item 5a.

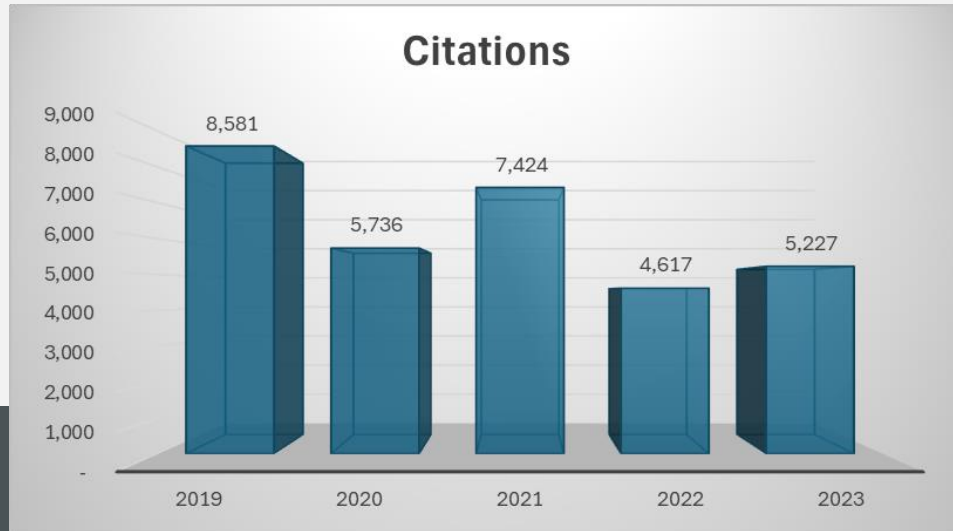
Report Type	2019*	2020*	2021*	2022	2023	Total
Arrest	1,654	1,157	1,360	1,543	1,393	7,107
Field Contact	85	115	176	167	210	753
Missing Persons	142	86	65	70	78	441
Offense/Incident	3,269	2,823	3,057	3,528	3,347	16,024
Supplement	2,059	2,365	2,151	2,519	2,362	11,456
Traffic Crash	233	158	151	210	179	931
Grand Total	7,442	6,704	6,960	8,037	7,569	36,712

* Data Pulled in 2022

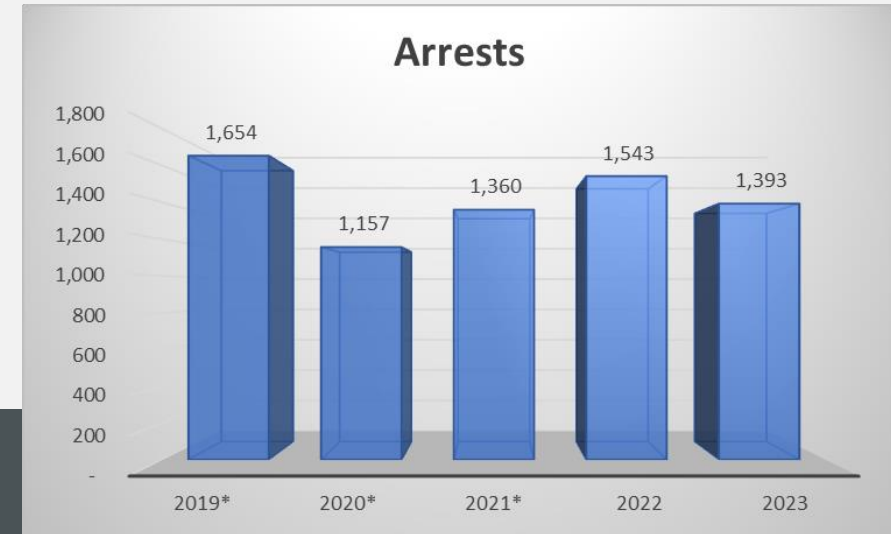
5-YR Comparison of Reports by Type



	2019	2020	2021	2022	2023
Citations	8,581	5,736	7,424	4,617	5,227
Grand Total	8,581	5,736	7,424	4,617	5,227



	2019*	2020*	2021*	2022	2023
Arrests	1,654	1,157	1,360	1,543	1,393
* Data Pulled 2022					



CITATIONS & ARRESTS

POLICE REPORTS

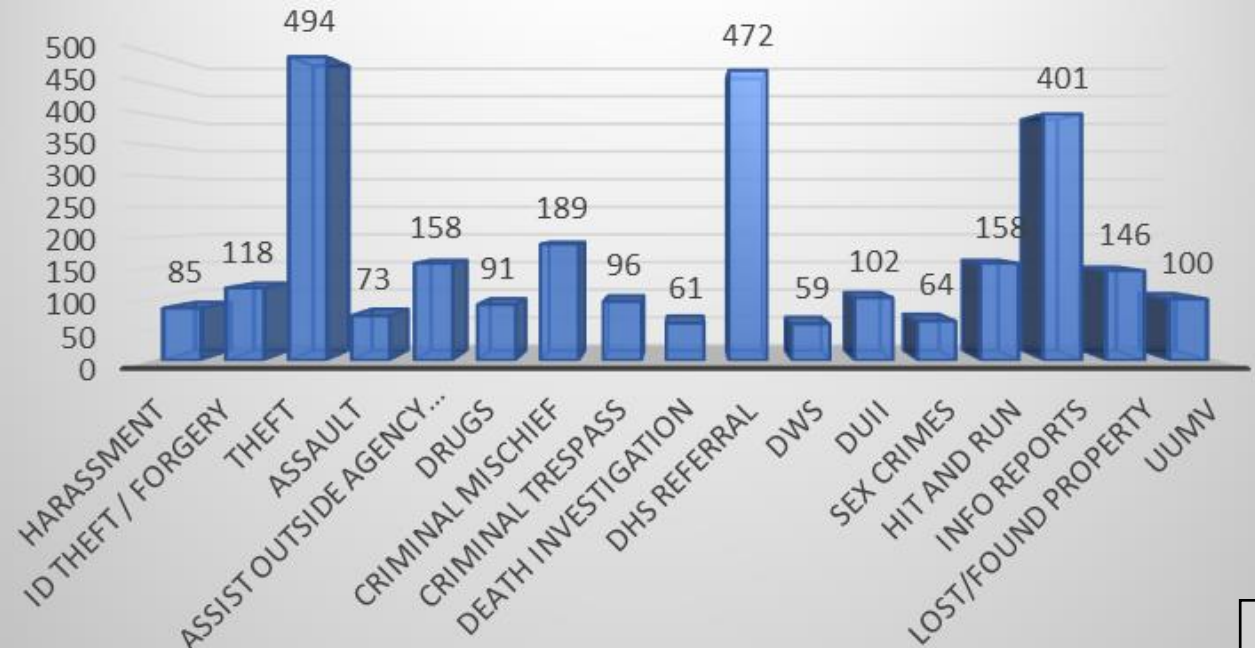
- Our Staff wrote 3,347 Offense/Incident Reports
- Notably, we had 3 homicides

Property Related CFS

Type	2019	2020	2021	2022	2023	Grand Total
BURG - BURGLARY COLD	82	77	73	79	46	357
BURGP - BURGLARY IN PROGRESS	32	43	46	37	35	193
CRM - CRIM MISCHIEF	263	258	243	250	232	1,246
CRMP - CRIM MISCHIEF IN PROGRE	26	30	26	37	34	153
FRD - FRAUD COLD	387	333	348	316	315	1,699
FRDP - FRAUD IN PROGRESS	20	11	6	5	6	48
THF - THEFT COLD	659	609	593	621	482	2,964
THFC - THEFT IN CUSTODY	25	20	5	9	18	77
THFP - THEFT IN PROGRESS	188	138	159	309	169	963
Grand Total	1,682	1,519	1,499	1,663	1,337	7,700

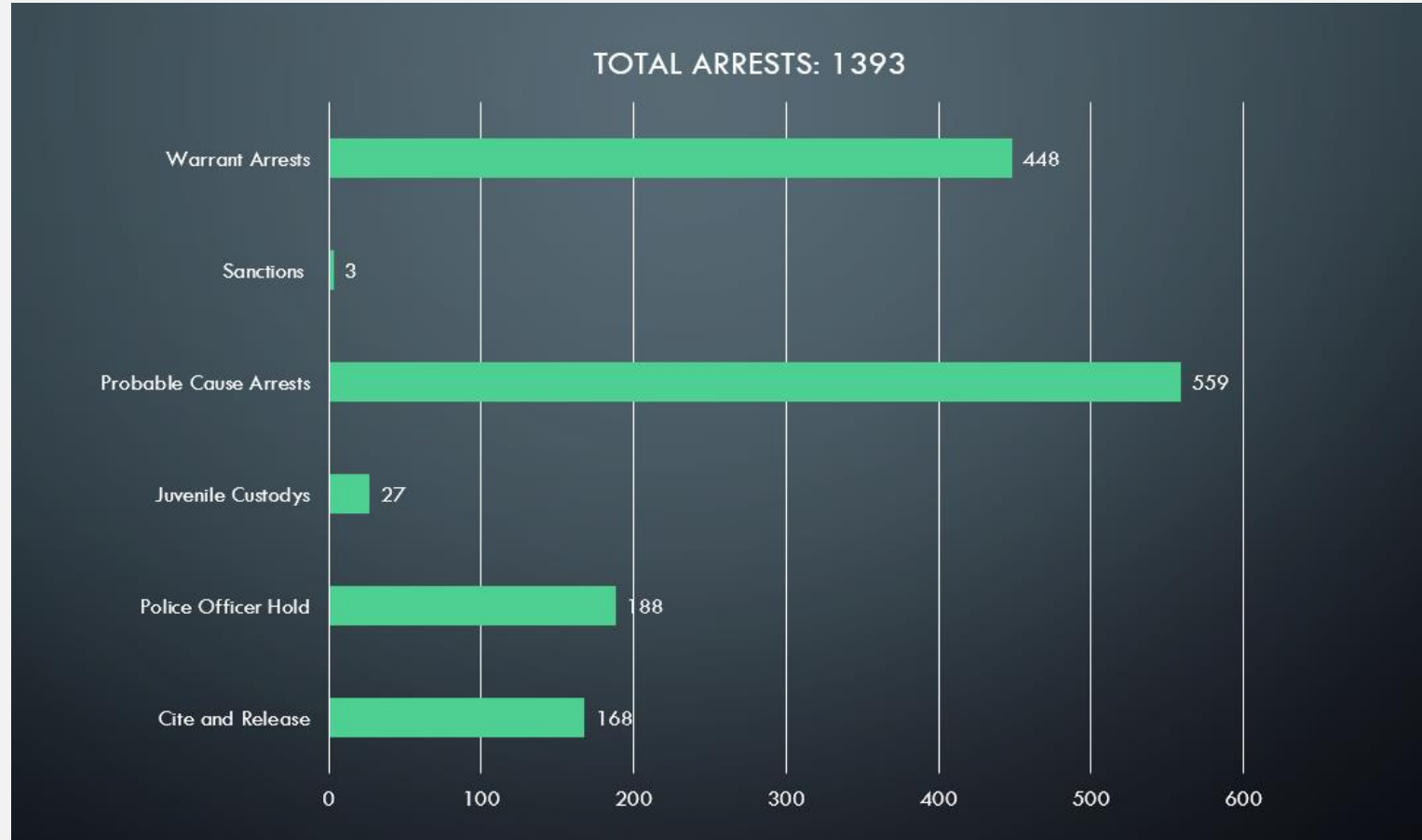
Item 5a.

Highest # of Reports Taken

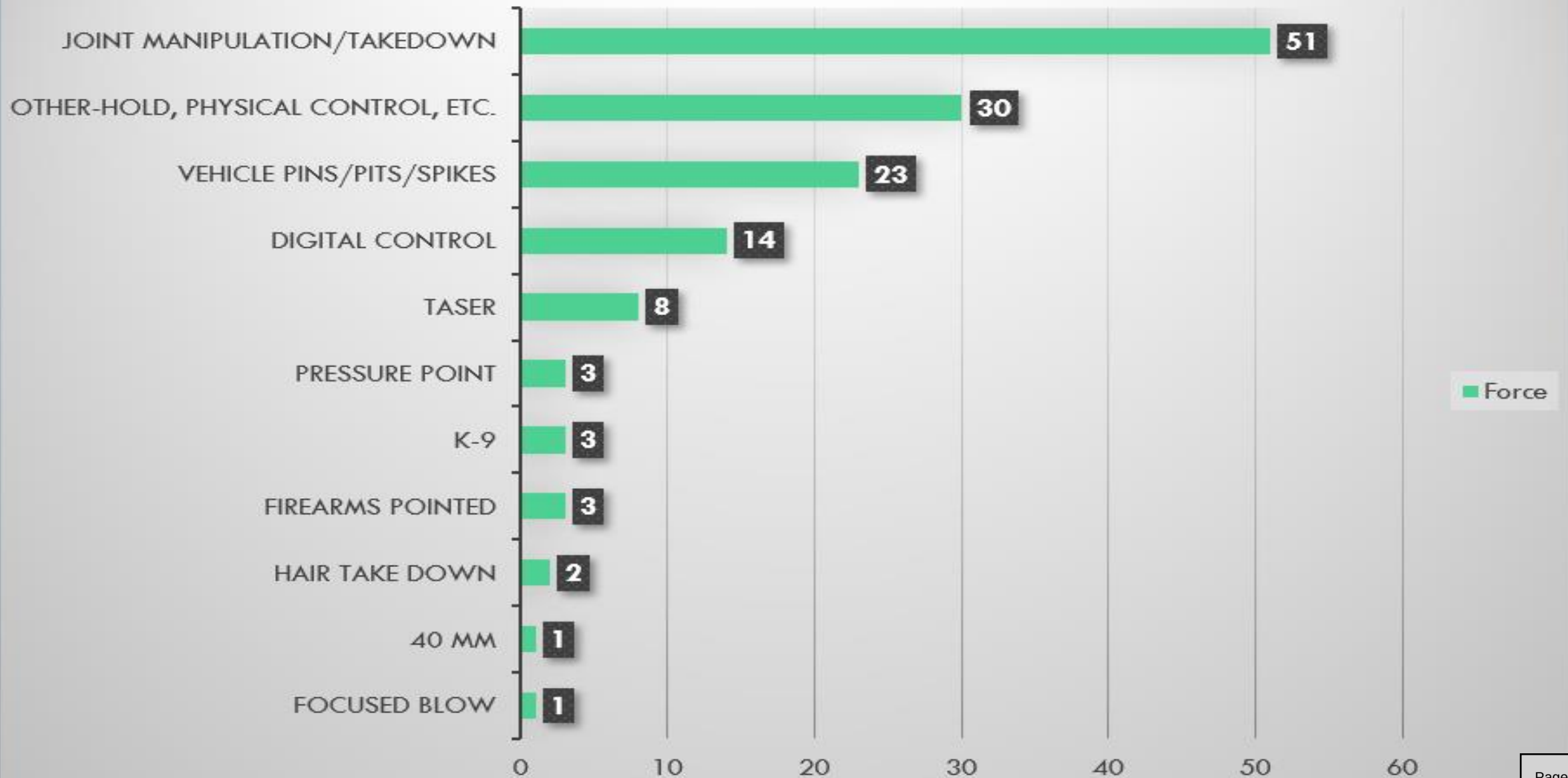


SUMMARY OF USE OF FORCE INCIDENTS 2023

- 70 Incidents documented (72 individuals)
- 125 Individual UOF reports
- 17 were vehicle related (9 PIT/PIN (6 total incidents), 14 Spikes (11 total Incidents))
- Force was used in 5.03% of arrests (which includes vehicle related interventions, such as PIT's/PINS), when vehicle interventions are removed force used was 3.8% percent of arrests

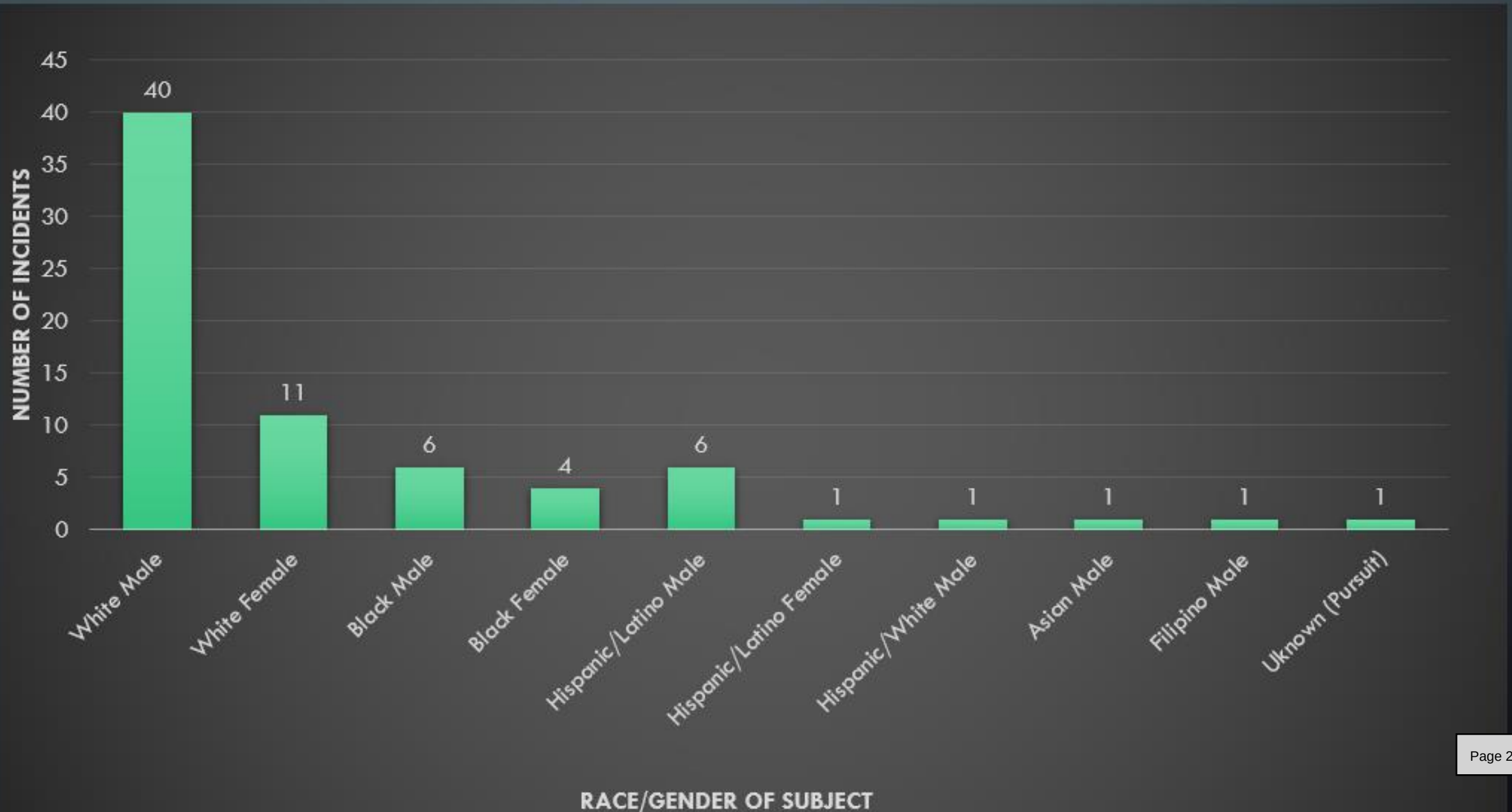


Use of Force Breakdown



UOF INCIDENTS BY RACE/GENDER

Item 5a.



CODE ENFORCEMENT

- Additional Code Compliance Officer added as part of 2023-2024 Budget
- Code Enforcement now offering 7-day coverage
- Three Code Officers were hired and began field training in 2023.



CODE DAILY OPERATIONS

- Enhance neighborhood livability through voluntary compliance.
- Assist police department in promoting public safety.

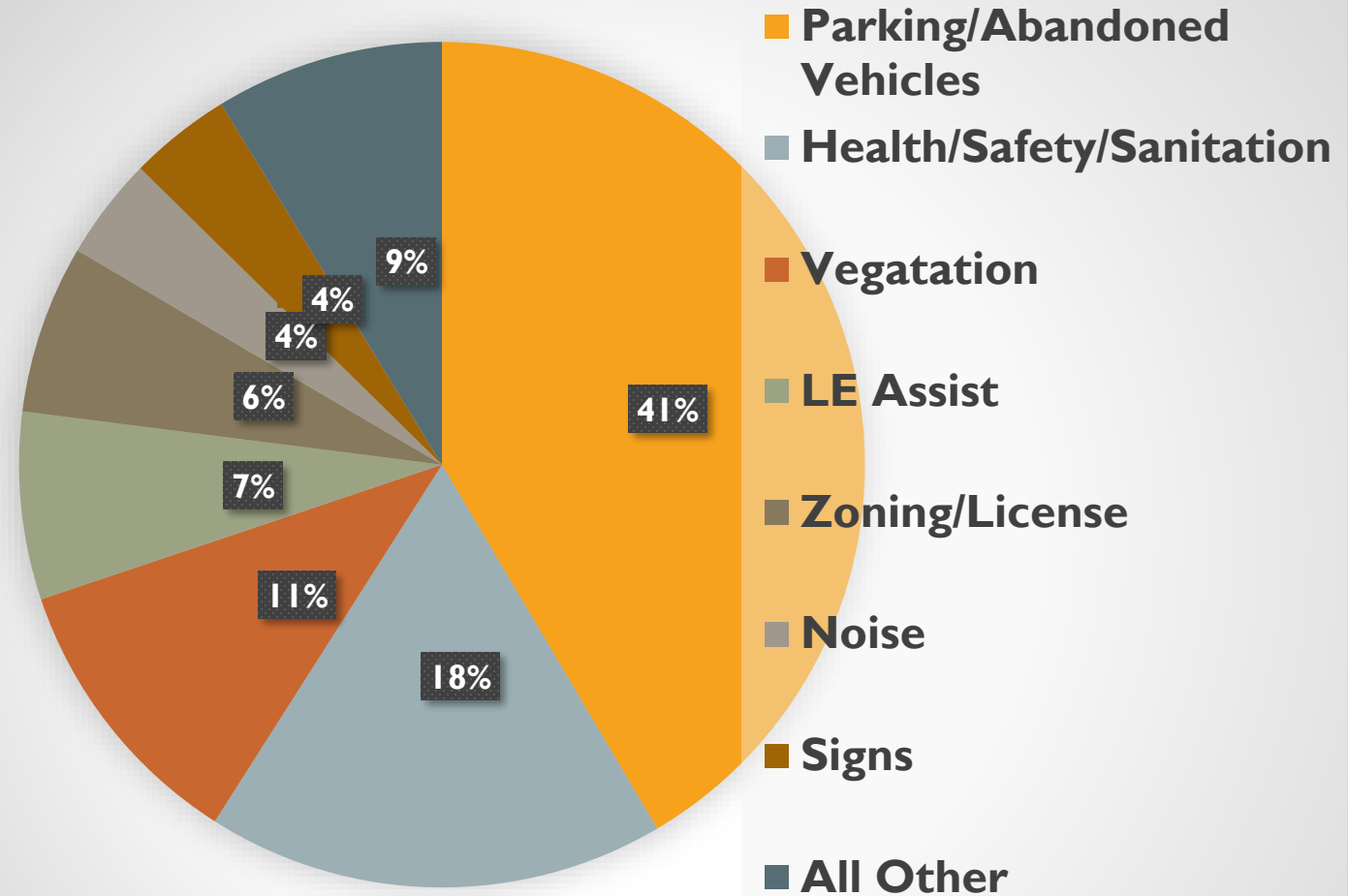


Item 5a.



CODE CASE TYPE BY CATEGORY

- 1,923 total cases
- Largest number of cases in past 5 years
- Nearly 20% increase in cases from 2022



KEEPING OREGON CITY CLEAN PROJECT

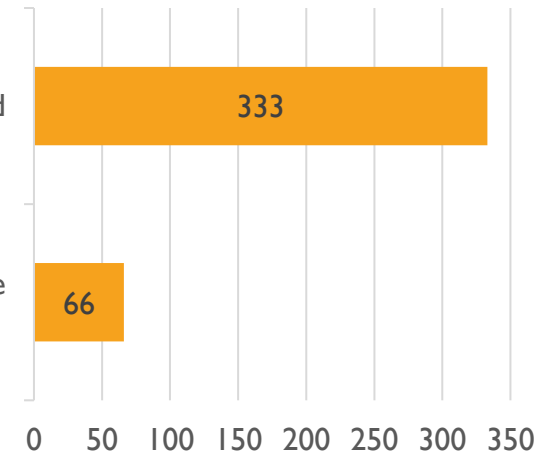
- Initiated in April of 2023
- Cleaning up city streets and right of ways
- Removal of abandoned shopping carts and associated garbage



Shopping Carts Removed



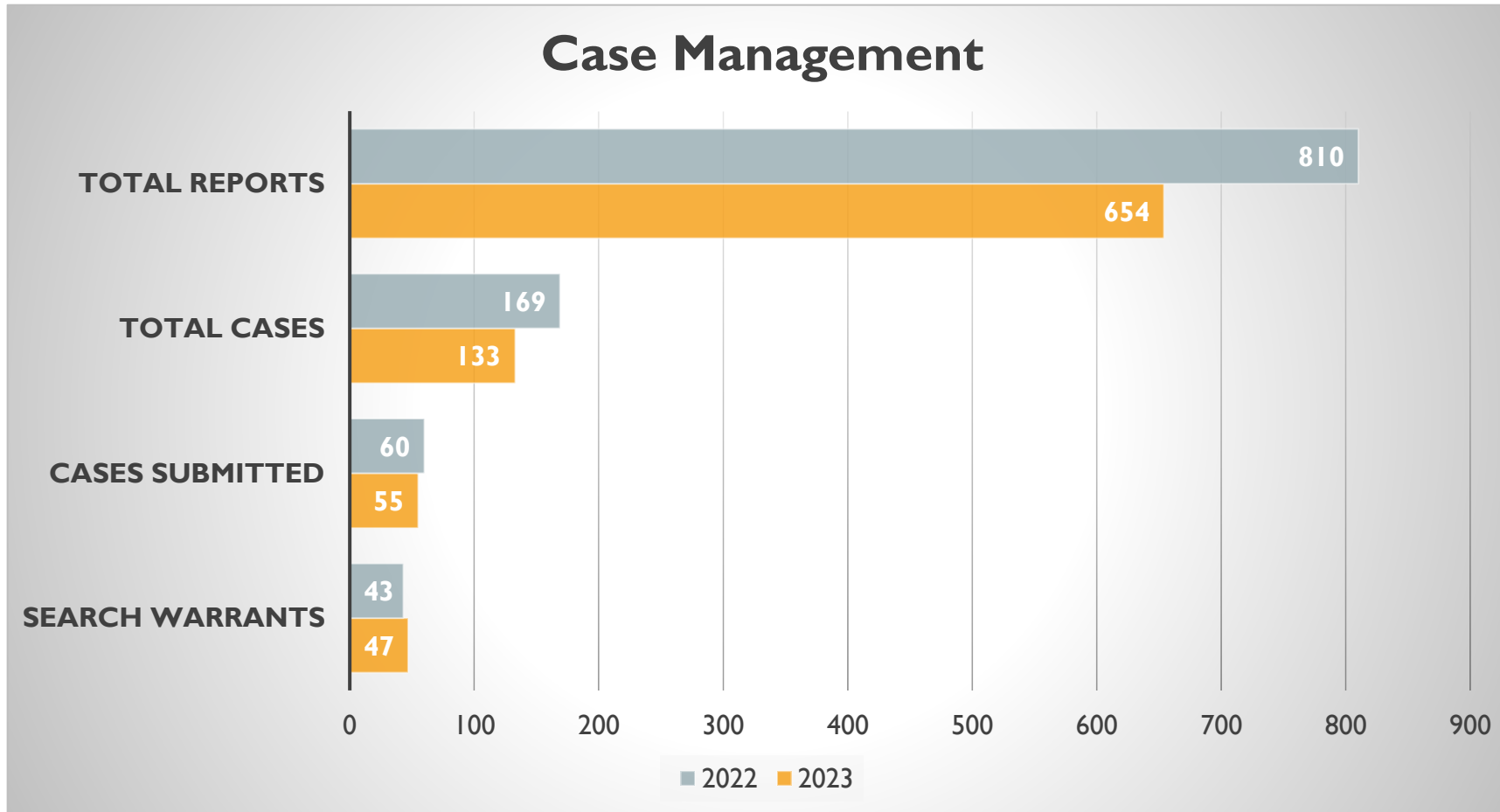
Bags of Garbage/Refuse
Removed





DETECTIVE DIVISION

- Monthly coordination meetings with community stakeholders
- Fields complaints regarding livability issues
- Versed in current case law, restrictions, and social programs



DETECTIVE YEAR IN REVIEW

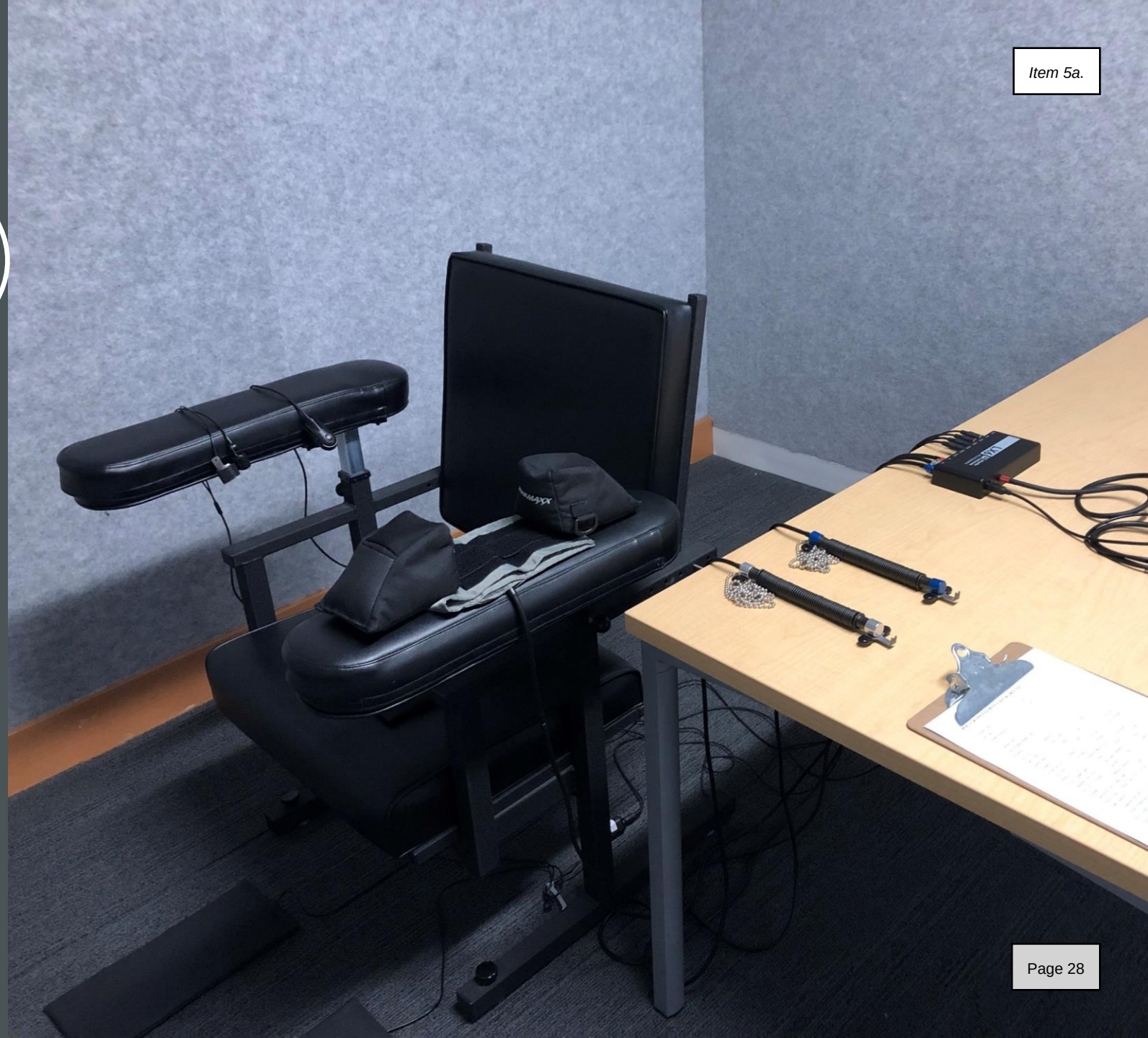
DETECTIVE NOTABLE INVESTIGATIONS

- Three separate homicides occurred within the City of Oregon City, accounting for 25% of the total number of homicides in Clackamas County.



DETECTIVE SUPPLEMENTAL DUTIES

- Polygraph examinations
- LexisNexis software
- Cell phone extractions
- Special Investigations Team (SIT) and SWAT

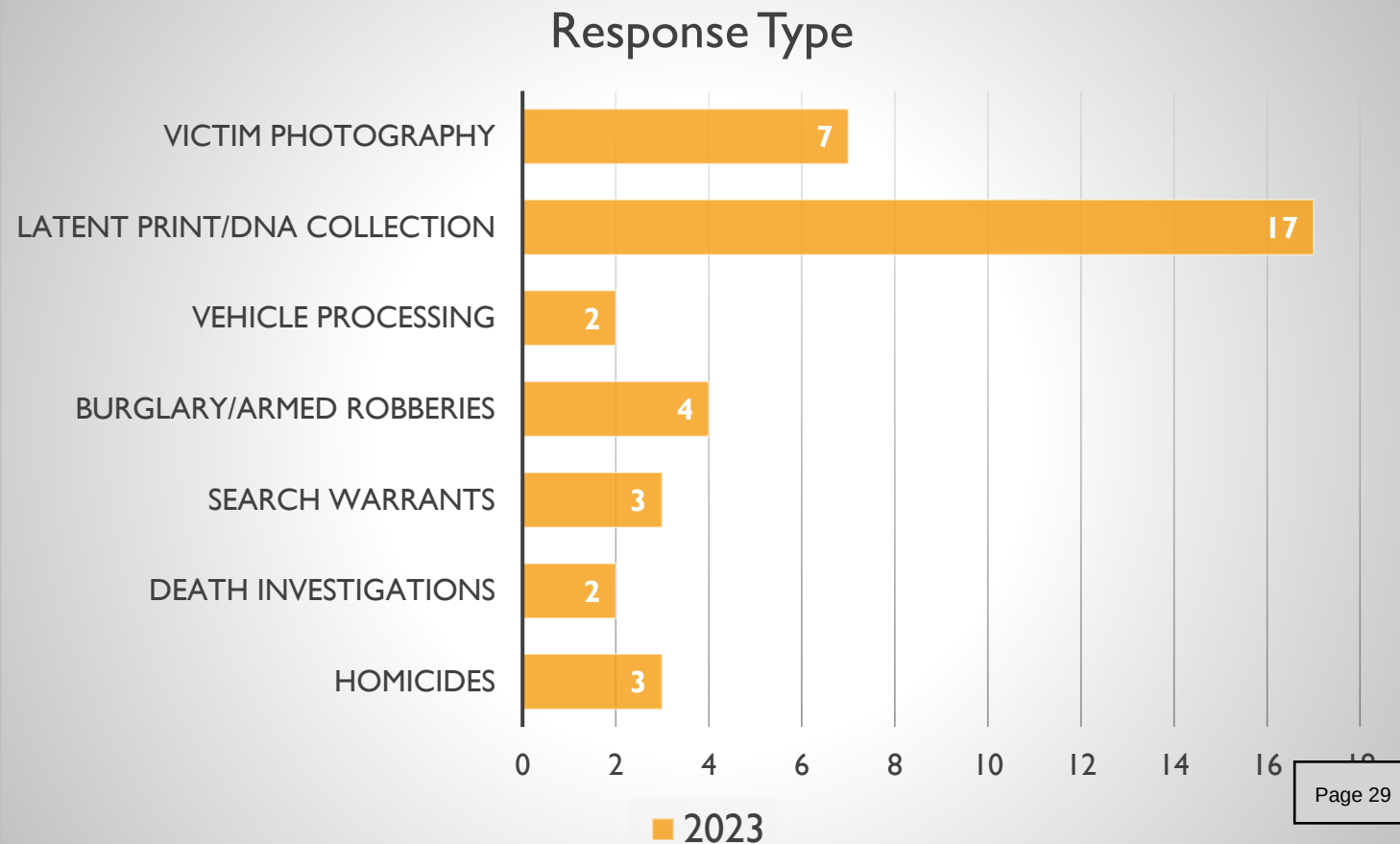


Item 5a.



CRIME SCENE PROCESSING & FORENSICS

Item 5a.



SPECIAL INVESTIGATIONS TEAM

- Comprised of 8 officers and 2 sergeants.
- 2023: 31 Missions resulting in 14 Custodies (10 OC Residents)
- 7 Search Warrants
- 3 Chronic Nuisance Properties
- Total fentanyl seized: 55,398 fentanyl pills seized (5,539 grams) and 10,427 grams of fentanyl powder seized
- 2 milligrams of fentanyl is considered a lethal dose.



BEHAVIORAL HEALTH UNIT (BHU)

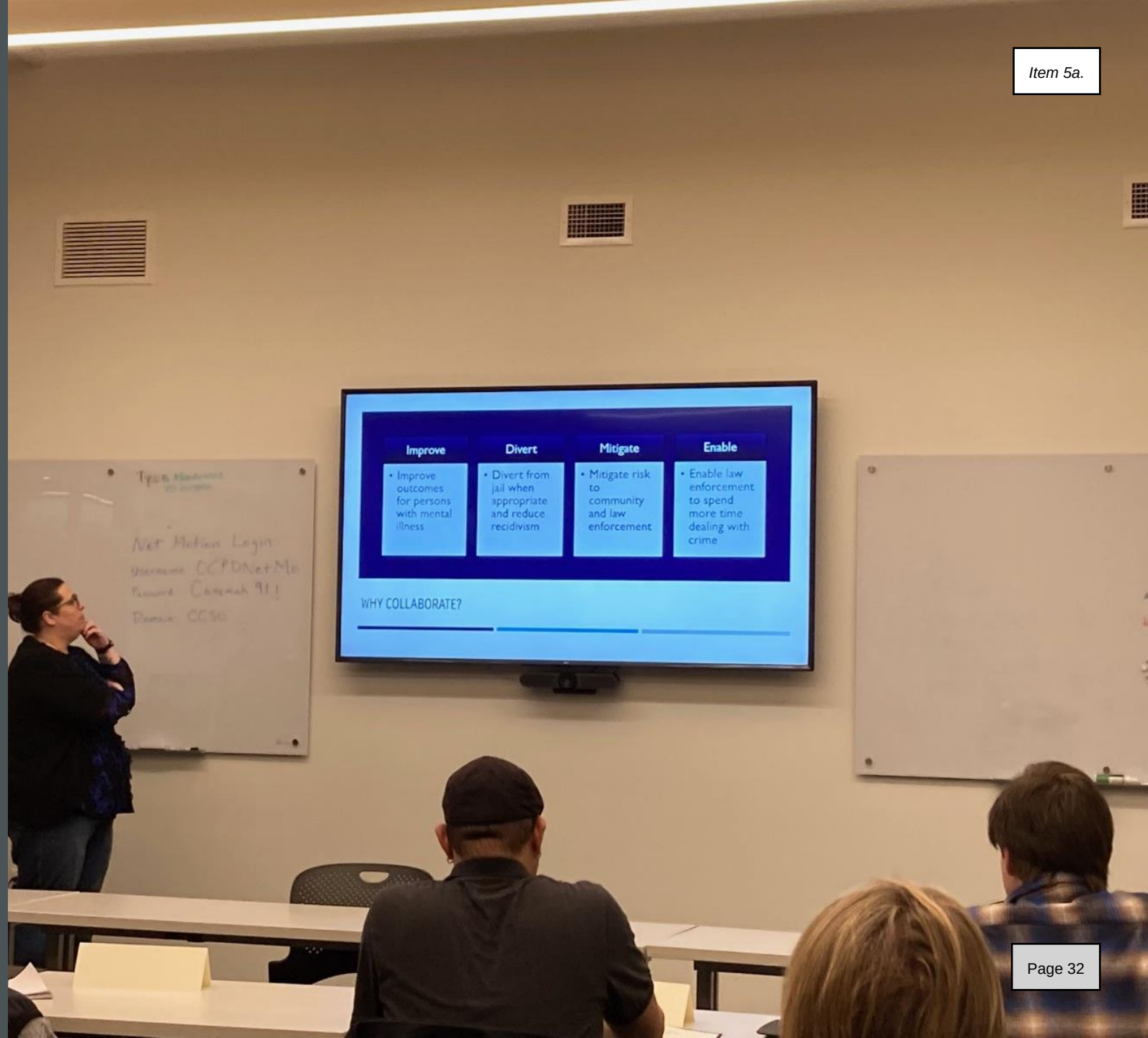
Item 5a.



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BHU TRAINING & REFERRALS

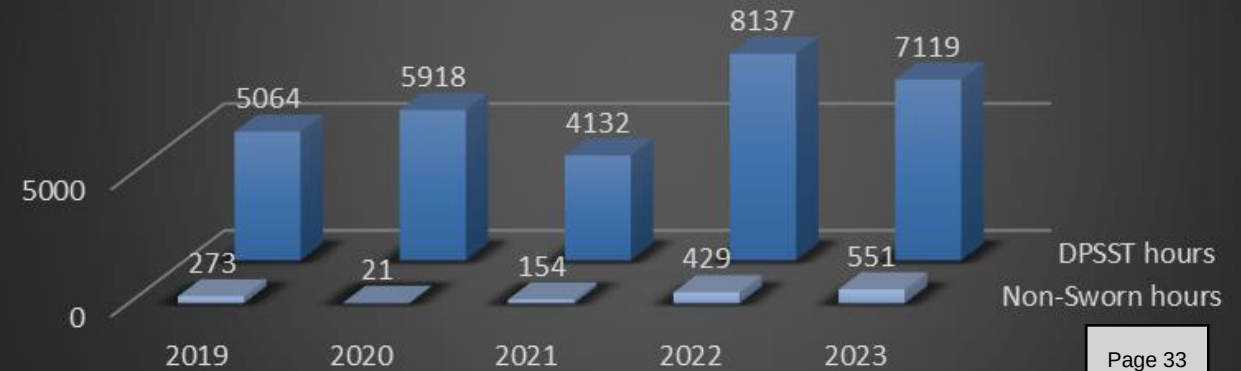
- BHU accounted for 21 separate trainings to OCPD, city staff, and other community partners
- 532 total referrals made to BHU
 - Over 42% increase from 2022
 - 163 in-person outreach
 - 70% related to homelessness



TRAINING DIVISION



Oregon City Public Safety Training Hours



HOMELESS LIAISON OFFICER

- Monthly coordination meetings with community stakeholders
- Fields complaints regarding livability issues
- Versed in current case law, restrictions, and social programs



NEWELL CREEK CANYON CAMP CLEANUP

- 7-day notice given to all occupants
 - 34 illegal camps located
- Items removed include hazardous materials, drug paraphernalia, human waste, physical hazards, and personal property

TRAFFIC TEAM

- Comprised of 3 traffic officers, 1 traffic sergeant when fully staffed.
- 2,522 traffic violations were enforced through written warnings or citations.
- Responded to 348 traffic crashes agency-wide
- Participates in four separate grants from ODOT.
- Participated in 14 inter-agency monthly traffic missions.



COMMUNITY EVENTS



Item 5a.

OCPD SUMMER CAMP

- Weeklong event, which is ran by the school resource officer.
- Approximately 30 grade school-aged students from OCSD.
- Field Trips (Oaks Park, Bowling)
- Guest Speakers: K9 Officers, Drone Operators, SWAT Operators, Clackamas County Fire Dept.



Item 5a.



CITIZENS ACADEMY

- The Oregon City Citizens Police Academy is a free 10-week course with a mission to familiarize citizens with the operations of the police department and the professionals behind the badge.
- Topics may include patrol procedures, criminal law, narcotics, search and seizure, tactical operations, investigations, firearms demonstrations, use of force issues, and police canine demonstrations.



PRESCRIPTION DRUG TAKE BACK EVENTS

- OCPD partners with the Drug Enforcement Association (DEA) and hosts (2) Drug Take Back events each year: April & October.
- The department also maintains a drug collection box, available to the public, to turn in unwanted prescription drugs during normal business hours.



WOMEN'S SELF DEFENSE CLASSES

- OCPD Defensive Tactics Instructors taught (4) Free Women's Self Defense classes in 2023 with 50 participants' total.
- Classes are hosted onsite at OCPD and are very popular within in the community.



NATIONAL NIGHT OUT

- National Night Out is an annual community-building campaign that promotes police-community partnerships and neighborhood camaraderie.
- OCPD coordinates the event and invites city departments and Neighborhood Associations to participate with informational booths and activities.
- Local businesses like Oregon City Grocery Outlet and Fred Meyer donate food and beverages for the more than 500 annual visitors.



TRICK OR TREAT MAIN STREET

- Each year OCPD participates in the Downtown City of Oregon City's Trick or Treat on Main Street event.
- This event is a great opportunity to honor Fallen Officer Rob Libke while connecting with the community.



AGENCY ACCREDITATION

- OCPD was the first agency in Clackamas County Agency to become fully accredited on April 20, 2004.
- OCPD passed re-accreditation in 2007, 2010, 2013 2016, 2019, and most recently December 2022 (Awarded at the OACP conference in April).
- Accreditation for law enforcement means policies and procedures are in place and are followed by the men and women of our agency.





Item 5a.

REMEMBERING OUR FALLEN

- This was the 10-year anniversary of Officer Robert Libke's EOW
 - Held a public remembrance on November 3, 2023



FUTURE CHALLENGES:

- Succession planning
 - 7 sworn that can retire within the next 3 years.
 - 4 of those positions are in leadership positions
- Hiring & Retention
- The continual evolution of policing.
- Meeting the changing needs of this City.
 - Growth of the City



CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: Chief of Police Shaun Davis

Agenda Date: 2/7/2024

SUBJECT:

OLCC: Liquor License Application – Off-Premises, Pinnacle 365 Site 3203 (dba Colvin Oil I, LLC), 13001 Clackamas River Dr., Ste. 100., Oregon City

STAFF RECOMMENDATION:

Staff recommends the City Commission approve the OLCC Application for Pinnacle 365 Site 3203 (dba Colvin Oil I, LLC), 13001 Clackamas River Dr., Ste. 100., Oregon City

EXECUTIVE SUMMARY:

The attached application is for an OLCC Off-Premises, 7 Pinnacle 365 Site 3203 (dba Colvin Oil I, LLC)

BACKGROUND:

The Oregon City Police Department ran a background check on Manuel Castelo, and he is eligible to hold a liquor license. This application is for a change of ownership. All applicants must obtain an Oregon City business license before submitting their application for an OLCC liquor license. The Oregon City business license application process includes routing of the application for review through various City departments.

OPTIONS:

1. Approve the OLCC Application for Pinnacle 365 Site 3203 (dba Colvin Oil I, LLC)– Oregon City
2. Deny the OLCC Application for Pinnacle 365 Site 3203 (dba Colvin Oil I, LLC)– Oregon City

BUDGET IMPACT:

Amount:

FY(s):

Funding Source(s):



OREGON LIQUOR & CANNABIS COMMISSION LIQUOR LICENSE APPLICATION

Instructions

1. **Complete and sign** this application.
2. Prior to submitting this application to the OLCC, send the completed application to **the local government for the premises address** to obtain a recommendation.
 - If the premises street address is within a city's limits, the local government is the city.
 - If the premises street address is not within a city's limits, the local government is the county.
3. You can submit the application to the OLCC if:
 1. You have WRITTEN documentation showing the date the local government received the application or;
 2. The local government has provided you their recommendation.

ALL forms and documents must be a PDF attachment

4. **Email the PDF application that contains the local government recommendation or proof of submission** to: OLCC.LiquorLicenseApplication@oregon.gov.
5. **Do not** include any license fees with your application packet (fees will be collected at a later time).
When it's time to pay the license fee you must pay the full yearly fee for the current license year (the license fee will not be prorated). If you pay in the last quarter of your license year you must also pay the yearly fee for the next license year.

License Request Options - Please see the general definitions of the license request options below:

- **New Outlet:** The licensing of a business that does not currently hold an active liquor license.
- **Change of Ownership:** The request to completely change the licensee of record at a licensed business.
- **Greater Privilege:** The request to change from an Off-Premises to a Limited or Full On-Premises Sales license **OR** from a Limited to Full On-Premises Sales license.
- **Additional Privilege:** The licensee currently holds an active liquor license at the premises and that same licensee would like to request to add an **additional** different liquor license type at that same premises location.

Additional Information

Applicant Identification: Please review [OAR 845-006-0301](#) for the definitions of "applicant" and "licensee" and [OAR 845-005-0311](#) to confirm that all individuals or entities with an ownership interest (other than a waivable ownership interest, per OAR 845-005-0311[6]) in the business have been identified as license applicants on this document. If you have a question about whether an individual or entity needs to be listed as an applicant for the license, discuss this with the OLCC staff person assigned to your application.

Premises Address: This is the physical location of the business and where the liquor license will be posted.

Applicant Signature(s): Each individual listed in the applicant information box on page 2 (entity or individuals applying for the license) must sign the application.

If an applicant listed in the applicant information box on page 2 is an entity (such as a corporation or limited liability company), at least one member or officer of the entity must sign the application.

Applicant/Licensee Representative(s): In order to make changes to a license or application or to receive information about a license or application by someone other than the applicant/licensee you must:

- Complete the [Authorized Representative Form](#) designating a person/entity to act on your behalf and submit with the application.

For help with this application or any related documents or processes, email olcc.alcohollicensing@oregon.gov.

LIQUOR LICENSE APPLICATION

Page 1 of 4

Check the appropriate license request option:

☐ New Outlet | ☒ Change of Ownership | ☐ Greater Privilege | ☐ Additional Privilege

Select the license type you are applying for.

More information about all license types is available [online](#).

Full On-Premises

- ☐ Commercial
- ☐ Caterer
- ☐ Public Passenger Carrier
- ☐ Other Public Location
- ☐ For Profit Private Club
- ☐ Nonprofit Private Club

Winery

- ☐ Primary location
- Additional locations: ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th

Brewery

- ☐ Primary location
- Additional locations: ☐ 2nd ☐ 3rd

Brewery-Public House

- ☐ Primary location
- Additional locations: ☐ 2nd ☐ 3rd

Grower Sales Privilege

- ☐ Primary location
- Additional locations: ☐ 2nd ☐ 3rd

Distillery

- ☐ Primary location
- Additional tasting locations: (Use the DISTT form [HERE](#))

☐ Limited On-Premises

☒ Off Premises

- ☐ Warehouse
- ☐ Wholesale Malt Beverage and Wine

LOCAL GOVERNMENT USE ONLY

LOCAL GOVERNMENT
After providing your recommendation, return this form to the applicant **WITH** the recommendation marked below

Name of City OR County (not both)

Please make sure the name of the Local Government is printed legibly or stamped below

Date application received:

Optional: Date Stamp Received Below

- ☐ Recommend this license be granted
- ☐ Recommend this license be denied
- ☐ No Recommendation/Neutral

Printed Name

Date

Signature

Pinnacle 365 Site 3203

Trade Name

LIQUOR LICENSE APPLICATION

Page 2 of 4

APPLICANT INFORMATION

Identify the applicants applying for the license. This is the entity (example: corporation or LLC) or individual(s) applying for the license. Please add an additional page if more space is needed.

Name of entity or individual applicant #1:

Colvin Oil I, LLC

Name of entity or individual applicant #2:

Name of entity or individual applicant #3:

Name of entity or individual applicant #4:

BUSINESS INFORMATION

Trade Name of the Business (name customers will see):

Pinnacle 365 Site 3203

Premises street address (The physical location of the business and where the liquor license will be posted):

13001 Clackamas River Dr Ste 100

City:

Oregon City

Zip Code:

97045

County:

Clackamas

Business phone number:

503 722 2003

Business email:

renewals@andretti1.com

Business mailing address (where we will send any items by mail as described in OAR 845-004-0065[1].):

2520 Foothill Blvd

City:

Grants Pass

State:

Oregon

Zip Code:

97526

Does the business address currently have an OLCC liquor license? ☒ Yes ☐ No

Does the business address currently have an OLCC marijuana license? ☐ Yes ☒ No

APPLICATION CONTACT INFORMATION – Provide the point of contact for this application. If this individual is not an applicant or licensee, the Authorized Representative Form must be completed and submitted with this application.

Application Contact Name:

Shani Pearce

Phone number:

541-472-4944

Email:

spearce@andretti1.com

LIQUOR LICENSE APPLICATION

Page 3 of 4

TERMS

- “Real property” means the real estate (land) and generally whatever is erected or affixed to the land (for example, the building) at the business address.
- “Common area” is a privately owned area where two or more parties (property tenants) have permission to use the area in common. Examples include the walking areas between stores at a shopping center, lobbies, hallways, patios, parking lots, etc. An area’s designation as a “common area” is typically identified in the lease or rental agreement.

ATTESTATION – OWNERSHIP AND CONTROL OF THE BUSINESS AND PREMISES

- Each applicant listed in the “Application Information” section of this form has read and understands OAR 845-005-0311 and attests that:
 1. At least one applicant listed in the “Application Information” section of this form has the legal right to occupy and control the real property proposed to be licensed as shown by a property deed, lease, rental agreement, or similar document.
 2. No person not listed as an applicant in the “Application Information” section of this form has an ownership interest in the business proposed to be licensed, unless the person qualifies to have that ownership interest waived under OAR 845-005-0311.
 3. The licensed premises at the premises street address proposed to be licensed either:
 - a. Does not include any common areas; or
 - b. Does include one or more common areas; however, only the applicant(s) have the exclusive right to engage in alcohol sales and service in the area to be included as part of the licensed premises.
 - In this circumstance, the applicant(s) acknowledges responsibility for ensuring compliance with liquor laws within and in the immediate vicinity of the licensed premises, including in portions of the premises that are situated in “common areas” and that this requirement applies at all times, even when the business is closed.
 4. The licensed premises at the premises street address either:
 - a. Has no area on property controlled by a public entity (like a city, county, or state); or
 - b. Has one or more areas on property controlled by a public entity (like a city, county, or state) and the public entity has given at least one of the applicant(s) permission to exercise the privileges of the license in the area.

Pinnacle 365 Site 3203

OLCC Liquor License Application (Rev. 10.25.23)

LIQUOR LICENSE APPLICATION

Pinnacle 365 Site 3203

Page 4 of 4

Applicant Signature(s): Each individual listed in the applicant information box on page 2 (entity or individuals applying for the license) must sign the application.

If an applicant listed in the applicant information box on page 2 is an entity (such as a corporation or limited liability company), at least one member or officer of the entity must sign the application.

- Each applicant listed in the "Application Information" section of this form has read and understands OLCC 845-006-0362 and attests that:

1. Upon licensure, each licensee is responsible for the conduct of others on the licensed premises, including in outdoor areas.
2. The licensed premises will be controlled to promote public safety and prevent problems and violations, with particular emphasis on preventing minors from obtaining or consuming alcoholic beverages, preventing over-service of alcoholic beverages, preventing open containers of alcoholic beverages from leaving the licensed premises unless allowed by OLCC rules, and preventing noisy, disorderly, and unlawful activity on the licensed premises.

I attest that all answers on all forms and documents, and all information provided to the OLCC as a part of this application, are true and complete.

Manuel Castelo


M.J. Castelo (Dec 29, 2023 19:58 EST)
Signature

12/29/23

Applicant name

Date

Applicant name

Signature

Date

Applicant name

Signature

Date

Applicant name

Signature

Date

Applicant/Licensee Representative(s): If you would like to designate a person/entity to act on your behalf you must complete the Authorized Representative Form. You may submit the form with the application or anytime thereafter. The form must be received by the OLCC before the representative can receive or submit information for the applicant.

Please note that applicants/licensees are responsible for all information provided, even if an authorized representative submits additional forms on behalf of the applicant.

APPLICATION FORM_Liquor License Application_10.25.23

Final Audit Report

2023-12-30

Created:	2023-12-30
By:	Shani Pearce (spearce@andretti1.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAZjfWjeBBfKcGpk0Wlikxf11N0U4HC3he

"APPLICATION FORM_Liquor License Application_10.25.23" History

-  Document created by Shani Pearce (spearce@andretti1.com)
2023-12-30 - 0:23:11 AM GMT
-  Document emailed to M.J. Castelo (mjcastelo@andretti1.com) for signature
2023-12-30 - 0:23:47 AM GMT
-  Email viewed by M.J. Castelo (mjcastelo@andretti1.com)
2023-12-30 - 0:57:15 AM GMT
-  Document e-signed by M.J. Castelo (mjcastelo@andretti1.com)
Signature Date: 2023-12-30 - 0:58:16 AM GMT - Time Source: server
-  Agreement completed.
2023-12-30 - 0:58:16 AM GMT

**Adobe Acrobat Sign**



OREGON LIQUOR & CANNABIS COMMISSION

Authorized Representative Form

What is this form?

An applicant or licensee may give a representative authorization to make changes to the license; sign application forms on behalf of the licensee or applicant; or receive information about a license or application. The applicant or licensee may use this form to document that authorization.

This form **must** be signed by someone who is a licensee or an applicant for the license.

PLEASE NOTE: *Exceptions* - Each individual person **MUST** sign their own Individual History Form

Section 1 – Applicant/Licensee Information

Applicant/Licensee Name:	Colvin Oil I, LLC
Trade Name:	Pinnacle 365 Site 3203
Premise Address:	13001 Clackamas River Dr Ste 100, Oregon City, OR 97045

Section 2 – Representative Information

Representative Name:	Shani Pearce		
Representative Phone:	541-472-4944	Representative Email:	spearse@andretti1.com

Section 3 – Authorization

I give permission for the above-named representative to:

- Make changes regarding this license/application on my behalf.
- Sign application forms and documents regarding this license/application on my behalf.
- Receive information about the status of the license/application, including information about pending compliance action or communications between OLCC and the licensee/applicant.

This authorization will remain in effect until I rescind my permission in writing and provide a copy to the Commission.

Comments:

Signature: 

M.J. Castelo [Dec 29, 2023 20:03 EST]

Date: 12/29/23

Name: Manuel Castelo

Title: Owner

license-representative-authorization

Final Audit Report

2023-12-30

Created:	2023-12-30
By:	Shani Pearce (spearce@andretti1.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAsFz7bmKs78pfLP15Nymk5ljO29CTA

"license-representative-authorization" History

-  Document created by Shani Pearce (spearce@andretti1.com)
2023-12-30 - 0:42:58 AM GMT
-  Document emailed to M.J. Castelo (mjcastelo@andretti1.com) for signature
2023-12-30 - 0:43:08 AM GMT
-  Email viewed by M.J. Castelo (mjcastelo@andretti1.com)
2023-12-30 - 1:03:23 AM GMT
-  Document e-signed by M.J. Castelo (mjcastelo@andretti1.com)
Signature Date: 2023-12-30 - 1:03:45 AM GMT - Time Source: server
-  Agreement completed.
2023-12-30 - 1:03:45 AM GMT

**Adobe Acrobat Sign**



OREGON LIQUOR & CANNABIS COMMISSION

INDIVIDUAL HISTORY FORM

WHO MUST COMPLETE THIS FORM?

You must complete this form if:

- Your name is listed as an applicant in the "Entity or Individuals applying for the license" section of the Liquor License Application form.
- A corporation is listed as an applicant in the "Entity or Individuals applying for the license" section of the Liquor License Application form and you are:
 - President, a Vice President with responsibility over the operation of the business, Secretary, or Treasurer.
 - A Director with 3% or more voting stock.
 - An individual who owns 20% or more of issued stock.
- A limited liability company (LLC) is listed as an applicant in the "Entity or Individuals applying for the license" section of the Liquor License Application form and you are:
 - A Managing Member of the LLC (this is an individual designated to manage the LLC; it may or may not be the same individual designated to manage the business).
 - A Member who owns 20% or more of the membership.
 - An Officer (such as a President or Secretary) with responsibilities over the operation of the business.

You must work with the OLCC to determine who must complete this form if you are:

- Part of an entity *other than* a corporation or LLC that is listed as an applicant in the "Entity or Individuals applying for the license" section of the Liquor License Application form, or
- Part of an entity that owns 10% or more of an entity listed as an applicant in the "Entity or Individuals applying for the license" section of the Liquor License Application form.

IN ADDITION, THE OLCC MAY REQUIRE OTHER PEOPLE TO COMPLETE THIS FORM WHEN THERE IS REASON TO BELIEVE IT MAY HELP THE OLCC IN ITS INVESTIGATION.



OREGON LIQUOR & CANNABIS COMMISSION INDIVIDUAL HISTORY FORM

1. Name (Print):	Castelo	Manuel	J
	Last	First	Middle
2. Other names used (maiden, other):			
3. Do you have a Social Security Number (SSN) issued by the United States Social Security Administration? Yes ☒ No ☐			
If yes, you must list your SSN: [REDACTED]			
SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you indicate below. Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your <u>voluntary consent</u> to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)).			
4. Do you consent to the OLCC's use of my SSN as described above? Check this box: ☒			
5. Date of Birth (DOB):	[REDACTED]	[REDACTED]	[REDACTED]
	(mm)	(dd)	(yyyy)
6. Driver License or State ID #:	[REDACTED]	7. State CA	
8. Contact Phone: 650-438-2101			
9. E-mail Address: mjcastelo@andretti1.com			
10. Mailing Address:	[REDACTED]		
	(Number and Street)	(City)	(State) (Zip Code)
11. In the past 10 years, have you been convicted of a felony or a misdemeanor in a U.S. state outside of Oregon? No ☒ Yes ☐ (If yes, explain in the space provided, below) Unsure ☐ Choose this option and provide an explanation if, for example: you were arrested or went to court, but are unsure of whether there was a conviction; you paid a fine or served probation or parole, but are unsure of whether there was a conviction; or if you know you had a conviction, but you are unsure of whether the conviction has been removed from your record, etc.			



OREGON LIQUOR & CANNABIS COMMISSION

INDIVIDUAL HISTORY FORM

12. Do you, or any entity that you are a part of, **currently hold** or **have you previously held** a recreational marijuana license in Oregon? (Note: marijuana worker permits are not marijuana licenses.)

No ☒ Yes ☐ Please list licenses (and year(s) licensed) below Unsure ☐ Please include an explanation:

13. Do you, or any entity that you are a part of, hold an alcohol license in a U.S. state outside of Oregon?

No ☐ Yes ☒ Please list licenses (and year(s) licensed) below Unsure ☐ Please include an explanation:

Several ABC licenses in the State of California

303376, 226186, 362758, 303441, 200233, 271335, 178834, 178835, 449824, 330224, 303443, 198190, 197667, 247559, 454262, 541345, 557265, 621496, 421027, 504730, 479984, 423713, 525340, 523116, 504263, 478635, 478638, 553355, 477090, 519152

14. Do you or any entity that you are a part of, have any other liquor license applications pending with the OLCC?

No ☒ Yes ☐ Please list applications below Unsure ☐ Please include an explanation:

You must sign your own form (electronic signature acceptable). Another individual, such as your attorney or an individual with power of attorney, **may not** sign your form.

Affirmation

Even if I receive assistance in completing this form, I affirm by my signature below, that my answers on this form are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to my criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Name (Print):	Castelo	Last	Manuel	First	J	Middle
Signature:  M.J. Castelo (Jan 5, 2024 18:14 EST)					Date: Jan 5, 2024	

This box for OLCC use ONLY

Does the individual currently hold, or has the individual previously held, an OLCC- issued liquor license?

OLCC_individual_history

Final Audit Report

2024-01-05

Created:	2024-01-05
By:	Shani Pearce (spearce@andretti1.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAIHujdYt7xulxMeqvs4rYQjf4nqPFelzn

"OLCC_individual_history" History

-  Document created by Shani Pearce (spearce@andretti1.com)
2024-01-05 - 7:34:00 PM GMT
-  Document emailed to M.J. Castelo (mjcastelo@andretti1.com) for signature
2024-01-05 - 7:35:22 PM GMT
-  Email viewed by M.J. Castelo (mjcastelo@andretti1.com)
2024-01-05 - 11:14:03 PM GMT
-  Document e-signed by M.J. Castelo (mjcastelo@andretti1.com)
Signature Date: 2024-01-05 - 11:14:26 PM GMT - Time Source: server
-  Agreement completed.
2024-01-05 - 11:14:26 PM GMT



CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: Public Works Director John M. Lewis, PE

Agenda Date: 02/21/2024

SUBJECT:

Public Improvement Contract for the 2024 Manhole Rehabilitation Project (CI 23-011)

STAFF RECOMMENDATION:

The Commission awards and authorizes the City Manager to execute the Public Improvement Contract with Emagineered Solutions, Inc. for construction of the 2024 Manhole Rehabilitation Project (CI 23-011), in the amount of \$380,060.00.

EXECUTIVE SUMMARY:

Staff seeks approval for the City Manager to execute this contract with Emagineered Solutions, Inc. for the construction of the 2024 Manhole Rehabilitation Project (CI 23-011), in the amount of \$380,060.00. This project is part of the Inflow & Infiltration (I&I) Program and will rehab manholes, via grout injection, in portions of the McLoughlin, Rivercrest, and Newell Basins. This project is eligible to receive funds from Water Environment Services (WES) through the existing Intergovernmental Agreement (IGA) for Regional Inflow and Infiltration Reduction.

BACKGROUND:

I&I causes clean water to be conveyed to the wastewater treatment plant. This additional flow increases the City's maintenance of pump stations and sewer mains which also increases rates for utility customers. Infiltration typically occurs through holes, cracks, joint failures, and faulty connections in pipes or manholes due to aging infrastructure or disturbance. Inflow occurs with improper connections, such as roof drains, foundation drains, and stormwater catch basins.

The City adopted the I & I Program to identify problems within the sewer system, and deliver projects to address them. Utilizing a wholistic approach, all components of the sewer system will be considered when identifying rehabilitation focused areas. In addition, the City's 2014 Sanitary Sewer Master Plan calls for an Inflow and Infiltration Program (to reduce surface and subsurface water entering the sanitary sewer collection system). The 2024 Manhole Rehabilitation Project is part of this program and eligible for

funding via the existing Water Environmental Services (WES) IGA for Regional I&I Reduction.

This project will repair leaky manholes throughout the reimbursement area, primarily within the McLoughlin, Rivercrest and Newell Basins (within the Elyville, McLoughlin, Rivercrest and South End neighborhood associations). Construction includes:

- Rehabilitation of 190 manholes, via grout injection, to include necessary structural repairs to perform the grout injection.
- Additional and incidental work, as called for by the Specifications and Plans.

The project was advertised in the *Daily Journal of Commerce* and the City bid site on January 10th and 12th, 2024 (in accordance with City and State contracting procedures). The bid opening was held on January 31, 2024, with four (4) bids received. The apparent low bidder, Cascade Industrial Services LLC submitted a bid containing errors making the amount of their bid unclear. Because of this, the City and Consultant (Wallis Engineering) rejected their bid. Three (3) responsive bids were confirmed.

The City and Wallis Engineering determined that Emagineered Solutions, Inc. was the low responsive bidder. The contract award value is three hundred eighty thousand, sixty dollars (\$380,060.00); 24.4% higher than the engineer's estimate.

The list below includes the bidders and bid amounts received for this project:

Emagineered Solutions, Inc.	\$380,060.00
Olson Brothers Pro-Vac, LLC	\$554,840.00
Underground Tech	\$925,400.00
Cascade Industrial Services, LLC	Rejected
Engineers Estimate	\$305,555.00

Construction is anticipated to occur Winter 2024, finishing by Summer 2024.

OPTIONS:

1. Authorize the City Manager to execute the Contract with Emagineered Solutions, Inc.
2. Authorize the City Manager to execute the Contract with Emagineered Solutions, Inc. with specific modifications.
3. Deny the Contract. If the Commission chooses to deny the Contract, staff requests direction on how to proceed.

BUDGET IMPACT:

Amount: \$380,060.00
 Fiscal Years(s): FY 23-24
 Funding Source(s): Sewer Fund

SECTION III A **CONTRACT AGREEMENT**

This Agreement, made and entered into this 21st day of January, 2024 between the CITY OF OREGON CITY ("CITY"), acting by and through the City Commission and **EMAGINEERED SOLUTIONS, INC.** ("CONTRACTOR").

Witnesseth, that the CONTRACTOR and the CITY, for the considerations stated herein, agree as follows:

ARTICLE I - Scope of Work

The CONTRACTOR hereby agrees to furnish all of the materials, equipment and labor necessary, and to perform all of the work for the project entitled: **2024 Manhole Rehabilitation (CI 23-011)** in accordance with the contract documents which are hereby made a part of this agreement.

The contract documents consist of:

Invitation to Bid Scope of Work Instructions to Bidders Bid Proposal and Bid Schedule Compliance with ORS 279C.840 Resident Bidder Status Certification of Drug Testing Program Non-Collusion Statement Asbestos Certification Registrations Business Licenses Certification Certification of Non-Discrimination Certification of Compliance with Tax Law First Tier Subcontractor Disclosure Form Bidder Responsibility Form Bid Bond Customer Service Acknowledgment Form Qualification of Bidder Contract Agreement Oregon City Public Improvement Standard Conditions	Statutory Conditions to Contract Agreement Payment Bond Performance Bond State of Oregon Statutory Public Works Bond Prevailing Wage Rates for Public Works Contracts in Oregon, dated January 5, 2024 Amendments to the Prevailing Wage Rates for Public Works Contracts in Oregon dated October 5, 2023 Prevailing Wage Apprenticeship Rates dated January 5, 2024 Definitions of Covered Occupations for Public Works Contracts in Oregon dated July 1, 2018 General Conditions Special Provisions Contract Drawings City of Oregon City Standard Details Technical Specifications 2021 Oregon Standard Specifications for Construction (ODOT and APWA) as referenced by these documents Addendum 1 Addendum 2, dated January 23, 2024 All items included within these Contract Documents.
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The order of items cited above does not constitute an order of precedence different than that established in the special or standard specifications. Equivalent titles, which may be substituted for the above listed items, are included as if specifically named.

ARTICLE II - Time of Completion

The project shall be substantially complete by **May 27, 2024** and ready for final acceptance by **June 26, 2024** as identified in 00180.50(b) of the Special Provisions.

ARTICLE III – Contract Amount

The Contract Amount for the work covered by this Agreement is estimated to be three hundred-eighty thousand, sixty dollars (\$380,060).

ARTICLE IV - Warranty and Quality of Work

In addition to all other warranties, express or implied, that are part of this Agreement, the Contractor expressly warrants to the City for a period of one year from acceptance of the work by the City that all materials and equipment furnished under this contract will be new, unless otherwise specified, and that the work will be of good quality, free from faults and defects and in conformance with the City's specifications. Work that does not conform to these standards shall be considered defective.

Contractor shall, at its own expense, make good and repair any and all defects arising from faulty workmanship or materials, if the defective work is discovered within the one-year warranty period and notice thereof is given to the Contractor within 60 days after the expiration of the warranty period. If required by the City, the Contractor shall furnish satisfactory evidence as to the kind and quality of materials and equipment used to repair the defect.

In witness whereof, the parties hereto have executed this agreement, the day and year first above written.

CITY OF OREGON CITY**EMAGINEERED SOLUTIONS, INC.**

By: _____
Anthony J. Konkol III
City Manager

Printed Name

By: _____
John M. Lewis, P.E.
Public Works Director

By: _____
Authorized Signature

Title

Approved as to Legal Sufficiency

By: _____
City Attorney

Date

Address:

Emagineered Solutions, Inc.

1830 SE 1st Street

City Commission Award Date:

Redmond, OR 97756

68-0449805

Federal Taxpayer ID Number

February 8, 2024

Dayna Webb
City of Oregon City
625 Center Street
Oregon City, Oregon 97045

RE: Manhole Rehabilitation Project – Recommendation to Award
OC Project No. CI 23-011
W.E. Job No. OC 23-II.02.06

Dear Mrs. Webb:

We have reviewed the submitted bids for the above-referenced project. A total of four (4) bids were received that, upon opening, appeared to range from \$278,550.00 to \$925,400.00. However, based on the submitted bid documents, the apparent low bidder (Cascade Industrial Services, LLC) appears to have made an error in their bid. The bid document provided included matching unit price and extended price for bid items six (6) and seven (7) of the Bid Schedule. To the extent the City followed City Contract Section I, Subsection 12.B (2), the discrepancy between unit prices and extended prices would be resolved by holding the unit price, which would have resulted in a revised bid total of \$33,106,650.00. We recommend that the City reject the bid due to a mistake under City Contract Section I, Subsection 12.B (3), as an intended bid amount cannot be determined based upon the documents submitted.

The second lowest responsive and responsible bid was submitted by Emagineered Solutions, Inc from Redmond, OR in the amount of Three Hundred Eight Thousand, Sixty Dollars and Zero Cents (\$380,060.00). We have reviewed Emagineered Solutions, Inc. bid bond and have checked their current status relative to state licensing and found it to be in order along with verifying that the contractor is not listed on the debarred contractors list.

Upon the City's award of the project, please fill out and sign, as applicable, the Notice of Award, Performance Bond, Payment Bond, Public Works Bond, and Contract Agreement forms and forward them to the contractor.

Please note that in accordance with ORS 279B.135 a Notice of Intent to Award must be posted or provided to the other bidders prior to the City's award of a contract.

Sincerely,



David Brokaw, P.E.
WALLIS ENGINEERING

Client City of Oregon City
Project 2024 Manhole Rehabilitation Project (CI 23-011)
Bid Tabulation
Date: 1/31/24 2:00 PM

Apparent Low

Other Bidders

Non-Responsive

Item	Description	Units	Quantity
1	Extra Work as Authorized	FA	1
2	Mobilization	LS	1
3	Temporary Work Zone Traffic Control, Complete	LS	1
4	Flaggers	HR	320
5	Rehabilitate Manhole - Spot Repair by Application of Injection Grout and Cementitious Repair Material, First Seven (7) Feet	EA	190
6	Rehabilitate Manhole - Spot Repair by Application of Injection Grout and Cementitious Repair Material, Additional Vertical Feet	VF	520
7	Rehabilitate Manhole - Extra for Curtain Grouting	VF	60
TOTAL (ITEMS 1 TO 7)			

Engineers Estimate	
Unit Price	Extended
\$ 10,000.00	\$ 10,000.00
\$ 24,273.19	\$ 24,273.19
\$ 11,558.66	\$ 11,558.66
\$ 69.35	\$ 22,192.63
\$ 751.31	\$ 142,749.48
\$ 115.59	\$ 60,105.04
\$ 577.93	\$ 34,675.99
	\$ 305,555.00

Emagineered Solutions, Inc.	
Unit Price	Extended
\$ 10,000.00	\$ 10,000.00
\$ 21,335.00	\$ 21,335.00
\$ 34,545.00	\$ 34,545.00
\$ 84.00	\$ 26,880.00
\$ 1,186.00	\$ 225,340.00
\$ 73.00	\$ 37,960.00
\$ 400.00	\$ 24,000.00
24.4%	\$ 380,060.00

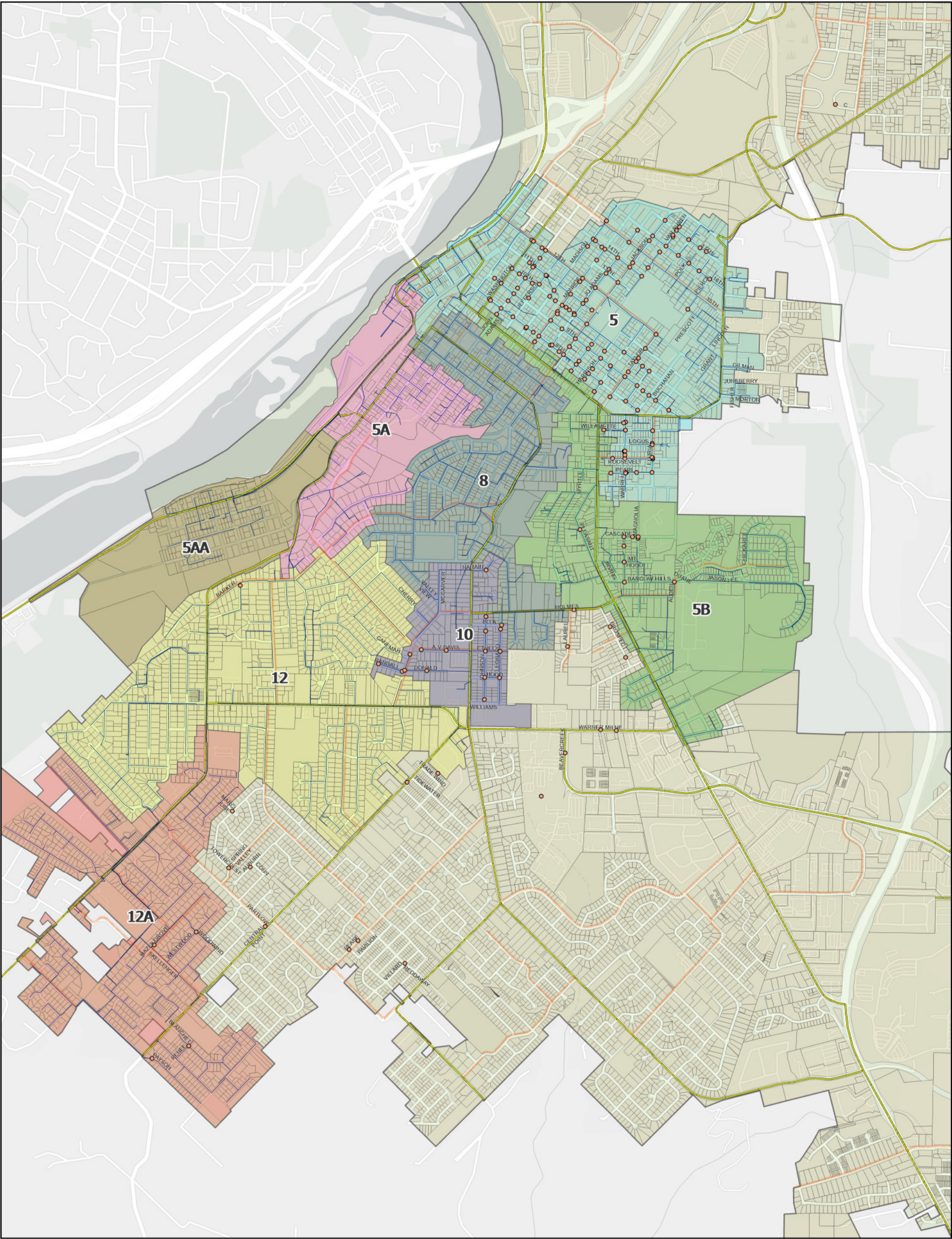
Olson Brothers Pro-Vac, LLC	
Unit Price	Extended
\$ 10,000.00	\$ 10,000.00
\$ 36,450.00	\$ 36,450.00
\$ 9,360.00	\$ 9,360.00
\$ 101.50	\$ 32,480.00
\$ 1,475.00	\$ 280,250.00
\$ 255.00	\$ 132,600.00
\$ 895.00	\$ 53,700.00
81.6%	\$ 554,840.00

Underground Tech	
Unit Price	Extended
\$ 10,000.00	\$ 10,000.00
\$ 35,000.00	\$ 35,000.00
\$ 3,500.00	\$ 3,500.00
\$ 175.00	\$ 56,000.00
\$ 3,190.00	\$ 606,100.00
\$ 360.00	\$ 187,200.00
\$ 460.00	\$ 27,600.00
202.9%	\$ 925,400.00

Not include in Average

Cascade Industrial Services, LLC	
Unit Price	Extended
\$ 10,000.00	\$ 10,000.00
\$ 5,000.00	\$ 5,000.00
\$ 5,000.00	\$ 5,000.00
\$ 70.00	\$ 22,400.00
\$ 875.00	\$ 166,250.00
\$ 62,400.00	\$ 62,400.00
\$ 7,500.00	\$ 7,500.00
-8.8%	\$ 278,550.00

Note:



OREGON CITY
I&I //
MANHOLE
REHABILITATION
PACKAGE

Date: 12/22/2023

- RIVERCREST, 10
- WARNER PARROT, 12
- SOUTH END, 12A
- McLOUGHLIN, 5
- FALLS, 5A
- FALLS, 5AA
- NEWELL, 5B
- LINN, 8

- REHABILITATE MANHOLE -
INJECTION GROUT AND SPOT
REPAIR
- PIPES
- TAXLOTS
- OREGON CITY BOUNDARY
- ARTERIAL
- COLLECTOR

0 1,000
SCALE IN FEET
1: 20,000





CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: Public Works Director John M. Lewis, PE

Agenda Date: 02/21/2024

SUBJECT:

Personal Services Agreement with Archaeological Investigations Northwest, Inc. (AINW) for the Holmes Lane Waterline Replacement Project (CI 24-002)

STAFF RECOMMENDATION:

Award the contract and authorize the City Manager to execute the Contract Agreement with AINW in the amount of \$79,562.70 for archaeological services for the Holmes Lane Waterline Replacement Project (CI 24-002).

EXECUTIVE SUMMARY:

This waterline replacement project is receiving funding through the Environmental Protection Agency (EPA), as part of the Water Infrastructure Finance and Innovation Act (WIFIA) program. As part of the EPA review for compliance with the National Environmental Policy Act of 1969 (NEPA), the EPA issued a NEPA Categorical Exclusion (CATEX) determination and issued a Federal Cross-Cutting Authorities Review Memorandum. The Memorandum identified recommendations, from the Confederate Tribes of the Grand Ronde, for archeological review and construction monitoring for this project. This contract will provide the archeological services needed to meet this provision.

BACKGROUND:

The City has maintained and repaired breaks/leaks in the existing 12" steel waterline pipe in Holmes Lane for many years. This pipe is a critical component in the City's water distribution system, as it supplies water to both the Boynton and the Henrici Reservoirs. When the Mountainview Pump Station is activated, sending water to the two reservoirs, the pressure surge is likely to cause cracks and leaks in the old steel pipe. Because of this, replacement of this waterline is a high priority to ensure safe, continuous functioning of the water distribution system.

This waterline is identified in the Water Infrastructure Finance and Innovation Act (WIFIA) project list as, "WIFIA 2-3". This project is federally funded and, local Tribes

were alerted and included in the project review. The Confederated Tribes of Grand Ronde (CTGR) responded and requested archaeological monitoring.

In January 2024, the City contacted AINW to provide a scope and fee for the research and construction monitoring of the Holmes Lane Waterline Replacement Project. The attached proposal identifies the tasks and fees associated with this project.

This procurement follows Oregon City Municipal Code 2.40.020, which allows use of the Attorney General Model Rules for Engineering and Architectural Services. OAR 137-048-0200 allows for a direct appointment procedure of Related Services to an Architectural and Engineering Services procurement, when the total contract value is under \$100,000.

The attached scope of work (Exhibit A) outlines the details by which the project will move forward through the research and construction archaeological monitoring phase. The waterline replacement project is scheduled to be completed in the Summer of 2024. Once completed, repaving of Holmes Lane will begin as part of the Pavement Maintenance Utility Fee (PMUF) Program. The repaving is expected to start in the Summer of 2026.

OPTIONS:

1. Authorize the City Manager to execute the Agreement.
2. Authorize the City Manager to execute the Agreement with specific modifications.
3. Deny the Agreement. If the Commission chooses to deny the Agreement, staff requests direction on how to proceed.

BUDGET IMPACT:

Amount: \$79,562.70

Fiscal Year(s): 2023/24 – 2024/25

Funding Source(s): Water Fund

**CITY OF OREGON CITY
PERSONAL SERVICES AGREEMENT**

HOLMES LANE WATERLINE REPLACEMENT PROJECT (CI 24-002)

This PERSONAL SERVICES AGREEMENT ("Agreement") is entered into between the CITY OF OREGON CITY ("City") and **ARCHAEOLOGICAL INVESTIGATIONS NORTHWEST, INC** ("Consultant").

RECITALS

A. City requires services that Consultant is capable of providing under the terms and conditions hereinafter described.

B. Consultant is able and prepared to provide such services as City requires under the terms and conditions hereinafter described.

The parties agree as follows:

AGREEMENT

1. Term. The term of this Agreement shall be from the date the contract is fully executed until **December 31, 2024**, unless sooner terminated pursuant to provisions set forth below. However, such expiration shall not extinguish or prejudice City's right to enforce this Agreement with respect to (i) breach of any warranty; or (ii) any default or defect in Consultant's performance that has not been cured.

2. Compensation. City agrees to pay Consultant on a time-and-materials basis for the services required. Total compensation, including reimbursement for expenses incurred, shall not exceed **seventy-nine thousand, five hundred-sixty-two dollars and 70 cents (\$79,562.70)**.

3. Scope of Services. Consultant's services under this Agreement shall consist of services as detailed in Exhibit A, attached hereto and by this reference incorporated herein.

4. Standard Conditions. This Agreement shall include all of the standard conditions as detailed in Exhibit B, attached hereto and by this reference incorporated herein.

5. Schedule. The components of the project described in the Scope of Services shall be completed according to Term, above.

6. Integration. This Agreement, along with the description of services to be performed attached as Exhibit A and the Standard Conditions to Oregon City Personal Services Agreement attached as Exhibit B, contain the entire agreement between and among the parties, integrate all the terms and conditions mentioned herein or incidental hereto, and supersede all prior written or oral discussions or agreements between the parties or their predecessors-in-interest with respect to all or any part of the subject matter hereof.

7. Notices. Any notices, bills, invoices, reports or other documents required by this Agreement shall be sent by the parties by United States mail, by hand delivery or by electronic means. All notices shall be in writing and shall be effective when delivered. If mailed, notices shall be deemed effective forty-eight (48) hours after mailing, unless sooner received.

To the City:

City of Oregon City
 13895 Fir Street
 Oregon City, OR 97045
 Attention: John M. Lewis

To Consultant:

Archeological Investigations Northwest
3510 NE 122nd Avenue
Portland, OR 97230
Attn: Jo Reese

Consultant shall be responsible for providing the City with a current address. Either party may change the address set forth in this Agreement by providing notice to the other party in the manner set forth above.

8. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the state of Oregon without resort to any jurisdiction's conflicts of law, rules or doctrines.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly appointed officers on this _____ day of _____, 20____.

CITY OF OREGON CITY**ARCHEOLOGICAL INVESTIGATIONS
NORTHWEST**

By: _____

By: _____

Name: John M. Lewis, P.E

Name: _____

Title: Public Works Director

Title: _____

DATED: _____, 20____.

DATED: _____, 20____.

By: _____

ORIGINAL CITY COMMISSION APPROVAL (IF
 APPLICABLE):

Name: Anthony J. Konkol III

DATE: _____

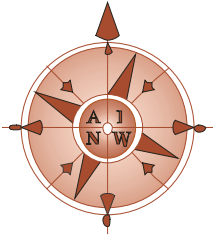
Title: City Manager

DATED: _____, 20____.

APPROVED AS TO LEGAL SUFFICIENCY:

By: _____

City Attorney



MEMO

Date: January 8, 2024; revised January 19, 2024

To: John Burrell, EIT, CPESC, Project Manager, Erosion Control Program, City of Oregon City

From: Teresa Trost, M.A., R.P.A., Project Manager/Senior Archaeologist

Re: WIFIA 2-3, Holmes Lane, City of Oregon City, Oregon
Proposal for Archaeological Monitoring and Related Services

This proposal is for archaeological services related to the Holmes Lane Waterline project in Oregon City. The project will receive funding through the Environmental Protection Agency (EPA) and will therefore need to meet Section 106 of the National Historic Preservation Act. As part of the EPA's responsibilities, Tribes were alerted and included in the review, per the Section 106 process; the Confederated Tribes of Grand Ronde Community (CTGR) responded with a request for archaeological monitoring.

AINW will conduct research on the project to make recommendations regarding the limits and extent of archaeological monitoring and prepare a monitoring plan that will become part of the construction bid documents.

I understand that construction will occur during normal business hours, and the plan is for up to 60 workdays of construction. An archaeologist may be the on-site monitor and would be supervised by a professionally qualified archaeologist. The cost estimate reflects this staffing plan. Note that an additional monitor would be needed if more than one piece of mechanical equipment is excavating. AINW requires an initial two-weeks-advance notice of construction beginning and, once construction begins, 48-hours-notice of the need for a monitor on-site. During a week in which a monitor is on-site, a weekly summary would be provided to the City, Tribes, and other interested agencies. If requested, a monitoring report would be prepared at conclusion of ground disturbance created by the project.

Also, if you request, AINW will apply for an archaeological excavation permit from the State Historic Preservation Office (SHPO) to be used during monitoring and possible subsequent archaeological investigations.

Task 1. Background Research and Monitoring Plan

AINW would carry out archival research and monitor pre-construction ground-disturbing activity.

- o Research will include a review of historic aerials and maps, geotechnical reports (if provided), and other relevant photographs, maps, and documents.
- o *I estimate the cost for background research and preparing the monitoring plan to be \$5,395.00.*
- o *Deliverable: Monitoring Plan due April 19, 2024.*

Task 2. Construction Monitoring

AINW would provide a monitor at the City's request during construction.

- o I assume up to 60 8-hour days on-site.
- o In addition to field time, included in this scope and cost estimate is time to download photos, prepare field notes, and travel to and from AINW's Portland office to the job site.
- o *If overtime is incurred, it will be billed at 1.5 times the straight time billing rate.*
- o The cost estimate also includes labor for coordination and scheduling.
- o A weekly summary will be emailed to the CTGR and others if requested.
- o *I estimate the cost to be \$65,658.70. This budget will accommodate 5 hours of overtime each week, for 12 weeks.*

Task 3. Monitoring Report (if requested)

If requested and no inadvertent discovery occurs, AINW would prepare a brief memo for submission to SHPO, so that the report would be on file in the Oregon Archaeological Records Remote Access database (OARRA).

- o The report will summarize field activities and findings and will include a map showing the areas monitored and photographs.
- o AINW will submit the report to SHPO on behalf of the City via SHPO's GoDigital process.
- o *I estimate the cost for the report will not exceed \$5,566.00.*

Task 4. SHPO Permit (if requested or required)

AINW would prepare and submit an archaeological excavation permit application to SHPO.

- o Please note that archaeological work performed under a SHPO archaeological permit must be completed as legally required by the permit, which includes completing and submitting a report for the work and identifying, analyzing, and curating artifacts. Completing these requirements and obligations, taken on behalf of the City, cannot be terminated even if the project is terminated.
- o The draft permit application would be submitted to the City within 10 business-days of this task's notice-to proceed.
- o Final draft would be submitted to the City within 3 business-days of receipt of comments.
- o The approved permit application would be submitted to SHPO within 1 business-day.
- o *I estimate the cost to obtain an archaeological excavation permit will not exceed \$2,943.00.*

The total estimated costs are \$79,562.70. A detailed budget is attached. AINW will invoice monthly. Our payment terms are net 30 days.

I have assumed there will be no archaeological discoveries. If an archaeological discovery is made, a permit from the State Historic Preservation Office will be needed. Additional archaeological investigation, if the archaeological resource cannot be avoided by construction, would require an amendment to this agreement.

Archaeological Investigations Northwest, Inc.

CLIENT: City of Oregon City

Project Name: WIFIA 2-3, Holmes Lane

Date: January 8, 2024; revised January 19, 2024

		Reese	Trost														
Task	Description	PI/PM/Senior Archaeologist	Senior Archaeo.	Senior Architect. Hist	Architect. Historian	Supervising Archaeolog. III	Supervising Archaeolg. II	Supervising Archaeolog. I	Staff Archaeolog.	Graphics- GIS	Research/ Proj. Assist./ Proj. Admin	Field/Lab Archaeo. Assistant	Hours	Labor	Expenses	Total	
	Background research and recommendations		14				16			3	3		36	\$5,395.00	\$0.00	\$5,395.00	
	Start up and 60 days on-site monitoring. Each 8-hour day includes 1 added hour of travel and prep for the monitor, and with overtime on the excess beyond 40 hours that would be 47.5 hours at ST rate. (12 weeks)	1	36			8			570	7	2		624	\$64,178.00	\$1,480.70	\$65,658.70	
	Report summary of monitoring	2	2			28				4	3		39	\$5,566.00	\$0.00	\$5,566.00	
	SHPO permit (if requested or necessary)	1	12							2	1		16	\$2,943.00	\$0.00	\$2,943.00	
	Total Labor Hours	4	64	0	0	36	16	0	570	16	9	0	715				
	Labor Rates	\$243.00	\$185.00	\$185.00	\$112.22	\$130.00	\$120.00	\$110.00	\$96.00	\$185.00	\$110.00	\$82.00					
	Total Labor	\$972.00	\$11,840.00	\$0.00	\$0.00	\$4,680.00	\$1,920.00	\$0.00	\$54,720.00	\$2,960.00	\$990.00	\$0.00	\$78,082.00		\$1,480.70	\$79,562.70	
	DIRECT EXPENSES	Each	Qty	Total									GRAND TOTAL		\$78,082.00	\$1,480.70	\$79,562.70
	Vehicle Mileage 34 miles RT X 60 days + 5 ck-in trips	\$0.670	2210	\$1,480.70													
	Blank	\$0.00	0	\$0.00													
	Blank	\$0.00	0	\$0.00													
	Blank	\$0.00	0	\$0.00													
	TOTAL EXPENSES TASK			\$1,480.70													
	TOTAL EXPENSES			\$1,480.70													
						FN = Oregon city-Holmes Ln AINW Cost Est 01-19-2024											

**STANDARD CONDITIONS TO OREGON CITY
PERSONAL SERVICES AGREEMENT**

Item 7c.

1. Consultant Identification. Consultant shall furnish to City its taxpayer identification number, as designated by the Internal Revenue Service, or Consultant's social security number, as City deems applicable.

2. Payment.

(a) Invoices submitted in connection with this Agreement shall be properly documented and shall identify the pertinent agreement and/or purchase order numbers.

(b) City agrees to pay Consultant within thirty (30) days after receipt of Consultant's itemized statement. Amounts disputed by City may be withheld pending settlement.

(c) City certifies that sufficient funds are available and authorized for expenditure to finance the cost of the services to be provided pursuant to this Agreement.

(d) City shall not pay any amount in excess of the compensation amounts set forth in this Agreement, nor shall City pay Consultant any fees or costs that City reasonably disputes.

3. Independent Consultant Status.

(a) Consultant is an independent consultant and is free from direction and control over the means and manner of providing labor or services, subject only to the specifications of the desired results.

(b) Consultant represents that it is customarily engaged in an independently established business and is licensed under ORS chapter 671 or 701, if the services provided require such a license. Consultant maintains a business location that is separate from the offices of the City and bears the risk of loss related to the business as demonstrated by the fixed price nature of the contract, requirement to fix defective work, warranties provided and indemnification and insurance provisions of this Agreement. Consultant provides services for two or more persons within a 12-month period or routinely engages in advertising, solicitation or other marketing efforts. Consultant makes a significant investment in the business by purchasing tools or equipment, premises or licenses, certificates or specialized training and

Consultant has the authority to hire or fire persons to provide or assist in providing the services required under this Agreement.

(c) Consultant is responsible for obtaining all assumed business registrations or professional occupation licenses required by state or local law (including applicable City or Metro business licenses as per Oregon City Municipal Code Chapter 5.04). Consultant shall furnish the tools or equipment necessary for the contracted labor or services. Consultant agrees and certifies that:

(d) Consultant is not eligible for any federal social security or unemployment insurance payments. Consultant is not eligible for any PERS or workers' compensation benefits from compensation or payments made to Consultant under this Agreement.

(e) Consultant agrees and certifies that it is licensed to do business in the State of Oregon and that, if Consultant is a corporation, it is in good standing within the State of Oregon.

4. Early Termination.

(a) This Agreement may be terminated without cause prior to the expiration of the agreed-upon term by mutual written consent of the parties or by the City upon ten (10) days written notice to the Consultant, delivered by certified mail, email, or in person.

(b) Upon receipt of notice of early termination, Consultant shall immediately cease work and submit a final statement of services for all services performed and expenses incurred since the date of the last statement of services.

(c) Any early termination of this Agreement shall be without prejudice to any obligation or liabilities of either party already accrued prior to such termination.

(d) The rights and remedies of the City provided in this Agreement and relating to defaults by Consultant shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Agreement.

5. No Third-Party Beneficiaries. City and

**STANDARD CONDITIONS TO OREGON CITY
PERSONAL SERVICES AGREEMENT**

Item 7c.

Consultant are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide, any benefit or right, whether directly or indirectly or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.

6. Payment of Laborers; Payment of Taxes.

(a) Consultant shall:

(i) Make payment promptly, as due, to all persons supplying to Consultant labor and materials for the prosecution of the services to be provided pursuant to this Agreement.

(ii) Pay all contributions or amounts due to the State Accident Insurance Fund incurred in the performance of this Agreement.

(iii) Not permit any lien or claim to be filed or prosecuted against the City on account of any labor or materials furnished.

(iv) Be responsible for all federal, state, and local taxes applicable to any compensation or payments paid to the Consultant under this Agreement and, unless Consultant is subject to back-up withholding, the City will not withhold from such compensation or payments any amount(s) to cover Consultant's federal or state tax obligation.

(v) Pay all employees at least time and one-half for all overtime worked in excess of forty (40) hours in any one week, except for individuals excluded under ORS 653.100 to 653.261 or under 29 U.S.C. §§ 201 to 209 from receiving overtime.

(b) If the Consultant fails, neglects or refuses to make prompt payment of any claim for labor or services furnished by any person in connection with this Agreement as such claim becomes due, the City may pay such claim to the person furnishing the labor or services and shall charge the amount of the payment against funds due or to become due to the Consultant by reason of this Agreement.

(c) The payment of a claim in this manner shall not relieve Consultant or Consultant's surety from obligation with respect to any unpaid claims.

(d) Consultant and subconsultants, if any, are subject employers under the Oregon workers' compensation law and shall comply with ORS 656.017, which requires provision of workers' compensation coverage for all workers.

7. Subconsultants and Assignment.

Consultant shall neither subcontract any of the work, nor assign any rights acquired hereunder, without obtaining prior written approval from the City. The City, by this Agreement, incurs no liability to third persons for payment of any compensation provided herein to the Consultant.

8. Access to Records. City shall have access to all books, documents, papers and records of Consultant that are pertinent to this Agreement for the purpose of making audits, examinations, excerpts and transcripts.

9. Ownership of Work Product; License. All work products of Consultant that result from this Agreement (the "Work Products") are the exclusive property of City. In addition, if any of the Work Products contain intellectual property of Consultant that is or could be protected by federal copyright, patent, or trademark laws, or state trade secret laws, Consultant hereby grants City a perpetual, royalty-free, fully paid, nonexclusive and irrevocable license to copy, reproduce, deliver, publish, perform, dispose of, use and re-use, in whole or in part (and to authorize others to do so), all such Work Products and any other information, designs, plans, or works provided or delivered to City or produced by Consultant under this Agreement. The parties expressly agree that all works produced (including, but not limited to, any taped or recorded items) pursuant to this Agreement are works specially commissioned by City, and that any and all such works shall be works made for hire in which all rights and copyrights belong exclusively to City. Consultant shall not publish, republish, display or otherwise use any work or Work Products resulting from this Agreement without the prior written agreement of City.

10. Compliance With Applicable Law.

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

Item 7c.

Consultant shall comply with all federal, state, and local laws and ordinances applicable to the services to be performed pursuant to this Agreement, including, without limitation, the provisions of ORS 279B.220, 279C.515, 279B.235, 279B.230 and 279B.270. Without limiting the generality of the foregoing, Consultant expressly agrees to comply with (i) Title VI of the Civil Rights Act of 1964; (ii) Section V of the Rehabilitation Act of 1973; (iii) the Americans With Disabilities Act of 1990 (Pub. L No. 101-336), ORS 659.425, and all regulations and administrative rules established pursuant to those laws; and (iv) all other applicable requirements of federal and state civil rights and rehabilitation and other applicable statutes, rules and regulations.

11. Professional Standards. Consultant shall be responsible, to the level of competency presently maintained by others practicing in the same type of services in City's community, for the professional and technical soundness, accuracy and adequacy of all services and materials furnished under this authorization.

12. Modification, Supplements or Amendments. No modification, change, supplement or amendment of the provisions of this Agreement shall be valid unless it is in writing and signed by the parties hereto.

13. Indemnity and Insurance.

(a) Indemnity. Consultant acknowledges responsibility for liability arising out of Consultant's negligent performance of this Agreement and shall hold City, its officers, agents, Consultants, and employees harmless from, and indemnify them for, any and all liability, settlements, loss, costs, and expenses, including attorney fees, in connection with any action, suit, or claim caused or alleged to be caused by the negligent acts, omissions, activities or services by Consultant, or the agents, Consultants or employees of Consultant provided pursuant to this Agreement.

(b) Workers' Compensation Coverage. Consultant certifies that Consultant has qualified for workers' compensation as required by the State of Oregon. Consultant shall provide the Owner, within ten (10) days after execution of this Agreement, a certificate of insurance evidencing coverage of all subject workers under Oregon's

workers' compensation statutes. The insurance certificate and policy shall indicate that the policy shall not be terminated by the insurance carrier without thirty (30) days' advance written notice to City. All agents or Consultants of Consultant shall maintain such insurance.

(c) Comprehensive, General, and Automobile Insurance. Consultant shall maintain comprehensive general and automobile liability insurance for protection of Consultant and City and for their directors, officers, agents, and employees, insuring against liability for damages because of personal injury, bodily injury, death, and broad-form property damage, including loss of use, and occurring as a result of, or in any way related to, Consultant's operation, each in an amount not less than \$2,000,000 combined, single-limit, per-occurrence/\$4,000,000 annual aggregate. Such insurance shall name City as an additional insured, with the stipulation that this insurance, as to the interest of City, shall not be invalidated by any act or neglect or breach of this Agreement by Consultant.

(d) Errors and Omissions Insurance Consultant shall provide City with evidence of professional errors and omissions liability insurance for the protection of Consultant and its employees, insuring against bodily injury and property damage arising out of Consultant's negligent acts, omissions, activities or services in an amount not less than \$500,000 combined, single limit. Consultant shall maintain in force such coverage for not less than three (3) years following completion of the project. Such insurance shall include contractual liability.

Within ten (10) days after the execution of this Agreement, Consultant shall furnish City a certificate evidencing the dates, amounts, and types of insurance that have been procured pursuant to this Agreement. Consultant will provide for not less than thirty (30) days' written notice to City before the policies may be revised, canceled, or allowed to expire. Consultant shall not alter the terms of any policy without prior written authorization from City. The provisions of this subsection apply fully to Consultant and its Consultants and agents.

14. Legal Expenses. In the event legal action is

**STANDARD CONDITIONS TO OREGON CITY
PERSONAL SERVICES AGREEMENT**

Item 7c.

brought by City or Consultant against the other to enforce any of the obligations hereunder or arising out of any dispute concerning the terms and conditions hereby created, the losing party shall pay the prevailing party such reasonable amounts for attorney fees, costs, and expenses as may be set by a court. "Legal action" shall include matters subject to arbitration and appeals.

15. Severability. The parties agree that, if any term or provision of this Agreement is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected.

16. Number and Gender. In this Agreement, the masculine, feminine or neuter gender, and the singular or plural number, shall be deemed to include the others or other whenever the context so requires.

17. Captions and Headings. The captions and headings of this Agreement are for convenience only and shall not be construed or referred to in resolving questions of interpretation or construction.

18. Hierarchy. The conditions contained in this document are applicable to every Personal Services Agreement entered into by the City of Oregon City in the absence of contrary provisions. To the extent there is a conflict, the terms of the Personal Services Agreement will control over the terms of the standard conditions. To the extent there is a conflict between the terms of the standard conditions and any other document, including the scope of services, the terms of the standard conditions shall control those other terms.

19. Calculation of Time. All periods of time referred to herein shall include Saturdays, Sundays and legal holidays in the State of Oregon, except that, if the last day of any period falls on any Saturday, Sunday or legal holiday, the period shall be extended to include the next day that is not a Saturday, Sunday or legal holiday.

20. Notices. Any notices, bills, invoices, reports or other documents required by this Agreement shall be sent by the parties by United States mail, postage prepaid, or personally

delivered to the addresses listed in the Agreement attached hereto. All notices shall be in writing and shall be effective when delivered. If mailed, notices shall be deemed effective forty-eight (48) hours after mailing, unless sooner received.

21. Nonwaiver. The failure of City to insist upon or enforce strict performance by Consultant of any of the terms of this Agreement or to exercise any rights hereunder shall not be construed as a waiver or relinquishment to any extent of its rights to assert or rely upon such terms or rights of any future occasion.

22. Information and Reports. Consultant shall, at such time and in such form as City may require, furnish such periodic reports concerning the status of the project, such statements, certificates, approvals, and copies of proposed and executed plans and claims, and other information relative to the project as may be requested by City. Consultant shall furnish City, upon request, with copies of all documents and other materials prepared or developed in relation with or as a part of the project. Working papers prepared in conjunction with the project are the property of City, but shall remain with Consultant. Copies as requested shall be provided free of cost to City.

23. City's Responsibilities. City shall furnish Consultant with all available necessary information, data, and materials pertinent to the execution of this Agreement. City shall cooperate with Consultant in carrying out the work herein and shall provide adequate staff for liaison with Consultant.

24. Arbitration.

All disputes arising out of or under this Agreement shall be timely submitted to nonbinding mediation prior to commencement of any other legal proceedings. The subsequent measures apply if disputes cannot be settled in this manner.

(a) Any dispute arising out of or under this Agreement shall be determined by binding arbitration.

(b) The party desiring such arbitration shall give written notice to that effect to the other party and shall in such notice appoint a disinterested

**STANDARD CONDITIONS TO OREGON CITY
PERSONAL SERVICES AGREEMENT**

Item 7c.

person of recognized competence in the field as arbitrator on its behalf. Within fifteen (15) days thereafter, the other party may, by written notice to the original party, appoint a second disinterested person of recognized competence as arbitrator on its behalf. The arbitrators thus appointed shall appoint a third disinterested person of recognized competence, and the three arbitrators shall, as promptly as possible, determine such matter, provided, however, that:

(i) If the second arbitrator is not appointed as described above, then the first arbitrator shall proceed to determine such matter; and

(ii) If the two arbitrators appointed by the parties are unable to agree, within fifteen (15) days after the second arbitrator is appointed, on the appointment of a third arbitrator, they shall give written notice of such failure to agree to the parties and, if the parties fail to agree on the selection of the third arbitrator within fifteen (15) days after the arbitrators appointed by the parties give notice, then, within ten (10) days thereafter, either of the parties, on written notice to the other party, may request such appointment by the presiding judge of the Clackamas County Circuit Court.

(c) Each party shall each be entitled to present evidence and argument to the arbitrators. The determination of the majority of the arbitrators or the sole arbitrator, as the case may be, shall be conclusive on the parties, and judgment on the same may be entered in any court having jurisdiction over the parties. The arbitrators or the sole arbitrator, as the case may be, shall give written notice to the parties, stating the arbitration determination, and shall furnish to each party a

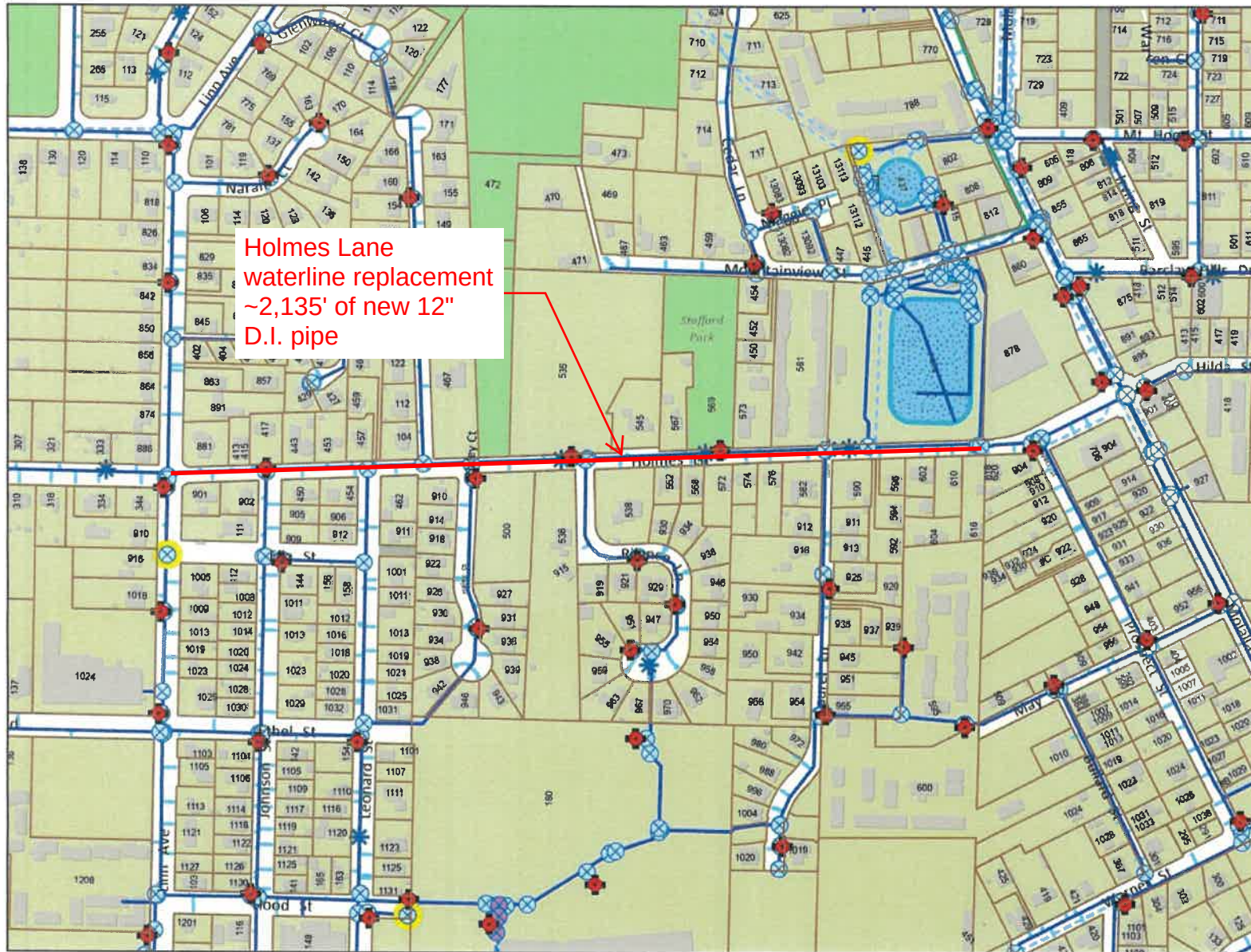
signed copy of such determination. Arbitration proceedings shall be conducted pursuant to ORS 33.210 et seq. and the rules of the American Arbitration Association, except as provided otherwise.

(d) Each party shall pay the fees and expenses of the arbitrator appointed by such party and one-half of the fees and expenses of the third arbitrator, if any.

25. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the state of Oregon without resort to any jurisdiction's conflicts of law, rules or doctrines.

Oregon City GIS Map

Item 7c.



Holmes Lane
waterline replacement
~2,135' of new 12"
D.I. pipe

Legend

- Street Names
- Taxlots
- Unimproved ROW
- Water Hydrants
 - OC
 - CRWD
 - Private
 - (Other owner)
- Water Valves (non PRV)
 - OC - Open
 - OC - Closed
 - OC - Abandoned
 - CRWD - Open
 - CRWD - Closed
 - CRWD - Abandoned
 - Private - Open
 - Private - Closed
 - Private - Abandoned
- South Fork River

Notes

Overview Map



0 400 800 Feet

1: 4,800

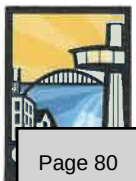


The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.

Map created 1/24/2024

Holmes Lane Waterline Replacement - WIFIA 2-3

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





CITY OF OREGON CITY

CITY COMMISSION WORK SESSION

DRAFT MINUTES

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Wednesday, November 15, 2023 at 6:00 PM

CONVENE WORK SESSION AND ROLL CALL

Mayor McGriff convened the meeting at 6:05 PM.

PRESENT: 4 - Commissioner Frank O'Donnell, Commissioner Rocky Smith, Commissioner Mike Mitchell, Mayor Denyse McGriff

EXCUSED: 1 - Commissioner Adam Marl

STAFFERS: 5 - City Manager Tony Konkol, City Recorder Jakob Wiley, Police Chief Shaun Davis, Code Enforcement Manager Ryan Kersey, Public Works Director John Lewis

DISCUSSION ITEMS

1. Municipal Code Updates for Code Enforcement

Police Chief Shaun Davis and Code Enforcement Manager Ryan Kersey facilitated a discussion about updating and clarifying code enforcement. The topics under discussion included garage sales, construction hours, graffiti removal, prohibited stopping, standing, and parking, and scattering rubbish.

Regarding code for garage sales, Commissioner O'Donnell suggested adopting the language of several neighboring municipalities who limit such sales to two per year, each sale not to exceed 72 hours. There was consensus that it be clarified that persons may not extend a garage sale beyond these limits by purchasing a business license.

There was discussion about clarifying language regarding illegal parking, and there was consensus to remove the code's current wording about such parking constituting a "hazard." It was deemed preferable to define forbidden parking practices without requiring proof that such parking constitutes a hazard. There was also consensus that language in that ordinance be edited to clarify the identity of "persons" referred to therein.

Commissioner O'Donnell asked a question about enforcing parking restrictions within twenty feet of an intersection. There was discussion about potentially adding more street markings to indicate this restriction.

There was consensus to update the Municipal code with language prohibiting blocking of mailboxes, prohibiting the violation of handicapped parking restrictions, and prohibiting parking within landscape strips.

There was discussion about current code language regarding the placing of rented storage units or other large non-vehicle items on the street.

Commissioner O'Donnell asked for clarification about the length of time indicated in the

definition of “stopping and standing” in the municipal code. Mr. Kersey explained that the code language referred to parked vehicles or other property and that it comprised any length of time.

Regarding proposed code language on scattering rubbish, Mayor McGriff asked whether the language would apply to persons using City garbage receptacles for personal garbage. Mr. Kersey replied that the language could be applied that way.

Commissioner O'Donnell asked about the current code enforcement response to littering. Mr. Kersey replied that the current practice includes cleaning the litter and attempting to identify and prosecute the perpetrator using evidence from the litter or from videos.

Commissioner Mitchell suggested that something should be done to prevent vehicles from parking too close to traffic mitigation curb bumps. There was consensus that these areas should be signed and marked with paint.

There was discussion about the processes of code enforcement with regard to graffiti. There was consensus that the new code should give ten calendar days for graffiti to be removed.

Commissioner Mitchell suggested stating permitted construction hours as 7:00 A.M. to 6:00 P.M. on weekdays, and 9:00 A.M. to 6:00 P.M. on weekends and holidays. There was discussion that other loud noises could be enforced similarly in residential neighborhoods, and discussion that a decibel level limit could be specified to clarify enforcement.

ADJOURNMENT

Mayor McGriff adjourned the meeting at 7:02 P.M.

Respectfully submitted,

Jakob S. Wiley, City Recorder



CITY OF OREGON CITY

CITY COMMISSION WORK SESSION

DRAFT MINUTES

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Tuesday, December 12, 2023 at 6:00 PM

CONVENE WORK SESSION AND ROLL CALL

Mayor McGriff convened the meeting at 6:07 PM.

PRESENT: 5 - Commissioner Frank O'Donnell, Commissioner Mike Mitchell, Commissioner Adam Marl, Commissioner Rocky Smith, Mayor Denyse McGriff

STAFFERS: 9 - City Manager Tony Konkol, City Recorder Jakob Wiley, Assistant City Recorder Evan Lee, Parks and Recreation Director Kendall Reid, Public Works Director John Lewis, Police Chief Shaun Davis, Finance Director Matt Zook, Library Director Greg Williams, Community Development Director Aquilla Hurd-Ravich

FUTURE AGENDA ITEMS

1. List of Future Work Session Agenda Items

Tony Konkol, City Manager, reported that the next work session on January 9, 2024 would include presentations and discussion regarding the topic of engaging a Destination Marketing Organization, as well as a general reevaluation of the future work session items list.

Commissioner Marl requested that a discussion of 2024 July 4th celebrations be scheduled.

DISCUSSION ITEMS

2. Oregon City 20-Year Master Plan

Mr. Konkol introduced a discussion regarding long-term and current City facility needs and asked the Commissioners to provide guidance for prioritizing facility projects.

Brandon Dole and Margaret Wilson of Scott Edwards Architecture offered a presentation regarding the state of sixteen of the City's various facilities.

Mayor McGriff asked whether the City owns the 7th Street Fire Station and Mr. Dole offered to research this.

Mayor McGriff observed that the City Elevator would eventually require maintenance and Mr. Dole said that the elevator would eventually be added to the master plan.

Commissioner Mitchell asked how potential State Historic Preservation Office (SHPO) analysis of the pool property site would affect that facility. Mr. Dole replied that future use of the building would be pending SHPO verification of pre-territory-era site significance.

Mayor McGriff asked whether the City's deferred maintenance practices have affected the current state of the pool building. Mr. Dole replied that at this time the building is at the end of its life and requires either extensive renovation or replacement. He also observed that new aquatic facilities are generally being built

with more amenities than the current building offers and that other locations may be better suited as aquatic facility sites.

There was discussion about sizing of the facility for Oregon City constituents rather than for regional use. Mr. Dole observed that a new facility with multiple pools could resolve the current facility's crowding issues, as well as code and accessibility issues.

There was discussion about future possibilities for the End of the Oregon Trail Interpretive Center site and whether alternative uses might be considered. There was also discussion about the site's significance for State history and its tourism value.

Commissioner Mitchell expressed concern about the usage of Urban Renewal funds for the End of the Oregon Trail Center. He also suggested that the nearby Stimson property be considered in the context of future uses of the End of the Oregon Trail site.

There was discussion about the house currently being used at the Cemetery both for Cemetery-related operations and for Parks and Recreation operations. There was consensus that facilities should be improved for the services currently offered without expanding funeral services offerings, and that Cemetery facilities should be limited to Cemetery-related operations rather than sharing space with Parks and Recreation.

There was discussion regarding the possibilities of establishing two facilities at the Cemetery, one for front-of-house services and one for operations, or building one facility to accomplish both purposes.

There was discussion about potential uses for the Buena Vista Clubhouse and about whether a Master Plan should be created for Atkinson Park.

Commissioner Smith suggested adding addresses to descriptions of properties designated "old" or "new," for the sake of clarity. There was discussion about the pros and cons of eventually moving City Hall, including customer service and amenity offerings. There was discussion about how the Engineering and Planning departments and staff can be moved closer together or their services coordinated in other ways to reduce travel for those who need these services.

There was discussion of potential uses for the 7th Street Fire Station building and about the Fire District's current facility needs. Commissioner Smith asked that the documents clarify that the Fire District has no immediate plans to leave the location.

Mayor McGriff asked what the City's responsibility is regarding the maintenance of the Amtrak station facility and Mr. Konkol offered to research this question. Commissioner Smith suggested revisiting the question of transforming the facility into a fully functioning train station. There was discussion about the benefits of maintaining the lease held by the restaurant at the facility.

When asked about when to involve the public in these facility use discussions, Mr. Dole recommended doing so after short- and mid-term goals were identified.

Commissioner Mitchell said that acquiring public support for projects would be necessary for success, especially for the facilities currently at the end of their functional life. Mayor McGriff suggested using the recent library renovation process as a model for community engagement.

The Commission took a break from 7:50 P.M. until 8:00 P.M.

3. Clackamette Park Master Plan

Mr. Konkol introduced discussion of two aspects of the Clackamette Park Master Plan: the park's capacity to host events and the location of its RV park.

Mayor McGriff suggested that, as public feedback had indicated a desire to move the RV park to make way for pedestrian use of the river area, the Commissioners could request studies of possible new locations in order to reach consensus on how to proceed.

Commissioner O'Donnell recommended moving the RV park to the lot that fronts the Clackamette Cove. This lot is an Urban Renewal property.

Commissioner Smith objected to moving the RV park to a proposed site next to McDonald's on the grounds that it would nearly halve the number of available RV sites and would reduce the park's attraction as a destination site. He also suggested that public support for the McDonald's-adjacent site might decrease if the public were offered alternate site plans.

There was discussion about the history, landscape, and accessibility of the Urban Renewal site adjacent to Clackamette Cove as a potential RV park site. There was consensus that Staff be requested to research this property as a potential RV park site and to return to the Urban Renewal Commission with information.

There was discussion about whether the boat ramp at Clackamette Park can be moved, or angled, or removed, and there was consensus to request confirmation from the Marine Board that the boat ramp cannot be moved or angled differently.

4. McLoughlin Boulevard Enhancements Project Update (CI 22-002)

John Lewis, Public Works Director, provided a brief review of the alternatives for the walking path adjacent to the Willamette River. Lewis offered to return on January 17th after an open house meant to gauge public opinion about priorities for the walking path. Mayor McGriff suggested prioritizing vehicle speed control next to the walkway.

CITY MANAGER'S REPORT

5. Update on City Projects

Mr. Konkol provided a brief update on current projects and goals. He provided an updated cost estimate for the Quiet Zone project, consisting of an addition of \$650,000 to the original 2019 estimate of \$2.6 million. He said that the Commission had approved the intergovernmental agreement with the Oregon Department of Transportation (ODOT) to begin work on this project and that he would provide regular updates. Commissioner O'Donnell suggested contacting the Grande Ronde tribes to see if they would like to contribute to this project since it would benefit their planned hotel construction.

Mr. Konkol reported that research was underway to address encroachments at the Promenade. He reported that the Historic Review Board had approved plans for the Cayuse Five Memorial, and that collaboration on the Inadvertent Discovery Plan was underway with the Confederated Tribes of the Umatilla. He reported on a recent meeting with the Confederate Tribes of the Grand Ronde to discuss a future presentation about progress with tumwata village.

Mayor McGriff said that County Administrator Schmidt was willing to discuss the Courthouse with the Commission and asked for follow-up on this possibility. The Mayor also expressed a desire that the Confederated Tribes of the Grand Ronde present the Commission with an update on tumwata before offering presentations to neighborhood organizations.

Commissioner Smith observed that "tumwata village" is printed in lowercase on the Grand Ronde's website regarding the project, and he requested confirmation that the Commission is transcribing the site's name with the correct linguistic style.

Commissioner Marl asked for confirmation that the approved design for the Cayuse Five Memorial was the redesign recently made in consideration of tree issues. Mr. Konkol confirmed that it was.

COMMISSION COMMITTEE REPORTS

6. Commissioner O'Donnell

- South Fork Water Board

Commissioner O'Donnell had nothing new to report.

7. Commissioner Smith

- Clackamas Heritage Partners
- Oregon City Tourism Stakeholder's Group
- South Fork Water Board

Commissioner Smith reported that the Clackamas Heritage Partners had recently discussed maintenance of the End of the Oregon Trail building, and he suggested discussing the extent to which the Clackamas Heritage Partners should participate in plans for the future of that facility.

8. Commissioner Marl

- Citizen Involvement Committee Liaison
- Clackamas County Coordinating Committee (C4)
- Clackamas County I-205 Tolling Strategies Committee
- Youth Advisory Committee Liaison

Commissioner Marl reported that though ODOT had cancelled the Transportation Planning Hearing for Oregon City originally scheduled for December 2, there was a possibility of a new hearing being scheduled for January 6, 2024. He also observed that other meetings were taking place in the greater Metro region and suggested that Oregon City residents be encouraged to attend.

9. Commissioner Mitchell

- Clackamas County Coordinating Committee (C4) – Metro Subcommittee
- Clackamas County I-205 Tolling Diversion Committee (alternate)
- Metro Policy Advisory Committee (MPAC) (alternate)

Commissioner Mitchell reported that the C4 Metro Subcommittee was to meet the following evening to receive an update on the progress of the Regional Transportation Plan.

10. Mayor McGriff

- Clackamas Water Environment Services Policy Committee
- Clackamas Heritage Partners (alternate)
- Downtown Oregon City Association Board
- Metro Policy Advisory Committee (MPAC)
- Oregon City Tourism Stakeholder's Group
- South Fork Water Board
- Willamette Falls and Landings Heritage Area

- Willamette Falls Legacy Project Liaisons
- Willamette Falls Locks Authority
- Youth Advisory Committee Liaison

Mayor McGriff discussed her meeting with the Counsel General of Japan in regard to the City's sister city relationship with Tatashima, Japan. Mayor McGriff also talked about her meeting with Governor Kotek, along with Metro Counselor Christine Lewis, and the topics discussed, which included reducing burdens on the land use zoning regulations coming from the state and the local opposition to the tolling of the I-205 interstate.

ADJOURNMENT

Mayor McGriff adjourned the meeting at 9:04 P.M.

Respectfully submitted,

Jakob S. Wiley, City Recorder



CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 02/21/2024
From: Aquilla Hurd Ravich, Community Development Director
Pete Walter, Planning Manager

SUBJECT:

Second Reading of Ordinance 24-1002 approving Planning Files GLUA-23-00039 / ZC-23-00004: Zoning Text Amendments to I - Institutional District to allow recreational vehicle parks as an allowed accessory use for Clackamette Park to subsection 17.39.030 of Chapter 17.39 – I Institutional Zone.

STAFF RECOMMENDATION:

Staff recommends approval of the Second Reading of Ordinance 24-1002.

EXECUTIVE SUMMARY:

Overnight parking and camping for recreational vehicles is not a listed permitted use in the I – Institutional District. The proposed zoning code amendment consists of adding recreational vehicle parks as an allowed accessory use for Clackamette Park to subsection 17.39.030 of Chapter 17.39 – I Institutional Zone.

BACKGROUND:

On February 7, 2024, the City Commission approved the first reading of Ordinance 24-1002.

On January 8, 2024, the Planning Commission recommended approval of a text amendment to allow an RV-park associated with Clackamette Park as an allowed accessory use within the I-Institutional Zone District.

The Planning Commission expressed concerns that the text amendment as originally proposed allowed little flexibility to allow an RV Park that was not city-managed, and recommended that term “city managed” be removed from the amended text.

The Planning Commission’s discussion prior to making this amended recommendation included the following points:

- There is no other zone in the city that permits recreational RV parks.

- Allowing only a city-managed RV park could hinder the city's flexibility to allow privately run RV parks on city property, effectively creating a monopoly and restricting private enterprise.
- There is currently no definition for a recreational vehicle park in the zoning code and there should be a basic definition for the purpose of this code amendment.
- Future code work and definitions for recreational vehicle parks should clearly distinguish temporary recreational use from permanent residential RV parks / manufactured home parks and also clarifies the difference between a city-managed or owned RV park and a private RV park.

Separate Recommendation from the Planning Commission

The Planning Commission also made a separate recommendation to request that the City Commission direct staff to evaluate the idea of allowing recreational vehicle parks as an allowed use in appropriate zones and location within the city. This would be a legislative process that could take up to a year or more, with community engagement, drafting code, work sessions and the public hearing and adoption process.

Clackamette Park Master Plan approval by the Planning Commission

Prior to this text amendment proposal, the Planning Commission conditionally approved the Clackamette Park Master Plan, Planning Files GLUA-23-00012 / MAS-23-00001, on July 13, 2023.

The location of the RV park is under further discussion by the City Commission. At a work session on December 12, 2023 the City Commission directed staff to pursue the text amendment to the code language for the Institutional zone to add a city-managed recreational vehicle park as an allowed accessory use for Clackamette Park.

Once a text amendment is adopted, the City Commission will make a determination about the exact preferred location of the RV park and a separate application for a zone change and comprehensive plan amendment may be needed for whatever location is chosen.

Because the original approval by the Planning Commission was made based on an RV Park location which is now being re-evaluated by the City Commission, the Master Plan and condition of approval associated with the RV park may require additional review by the Planning Commission when an exact location for the RV park has been selected by the City Commission.

Proposed Text Amendment as Recommended by Planning Commission

Parks, playgrounds, playfields and community or neighborhood community centers are permitted outright in the I-Institutional Zone District. Recreational vehicle parks are not a listed permitted use in the I – Institutional District, however, accessory uses that are supportive of permitted uses in the district are listed in a separate subsection.

The Planning Commission recommends that the proposed zoning code amendment add a recreational vehicle park for Clackamette Park as a new Accessory Use to subsection 17.39.030 of Chapter 17.39 – I Institutional Zone with the term “city-managed” removed as indicated below.

17.39.030 Accessory uses.

The following uses are permitted outright if they are accessory to and related to the primary institutional use:

- A. Offices;
- B. Retail (not to exceed twenty percent of total gross floor area of all building);
- C. Child care centers or nursery schools;
- D. Scientific, educational, or medical research facilities and laboratories;
- E. Religious institutions.

F. A city-managed recreational vehicle park for Clackamette Park.

Definition of Recreational Vehicle Park

Staff has prepared a draft definition for a recreational vehicle park for the City Commission's consideration. The new definition would be added to Chapter 17.04 of the zoning code as follows:

17.04.1013 – Recreational Vehicle (RV) Park

"Recreational vehicle park" means a property developed with facilities and spaces for accommodating motor homes or other recreational vehicles for temporary recreational use by the general public. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as Recreational vehicle parks. A Manufactured Home Park or Subdivision for permanent residential use is not a Recreational vehicle park.

OPTIONS:

1. Approve file GLUA-23-00039 / ZC-23-00004 recommended.
2. Approve file GLUA-23-00039 / ZC-23-00004 recommended with revisions.
3. Deny files GLUA-23-00039 / ZC-23-00004. If this option is proposed, provide direction to staff to revise the recommended findings to support a denial.

BUDGET IMPACT: N/A

ORDINANCE NO. 24-1002

AN ORDINANCE OF THE CITY OF OREGON CITY APPROVING AN AMENDMENT TO TITLE 17 – ZONING, CHAPTER 17.39, OF THE OREGON CITY MUNICIPAL CODE TO ALLOW A RECREATIONAL VEHICLE PARK FOR CLACKAMETTE PARK AS AN ALLOWED ACCESSORY USE WITHIN THE I – INSTITUTIONAL ZONE DISTRICT AND AN AMENDMENT TO TITLE 17-ZONING, CHAPTER 17.04, OF THE OREGON CITY MUNICIPAL CODE TO ADD A DEFINITION OF A RECREATION VEHICLE PARK

WHEREAS, the City of Oregon City has adopted a Zoning Code to implement the Comprehensive Plan in conformance with statutory requirements and the requirements of the Statewide Land Use goals; and

WHEREAS, the City of Oregon City Zoning Code may be amended and updated as necessary upon findings of facts that satisfy approval criteria in the City of Oregon City Municipal Code Section 17.68.020; and

WHEREAS, the Clackamette Park Master Plan provides for a Recreational Vehicle Park as a complimentary and necessary recreational asset for the benefit of the public who use the park; and

WHEREAS, approval of the requested amendment is necessary to allow a Recreational Vehicle Park as an Accessory Use to Clackamette Park as a part of that permitted use; and

WHEREAS, future amendments to the Clackamette Park Master Plan, the Comprehensive Plan and the Zoning Map are necessary in order to accommodate the Recreational Vehicle Park; and

WHEREAS, on January 8, 2024 the Planning Commission held a public hearing and, after considering all the public testimony and reviewing all the evidence in the record, approved the requested amendment with revisions by a vote of 7-0; and

WHEREAS, on February 7, 2024 the City Commission held a public hearing and, after considering all the public testimony and reviewing all the evidence in the record, approved the requested amendment by a vote of _-_; and

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. The City hereby amends the portions of the existing Oregon City Municipal Code Title 17: Zoning, Chapter 17.39 - Institutional Zone District, Section 17.39.030 – Accessory Uses, and Chapter 17.04 – Definitions, which are attached hereto as Exhibit ‘A’.

Section 2. The Commission adopts as its own the Staff Report and Recommendation for files GLUA-23-00039 / ZC-23-00004 and associated documents, attached hereto as Exhibit ‘B’.

Read for the first time at a regular meeting of the City Commission held on the 7th day of February, and the City Commission finally enacted the foregoing ordinance this 21st day of February, 2024.

Exhibits:

Exhibit A – Amended Sections of the Oregon City Municipal Code: OCMC 17.39.030 and OCMC 17.04.1013

Exhibit B – GLUA-23-00039 / ZC-23-00004 – Staff Report and Recommendation and Associated Documents

DENYSE C. MCGRIFF
Mayor

Attested to this day of ,

Approved as to legal sufficiency:

Jakob Wiley, City Recorder

City Attorney

Chapter 17.39 I INSTITUTIONAL DISTRICT¹

¹Editor's note(s)—Ord. No. 08-1014, adopted July 1, 2009, repealed Chapter 17.39 in its entirety and enacted new provisions to read as herein set out. Prior to amendment, Chapter 17.39 pertained to similar subject matter. See Ordinance Disposition List for derivation.

17.39.010 Designated.

The purpose of this district is designed to facilitate the development of major public institutions, government facilities and parks and ensure the compatibility of these developments with surrounding areas. The Institutional zone is consistent with the public/quasi-public and park designations on the comprehensive plan map.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.39.020 Permitted uses.

Permitted uses in the institutional district are:

- A. Private and/or public educational or training facilities;
- B. Parks, playgrounds, playfields and community or neighborhood community centers;
- C. Public facilities and services including courts, libraries and general government offices and maintenance facilities;
- D. Stadiums and arenas;
- E. Banquet, conference facilities and meeting rooms;
- F. Government offices;
- G. Transportation facilities;
- H. Mobile food units.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 13-1003, § 1(Exh. 1), 7-17-2013; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.39.030 Accessory uses.

The following uses are permitted outright if they are accessory to and related to the primary institutional use:

- A. Offices;
- B. Retail (not to exceed twenty percent of total gross floor area of all building);
- C. Child care centers or nursery schools;
- D. Scientific, educational, or medical research facilities and laboratories;
- E. Religious institutions.
- F. A city-managed recreational vehicle park for Clackamette Park.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.39.040 Conditional uses.

Uses requiring conditional use permit are:

- A. Any uses listed under OCMC 17.39.030 that are not accessory to the primary institutional use;
- B. Boarding and lodging houses, bed and breakfast inns;
- C. Cemeteries, crematories, mausoleums, and columbariums;
- D. Correctional facilities;
- E. Helipad in conjunction with a permitted use;
- F. Parking lots not in conjunction with a primary use;
- G. Public utilities, including sub-stations (such as buildings, plants and other structures);
- H. Fire stations;
- I. Police station.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.39.045 Prohibited uses.

Prohibited uses in the I district are:

- A. Any use not expressly listed in OCMC 17.39.020, 17.39.030 or 17.39.040;
- B. Marijuana businesses.

(Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.39.050 Dimensional standards.

Dimensional standards in the I district are:

- A. Maximum building height: Within one hundred feet of any district boundary, not to exceed thirty-five feet; elsewhere, not to exceed seventy feet.
- B. Minimum required setbacks: Twenty-five feet from property line except when the development is adjacent to a public right-of-way. When adjacent to a public right-of-way, the minimum setback is zero feet and the maximum setback is five feet.

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.

- C. Minimum required landscaping (including landscaping within a parking lot): Fifteen percent.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

17.39.060 Relationship to master plan.

- A. A master plan is required for any development within the I district on a site over ten acres in size that:
 - 1. Is for a new development on a vacant property;
 - 2. Is for the redevelopment of a property previously used as a non-institutional use; or

-
3. Increases the floor area of the existing development by ten thousand square feet over existing conditions.
- B. Master plan dimensional standards that are less restrictive than those of the institutional district require adjustments. Adjustments will address the criteria of OCMC 17.65.70 and will be processed concurrently with the master plan application.
 - C. Modifications to other development standards in the code may be made as part of the phased master plan adjustment process. All modifications shall be in accordance with the requirements of the master plan adjustment process identified in OCMC 17.65.070.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.04.1010 Recreational vehicle.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily as temporary quarters for recreational, camping, travel or seasonal use and not for use as a dwelling.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.04.1013 Recreational vehicle park.

"Recreational vehicle park" means a property developed with facilities and spaces for accommodating motor homes or other recreational vehicles for temporary recreational use by the general public. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as Recreational vehicle parks. A Manufactured Home Park or Subdivision for permanent residential use is not a Recreational vehicle park.



TYPE IV LAND USE DECISION

Zoning Code Text Amendment

Planning Commission Findings and Recommendation

CC HEARING #2: Second Reading of Ordinance 24-1002, February 21, 2024

CC HEARING #1: First Reading of Ordinance 24-1002, February 7, 2024

PC HEARING: January 8, 2024

FILE NUMBERS: GLUA-23-00039 / ZC-23-00004

APPLICANT: City of Oregon City, Parks and Recreation Department
Kendall Reid, Director

OWNER: City of Oregon City
Attn: Tony Konkol, City Manager

REQUEST: The Oregon City Parks and Recreation Department is requesting a Zoning Code Amendment to Chapter 17.39 – *Institutional District*, to allow a city-owned RV parks as an allowed accessory use to Clackamette Park.

LOCATION: Clackamette Park is located at the northern end of Clackamette Drive near the confluence of the Clackamas River and the Willamette River, west of McLoughlin Boulevard (OR 99-E). The exact location of the RV Park for Clackamette Park has not been determined at this time.

REVIEWER: Aquilla Hurd-Ravich, Community Development Director
Pete Walter, Planning Manager

PROCESS: Per OCMC 17.50.030.D. Type IV decisions include only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and shall be heard by the city commission for final action. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and planning commission hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice shall be issued at least twenty days pre-hearing, and the staff report shall be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission, all issues are addressed. If the planning commission denies the application, any party with standing (i.e., anyone who appeared before the planning commission either in person or in writing within the comment period) may appeal the planning

commission denial to the city commission. If the planning commission denies the application and no appeal has been received within fourteen days of the issuance of the final decision, then the action of the planning commission becomes the final decision of the city. If the planning commission votes to approve the application, that decision is forwarded as a recommendation to the city commission for final consideration. In either case, any review by the city commission is on the record and only issues raised before the planning commission may be raised before the city commission. The city commission decision is the city's final decision and is subject to review by LUBA within twenty-one days of when it becomes final.

I. BACKGROUND:

January 8 Planning Commission Decision and Recommendation

On January 8, 2024, the Planning Commission recommended approval of a text amendment to allow an RV-park associated with Clackamette Park as an allowed accessory use within the I-Institutional Zone District.

The Planning Commission expressed concerns that the text amendment as originally proposed allowed little flexibility to allow an RV Park that was not city-managed, and recommended that term “city managed” be removed from the amended text.

The Planning Commission’s discussion prior to making this amended recommendation included the following points:

- There is no other zone in the city that permits recreational RV parks.
- Allowing only a city-managed RV park could hinder the city’s flexibility to allow privately run RV parks on city property, effectively creating a monopoly and restricting private enterprise.
- There is currently no definition for a recreational vehicle park in the zoning code and there should be a basic definition for the purpose of this code amendment.
- Future code work and definitions for recreational vehicle parks should clearly distinguish temporary recreational use from permanent residential RV parks / manufactured home parks and also clarifies the difference between a city-managed or owned RV park and a private RV park.

Separate Suggestions from the Planning Commission

The Planning Commission also made a separate recommendation to request that the City Commission direct staff to evaluate the idea of allowing recreational vehicle parks as an allowed use in appropriate zones and location within the city. This would be legislative process that could take up to a year or more, with community engagement, drafting code, work sessions and the public hearing and adoption process.

Clackamette Park Master Plan approval by the Planning Commission

Prior to this text amendment proposal, the Planning Commission conditionally approved the Clackamette Park Master Plan, Planning Files GLUA-23-00012 / MAS-23-00001, on July 13, 2023.

The location of the RV park is under further discussion by the City Commission. At a work session on December 12, 2023 the City Commission directed staff to pursue the text amendment to the code language for the Institutional zone to add a city-managed recreational vehicle parks as an allowed accessory use for Clackamette Park.

Once a text amendment is adopted, the City Commission will make a determination about the exact preferred location of the RV park and a separate application for a zone change and comprehensive plan amendment may be needed for whatever location is chosen.

Because the original approval by the Planning Commission was made based on an RV Park location which is now being re-evaluated by the City Commission, the Master Plan and condition of approval associated with the RV park may require additional review by the Planning Commission when an exact location for the RV park has been selected by the City Commission.

Proposed Text Amendment as Recommended by Planning Commission

Parks, playgrounds, playfields and community or neighborhood community centers are permitted outright in the I-Institutional Zone District. Recreational vehicle parks are not a listed permitted use in the I – Institutional District, however, accessory uses that are supportive of permitted uses in the district are listed in a separate subsection.

The Planning Commission recommends that the proposed zoning code amendment add a recreational vehicle park for Clackamette Park as a new Accessory Use to subsection 17.39.030 of Chapter 17.39 – I Institutional Zone with the term “city-managed” removed as indicated below.

17.39.030 Accessory uses.

The following uses are permitted outright if they are accessory to and related to the primary institutional use:

- A. Offices;
- B. Retail (not to exceed twenty percent of total gross floor area of all building);
- C. Child care centers or nursery schools;
- D. Scientific, educational, or medical research facilities and laboratories;
- E. Religious institutions.
- F. A city-managed recreational vehicle park for Clackamette Park.

Definition of Recreational Vehicle Park

Staff has prepared a draft definition for a recreational vehicle park for the City Commission’s consideration. The new definition would be added to Chapter 17.04 of the zoning code as follows:

17.04.1013 – Recreational Vehicle (RV) Park

"Recreational vehicle park" means a property developed with facilities and spaces for accommodating motor homes or other recreational vehicles for temporary recreational use by the general public. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as

Recreational vehicle parks. A Manufactured Home Park or Subdivision for permanent residential use is not a Recreational vehicle park.

II. APPROVAL CRITERIA:

Oregon City Municipal Code

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

CHAPTER 17.68 ZONING CHANGES AND COMPREHENSIVE PLAN AMENDMENTS

17.68.010 - Initiation of the amendment.

A text amendment to the comprehensive plan, or an amendment to the zoning code or map or the Comprehensive Plan map, may be initiated by:

- A. A resolution request by the City Commission;*
- B. An official proposal by the Planning Commission;*
- C. An application to the Planning Division; or.*
- D. A Legislative request by the Planning Division.*

All requests for amendment or change in this title shall be referred to the Planning Commission.

Finding: this application requests a text amendment to the zoning code, and has been initiated by an application to the Planning Division by the Parks and Recreation Department.

17.68.015 –Procedures.

Applications shall be reviewed pursuant to the procedures set forth in Chapter 17.50.

Finding: this application is subject to a Type IV land use review process pursuant to OCMC 17.50.030.D.

17.68.020 - Criteria.

The criteria for comprehensive plan amendment or text or map amendment in the zoning code are set forth as follows:

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

Finding: The proposal is consistent with the applicable goals and policies of the comprehensive plan as detailed below.

(P.33) Land Use

Land Use

Oregon City promotes community vitality through good design, efficient use of land, and strategies and actions that ensure new development contributes to the City's overall character and quality of life. The City also acknowledges the critical role of corridors and the opportunity they provide for transit-oriented, higher-intensity, mixed-use development patterns. Connections - particularly multi-modal connections - between neighborhoods, Downtown, the waterfront, and other activity centers are emphasized in

planning efforts so that residents and visitors can easily move around and meet their daily needs without having to travel long distances.

All land use types are regulated through the Zoning Map, and are generally categorized as residential, commercial, industrial, institutional/civic, or open space/natural areas. The City's land use categories include:

- *Low Density Residential (LR) — primarily single-family detached homes and middle housing.*
- *Medium Density Residential (MR) — residential developments with dwelling unit types such as attached single-family units, rowhouses, and townhouses.*
- *High Density Residential (HR) — typically high-density, multiple dwelling residential. Permitted uses include apartments, condominiums, and single-family attached and rowhouse dwellings.*
- *Commercial (C) — commercial uses serving local, city-wide, and regional needs, such as retail and service commercial. Typically, this classification is associated with newer, suburban development and located along arterial streets.*
- *Industrial (I) — uses related to manufacturing, processing, and distribution of goods. Employment based uses are encouraged. Intensive or heavy industrial uses are allowed in certain zones. Zones in the Comprehensive Plan Land-Use Map district are designed to comply with requirements of Title 4 of Metro's Urban Growth Management Functional Plan (1998).*
- *Mixed Use 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. Zones in the Comprehensive Plan Land-Use Map district are intended to be compatible with Metro's Corridor design type.*
- *Mixed Use Employment (MUE) — employment-intensive uses such as offices, research and development, light manufacturing, and associated commercial uses.*
- *Mixed Use Downtown (MUD) — urban density, mixed uses that are conducive to pedestrian and transit uses. This category is intended to be used to implement the Oregon City Downtown Community Plan (1999), the Oregon City Waterfront Master Plan (2002), and Metro's Regional Center concept, particularly in terms of connecting the Downtown with the waterfront. A design overlay is included in this area and is intended to promote development consistent with Oregon City's traditional Downtown form.*
- *Public and Quasi-Public (QP) — publicly owned lands other than city parks, such as schools, cemeteries, undeveloped lands, open space, government buildings and public utility facilities, such as the sewage treatment plant and water reservoirs.*
- *Parks (P) — City parks.*

- *Future Urban Holding (FUH) — undesignated, pending development and approval of a “concept plan,” a Metro requirement that cities plan land uses in areas being converted from rural to urban uses.*

Finding: the proposed code amendment does not change the adopted comprehensive plan map or zoning map. City parks typically have a Comprehensive Plan designation of **QP** - Public / Quasi Public or **P** – Parks and are zoned **I** - Institutional. Clackamette Park is designated **P** – Parks and is zoned **I** – Institutional.

(P.53) Parks and Recreation

Oregon City has a variety of parks, trails and open space governed by a Parks and Recreation Master Plan (2008). Currently in the process of being updated (2022), the Plan serves as a guide to implementing Oregon City’s goal of providing a broad range of parks and recreational spaces, activities, and programs to meet the current and future needs of its residents. The plan emphasizes the unique assets in Oregon City and identifies opportunities to further leverage those assets and build new ones. A set of mission statements provides the framework for the plan and will also serve as a starting point for new OC2040 goals and strategies that are developed for this project. Those mission statements are:

- *Strengthen community image and sense of place, promote cultural unity*
- *Protect and preserve natural and cultural resources*
- *Foster social, intellectual, physical and emotional development*
- *Strengthen safety and security in park and recreation spaces*
- *Support economic development*
- *Provide educational experiences through recreation*
- *Promote health, wellbeing, and community problem solving*
- *Be good stewards of public resources*

(P.54) Natural Resources

In Oregon City, the Clackamas River along the northern boundary of the city, as well as Abernethy, Newell, Holcomb, Potter, and other creeks provide both spawning and rearing habitat for steelhead trout, coho salmon, and cutthroat trout. Riparian corridors, the areas on either side of a stream, are critical to protecting the stream ecosystem and quality of habitat for salmonids and other stream-dependent species. Surface water from the Lower Clackamas River is the source of potable water for Oregon City and West Linn. The Clackamas River is a recreational waterway and offers a boat ramp at Clackamette Park and Riverside Park at the end of Water Avenue.

Comprehensive Plan Chapter 1. Healthy and Welcoming Communities

GOAL 1 Implement and maintain a community engagement program that provides broad and inclusive opportunities for all Oregon City community members to learn about and understand city government processes, including land use planning, and participate meaningfully in decisions that impact their communities.

POLICY 1.5 Provide on-going education to the community regarding land use projects and processes and ensure clear communication about when and how to be involved at key points in the process.

STRATEGY 1.5.A Notify citizens about community involvement opportunities when they occur.

Finding: The proposed zoning code text amendment is consistent with the stated Goal 1, policies and strategies. The applicant conducted a public engagement process to develop the master plan for Clackamette Park, which is documented on the project website <https://www.oregoncity.org/parksandrecreation/project/clackamette>. The master planning process included talking with City officials, state agencies, reaching out to stakeholders and engaging Oregon City residents to help guide the master planning process. A series of interactive public meetings was held to create a foundation for the master plan, review concept ideas and provide input on a final master plan for the park. The first open house meeting was held on March 1 where site analysis drawings were presented to the public. Information presented included project context, existing conditions, site opportunities and constraints. Early survey results helped guide conversations and feedback. Those in attendance discussed several key ideas and there was in-depth conversation surrounding how the park should feel, what site amenities should be a priority and what types of river access best serve the community. Attendees provided feedback and a number of other pertinent issues surrounding Clackamette Park. Public notice of this application was provided in accordance with OCMC 17.50. Additional findings follow.

Comprehensive Plan Chapter 2. Diverse Economy

POLICY 1.6 Promote the city's destinations, natural resources, and historic and cultural amenities to grow the tourism industry.

STRATEGY 1.6.C Ensure land uses and transportation connections that support tourism as an important aspect of the City's economic development strategy. This includes important cultural and historical amenities.

POLICY 4.3 Utilize urban design principles that create comfortable and attractive public spaces that are reflective of Oregon City's community vision.

Comprehensive Plan Chapter 3. Connected Infrastructure

GOAL 1 Provide a safe, comfortable, and accessible transportation network that serves all modes of travel, including non- motorized modes.

POLICY 1.2 Reduce Oregon City's carbon footprint by supporting and emphasizing non-motorized modes.

STRATEGY 1.2.A Provide an interconnected and accessible pedestrian system that links residential areas with major pedestrian generators such as employment centers, public facilities, and recreational areas.

STRATEGY 1.2.B 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.

STRATEGY 1.2.C Construct bikeways and sidewalks and require connectivity of these facilities to reduce the use of petroleum-fueled transportation.

POLICY 1.3 Promote safety by implementing street design that equally considers and serves non-motorized and motorized users.

STRATEGY 1.3.A Identify and implement ways to minimize conflict points between different modes of travel.

Finding: the proposed code amendment is consistent with Goal 1 since the conceptual design includes street improvements, trails, crosswalks on Clackamette Drive and Main Street, sidewalks and bicycle lanes to improve recreation, and pedestrian and bicycle connections in and abutting the park. Recreational Vehicle park users often bring their bicycles, scooters, and other forms of transportation with them, which increases multi-modal activity. The code amendment would support additional park use by RV users of all ages and abilities.

Comprehensive Plan Chapter 4: Protected Environment

GOAL 1 Provide and maintain a comprehensive system of parks, trails, natural resource areas, and recreation amenities that is accessible to residents of all ages and abilities, enhances the environmental and aesthetic quality of the community, and encourages healthy living.

POLICY 1.4 Reduce barriers to park use and improve safety and accessibility of parks resources for all users, regardless of ability, comfort level, or native language.

STRATEGY 1.4.A 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: The proposed code amendment is consistent with Goal 1, because it would allow accessibility to parks by users of all ages and abilities who need the convenience that overnight recreational vehicle use allows. The exact location and design for the RV park has not been completed at this point.

GOAL 2 Conserve, protect, and enhance the function, health, and diversity of the City's natural resources and ecosystems.

POLICY 2.4 Protect and enhance the urban forest tree canopy.

STRATEGY 2.4.A Encourage the maintenance and improvement of the city's tree canopy to improve air quality.

POLICY 2.5 Support water conservation and storm water management efforts within the Willamette Basin.

STRATEGY 2.5.A Prevent erosion and restrict the discharge of sediments into surface- and groundwater by requiring erosion prevention measures and sediment control practices.

STRATEGY 2.5.B Where feasible, use open, naturally vegetated drainage ways to reduce stormwater and improve water quality.

Finding: The proposed code amendment is consistent with Goal 2, through the application of development codes and overlay district regulations and in the OCMC that are acknowledged and consistent with the Statewide land use planning goals of the State of Oregon, through the application of engineering and public works design standards for stormwater management, erosion control and drainage. The city has an adopted tree code. The proposed code amendment would allow flexibility for the RV park to be located away from areas that are impacted by seasonal flooding or which have sensitive habitat and water quality.

POLICY 2.7 Support programs and methods that will improve air quality in Oregon City.

STRATEGY 2.7.A Promote land-use patterns that reduce the need for distance travel by single-occupancy vehicles and increase opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.

POLICY 2.8 Protect the Clackamas and Willamette Rivers and their tributaries including Newell Creek as the centerpieces of Oregon City's natural environment.

POLICY 2.9 Establish, restore, and maintain a network of connected wildlife habitat corridors.

STRATEGY 2.9.A 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.

Finding: The proposed code amendment is consistent with Goal 2 through the application of development codes and overlay district regulations in the Oregon City Municipal Code that are acknowledged and consistent with the Statewide land use planning goals of the State of Oregon, and through the application of engineering and public works design standards for stormwater management, erosion control and drainage.

GOAL 3

Ensure the safety of residents and property by supporting plans, programs, and investments that minimize the impacts of future natural hazard events and aid in rapid response and recovery.

POLICY 3.2 Restrict development in unsafe areas and where development would increase hazard impacts, such as steep slopes, landslides, wetlands, streams, and floodplains.

Finding: The proposed code amendment is consistent with the Goal 3, through the application of the Clackamas County Hazard Mitigation Plan and through application of development codes and overlay district regulations in the OCMC.

GOAL 4

Ensure the environmental and economic health of the Willamette River Greenway (WRG) as a key feature of Oregon City and the broader region

POLICY 4.1 Protect the significant fish and wildlife habitat of the Willamette River by maximizing the preservation of trees and vegetative cover.

POLICY 4.2 Preserve major scenic views, drives and sites of the WRG.

POLICY 4.3 Encourage access to and along the river consistent with the Oregon City Park and Recreation Master Plan.

POLICY 4.5 Protect and maintain parks and recreation areas and facilities along the Willamette River to minimize effects in the WRG, in accordance with the Oregon City Park and Recreation Master Plan.

Finding: The proposed code amendment is consistent with Goal 2 through the application of development codes and overlay district regulations in the Oregon City Municipal Code that are acknowledged and consistent with the Statewide land use planning goals of the State of Oregon, and through the application of engineering and public works design standards for stormwater management, erosion control and drainage.

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

Finding: this criterion is not applicable at this time since a site specific development plan has not yet been proposed.

Further review of adequacy of public facilities and required improvements will be determined at the time of Detailed Development Plan submittal.

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

Finding: The applicant submitted a Transportation Analysis Letter (TAL) for the Clackamette Park master plan application prepared by Kittelson & Associates Transportation Engineers. In general terms, the TAL is applicable to smaller developments that are presumed to have a lesser transportation impact. The TAL

was based on a conceptual site plan, and additional traffic impact analysis will be required when the exact location of an RV park and a site plan is proposed.

Overall, there will be a net increase of 198 daily added trips for the build-out of the park master plan. The relocated RV park will reduce the number of RV park sites from 38 to 18, resulting in a reduced number of site trips associated with RV use. The new RV park will generate 49 daily trips, 4 am peak hour trips and 5 pm peak hour trips. The proposed zoning map and code amendments will have a minimal impact on the transportation system; however, additional transportation analysis will be required when a detailed development plan is proposed. The TAL was not required to include an analysis of intersection capacity.¹

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

Finding: The City has adopted a Comprehensive Plan acknowledged by the Department of Land Conservation and Development which addresses goals, policies and strategies that control the amendment, so there is no need to address statewide planning goals.

17.68.025 - Zoning for land annexed into the City.

Upon annexation into the City, the property shall be rezoned from County zoning to the corresponding City zoning designation as identified in Table 17.06.030, provided the criteria for a zone change can be met.

Finding: not applicable. The proposal does not include annexation.

17.68.040 - Approval by the Commission.

If the Planning Commission finds that the request or application for an amendment, or change, complies with the criteria of OCMC 17.68.020, it shall forward its findings and recommendation to the City Commission for action thereon by that body.

Finding: the applicant understands that the City Commission decision will be based on the recommendations of the Planning Commission.

17.68.050 - Conditions.

In granting a change in zoning classification to any property, the Commission may attach such conditions and requirements to the zone change as the Commission deems necessary in the public interest and such conditions and restrictions shall thereafter apply to the zone change or map amendment.

¹ Transportation Analysis Letter (TAL) requirements are detailed in the City's adopted Guidelines for Transportation Analysis. TAL analysis is appropriate: (a) if the development generates fewer than 24 peak hour trips during either the AM or PM peak hour and fewer than 250 daily trips, (b) the development is not expected to further impact intersections that currently fail to meet the City's mobility standards or intersections that are operating near the limits of the acceptable thresholds during a peak operating hour. (Mobility standards are defined in 7.9.1), and (c) the development is not expected to significantly impact adjacent roadways and intersections that are high accident locations, areas that contain an identified safety concern, or high concentration of pedestrians or bicyclists such as school zones. The master plan proposal met the requirements for a TAL.

Finding: the applicant understands that the Planning Commission may recommend, and that the City Commission may add conditions of approval.

CHAPTER 17.50 – ADMINISTRATION AND PROCEDURES

17.50.010 Purpose.

This chapter provides the procedures by which Oregon City reviews and decides upon applications for all permits relating to the use of land authorized by ORS 92, 197 and 227. These permits include all form of land divisions, land use, limited land use and expedited land division and legislative enactments and amendments to the Oregon City Comprehensive Plan and Titles 16 and 17 of this code. Pursuant to ORS 227.175, any applicant may elect to consolidate applications for two or more related permits needed for a single development project. Any grading activity associated with development shall be subject to preliminary review as part of the review process for the underlying development. It is the express policy of the City of Oregon 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: this application is subject to a Type IV review process under this code Chapter.

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

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

Table 17.50.030 – Permit Approval Process

Permit Type	I	II	III	IV
<i>Plan or code amendment</i>				X
<i>Zone Change</i>				X

- D. Type IV decisions include only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and shall be heard by the City Commission for final action. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and Planning Commission hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice shall be issued at least twenty days pre-hearing, and the staff report shall be available at least seven days pre-hearing. At the evidentiary hearing held before the Planning Commission, all issues are addressed. If the Planning Commission denies the application, any party with standing (i.e., anyone who appeared before the Planning Commission either in person or in writing within the comment period) may appeal the Planning Commission denial to the City Commission. If the Planning Commission denies the application and no appeal has been received within fourteen days of the issuance of the final decision, then the action of the Planning Commission becomes the final decision of the City. If the Planning Commission votes to approve the application, that decision is forwarded as a recommendation to the City Commission for final consideration. In either case, any review by the City Commission is on the record and only issues raised before the Planning Commission may be raised before the City Commission. The City Commission decision is the City's final decision and is subject to review by LUBA within twenty-one days of when it becomes final.*

Finding: this application is subject to a Type IV review process and the applicable public notice and hearings before the Planning Commission and City Commission.

17.50.040 Development review in overlay districts and for erosion control.

For any development subject to regulation of geologic hazards overlay district under OCMC 17.44; natural resource overlay district under OCMC 17.49; Willamette River Greenway Overlay District under OCMC 17.48; historic overlay district under OCMC 17.40, and erosion and sediment control under OCMC 17.47, compliance with the requirements of these chapters shall be reviewed as part of the review process required for the underlying development for the site.

Finding: No development is proposed at this time, however the applicant acknowledges that subsequent detailed development plans will be subject to compliance with the applicable overlay districts requirements and Erosion and Sediment Control standards. The properties are within the Geologic Hazards (OCMC 17.44), Willamette River Greenway (OCMC 17.48), and Flood Management Overlay Districts (OCMC 17.40).

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.*
- C. Notwithstanding any representations by City staff at a pre-application conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.*

Finding: The applicant attended the required pre-application conference (file PA-22-00046) for the master plan on 9/28/2022. A second meeting was held by staff on August 30, 2023 to cover the procedures for the Comprehensive Plan Map, Zoning Map and Zoning Code amendments.

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: The Two Rivers Neighborhood Association was inactive at the time of application. The applicant conducted extensive public outreach prior to the master plan application including a presentation to the Citizen Involvement Committee on August 1, 2022.

17.50.060 Application requirements.

A permit application may only be initiated by the record property owner or contract purchaser, the City Commission or Planning Commission. If there is more than one record owner, then the City will not complete a Type II—IV application without signed authorization from all record owners. All permit applications shall be submitted on the form provided by the City, along with the appropriate fee and all necessary supporting documentation and information, sufficient to demonstrate compliance with all applicable approval criteria. The applicant has the burden of demonstrating, with evidence, that all applicable approval criteria are, or can be, met.

Finding: the city manager signed the land use application on behalf of the city. Additional materials in support of the proposal are provided with this submittal.

17.50.070 Completeness review and one hundred twenty-day rule.

- A. *Upon submission, the Community Development Director shall date stamp the application form and verify that all of the appropriate application review fee(s) have been submitted. Upon receipt of all review fees and an application form, the Community Development Director will then review the application and all information submitted with it and evaluate whether the application is complete enough to process. Within thirty days of receipt of the application and all applicable review fees, the Community Development Director shall complete this initial review and issue to the applicant a written statement indicating whether the application is complete enough to process, and if not, what information shall be submitted to make the application complete.*
- B. *The applicant has one hundred eighty days from the date the application was made to submit the missing information or the application shall be rejected and the unused portion of the application fee returned to the applicant. If the applicant submits the requested information within the one hundred eighty-day period, the Community Development Director shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure in subsection A of this section. The application will be deemed complete for the purpose of this section upon receipt by the Community Development Director of:*
 - 1. *All the missing information;*
 - 2. *Some of the missing information and written notice from the applicant that no other information will be provided; or*
 - 3. *Written notice from the applicant that none of the missing information will be provided.*
- C. *Once the Community Development Director determines the application is complete enough to process, or the applicant refuses to submit any more information, the City shall declare the application complete. Pursuant to ORS 227.178, the City will reach a final decision on an application within one hundred twenty calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to suspend the one hundred twenty-calendar-day timeline or unless state law provides otherwise. The one hundred twenty-day period, however, does not apply in the following situations:*
 - 1. *Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one hundred twenty-day period.*
 - 2. *Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one hundred twenty-day period for the amount of time required to correct the notice defect.*
 - 3. *The one hundred twenty-day period does not apply to any application for a permit that is not wholly within the City's authority and control.*
 - 4. *The one hundred twenty-day period does not apply to any application for an amendment to the City's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.*
- D. *A one hundred day-period applies in place of the one hundred twenty-day period for affordable housing projects where:*
 - 1. *The project includes five or more residential units, including assisted living facilities or group homes;*
 - 2. *At least fifty percent of the residential units will be sold or rented to households with incomes equal to or less than sixty percent of the median family income for Clackamas County or for the state, whichever is greater; and*

3. *Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of sixty years from the date of the certificate of occupancy.*
- E. *The one hundred twenty-day period specified in OCMC 17.50.070.C or D may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed two hundred forty-five calendar days.*
- F. *The approval standards that control the City's review and decision on a complete application are those which were in effect on the date the application was first submitted.*

Finding: The applicant acknowledges the obligation to file a complete application and that the 120-day decision deadline applies once the proposal has been deemed complete by the Community Development Director.

17.50.080 Complete application—Required information.

Unless stated elsewhere in OCMC 16 or 17, a complete application includes all the materials listed in this subsection. The Community Development Director may waive the submission of any of these materials if not deemed to be applicable to the specific review sought. Likewise, within thirty days of when the application is first submitted, the Community Development Director may require additional information, beyond that listed in this subsection or elsewhere in Titles 12, 14, 15, 16, or 17, such as a traffic study or other report prepared by an appropriate expert. In any event, the applicant is responsible for the completeness and accuracy of the application and all of the supporting documentation, and the City will not deem the application complete until all information required by the Community Development Director is submitted. At a minimum, the applicant shall submit the following:

- A. *One copy of a completed application form that includes the following information:*
 1. *An accurate address and tax map and location of all properties that are the subject of the application;*
 2. *Name, address, telephone number and authorization signature of all record property owners or contract owners, and the name, address and telephone number of the applicant, if different from the property owner(s);*
 - B. *A complete list of the permit approvals sought by the applicant;*
 - C. *A complete and detailed narrative description of the proposed development;*
 - D. *A discussion of the approval criteria for all permits required for approval of the development proposal that explains how the criteria are or can be met or are not applicable, and any other information indicated by staff at the pre-application conference as being required;*
 - E. *One copy of all architectural drawings and site plans shall be submitted for Type II—IV applications.*
- One paper copy of all application materials shall be submitted for Type I applications;*
- F. *For all Type II—IV applications, the following is required:*
 1. *An electronic copy of all materials.*
 2. *Mailing labels or associated fee for notice to all parties entitled under OCMC 17.50.090 to receive mailed notice of the application. The applicant shall use the names and addresses of property owners within the notice area indicated on the most recent property tax rolls.*
 3. *Documentation indicating there are no liens favoring the City on the subject site.*
 4. *A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year.*
 5. *A current preliminary title report or trio for the subject property(ies);*

- G. *All required application fees;*
- H. *Annexation agreements, traffic or technical studies (if applicable);*
- I. *Additional documentation, as needed and identified by the Community Development Director.*

Finding: The application does not propose any development at this time. A basic conceptual site plan of the subject properties has been submitted, which will be refined when a Detailed Development Plan is proposed.

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.*

Finding: The applicant acknowledges the public notice requirements for a Type IV application.

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: The applicant acknowledges the public notice requirements for a Type IV application.

17.50.110 Assignment of decision-makers.

The following City entity or official shall decide the following types of applications:

- A. *Type I Decisions.* The Community Development Director shall render all Type I decisions. The Community Development Director's decision is the City's final decision on a Type I application.
- B. *Type II Decisions.* The Community Development Director shall render the City's decision on all Type II permit applications, which are then appealable to the City Commission with notice to the Planning Commission. The City's final decision is subject to review by LUBA.
- C. *Type III Decisions.* The Planning Commission or Historic Review Board, as applicable, shall render all Type III decisions. Such decision is appealable to the City Commission, on the record. The City Commission's decision is the city's final decision and is subject to review by LUBA within twenty-one days of when it becomes final.
- D. *Type IV Decisions.* The Planning Commission shall render the initial decision on all Type IV permit applications. If the Planning Commission denies the Type IV application, that decision is final unless appealed in accordance with OCMC 17.50.190. If the Planning Commission recommends approval of the application, that recommendation is forwarded to the City Commission. The City Commission decision is the City's final decision on a Type IV application and is subject to review LUBA.
- E. *Expedited Land Division (ELD).* The Community Development Director shall render the initial decision on all ELD applications. The Community Development Director's decision is the City's final decision unless appealed in accordance to ORS 197.375 to a City-appointed hearings referee. The hearings referee decision is the City's final decision which is appealable to the Oregon Court of Appeals.

Finding: this application is a Type IV decision and will be processed pursuant to (D).

17.50.120 Quasi-judicial hearing process.

All public hearings pertaining to quasi-judicial permits, whether before the Planning Commission, Historic Review Board, or City Commission, shall comply with the procedures of this section. In addition, all public hearings held pursuant to this chapter shall comply with the Oregon Public Meetings Law, the applicable provisions of ORS 197.763 and any other applicable law.

- A. Once the Community Development Director determines that an application for a Type III or IV decision is complete, the planning division shall schedule a hearing before the Planning Commission or Historic Review Board, as applicable. Once the Community Development Director determines that an appeal of a Type II, Type III or Type IV decision has been properly filed under OCMC 17.50.190, the planning division shall schedule a hearing pursuant to OCMC 17.50.190.*
- B. Notice of the Type III or IV hearing shall be issued at least twenty days prior to the hearing in accordance with OCMC 17.50.090.B.*
- C. Written notice of an appeal hearing shall be sent by regular mail no later than fourteen days prior to the date of the hearing to the appellant, the applicant if different from the appellant, the property owner(s) of the subject site, all persons who testified either orally or in writing before the hearing body and all persons that requested in writing to be notified.*
- D. The Community Development Director shall prepare a staff report on the application which lists the applicable approval criteria, describes the application and the applicant's development proposal, summarizes all relevant city department, agency and public comments, describes all other pertinent facts as they relate to the application and the approval criteria and makes a recommendation as to whether each of the approval criteria are met.*
- E. At the beginning of the initial public hearing at which any quasi-judicial application or appeal is reviewed, a statement describing the following shall be announced to those in attendance:*
 - 1. That the hearing will proceed in the following general order: Staff report, applicant's presentation, testimony in favor of the application, testimony in opposition to the application, rebuttal, record closes, commission deliberation and decision;*
 - 2. That all testimony and evidence submitted, orally or in writing, shall be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria shall be listed and discussed on the record. The meeting chairperson may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open;*
 - 3. Failure to raise an issue on the record with sufficient specificity and accompanied by statements or evidence sufficient to afford the City and all parties to respond to the issue, will preclude appeal on that issue to the land use board of appeals;*
 - 4. Any party wishing a continuance or to keep open the record shall make that request while the record is still open;*
 - 5. That the commission chair shall call for any ex-parte contacts, conflicts of interest or bias before the beginning of each hearing item; and*
 - 6. For appeal hearings, only those persons who participated either orally or in writing in the decision or review will be allowed to participate either orally or in writing on the appeal.*
- F. Requests for continuance and to keep open the record: The hearing may be continued to allow the submission of additional information or for deliberation without additional information. New notice of a continued hearing need not be given so long as a time-certain and location is established for the continued hearing. Similarly, hearing may be closed but the record kept open for the submission of additional written material or other documents and exhibits. The chairperson may limit the factual and legal issues that may be addressed in any continued hearing or open record period.*

Finding: The applicant acknowledges the public hearing procedures that apply for a Type IV land use application.

17.50.130 Conditions of approval and notice of decision.

- A. *All City decision-makers have the authority to impose reasonable conditions of approval designed to ensure that all applicable approval standards, including standards set out in city overlay districts, the City's master plans, and City public works design standards, are, or can be met.*
- B. *Failure to comply with any condition of approval shall be grounds for revocation of the permit(s) and grounds for instituting code enforcement proceedings pursuant to OCMC 1.20 of this code and ORS 30.315.*
- C. *Notice of Decision. The City shall send, by first class mail, a notice of all decisions rendered under this chapter 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. The notice of decision shall include the following information:*
 - 1. *The file number and date of decision;*
 - 2. *The name of the applicant, owner and appellant (if different);*
 - 3. *The street address or other easily understood location of the subject property;*
 - 4. *A brief summary of the decision, and if an approval, a description of the permit approved;*
 - 5. *A statement that the decision is final unless appealed and description of the requirements for perfecting an appeal;*
 - 6. *The contact person, address and a telephone number whereby a copy of the final decision may be inspected or copies obtained.*
- D. *Modification of Conditions. Any request to modify a condition of permit approval is to be considered either minor modification or a major modification, unless otherwise authorized. A minor modification shall be processed as a Type I. A major modification shall be processed in the same manner and shall be subject to the same standards as was the original application. However, the decision-maker may at their sole discretion, consider a modification request and limit its review of the approval criteria to those issues or aspects of the application that are proposed to be changed from what was originally approved.*

Finding: the applicant acknowledges that conditions of approval may be applied to this decision to assure compliance with the code.

CHAPTER 17.39 I INSTITUTIONAL DISTRICT

17.39.010 - Designated.

The purpose of this district is designed to facilitate the development of major public institutions, government facilities and parks and ensure the compatibility of these developments with surrounding areas. The I—Institutional zone is consistent with the public/quasi-public and park designations on the comprehensive plan map.

Finding: Complies as proposed. This proposal includes a code amendment to the I – Institutional District to allow RV parks as an accessory use to parks, which is a permitted primary use in the I – Institutional Zone. The proposed amendment is consistent with park use. Clackamette Park has had an RV park for a long time, and any relocation of the park would continue to be consistent with that use.

17.39.020 - Permitted uses.

Permitted uses in the institutional district are:

- A. Private and/or public educational or training facilities;
- B. Parks, playgrounds, playfields and community or neighborhood community centers;
- C. Public facilities and services including courts, libraries and general government offices and maintenance facilities;
- D. Stadiums and arenas;
- E. Banquet, conference facilities and meeting rooms;
- F. Government offices;
- G. Transportation facilities;
- H. Mobile food units.

Finding: RV parks are not currently listed as a permitted use in the I - Institutional zone district. This proposal includes a code amendment to section 17.39.030 – *Accessory Uses* of the code to add city managed RV parks as a permitted accessory use to a park in the institutional district.

17.39.030 - Accessory uses.

The following uses are permitted outright if they are accessory to and related to the primary institutional use:

- A. Offices;
- B. Retail (not to exceed twenty percent of total gross floor area of all building);
- C. Child care centers or nursery schools;
- D. Scientific, educational, or medical research facilities and laboratories;
- E. Religious institutions;
- F. A city-managed recreational vehicle park for Clackamette Park.

Finding: This proposal includes a code amendment to this section of the code to add an RV park for Clackamette Park as a permitted accessory use to part B of this section in the institutional district.

17.39.040 - Conditional uses.

Uses requiring conditional use permit are:

- A. Any uses listed under OCMC 17.39.030 that are not accessory to the primary institutional use;
- B. Boarding and lodging houses, bed and breakfast inns;
- C. Cemeteries, crematories, mausoleums, and columbariums;
- D. Correctional facilities;
- E. Helipad in conjunction with a permitted use;
- F. Parking lots not in conjunction with a primary use;
- G. Public utilities, including sub-stations (such as buildings, plants and other structures);
- H. Fire stations;
- I. Police Station.

Finding: Not applicable. The applicant has not proposed a Conditional Use. See section .030 above.

17.39.045 - Prohibited uses.

Prohibited uses in the I district are:

- A. Any use not expressly listed in OCMC 17.39.020, 17.39.030 or 17.39.040;

B. Marijuana businesses;

Finding: currently, the proposed RV park use is not permitted since it is not listed expressly in OCMC 17.39.020, 17.39.030 or 17.39.040. This proposal includes a code amendment to section 17.39.030 of the code to expressly list an RV park for Clackamette Park as a permitted accessory use to section .030.

17.39.050 - Dimensional standards.

Dimensional standards in the I district are:

- A. Maximum building height: Within one hundred feet of any district boundary, not to exceed thirty-five feet; elsewhere, not to exceed seventy feet.*
- B. Minimum required setbacks: Twenty-five feet from property line except when the development is adjacent to a public right-of-way. When adjacent to a public right-of-way, the minimum setback is zero feet and the maximum setback is five feet.
Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.*
- C. Minimum required landscaping (including landscaping within a parking lot): Fifteen percent.*

Finding: not applicable. No structures are proposed at this time, so the dimensional standards of this section do not apply. New structures would be reviewed at the time of detailed development plan.

17.39.060 - Relationship to master plan.

- A. A master plan is required for any development within the I District on a site over ten acres in size that:

 - 1. Is for a new development on a vacant property;*
 - 2. Is for the redevelopment of a property previously used as a non-institutional use; or*
 - 3. Increases the floor area of the existing development by ten thousand square feet over existing conditions**

Finding: A master plan was submitted and approved by the Planning Commission for Clackamette Park which totals approximately 20 acres. The Notice of Decision for GLUA-23-00012 / MAS-23-00001 was issued 7/14/2023, with conditions. Because the original approval by the Planning Commission was made based on an RV Park location which is now being re-evaluated by the City Commission, the Master Plan and condition of approval associated with the RV park may require additional review by the Planning Commission when an exact location for the RV park has been selected by the City Commission.

- B. Master plan dimensional standards that are less restrictive than those of the Institutional District require adjustments. Adjustments will address the criteria of OCMC 17.65.70 and will be processed concurrently with the master plan application.*

Finding: not applicable. The applicant did not request any adjustments to the dimensional standards of the I zone district with this application. Site plan and design review will be required when a proposed location and site specific design for a new RV park is determined.

- C. Modifications to other development standards in the code may be made as part of the phased master plan adjustment process. All modifications shall be in accordance with the requirements of the master plan adjustment process identified in OCMC 17.65.070.*

Finding: not applicable. The applicant did not request any modifications to any other development standards with this application.

III. CONCLUSION AND RECOMMENDATION:

Based on the analysis and findings as described above and the recommendation of the Planning Commission, the Community Development Director concludes that the proposed Zoning Code Amendment to Chapter 17.39 – I Institutional District, to allow RV parks as an allowed accessory use to Clackamette Park, meets the applicable requirements for a zoning code amendment in the Oregon City Municipal. Therefore, the Community Development Director recommends approval of the proposal, based upon the findings and exhibits contained in this staff report.

EXHIBITS:

1. Clackamette Park Master Plan Concept Vicinity Map
2. Applicant's Narrative
3. Public Notice
4. DLCD Notice
5. GLUA-23-00012 / MAS-23-00001 - Clackamette Park Master Plan – Planning Commission Approval July 13, 2023 / Notice of Decision, July 14, 2023
6. Video Recording of the January 8, 2024 Planning Commission meeting:
<https://meetings.municode.com/MeetingDetailsPage/index?clientCode=OREGONCITY&meetingId=ace49924-ed01-441f-a89b-da0087926390>
7. City YouTube Channel Video of the January 8, 2024 Planning Commission meeting:
https://www.youtube.com/live/aTOOjn5TkPY?si=t6X_uy_F5DYjgf1l

Type IV Land Use Decision

Comprehensive Plan Map, Zoning and Text Amendment

Applicant's Narrative and Responses to City Code Requirements

11/21/2023

APPLICANT: City of Oregon City, Parks and Recreation Department
Kendall Reid, Director

OWNER: City of Oregon City
Attn: Tony Konkol, City Manager

REQUEST: The Oregon City Parks and Recreation Department is requesting a Zoning Code Amendment to Chapter 17.39 – *I Institutional District*, to allow a city-owned RV parks as an allowed accessory use to Clackamette Park. This application is submitted at the direction of the City Commission in response to Condition of Approval #32 of Planning Files GLUA-23-00012 / MAS-23-00001, Clackamette Park Master Plan.

LOCATION: Clackamette Park is located at the northern end of Clackamette Drive near the confluence of the Clackamas River and the Willamette River, west of McLoughlin Boulevard (OR 99-E). The exact location of the RV Park for Clackamette Park has not been determined at this time.

I. BACKGROUND:

The Planning Commission conditionally approved the Clackamette Park Master Plan, Planning Files GLUA-23-00012 / MAS-23-00001, on July 13, 2023.

The plan includes the relocation of the city managed RV park from it's current location. The master plan and the location of the RV park are under further discussion by the City Commission. The action the City Commission has directed staff to pursue is to amend the code language for the Institutional zone only to allow overnight parking and camping for recreational vehicles for Clackamette Park.

Should the City Commission keep the current Master Plan layout for Clackamette Park, a zone change, and comprehensive plan amendment will be needed for two parcels that would be used for the RV park, but the text amendment will have already occurred.

Description of Code Amendment

Overnight parking and camping for recreational vehicles is not a listed permitted use in the MUD - Mixed Use Downtown zone district per OCMC 17.34.020.

The proposed zoning code amendment consists of adding city-managed recreational vehicle parks as an allowed accessory use for Clackamette Park to subsection 17.39.030 of Chapter 17.39 – I Institutional Zone.

II. APPROVAL CRITERIA:

Oregon City Municipal Code

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

CHAPTER 17.68 ZONING CHANGES AND COMPREHENSIVE PLAN AMENDMENTS

17.68.010 - Initiation of the amendment.

A text amendment to the comprehensive plan, or an amendment to the zoning code or map or the Comprehensive Plan map, may be initiated by:

- A. A resolution request by the City Commission;*
- B. An official proposal by the Planning Commission;*
- C. An application to the Planning Division; or.*
- D. A Legislative request by the Planning Division.*

All requests for amendment or change in this title shall be referred to the Planning Commission.

Applicant's Response: this application seeks to amend the zoning code text, zoning map and Comprehensive Plan Map and has been initiated by an application to the Planning Division by the Parks and Recreation Department.

17.68.015 –Procedures.

Applications shall be reviewed pursuant to the procedures set forth in Chapter 17.50.

Applicant's Response: See responses above.

17.68.020 - Criteria.

The criteria for comprehensive plan amendment or text or map amendment in the zoning code are set forth as follows:

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

Applicant's Response: The proposal is consistent with the applicable goals and policies of the comprehensive plan as detailed below.

(P.33) Land Use

Land Use

Oregon City promotes community vitality through good design, efficient use of land, and strategies and actions that ensure new development contributes to the City's overall character and quality of life. The City also acknowledges the critical role of corridors and the opportunity they provide for transit-oriented, higher-intensity, mixed-use development patterns. Connections - particularly multi-modal connections - between neighborhoods, Downtown, the waterfront, and other activity centers are emphasized in

planning efforts so that residents and visitors can easily move around and meet their daily needs without having to travel long distances.

All land use types are regulated through the Zoning Map, and are generally categorized as residential, commercial, industrial, institutional/civic, or open space/natural areas. The City's land use categories include:

- *Low Density Residential (LR) — primarily single-family detached homes and middle housing.*
- *Medium Density Residential (MR) — residential developments with dwelling unit types such as attached single-family units, rowhouses, and townhouses.*
- *High Density Residential (HR) — typically high-density, multiple dwelling residential. Permitted uses include apartments, condominiums, and single-family attached and rowhouse dwellings.*
- *Commercial (C) — commercial uses serving local, city-wide, and regional needs, such as retail and service commercial. Typically, this classification is associated with newer, suburban development and located along arterial streets.*
- *Industrial (I) — uses related to manufacturing, processing, and distribution of goods. Employment based uses are encouraged. Intensive or heavy industrial uses are allowed in certain zones. Zones in the Comprehensive Plan Land-Use Map district are designed to comply with requirements of Title 4 of Metro's Urban Growth Management Functional Plan (1998).*
- *Mixed Use 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. Zones in the Comprehensive Plan Land-Use Map district are intended to be compatible with Metro's Corridor design type.*
- *Mixed Use Employment (MUE) — employment-intensive uses such as offices, research and development, light manufacturing, and associated commercial uses.*
- *Mixed Use Downtown (MUD) — urban density, mixed uses that are conducive to pedestrian and transit uses. This category is intended to be used to implement the Oregon City Downtown Community Plan (1999), the Oregon City Waterfront Master Plan (2002), and Metro's Regional Center concept, particularly in terms of connecting the Downtown with the waterfront. A design overlay is included in this area and is intended to promote development consistent with Oregon City's traditional Downtown form.*
- *Public and Quasi-Public (QP) — publicly owned lands other than city parks, such as schools, cemeteries, undeveloped lands, open space, government buildings and public utility facilities, such as the sewage treatment plant and water reservoirs.*
- *Parks (P) — City parks.*
- *Future Urban Holding (FUH) — undesignated, pending development and approval of a "concept plan," a Metro requirement that cities plan land uses in areas being converted from rural to urban uses.*

Applicant's Response: the proposed code amendment does not change the adopted comprehensive plan map or zoning map. City parks typically have a Comprehensive Plan designation of **QP** - Public / Quasi Public or **P** – Parks and are zoned I - Institutional. Clackamette Park is designated P – Parks and is zoned I – Institutional.

(P.53) Parks and Recreation

Oregon City has a variety of parks, trails and open space governed by a Parks and Recreation Master Plan (2008). Currently in the process of being updated (2022), the Plan serves as a guide to implementing Oregon City's goal of providing a broad range of parks and recreational spaces, activities, and programs to meet the current and future needs of its residents. The plan emphasizes the unique assets in Oregon City and identifies opportunities to further leverage those assets and build new ones. A set of mission statements provides the framework for the plan and will also serve as a starting point for new OC2040 goals and strategies that are developed for this project. Those mission statements are:

- Strengthen community image and sense of place, promote cultural unity*
- Protect and preserve natural and cultural resources*
- Foster social, intellectual, physical and emotional development*
- Strengthen safety and security in park and recreation spaces*
- Support economic development*
- Provide educational experiences through recreation*
- Promote health, wellbeing, and community problem solving*
- Be good stewards of public resources*

(P.54) Natural Resources

In Oregon City, the Clackamas River along the northern boundary of the city, as well as Abernethy, Newell, Holcomb, Potter, and other creeks provide both spawning and rearing habitat for steelhead trout, coho salmon, and cutthroat trout. Riparian corridors, the areas on either side of a stream, are critical to protecting the stream ecosystem and quality of habitat for salmonids and other stream-dependent species. Surface water from the Lower Clackamas River is the source of potable water for Oregon City and West Linn. The Clackamas River is a recreational waterway and offers a boat ramp at Clackamette Park and Riverside Park at the end of Water Avenue.

Comprehensive Plan Chapter 1. Healthy and Welcoming Communities

GOAL 1 Implement and maintain a community engagement program that provides broad and inclusive opportunities for all Oregon City community members to learn about and understand city government processes, including land use planning, and participate meaningfully in decisions that impact their communities.

POLICY 1.5 Provide on-going education to the community regarding land use projects and processes and ensure clear communication about when and how to be involved at key points in the process.

STRATEGY 1.5.A Notify citizens about community involvement opportunities when they occur.

Applicant's Response: The proposed zoning code text amendment is consistent with the stated Goal 1, policies and strategies. The applicant conducted a public engagement process to develop the master plan for Clackamette Park, which is documented on the project website <https://www.orcity.org/parksandrecreation/project/clackamette>. The master planning process included talking with City officials, state agencies, reaching out to stakeholders and engaging Oregon City residents to help guide the master planning process. A series of interactive public meetings was held to create a foundation for the master plan, review concept ideas and provide input on a final master plan for the park. The first open house meeting was held on March 1 where site analysis drawings were presented to the public. Information presented included project context, existing conditions, site opportunities and constraints. Early survey results helped guide conversations and feedback. Those in attendance discussed several key ideas and there was in-depth conversation surrounding how the park should feel, what site amenities should be a priority and what types of river access best serve the community. Attendees provided feedback and a number of other pertinent issues surrounding Clackamette Park. Public notice of this application was provided in accordance with OCMC 17.50. Additional findings follow.

Comprehensive Plan Chapter 2. Diverse Economy

POLICY 1.6 Promote the city's destinations, natural resources, and historic and cultural amenities to grow the tourism industry.

STRATEGY 1.6.C Ensure land uses and transportation connections that support tourism as an important aspect of the City's economic development strategy. This includes important cultural and historical amenities.

POLICY 4.3 Utilize urban design principles that create comfortable and attractive public spaces that are reflective of Oregon City's community vision.

Comprehensive Plan Chapter 3. Connected Infrastructure

GOAL 1 Provide a safe, comfortable, and accessible transportation network that serves all modes of travel, including non- motorized modes.

POLICY 1.2 Reduce Oregon City's carbon footprint by supporting and emphasizing non-motorized modes.

STRATEGY 1.2.A Provide an interconnected and accessible pedestrian system that links residential areas with major pedestrian generators such as employment centers, public facilities, and recreational areas.

STRATEGY 1.2.B 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.

STRATEGY 1.2.C Construct bikeways and sidewalks and require connectivity of these facilities to reduce the use of petroleum-fueled transportation.

POLICY 1.3 Promote safety by implementing street design that equally considers and serves non-motorized and motorized users.

STRATEGY 1.3.A Identify and implement ways to minimize conflict points between different modes of travel.

Applicant's Response: the proposed code amendment is consistent with Goal 1 since the conceptual design includes street improvements, trails, crosswalks on Clackamette Drive and Main Street, sidewalks and bicycle lanes to improve recreation, and pedestrian and bicycle connections in and abutting the park. Recreational Vehicle park users often bring their bicycles, scooters, and other forms of transportation with them, which increases multi-modal activity. The code amendment would support additional park use by RV users of all ages and abilities.

Comprehensive Plan Chapter 4: Protected Environment

GOAL 1 Provide and maintain a comprehensive system of parks, trails, natural resource areas, and recreation amenities that is accessible to residents of all ages and abilities, enhances the environmental and aesthetic quality of the community, and encourages healthy living.

POLICY 1.4 Reduce barriers to park use and improve safety and accessibility of parks resources for all users, regardless of ability, comfort level, or native language.

STRATEGY 1.4.A 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.

Applicant's Response: The proposed code amendment is consistent with Goal 1, because it would allow accessibility to parks by users of all ages and abilities who need the convenience that overnight recreational vehicle use allows. The exact location and design for the RV park has not been completed at this point.

GOAL 2 Conserve, protect, and enhance the function, health, and diversity of the City's natural resources and ecosystems.

POLICY 2.4 Protect and enhance the urban forest tree canopy.

STRATEGY 2.4.A Encourage the maintenance and improvement of the city's tree canopy to improve air quality.

POLICY 2.5 Support water conservation and storm water management efforts within the Willamette Basin.

STRATEGY 2.5.A Prevent erosion and restrict the discharge of sediments into surface- and groundwater by requiring erosion prevention measures and sediment control practices.

STRATEGY 2.5.B Where feasible, use open, naturally vegetated drainage ways to reduce stormwater and improve water quality.

Applicant's Response: The proposed code amendment is consistent with Goal 2, through the application of development codes and overlay district regulations and in the OCMC that are acknowledged and consistent with the Statewide land use planning goals of the State of Oregon, through the application of engineering and public works design standards for stormwater management, erosion control and drainage. The city has an adopted tree code. The proposed code amendment would allow flexibility for the RV park to be located away from areas that are impacted by seasonal flooding or which have sensitive habitat and water quality.

POLICY 2.7 Support programs and methods that will improve air quality in Oregon City.

STRATEGY 2.7.A Promote land-use patterns that reduce the need for distance travel by single-occupancy vehicles and increase opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.

POLICY 2.8 Protect the Clackamas and Willamette Rivers and their tributaries including Newell Creek as the centerpieces of Oregon City's natural environment.

POLICY 2.9 Establish, restore, and maintain a network of connected wildlife habitat corridors.

STRATEGY 2.9.A 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.

Applicant's Response: The proposed code amendment is consistent with Goal 2 through the application of development codes and overlay district regulations in the Oregon City Municipal Code that are acknowledged and consistent with the Statewide land use planning goals of the State of Oregon, and through the application of engineering and public works design standards for stormwater management, erosion control and drainage.

GOAL 3

Ensure the safety of residents and property by supporting plans, programs, and investments that minimize the impacts of future natural hazard events and aid in rapid response and recovery.

POLICY 3.2 Restrict development in unsafe areas and where development would increase hazard impacts, such as steep slopes, landslides, wetlands, streams, and floodplains.

Applicant's Response: The proposed code amendment is consistent with the Goal 3, through the application of the Clackamas County Hazard Mitigation Plan and through application of development codes and overlay district regulations in the OCMC.

GOAL 4

Ensure the environmental and economic health of the Willamette River Greenway (WRG) as a key feature of Oregon City and the broader region

POLICY 4.1 Protect the significant fish and wildlife habitat of the Willamette River by maximizing the preservation of trees and vegetative cover.

POLICY 4.2 Preserve major scenic views, drives and sites of the WRG.

POLICY 4.3 Encourage access to and along the river consistent with the Oregon City Park and Recreation Master Plan.

POLICY 4.5 Protect and maintain parks and recreation areas and facilities along the Willamette River to minimize effects in the WRG, in accordance with the Oregon City Park and Recreation Master Plan.

Applicant's Response: The proposed code amendment is consistent with Goal 2 through the application of development codes and overlay district regulations in the Oregon City Municipal Code that are acknowledged and consistent with the Statewide land use planning goals of the State of Oregon, and through the application of engineering and public works design standards for stormwater management, erosion control and drainage.

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

Applicant's Response: this criterion is not applicable at this time since a site specific development plan has not yet been proposed.

Further review of adequacy of public facilities and required improvements will be determined at the time of Detailed Development Plan submittal.

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

Applicant's Response: The applicant submitted a Transportation Analysis Letter (TAL) for the Clackamette Park master plan application prepared by Kittelson & Associates Transportation Engineers. In general terms, the TAL is applicable to smaller developments that are presumed to have a lesser transportation impact. The TAL was based on a conceptual site plan, and additional traffic impact analysis will be required when the exact location of an RV park and a site plan is proposed.

Overall, there will be a net increase of 198 daily added trips for the build-out of the park master plan. The relocated RV park will reduce the number of RV park sites from 38 to 18, resulting in a reduced number of site trips associated with RV use. The new RV park will generate 49 daily trips, 4 am peak hour trips and 5 pm peak hour trips. The proposed zoning map and code amendments will have a minimal impact on the transportation system; however, additional transportation analysis will be

required when a detailed development plan is proposed. The TAL was not required to include an analysis of intersection capacity.¹

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

Applicant's Response: The City has adopted a Comprehensive Plan acknowledged by the Department of Land Conservation and Development which addresses goals, policies and strategies that control the amendment, so there is no need to address statewide planning goals.

17.68.025 - Zoning for land annexed into the City.

Upon annexation into the City, the property shall be rezoned from County zoning to the corresponding City zoning designation as identified in Table 17.06.030, provided the criteria for a zone change can be met.

Applicant's Response: not applicable. The proposal does not include annexation.

17.68.040 - Approval by the Commission.

If the Planning Commission finds that the request or application for an amendment, or change, complies with the criteria of OCMC 17.68.020, it shall forward its findings and recommendation to the City Commission for action thereon by that body.

Applicant's Response: the applicant understands that the City Commission decision will be based on the recommendations of the Planning Commission.

17.68.050 - Conditions.

In granting a change in zoning classification to any property, the Commission may attach such conditions and requirements to the zone change as the Commission deems necessary in the public interest and such conditions and restrictions shall thereafter apply to the zone change or map amendment.

Applicant's Response: the applicant understands that the Planning Commission may recommend, and that the City Commission may add conditions of approval.

CHAPTER 17.50 – ADMINISTRATION AND PROCEDURES

17.50.010 Purpose.

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

¹ Transportation Analysis Letter (TAL) requirements are detailed in the City's adopted Guidelines for Transportation Analysis. TAL analysis is appropriate: (a) if the development generates fewer than 24 peak hour trips during either the AM or PM peak hour and fewer than 250 daily trips, (b) the development is not expected to further impact intersections that currently fail to meet the City's mobility standards or intersections that are operating near the limits of the acceptable thresholds during a peak operating hour. (Mobility standards are defined in 7.9.1), and (c) the development is not expected to significantly impact adjacent roadways and intersections that are high accident locations, areas that contain an identified safety concern, or high concentration of pedestrians or bicyclists such as school zones. The master plan proposal met the requirements for a TAL.

227.175, any applicant may elect to consolidate applications for two or more related permits needed for a single development project. Any grading activity associated with development shall be subject to preliminary review as part of the review process for the underlying development. It is the express policy of the City of Oregon 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.

Applicant's Response: this application is subject to a Type IV review process under this code Chapter.

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

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

Table 17.50.030 – Permit Approval Process

Permit Type	I	II	III	IV
Plan or code amendment				X
Zone Change				X

- D. Type IV decisions include only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and shall be heard by the City Commission for final action. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and Planning Commission hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice shall be issued at least twenty days pre-hearing, and the staff report shall be available at least seven days pre-hearing. At the evidentiary hearing held before the Planning Commission, all issues are addressed. If the Planning Commission denies the application, any party with standing (i.e., anyone who appeared before the Planning Commission either in person or in writing within the comment period) may appeal the Planning Commission denial to the City Commission. If the Planning Commission denies the application and no appeal has been received within fourteen days of the issuance of the final decision, then the action of the Planning Commission becomes the final decision of the City. If the Planning Commission votes to approve the application, that decision is forwarded as a recommendation to the City Commission for final consideration. In either case, any review by the City Commission is on the record and only issues raised before the Planning Commission may be raised before the City Commission. The City Commission decision is the City's final decision and is subject to review by LUBA within twenty-one days of when it becomes final.

Applicant's Response: this application is subject to a Type IV review process and the applicable public notice and hearings before the Planning Commission and City Commission.

17.50.040 Development review in overlay districts and for erosion control.

For any development subject to regulation of geologic hazards overlay district under OCMC 17.44; natural resource overlay district under OCMC 17.49; Willamette River Greenway Overlay District under OCMC 17.48; historic overlay district under OCMC 17.40, and erosion and sediment control under OCMC 17.47, compliance with the requirements of these chapters shall be reviewed as part of the review process required for the underlying development for the site.

Applicant's Response: No development is proposed at this time, however the applicant acknowledges that subsequent detailed development plans will be subject to compliance with the applicable overlay districts requirements and Erosion and Sediment Control standards. The properties are within the

Geologic Hazards (OCMC 17.44), Willamette River Greenway (OCMC 17.48), and Flood Management Overlay Districts (OCMC 17.40).

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.*
- C. Notwithstanding any representations by City staff at a pre-application conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.*

Applicant's Response: The applicant attended the required pre-application conference (file PA-22-00046) for the master plan on 9/28/2022. A second meeting was held by staff on August 30, 2023 to cover the procedures for the Comprehensive Plan Map, Zoning Map and Zoning Code amendments.

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.*

Applicant's Response: The Two Rivers Neighborhood Association was inactive at the time of application. The applicant conducted extensive public outreach prior to the master plan application including a presentation to the Citizen Involvement Committee on August 1, 2022.

17.50.060 Application requirements.

A permit application may only be initiated by the record property owner or contract purchaser, the City Commission or Planning Commission. If there is more than one record owner, then the City will not complete a Type II—IV application without signed authorization from all record owners. All permit applications shall be submitted on the form provided by the City, along with the appropriate fee and all necessary supporting documentation and information, sufficient to demonstrate compliance with all applicable approval criteria. The applicant has the burden of demonstrating, with evidence, that all applicable approval criteria are, or can be, met.

Applicant's Response: the city manager signed the land use application on behalf of the city. Additional materials in support of the proposal are provided with this submittal.

17.50.070 Completeness review and one hundred twenty-day rule.

- A. *Upon submission, the Community Development Director shall date stamp the application form and verify that all of the appropriate application review fee(s) have been submitted. Upon receipt of all review fees and an application form, the Community Development Director will then review the application and all information submitted with it and evaluate whether the application is complete enough to process. Within thirty days of receipt of the application and all applicable review fees, the Community Development Director shall complete this initial review and issue to the applicant a written statement indicating whether the application is complete enough to process, and if not, what information shall be submitted to make the application complete.*
- B. *The applicant has one hundred eighty days from the date the application was made to submit the missing information or the application shall be rejected and the unused portion of the*

application fee returned to the applicant. If the applicant submits the requested information within the one hundred eighty-day period, the Community Development Director shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure in subsection A of this section.

The application will be deemed complete for the purpose of this section upon receipt by the Community Development Director of:

- 1. All the missing information;*
 - 2. Some of the missing information and written notice from the applicant that no other information will be provided; or*
 - 3. Written notice from the applicant that none of the missing information will be provided.*
- C. Once the Community Development Director determines the application is complete enough to process, or the applicant refuses to submit any more information, the City shall declare the application complete. Pursuant to ORS 227.178, the City will reach a final decision on an application within one hundred twenty calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to suspend the one hundred twenty-calendar-day timeline or unless state law provides otherwise. The one hundred twenty-day period, however, does not apply in the following situations:*
- 1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one hundred twenty-day period.*
 - 2. Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one hundred twenty-day period for the amount of time required to correct the notice defect.*
 - 3. The one hundred twenty-day period does not apply to any application for a permit that is not wholly within the City's authority and control.*
 - 4. The one hundred twenty-day period does not apply to any application for an amendment to the City's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.*
- D. A one hundred day-period applies in place of the one hundred twenty-day period for affordable housing projects where:*
- 1. The project includes five or more residential units, including assisted living facilities or group homes;*
 - 2. At least fifty percent of the residential units will be sold or rented to households with incomes equal to or less than sixty percent of the median family income for Clackamas County or for the state, whichever is greater; and*
 - 3. Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of sixty years from the date of the certificate of occupancy.*
- E. The one hundred twenty-day period specified in OCMC 17.50.070.C or D may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed two hundred forty-five calendar days.*
- F. The approval standards that control the City's review and decision on a complete application are those which were in effect on the date the application was first submitted.*

Applicant's Response: The applicant acknowledges the obligation to file a complete application and that the 120-day decision deadline applies once the proposal has been deemed complete by the Community Development Director.

17.50.080 Complete application—Required information.

Unless stated elsewhere in OCMC 16 or 17, a complete application includes all the materials listed in this subsection. The Community Development Director may waive the submission of any of these materials if not deemed to be applicable to the specific review sought. Likewise, within thirty days of when the application is first submitted, the Community Development Director may require additional information, beyond that listed in this subsection or elsewhere in Titles 12, 14, 15, 16, or 17, such as a traffic study or other report prepared by an appropriate expert. In any event, the applicant is responsible for the completeness and accuracy of the application and all of the supporting documentation, and the City will not deem the application complete until all information required by the Community Development Director is submitted. At a minimum, the applicant shall submit the following:

- A. One copy of a completed application form that includes the following information:

 - 1. An accurate address and tax map and location of all properties that are the subject of the application;*
 - 2. Name, address, telephone number and authorization signature of all record property owners or contract owners, and the name, address and telephone number of the applicant, if different from the property owner(s);**
- B. A complete list of the permit approvals sought by the applicant;*
- C. A complete and detailed narrative description of the proposed development;*
- D. A discussion of the approval criteria for all permits required for approval of the development proposal that explains how the criteria are or can be met or are not applicable, and any other information indicated by staff at the pre-application conference as being required;*
- E. One copy of all architectural drawings and site plans shall be submitted for Type II—IV applications.*
One paper copy of all application materials shall be submitted for Type I applications;
- F. For all Type II—IV applications, the following is required:

 - 1. An electronic copy of all materials.*
 - 2. Mailing labels or associated fee for notice to all parties entitled under OCMC 17.50.090 to receive mailed notice of the application. The applicant shall use the names and addresses of property owners within the notice area indicated on the most recent property tax rolls.*
 - 3. Documentation indicating there are no liens favoring the City on the subject site.*
 - 4. A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year.*
 - 5. A current preliminary title report or trio for the subject property(ies);**
- G. All required application fees;*
- H. Annexation agreements, traffic or technical studies (if applicable);*
- I. Additional documentation, as needed and identified by the Community Development Director.*

Applicant's Response: The application does not propose any development at this time. A basic conceptual site plan of the subject properties has been submitted, which will be refined when a Detailed Development Plan is proposed.

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.*

Applicant's Response: The applicant acknowledges the public notice requirements for a Type IV application.

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.

Applicant's Response: The applicant acknowledges the public notice requirements for a Type IV application.

17.50.110 Assignment of decision-makers.

The following City entity or official shall decide the following types of applications:

- A. Type I Decisions. The Community Development Director shall render all Type I decisions. The Community Development Director's decision is the City's final decision on a Type I application.*
- B. Type II Decisions. The Community Development Director shall render the City's decision on all Type II permit applications, which are then appealable to the City Commission with notice to the Planning Commission. The City's final decision is subject to review by LUBA.*
- C. Type III Decisions. The Planning Commission or Historic Review Board, as applicable, shall render all Type III decisions. Such decision is appealable to the City Commission, on the record. The City Commission's decision is the city's final decision and is subject to review by LUBA within twenty-one days of when it becomes final.*
- D. Type IV Decisions. The Planning Commission shall render the initial decision on all Type IV permit applications. If the Planning Commission denies the Type IV application, that decision is final unless appealed in accordance with OCMC 17.50.190. If the Planning Commission recommends approval of the application, that recommendation is forwarded to the City Commission. The City Commission decision is the City's final decision on a Type IV application and is subject to review LUBA.*
- E. Expedited Land Division (ELD). The Community Development Director shall render the initial decision on all ELD applications. The Community Development Director's decision is the City's final decision unless appealed in accordance to ORS 197.375 to a City-appointed hearings referee. The hearings referee decision is the City's final decision which is appealable to the Oregon Court of Appeals.*

Applicant's Response: this application is a Type IV decision and will be processed pursuant to (D).

17.50.120 Quasi-judicial hearing process.

All public hearings pertaining to quasi-judicial permits, whether before the Planning Commission, Historic Review Board, or City Commission, shall comply with the procedures of this section. In addition, all public hearings held pursuant to this chapter shall comply with the Oregon Public Meetings Law, the applicable provisions of ORS 197.763 and any other applicable law.

- A. Once the Community Development Director determines that an application for a Type III or IV decision is complete, the planning division shall schedule a hearing before the Planning Commission or Historic Review Board, as applicable. Once the Community Development Director determines that an appeal of a Type II, Type III or Type IV decision has been properly filed under OCMC 17.50.190, the planning division shall schedule a hearing pursuant to OCMC 17.50.190.*
- B. Notice of the Type III or IV hearing shall be issued at least twenty days prior to the hearing in accordance with OCMC 17.50.090.B.*
- C. Written notice of an appeal hearing shall be sent by regular mail no later than fourteen days prior to the date of the hearing to the appellant, the applicant if different from the appellant, the property owner(s) of the subject site, all persons who testified either orally or in writing before the hearing body and all persons that requested in writing to be notified.*

- D. *The Community Development Director shall prepare a staff report on the application which lists the applicable approval criteria, describes the application and the applicant's development proposal, summarizes all relevant city department, agency and public comments, describes all other pertinent facts as they relate to the application and the approval criteria and makes a recommendation as to whether each of the approval criteria are met.*
- E. *At the beginning of the initial public hearing at which any quasi-judicial application or appeal is reviewed, a statement describing the following shall be announced to those in attendance:*
 - 1. *That the hearing will proceed in the following general order: Staff report, applicant's presentation, testimony in favor of the application, testimony in opposition to the application, rebuttal, record closes, commission deliberation and decision;*
 - 2. *That all testimony and evidence submitted, orally or in writing, shall be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria shall be listed and discussed on the record. The meeting chairperson may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open;*
 - 3. *Failure to raise an issue on the record with sufficient specificity and accompanied by statements or evidence sufficient to afford the City and all parties to respond to the issue, will preclude appeal on that issue to the land use board of appeals;*
 - 4. *Any party wishing a continuance or to keep open the record shall make that request while the record is still open;*
 - 5. *That the commission chair shall call for any ex-parte contacts, conflicts of interest or bias before the beginning of each hearing item; and*
 - 6. *For appeal hearings, only those persons who participated either orally or in writing in the decision or review will be allowed to participate either orally or in writing on the appeal.*
- F. *Requests for continuance and to keep open the record: The hearing may be continued to allow the submission of additional information or for deliberation without additional information. New notice of a continued hearing need not be given so long as a time-certain and location is established for the continued hearing. Similarly, hearing may be closed but the record kept open for the submission of additional written material or other documents and exhibits. The chairperson may limit the factual and legal issues that may be addressed in any continued hearing or open record period.*

Applicant's Response: The applicant acknowledges the public hearing procedures that apply for a Type IV land use application.

17.50.130 Conditions of approval and notice of decision.

- A. *All City decision-makers have the authority to impose reasonable conditions of approval designed to ensure that all applicable approval standards, including standards set out in city overlay districts, the City's master plans, and City public works design standards, are, or can be met.*
- B. *Failure to comply with any condition of approval shall be grounds for revocation of the permit(s) and grounds for instituting code enforcement proceedings pursuant to OCMC 1.20 of this code and ORS 30.315.*
- C. *Notice of Decision. The City shall send, by first class mail, a notice of all decisions rendered under this chapter 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. The notice of decision shall include the following information:*

1. *The file number and date of decision;*
 2. *The name of the applicant, owner and appellant (if different);*
 3. *The street address or other easily understood location of the subject property;*
 4. *A brief summary of the decision, and if an approval, a description of the permit approved;*
 5. *A statement that the decision is final unless appealed and description of the requirements for perfecting an appeal;*
 6. *The contact person, address and a telephone number whereby a copy of the final decision may be inspected or copies obtained.*
- D. *Modification of Conditions. Any request to modify a condition of permit approval is to be considered either minor modification or a major modification, unless otherwise authorized. A minor modification shall be processed as a Type I. A major modification shall be processed in the same manner and shall be subject to the same standards as was the original application. However, the decision-maker may at their sole discretion, consider a modification request and limit its review of the approval criteria to those issues or aspects of the application that are proposed to be changed from what was originally approved.*

Applicant's Response: the applicant acknowledges that conditions of approval may be applied to this decision to assure compliance with the code.

CHAPTER 17.39 I INSTITUTIONAL DISTRICT

17.39.010 - Designated.

The purpose of this district is designed to facilitate the development of major public institutions, government facilities and parks and ensure the compatibility of these developments with surrounding areas. The I—Institutional zone is consistent with the public/quasi-public and park designations on the comprehensive plan map.

Response: This proposal includes a code amendment to the I – Institutional District to allow city-managed RV parks as an accessory use to parks, which is a permitted primary use in the I – Institutional Zone.

The proposed amendment is consistent with park use. Clackamette Park has long had an RV park, and any relocation of the park would continue to be consistent with that use.

17.39.020 - Permitted uses.

Permitted uses in the institutional district are:

- A. *Private and/or public educational or training facilities;*
- B. *Parks, playgrounds, playfields and community or neighborhood community centers;*
- C. *Public facilities and services including courts, libraries and general government offices and maintenance facilities;*
- D. *Stadiums and arenas;*
- E. *Banquet, conference facilities and meeting rooms;*
- F. *Government offices;*
- G. *Transportation facilities;*
- H. *Mobile food units.*

Applicant's Response: RV parks are not currently listed as a permitted use in the I - Institutional zone district. This proposal includes a code amendment to section 17.39.030 – *Accessory Uses* of the code to add city managed RV parks as a permitted accessory use to a park in the institutional district.

17.39.030 - Accessory uses.

The following uses are permitted outright if they are accessory to and related to the primary institutional use:

- A. *Offices;*
- B. *Retail (not to exceed twenty percent of total gross floor area of all building);*
- C. *Child care centers or nursery schools;*
- D. *Scientific, educational, or medical research facilities and laboratories;*
- E. *Religious institutions;*
- F. *A city-managed recreational vehicle park for Clackamette Park.*

Applicant's Response: This proposal includes a code amendment to this section of the code to add city-managed RV parks for Clackamette Park as a permitted accessory use to part B of this section in the institutional district.

17.39.040 - Conditional uses.

Uses requiring conditional use permit are:

- A. *Any uses listed under OCMC 17.39.030 that are not accessory to the primary institutional use;*
- B. *Boarding and lodging houses, bed and breakfast inns;*
- C. *Cemeteries, crematories, mausoleums, and columbariums;*
- D. *Correctional facilities;*
- E. *Helipad in conjunction with a permitted use;*
- F. *Parking lots not in conjunction with a primary use;*
- G. *Public utilities, including sub-stations (such as buildings, plants and other structures);*
- H. *Fire stations;*
- I. *Police Station.*

Applicant's Response: Not applicable. See section .030 above.

17.39.045 - Prohibited uses.

Prohibited uses in the I district are:

- A. *Any use not expressly listed in OCMC 17.39.020, 17.39.030 or 17.39.040;*
- B. *Marijuana businesses;*

Applicant's Response: Currently, the use is not permitted since it is not listed expressly in OCMC 17.39.020, 17.39.030 or 17.39.040. This proposal includes a code amendment to this section of the code to add a city-managed RV park for Clackamette Park as a permitted accessory use to section .030.

17.39.050 - Dimensional standards.

Dimensional standards in the I district are:

- A. *Maximum building height: Within one hundred feet of any district boundary, not to exceed thirty-five feet; elsewhere, not to exceed seventy feet.*

- B. Minimum required setbacks: Twenty-five feet from property line except when the development is adjacent to a public right-of-way. When adjacent to a public right-of-way, the minimum setback is zero feet and the maximum setback is five feet.
Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.*
- C. Minimum required landscaping (including landscaping within a parking lot): Fifteen percent.*

Applicant's Response: Not applicable. No structures are proposed at this time, so the dimensional standards of this section do not apply. New structures would be reviewed at the time of detailed development plan.

17.39.060 - Relationship to master plan.

- A. A master plan is required for any development within the I District on a site over ten acres in size that:*
- 1. Is for a new development on a vacant property;*
 - 2. Is for the redevelopment of a property previously used as a non-institutional use; or*
 - 3. Increases the floor area of the existing development by ten thousand square feet over existing conditions*

Applicant's Response: A master plan was submitted and approved by the Planning Commission for Clackamette Park which totals approximately 20 acres. The Notice of Decision for GLUA-23-00012 / MAS-23-00001 was issued 7/14/2023, with conditions. This proposal would respond to the approved Condition of Approval #31 to seek a zoning amendment to allow the RV park consistent with the approved master plan.

- B. Master plan dimensional standards that are less restrictive than those of the Institutional District require adjustments. Adjustments will address the criteria of OCMC 17.65.70 and will be processed concurrently with the master plan application.*

Applicant's Response: not applicable. The applicant did not request any adjustments to the dimensional standards of the I zone district with this application.

- C. Modifications to other development standards in the code may be made as part of the phased master plan adjustment process. All modifications shall be in accordance with the requirements of the master plan adjustment process identified in OCMC 17.65.070.*

Applicant's Response: not applicable. The applicant did not request any modifications to any other development standards with this application.

Summary

For the reasons stated above, the City Commission may find that proposed code amendment to allow a City-managed recreational vehicle park as an accessory use to a city park within the I-Institutional District for Clackamette Park is consistent with the applicable sections of the Oregon City Comprehensive Plan and zoning code.



LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A) ☐ Compatibility Review ☐ WRG ☐ Comm. Fac ☐ Lot Line Adjustment ☐ Non-Conforming Use Review ☐ Natural Resource (NROD) ☐ Verification ☐ Minor Site Plan & Design Review ☐ Extension of Approval ☐ Historic Review – Remodel ☐ Detailed Dev. Plan (DDP)	Type II (OCMC 17.50.030.B) ☐ Master Plan / PUD / GDP or Amendment ☐ Detailed Development Plan (DDP) ☐ Floodplain Review ☐ Geologic Hazard Overlay ☐ Minor Partition (<4 lots) ☐ Minor Site Plan & Design Review ☐ Non-Conforming Use Review ☐ Site Plan and Design Review / DDP ☐ Subdivision (4+ lots) ☐ Minor Variance ☐ Natural Resource (NROD) Review ☐ Public Improvement Modification ☐ Willamette Greenway ELD Process (OCMC 17.50.030.E) ☐ Expedited Land Division	Type III / IV (OCMC 17.50.030.C & D.) ☐ Annexation ☐ Code Interpretation / Similar Use ☐ Master Plan / PUD / GDP Amendment ☐ Conditional Use ☐ Comprehensive Plan / Legislative Amendment (Code /Map) ☐ Detailed Development Plan DDP ☐ Historic Review ☐ Municipal Code Amendment ☐ Parking Adjustment ☐ Variance ☐ Sign Variance ☐ Natural Resource (NROD) Review ☒ Zone Change (Text/Map) ☐ Willamette Greenway Legislative Action (OCMC 17.50.170) ☐ Legislative
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File Number(s): GLUA-23-00039 / ZC-23-00004	Application Date: 11/21/23
Project Name: Clackamette Park Master Plan - RV Park	
Proposed Land Use or Activity: Zoning Code Amendment to allow a City-Managed RV Park for Clackamette Park in I - Institutional District	# of Lots Proposed (If Applicable): TBD
Physical Address(es) of Site: 1955 CLACKAMETTE DROREGON CITY, OR 97045	
Clackamas County Map and Tax Lot Number(s): 2-2E-30, Tax Lots 600, 500, 100, 601, 102, 1300	

Applicant(s)

Applicant(s) Signature:		
Applicant(s) Name Printed:		Date:
Mailing Address:		
Phone:	Fax:	Email:

Property Owner(s) – See reverse for more than two Owners

Property Owner #1 Tony Konkol		
Property Owner#1 Signature <i>[Signature]</i>		
Property Owner#1 Name Printed: Tony Konkol		Date:
Mailing Address: 625 Center St Oregon city, OR 97045		
Ownership Address:		
Phone: 503 4961504	Fax: 503-657-7026	Email: tkonkol@orc.org

Property Owner #2		
Property Owner#2 Signature		
Property Owner#2 Name Printed:		Date:
Mailing Address:		
Ownership Address:		
Phone:	Fax:	Email:

Representative(s)

Representative(s) Signature		
Representative(s) Name Printed:		Date:
Mailing Address:		
Phone:	Fax:	Email:

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













OREGON CITY 2040 COMPREHENSIVE PLAN

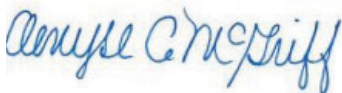
LETTER FROM THE MAYOR

On behalf of the Oregon City Commission, it is a great pleasure to present Oregon City's OC 2040 Comprehensive Plan. The last time the city's plan was completely updated was in 2004. Oregon City was a very different place. The population was 28,000 and today it is about 38,000. We have been discovered!

This document is the collective work of over 1,000 citizens over a period of two years. Those comments, opinions, and thoughts were reviewed by the Project Advisory Team (PAT) who helped create a shared vision that supports all of our community members and equitability reflects our aspirations and supports our needs. The PAT was comprised of a large and diverse group of volunteers who helped craft a road map for our future. The creation of this OC 2040 vision and plan was about listening more than talking. It was about respecting and learning from our differences and diversity.

Our current community and our future community does and will support our "Hometown Feel", and heritage. We will continue to be a place that is safe and connected; where all types of families are welcome; where family-wage jobs and a variety of housing types/options are available; where people can walk to parks; where the environment is protected; and where businesses thrive.

We look forward to working with you to ensure Oregon City continues to be a great place to live, work, play, and visit for everyone.



Our best regards,

Denyse C. McGriff, Mayor



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INTRODUCTION

What is a Comprehensive Plan?

The Comprehensive Plan is a planning document that directs all activities related to land use and the future of natural and man-made systems and services in Oregon City over the next 20 years. The Comprehensive Plan helps manage expected population and employment growth through a set of goals, policies and implementation measures that align with the community's vision. This framework of goals and policies is rooted in a factual basis that helps inform other critical planning documents and implementing tools that serve as a coordinated, overarching strategy for the community. City leaders use the Comprehensive

Plan to coordinate public investments and make decisions about how and where land is developed. Land use planning regulations and procedures connect the aspirations set forth in the vision and goal statements of a Comprehensive Plan to the administrative review process for development applications. This is the mechanism for translating a community's vision through land use planning operations. These procedures establish mechanisms for ensuring consistency between the goals and policies of the Comprehensive Plan with the development code, capital improvement plans, and infrastructure plans, among others.

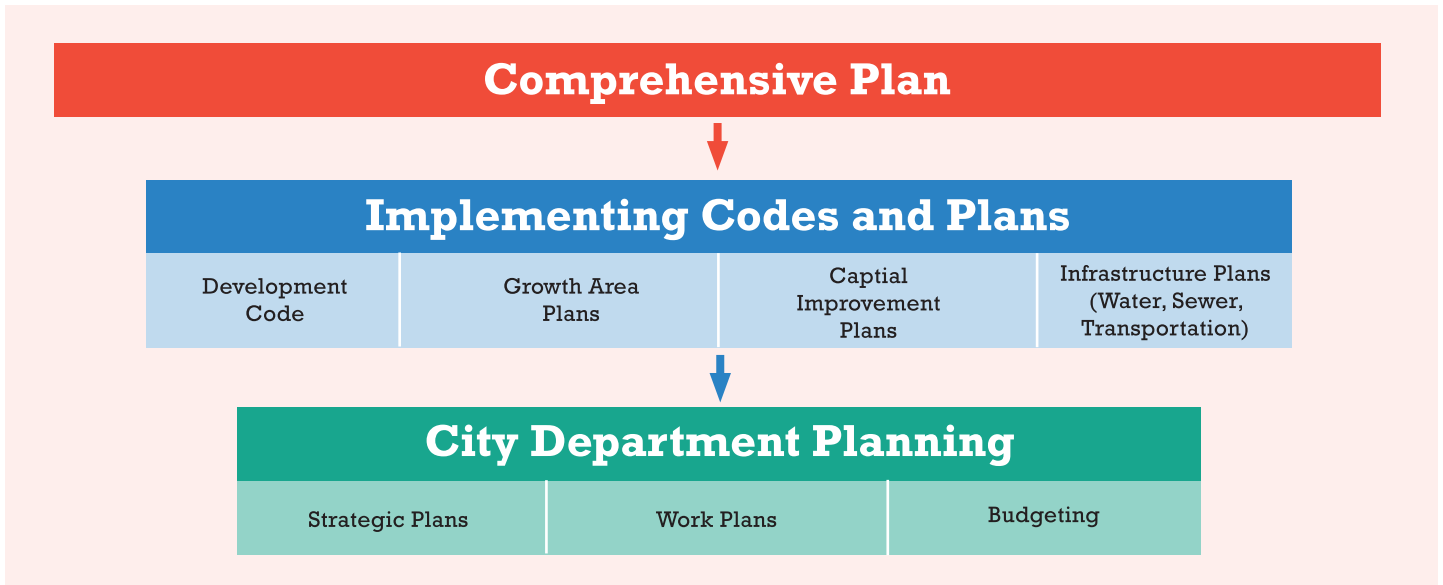


A Brief Overview of Oregon's Land Use Planning Requirements

Comprehensive planning in Oregon was mandated by the 1973 Legislature with the adoption of Senate Bill 100 (ORS Chapter 197). Under this Act, the Land Conservation and Development Commission (LCDC) was created and directed to adopt Statewide Planning Goals and Guidelines. These Goals and Guidelines were adopted by LCDC in December 1974 and became effective January 1, 1975.

To date, Oregon has adopted nineteen Statewide Planning Goals, and all Oregon cities and counties are required to have a Comprehensive Plan that is consistent with these Goals. Statewide Planning Goals include topics such as land use planning, citizen

involvement, housing supply, economic development, transportation systems, natural resources management, recreation, and more. Each Statewide Planning Goal includes a set of guidelines that, in conjunction with community priorities, help direct the content within Comprehensive Plans. Once adopted, all of a City or County's community and area plans, zoning codes, permits, and public improvements are required be consistent with the Comprehensive Plan. This structure ensures that cities and counties implement the State's policy goals first through the Comprehensive Plan, and then by more detailed supporting and implementing documents.



How are Comprehensive Plans used?

Zoning and development code serves as the major implementation mechanism of the Comprehensive Plan. LCDC Goals and Guidelines require “ordinances controlling the use and construction on the land, such as building codes, sign ordinances, subdivision and zoning ordinances” be adopted to carry out the Plan. Oregon City’s zoning map shows the type, location and density of land development and redevelopment permitted and may be updated to reflect the framework established by the Comprehensive Plan. The Comprehensive Plan is also implemented through area-specific and topic-specific plans, which guide public investments. Area specific planning efforts take place for a smaller part of the city, like a district or neighborhood, such as the Thimble Creek Concept Plan and the South End Concept Plan. Oregon City also adopts plans that are topic or infrastructure-specific, such as Transportation, Sanitary Sewer, and Water Master Plans. These plans contain many components, such as background information, assessment of existing conditions or system deficiencies, overarching goals or evaluation criteria, potential capital improvement projects, as well as strategies, code amendments, and land use or zoning map changes. These plans should follow the ethos of the Comprehensive Plan and should not contradict its goals. The components of area-specific or topic-specific plans either can be adopted by ordinance or resolution. They can also result

in an amendment to the Comprehensive Plan or its implementation tools to ensure they stay current over time. Area or topic-specific plans direct the work of a City’s departments, like Planning, Public Works and Parks and Recreation, through action plans and departmental budgeting.

Thirteen of the nineteen Statewide Planning Goals apply to Oregon City. These include:

- Goal 1: Citizen Involvement
- Goal 2: Land Use Planning
- Goal 5: Natural Resources, Scenic and Historic Areas, And Open Spaces
- Goal 6: Air, Water, And Land Resource Quality
- Goal 7: Areas Subject to Natural Hazards
- Goal 8: Recreational Needs
- Goal 9: Economic Development
- Goal 10: Housing
- Goal 11: Public Facilities
- Goal 12: Transportation
- Goal 13: Energy Conservation
- Goal 14: Urbanization
- Goal 15: Willamette River Greenway

All community members may use the Plan to:

- Support or advocate for specific programs in the City's work plan;
- Review and comment on proposed land use projects, infrastructure improvements, and public service provisions;
- Learn about planning topics, issues, and trends in Oregon City, as well as specific land use designations for their property and neighborhood; and
- Inform development of applications for grants or other funding.

Who uses the Comprehensive Plan?

In addition to its use by City Commission, appointed commissions, committees, boards, and City staff, a Comprehensive Plan should be designed to be used by individuals and groups, including public agencies, organizations, residents, businesses, and developers.

- **Public Agencies:** The State of Oregon and Metro may refer to the Comprehensive Plan when determining the consistency of a supporting document or development project. Service coordination partners, such as Clackamas County or the Oregon City School District, may also use the plan to determine whether a proposed requirement, project, or program is consistent with the Plan.
- **Organizations:** The Comprehensive Plan includes goals and strategies to address a variety of community needs. Private and nonprofit organizations may refer to the Comprehensive Plan to learn more about the City's planned actions and investments supporting their mission and may identify opportunities to collaborate for more effective efforts.

• Community Members:

- o *Property Owners.* The Comprehensive Plan describes the land use changes that may affect the form and character of neighborhoods, the strategies for attracting businesses that provide jobs and needed goods and services, and plans for infrastructure improvements that support existing residents and allow for future growth.
- o *Businesses.* The Comprehensive Plan includes the policies for guiding investments the City will make to support businesses and indicates where and how these investments will be made. Businesses may also refer to the Comprehensive Plan Map to determine how policy or land use changes may shape the business environment in an area.
- o *Developers.* Since the Comprehensive Plan guides where and how development may take place, developers may use the Comprehensive Plan to determine the land use designations for particular sites or areas. Certain projects are required to demonstrate consistency with Comprehensive Plan goals and policies. The Plan also contains or references background information that could inform a development application or the development process.



Elements of a Comprehensive Plan

In addition to goals and strategies for a broad range of topics, Comprehensive Plans are required to include other components. This includes technical analyses and background research to help set the policy framework, as well as implementing plans that provide detailed guidance for specific systems and geographies. While these analyses and background documents are generally incorporated in a Comprehensive Plan by reference, they provide a foundation for the development of goals and policies.

In addition to referencing a factual basis and establishing goals and policies, a Comprehensive Plan also includes a Comprehensive Plan map that spatially designates residential, employment, and mixed-use development and resource lands in a way that best implements the goals and policies included in the Comprehensive Plan.

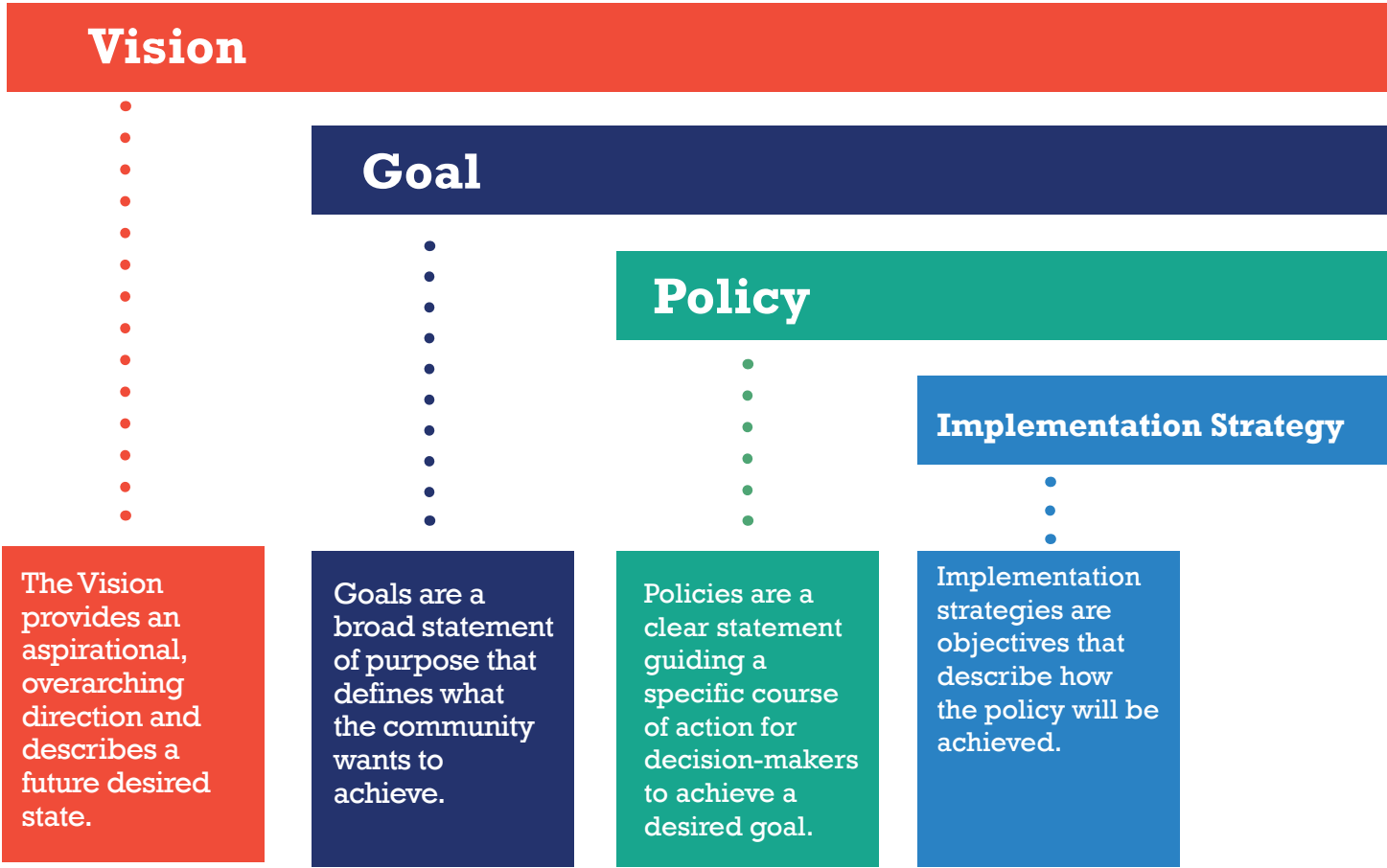
In terms of document organization, some communities prepare Comprehensive Plans that follow the order and title of the statewide planning goals, whereas other communities organize the document by broader topics relevant to their community.

Developing Goals and Policies

The heart of the Comprehensive Plan is the community's vision for the future. The goals and policies are a direct expression of the desires of the community, as captured in a vision statement, and are organized in a nested hierarchy.

Goals and policies are official statements from the City Commission that provide standards for applying land-use plan designations to real property and making decisions about specific development. A goal is a general statement of a future condition towards which actions are aimed. Each goal can have one or more policies, which are concise statements that provide a specific course of action. In implementation, each policy may lead to one or more implementation strategies, which is a statement of measurable activity or a more specific benchmark to be reached in pursuit of the policy. Implementation strategies can be included in Comprehensive Plans but are also established separately as part of a departmental action plan.

Because the Comprehensive Plan directs land use by law, there is no hierarchy implied in the order of the sections and none of the goals or policies has priority except as stated in particular policies. When used to make decisions, all relevant goals and policies must be accounted for and considered.



Why are we updating our plan now?

The Comprehensive Plan is a living document. As demographics, economics and technology change, so do the attitudes and aspirations of the community. The Plan will periodically undergo a major review as required by state law to assure it remains a relevant and workable framework for growth and development. If rapidly changing conditions warrant reconsideration of the Plan’s Goals and Policies every 10 years (generally), modifications may be initiated by the City Commission or Planning Commission. Any citizen or group may request the Council or Commission initiate a Plan amendment,

but formal direction for study may only come from these official bodies.

Not all Comprehensive Plan updates begin with a community-wide visioning process. However, communities like Oregon City that have seen significant economic and demographic change over a 15-20 year period will often initiate a broad community engagement effort to establish a new vision for the future, understand community priorities and reset the policy framework of the Comprehensive Plan.

OC2040 Vision

The OC2040 process engaged over a thousand Oregon City community members to understand what makes Oregon City special and what we want to see in the future.



Developing the OC2040 Vision

Between Fall 2020 and Summer 2021, Oregon City residents and business owners participated in numerous outreach and engagement activities around the OC2040 process. This included community conversations, an online survey, interactive poster displays around town, and a social media vision board. Paper copies of the online survey were available in apartment complexes around Oregon City, along with gift card incentives to local businesses for participants who completed surveys. All the engagement activities prompted participants to share what they love about Oregon City today and what they want to see in the future. Over a thousand community members engaged in the OC2040 process through these outreach activities.

Approximately 30 groups, clubs, committees and/or organizations met to discuss the future of Oregon City through community conversations, including:

- Three Rivers Art Guild (TRAG)
- Oregon City Farmers' Market Board
- Oregon City Business Alliance Board
- Abernethy Center employees
- The Fowler Family (3 generations of Oregon City residents)
- Building Blocks 4 Kids
- Elyville (formally Barclay Hills) Neighborhood Association
- Homeless Solutions Coalition of Clackamas County
- Oregon City Planning Commission
- Oregon City Parks and Recreation Advisory Committee
- Oregon City Historic Review Board
- Friends of the Ermatinger
- Downtown Oregon City Association
- Oregon City Development Stakeholder Group
- Park Place Neighborhood Association Transportation Committee
- Park Place Neighborhood Association Steering Committee
- River Crest Memory Care
- OCHS Student Council
- Oregon City Neighborhood Association Officers
- Natural Resources Committee
- CCC Associated Student Government Meeting 1
- CCC Associated Student Government Meeting 2
- Rivercrest Neighborhood - Elderly Residents
- Black Lives Matter Rally
- Unite Oregon City
- CCC Multicultural Center / International Students
- Oregon City Optimists Club
- Oregon City Parks Foundation
- Apartment Complex – rental units
- Village at the Falls



To guide the OC2040 Vision and Comprehensive Plan, a 30-member Project Advisory Team (PAT) was convened to represent a broad cross-section of community interests and areas of expertise. As a large and diverse body of appointed volunteers, the PAT was instrumental in guiding engagement efforts, reviewing community input, crafting the vision statement and the goals and policies of the new Comprehensive Plan. The PAT guided all work products and acted as liaisons to specific constituencies and interest groups to champion the OC2040 process.

Project Advisory Team:

Members of the Project Advisory Team included the following representatives and/or community advocates:

- Advocate for Persons with Physical Disabilities
- Clackamas Community College
- Rental Housing / Public Assistance
- Active Transportation / Bicycle / Pedestrian
- Alternative Housing Developer
- City Commission
- Planning Commission
- Latinx / Hispanic Business Association / Chamber of Commerce
- Russian Speaking Business or Representative
- Elderly / Aging in Place Advocate
- Confederated Tribes of Grande Ronde
- Youth Representative
- Oregon City Citizen Involvement Committee (CIC)
- Oregon City Historic Review Board (HRB)
- Oregon City Natural Resources Committee (NRC)
- Oregon City Parks and Recreation Advisory Committee (PRAC)
- Oregon City Transportation Advisory Committee
- Residential Developer / Home Builders Association / Realtor
- Large Employer
- Small Employer
- Downtown Oregon City Association (DOCA)
- Faith Based / Youth Pastor / LGBTQ / Latinx
- At Large Community Member
- LGBTQ+ Advocate
- Advocate for Persons with Mental Disabilities
- Homeless Community Advocate
- Community Health Advocate
- African American / Homebuilder
- Asian American / Pacific Island Community

Feedback from all outreach activities was compiled, reviewed and coded for key themes, topics and ideas. With this input, the Project Advisory Team (PAT) drafted a Community Vision Statement around four (4) overarching themes: Healthy and Welcoming Community, Diverse Economy, Connected Infrastructure, and Protected Environment.

Upon completion of a draft vision statement, an online Community Vision Forum was launched, available in both English and Spanish. The Forum provided an opportunity to learn about the OC2040 project, review key themes from all the engagement efforts to date, and comment on the draft OC2040 Vision Statement.

Overall, there was a high level of support for each of the four vision statement themes, with over 80-90% of respondents indicating that they “loved” or “liked most of” the vision statement. Feedback from the Community Vision Forum and the PAT guided additional revisions to the OC2040 Vision Statement.

In August 2021, City Commission adopted the final OC2040 Vision, crafted from months of broad outreach and engagement with residents and business owners. The four key themes that emerged from community outreach and became the organizing principles of the Vision Statement also serve as the framework for the Comprehensive Plan.

The Role of Equity in the Context of Planning:

A key objective of the process was to frame the OC2040 Comprehensive Plan through an equity lens. The engagement process was designed to engage community members early and often using a variety of means, and to lift up the voices of underrepresented populations, such as communities of color, those living in subsidized housing, and the homeless, so as to better understand how to support all our community members. Key objectives of the community engagement process included:

- Developing a robust and equitable community outreach program.
- Providing timely, transparent, and accurate information.
- Ensuring a representative cross-section of Oregon City residents, businesses, and partners.
- Consulting the community in policy updates.
- Ensuring community members understand how decisions are made, feel their concerns are heard, and know how their feedback influenced decisions.
- Conducting outreach in a culturally and linguistically appropriate manner, using methods and locations that are safe and familiar.
- Employing accessible and appropriate tools and technologies.

An equity lens was also applied when developing the goals and strategies of the Comprehensive Plan, helping address two key attributes that mark the term:

Disproportionality: When the outcomes of a project or plan create or amplify disparities in only part of community, the disproportionate impacts can lead to further social and economic impairment of some groups while others receive the full benefit of the effort.

Institutionalized: Inequity is often embedded in methodologies that justify systemic strategies, and ignore negative outcomes and disproportionate impacts.



OC2040 Vision Statement

The OC2040 process engaged over a thousand Oregon City community members to understand what makes Oregon City special and what we want to see in the future. In August 2021, City Commission adopted the OC2040 Vision, crafted from months of broad outreach and engagement with residents and business owners.

The Vision Statement is organized around four key themes that emerged from community outreach, and these themes serve as the framework for the new OC2040 Comprehensive Plan.



Healthy and Welcoming Community

By 2040, Oregon City is a place of vitality, support, and opportunity. As the ancestral homelands of many Native American Tribes, and the location of the “End of the Oregon Trail,” Oregon City lives and breathes its rich and varied history. Oregon City honors its past and looks to the future through education, art, cultural programming and the preservation of our National Register Historic District and local Conservation District. Residents have access to quality education, and partners such as Oregon City School District and Clackamas Community College engage community members of all ages in lifelong learning. This culture of learning leads to engaged residents and a diverse, equitable and inclusive community. People from historically disadvantaged communities have equitable access to quality-of-life services that are essential for health, livability and economic advancement. Police, fire and medical services help neighbors feel safe and connect residents to services that promote health and well-being. Oregon City is a city of welcoming neighborhoods, both new and historic, that foster community, connect to nature and are grounded in a strong sense of place.



Diverse Economy

By 2040, Oregon City's economy is vibrant, diversified, and resilient. Oregon City is a thriving town where residents live, work and play while having access to the amenities of the greater metro region. A robust economy creates upward mobility and living-wage jobs. Businesses of all sizes flourish in a progressive environment, and thriving commercial and industrial districts are enhanced by partnerships with educational institutions. A strong tourism industry celebrates the Willamette Falls and Landings Heritage Area and provides economic opportunities for the community. Visitors come to Oregon City to experience the town's historic and cultural attractions, and enjoy community events, the lively downtown and local dining and shopping throughout the City. Good jobs are balanced with a variety of diverse housing choices that ensures residents have more options to remain in their neighborhoods and be near family, friends, caregivers, and services. Affordable childcare and youth opportunities allow children growing up in Oregon City to stay and thrive. Residents can age in place and meet their housing needs through different stages of life, and our houseless neighbors find shelter, services and jobs in a strong and supportive economy.



Connected Infrastructure

By 2040, Oregon City residents are connected physically and digitally. In the same way the Municipal Elevator ties neighborhoods together within the city, Oregon City connects people to places through a network of safe and convenient streets, sidewalks, bike paths and multi-use trails. Public transit facilities bring residents and visitors to their destinations efficiently, and community members of all ages and abilities can walk, bike and roll safely between school, work, play and home. A culture of equity, coordination, thoughtful planning and fiscal responsibility guide growth and development while preserving our small-town feel. Infrastructure and utilities such as water, sewer and stormwater are maintained and improved in established neighborhoods and strategically planned in developing areas. Access to state-of-the-art communication infrastructure closes the digital divide, strengthening education and engagement, and provides a lifeline to emergency services. Oregon City is a collaborative and effective partner that coordinates with neighboring jurisdictions, and regional, statewide and federal agencies to advance transportation, utility and communication infrastructure.



Protected Environment

By 2040, Oregon City preserves the integrity of its natural resources, and connects people to nature. Oregon City is a leader in protecting the environment and reducing the community's carbon footprint because of the City's ability to adapt and be innovative. A Climate Action Plan guides the City's investments in clean energy, waste reduction, air and water quality. The City promotes an efficient use of land that responds to the town's landscape and topography and weaves natural resources into the fabric of its neighborhoods. The powerful Willamette Falls and clean Willamette and Clackamas Rivers are the jewels of Oregon City, supporting healthy habitats for fish, wildlife and native vegetation. Oregon City is known for its extensive tree canopy and majestic groves, meandering creeks and streams and undisturbed wildlife. A network of accessible trails and greenways connect local parks, waterways and open spaces and inspire residents and visitors to boat, hike, bike, fish and recreate throughout the City.

DEVELOPING THE OC2040 COMPREHENSIVE PLAN



Overview of the Process

Upon adoption of the OC2040 Vision Statement, the next phase of the process focused on developing goal and policy concepts for the Comprehensive Plan, based on the framework set forth by the Vision Statement.

With PAT guidance, broad outreach was conducted over the course of seven months to gather and identify ideas and priorities about each of the four themes. A series of virtual Comprehensive Plan Summits in Fall 2021 encouraged discussion around community priorities for the topics covered

by each theme. A corresponding online survey provided an additional avenue for input. The Project Advisory Team (PAT) attended the summits and reviewed the community feedback from the events and online survey to develop draft goal and policy statements. New and revised goals and policies were also supported through a review of the existing Comprehensive Plan, best practices, and input from City staff.

To vet the draft goal and policy statements developed through this process, an online Comprehensive Plan Forum was open to the public for two months in early 2022. During that time, City staff also met with City Committees to review the draft goal and policy statements. This feedback shaped additional revisions and were then presented through a series of worksessions to Planning Commission and City Commission for further refinement and inclusion in the final document.



From a Vision to a Comprehensive Plan

The OC2040 Visioning Process included extensive community engagement that resulted in over 1000 touches with the community.

Combed through the community priorities identified through outreach to develop the OC2040 Vision Statement around four themes: Healthy and Welcoming Community, Diverse Economy, Connected Infrastructure and Protected Environment.

The four themes are mapped to the required Statewide Planning Goals.

Goals and policies are identified through a series of community-wide Comprehensive Plan Summits.

A first draft of goals and policies are developed by the Project Advisory Committee, City Staff and the project team.

A second draft of goals and policies are reviewed by the Project Advisory Committee, City staff, City-wide committees, Planning Commission, City Commission and the broader public.

The final goals and policy language is incorporated into a new OC2040 Comprehensive Plan.

City Commission reviews and approves the new OC2040 Comprehensive Plan through a series of worksessions and public hearings.

State of Oregon's Department of Land Conservation and Development (DLCD) approves the new OC2040 Comprehensive Plan.

The adopted OC2040 Comprehensive Plan's goals and policies inform development code, regulations, work plans and budgets.

Future projects and programs are implemented that reflect the policy direction of Oregon City.



Linking the Plan to Statewide Planning Goals

The OC2040 Comprehensive Plan is organized around four key themes outlined in the vision statement:



HEALTHY AND
WELCOMING COMMUNITY



DIVERSE ECONOMY



CONNECTED INFRASTRUCTURE



PROTECTED ENVIRONMENT

Each theme constitutes a “chapter” of the OC2040 Comprehensive Plan. These chapters cover a broad variety of interconnected topics, all while meeting the requirements of applicable statewide planning goals. Because of the interconnected nature of the topics, some statewide planning goals apply across more than one theme (potential overlapping goals denoted “A” and “B”). A matrix of the vision themes to potential topics and statewide planning goals is shown below:

Vision Theme/ Comprehensive Plan Chapter		Statewide Planning Goals
 HEALTHY AND WELCOMING COMMUNITY		Goal 1: Citizen Involvement
		Goal 5: Scenic and Historic Resources (A)
 DIVERSE ECONOMY		Goal 2: Land Use Planning
		Goal 9: Economic Development
		Goal 10: Housing
		Goal 14: Urbanization
 CONNECTED INFRASTRUCTURE		Goal 11: Public Facilities and Services
		Goal 12: Transportation
		Goal 13: Energy Conservation (A)
 PROTECTED ENVIRONMENT		Goal 5: Natural Resources and Open Space (B)
		Goal 6: Air, Water and Land Resource Quality
		Goal 7: Natural Hazards
		Goal 8: Recreational Needs
		Goal 13: Energy Conservation (B)
		Goal 15: Willamette River Greenway

How to Use this Document

Each chapter opens with a short summary of the relevant topics, then lists a series of goal statements. Each goal includes a suite of policies and implementation strategies, where applicable.



Chapter Header. The four themes uncovered through the OC2040 visioning process constitute the chapter headers of the OC2040 Comprehensive Plan.

Statewide Planning Goals. Local comprehensive plans must be consistent with Oregon's Statewide Planning Goals. The applicable statewide goals for each chapter are listed here. Those denoted with an (A) or (B) indicate that the statewide planning goal applies to more than one chapter.

Goal. Goals are broad statements of purpose that define what the community wants to achieve.

Policies. Policies are clear statements guiding a specific course of action for decision-makers to achieve a desired goal. Policies are regulatory.

Strategies. Strategies are a statement of measurable activity or a more specific benchmark to be reached in pursuit of the strategy. Strategies are not regulatory.

GOAL 1

Implement and maintain a community engagement program that provides broad and inclusive opportunities for all Oregon City community members to learn about and understand city government processes, including land use planning, and participate meaningfully in decisions that impact their communities.

POLICIES:

POLICY 1 Support the Citizen Involvement Committee (CIC) and Neighborhood Associations to engage and educate Oregon City community members in land use planning.

STRATEGY 1A 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.

POLICY 2 Actively seek input from a diverse range of participants and enhance engagement opportunities for community members with barriers (language, disability, income, age, technology) through services and methods that bolster inclusive participation.

STRATEGY 2A Solicit and support citizen participation on citizen advisory committees and commissions. Identify desirable expertise from the Portland metro area as needed to best serve the interests of Oregon City.

POLICY 3 Seek opportunities to develop and enhance relationships with community-based organizations (CBOs) who are working in Oregon City and the larger region.

OC2040 GOALS, POLICIES, & STRATEGIES

CHAPTER 1: HEALTHY AND WELCOMING COMMUNITIES

STATEWIDE PLANNING GOALS:

- ☒ Goal 1 Community Engagement
- ☒ Goal 5 (A) Historic and Cultural Resources



Background Information

The following background summary presents information about current conditions, assets and trends specific to the statewide planning goals applicable to Oregon City and captured by the topics of this theme.

Community Engagement

Oregon City established a Citizen Involvement Program in the 1980s to recognize the importance of providing residents and stakeholders opportunities to be informed, and involved, in the planning process. The program is comprised of two components: neighborhood associations and a Citizen Involvement Committee (CIC). The CIC is responsible for developing, implementing, and evaluating the Citizen Involvement Program and ensuring consistency with Statewide Planning Goal 1 Citizen Involvement. The CIC coordinates and communicates various aspects of community participation and advises the City Commission, Planning Commission, and other advisory bodies. The CIC typically meets the first Monday of each month and information about the meetings is available on the City's CIC webpage. Citizen participation is also encouraged by neighborhood associations which provide another, more localized, path for promoting community education and participation in planning activities. The neighborhood associations are not entities of the City but are supported through agreements and the CIC. There are twelve active neighborhood associations in Oregon City, each with its own board, bylaws, schedule of activities, and set of priorities.

Historic and cultural resources

Oregon City stands out in the region because of its rich history, dedication to preservation, and desire to retain historic neighborhood character. Oregon City was a gathering space for indigenous communities and the capital of the Oregon Territory from 1849-1850 and the first incorporated town west of the Missouri River. There are many sites, buildings, and landmarks existing today that have ties back to that important time in history. Oregon City is designated as a Certified Local Government (CLG); the CLG program integrates local governments with the National Historic Preservation Program to strengthen decision-making regarding historic places at the local level. Participation in this program allows Oregon City to apply for grants administered by the State Historic Preservation Office, which have funded surveys of the McLoughlin District and Historic Downtown District.

Today, Oregon City has one local historic district and one conservation district, including:

- *Existing Historic District: Canemah.* Historic Districts are areas where buildings with national or local historical and/or architectural significance are concentrated. A Historic District is recognized for retaining its “sense of place,” meaning that a traditional atmosphere of distinct character is evident. Generally, a Historic District designation requires, through the Historic Overlay Ordinance, that proposed construction, exterior alterations, and demolitions within the district’s boundaries be reviewed. To be designated as a Historic District, an area must:
 - have architectural features that are well-related and have continuity
 - appear as a discrete entity
 - exhibit visual harmony in the character of public ways consistent with the architectural character of the area
 - have generally compatible uses, including intended uses
 - have a majority of properties with historic significance

Canemah is an important example of a relatively intact riverboat town with architectural resources dating from the 1860s. Having evolved from a community for the elite of the riverboat industry to a workers’ community, Canemah retains essentially the same sense of place it had in the latter half of the 19th century. Situated above the Falls of the Willamette, it was an important portage town and the major shipbuilding center on the upper Willamette River. Canemah was listed as a Historic District in the National Register of Historic Places in 1977. The area was zoned in 1954 for industry along the river, commercial and multi-family along McLoughlin Boulevard, and multi-family along Third Avenue and portions of Fifth Avenue. In 1982, a majority of the area was rezoned as residential except for a small strip on McLoughlin Boulevard, which was rezoned to Historic Commercial. In the last 20 years, many homes within the district have been rehabilitated, but some have not been maintained to a level that ensures their significance and status as contributing structures. New construction and exterior alterations need to be reviewed for their long-term effect on the neighborhood and National Register Historic District status.

- *Existing Conservation District: McLoughlin.* A Conservation District designation is intended to protect the buildings within the district through an ordinance that requires a review of proposed construction, exterior alterations to designated structures, and demolitions. Although not as comprehensive as a Historic District, a Conservation District can ensure that a neighborhood's significance does not erode.

Many of Oregon City's historic and architecturally significant buildings are above the bluff in the McLoughlin neighborhood. The original Oregon City plat includes the neighborhood area up to Van Buren Street, and it is within this area that early residential development took place, beginning in the 1850s. As the Downtown area changed from a residential to commercial district, home building increased above the bluff. All of the churches that originally stood in the Downtown eventually relocated to the McLoughlin area as well.

- *Present Status:* A survey was undertaken in 2002, to update the original survey, to determine the current status of buildings and the potential for the area to be listed as a National Register Historic District. In 2003, Oregon City High School moved from the McLoughlin neighborhood to a new facility on Beavercreek Road. Moving the school provides the City an opportunity to work with the school district to reuse the historic high school building. The City supports any rehabilitation of the campus that would continue its role as a community gathering place and keep it consistent with the Secretary of Interior Standards for Rehabilitation and the Goals and Policies of the Historic Review Board.

There are many historic buildings and landmarks outside the designated Historic Districts. Historic designation generally requires review of the exterior of structures and alterations by the Historic Review Board in order to maintain the integrity of the district. Designation and protection of historic buildings and landmarks is an ongoing effort in Oregon City. Other areas of the City have been surveyed to identify the appropriateness of additional districts but have not been designated. Designation of new structures and districts is feasible though the Historic Review Board and requires property owner consent. Oregon City also has important prehistoric and historic resources, including Willamette Falls as a center for Native American culture. Archeological resources associated with this history have, in the past, been overlooked and resources have been lost due to damage from development. Currently, there are several state and federal laws that provide some level of protection for archeological sites and notice of development is sent to the State Historic Preservation Office as well as five Tribes with interests in Oregon City.

GOAL 1

Implement and maintain a community engagement program that provides broad and inclusive opportunities for all Oregon City community members to learn about and understand city government processes, including land use planning, and participate meaningfully in decisions that impact their communities.

POLICIES:

POLICY 1.1 Support the Citizen Involvement Committee (CIC) and Neighborhood Associations to engage and educate Oregon City community members in land use planning.

STRATEGY 1.1.A 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.

POLICY 1.2 Actively seek input from a diverse range of participants and enhance engagement opportunities for community members with barriers (language, disability, income, age, technology) through services and methods that bolster inclusive participation.

STRATEGY 1.2.A Solicit and support citizen participation on citizen advisory committees and commissions. Identify desirable expertise from the Portland metro area as needed to best serve the interests of Oregon City.

POLICY 1.3 Seek opportunities to develop and enhance relationships with community-based organizations (CBOs) who are working in Oregon City and the larger region.

POLICY 1.4 Utilize innovative forms of communication technology to enhance the City's public engagement efforts.

STRATEGY 1.4.A Explore meaningful engagement techniques and tools that allow for multiple forms of public engagement through in person events, on-line tools, and hybrid options.

POLICY 1.5 Provide on-going education to the community regarding land use projects and processes and ensure clear communication about when and how to be involved at key points in the process.

STRATEGY 1.5.A Notify citizens about community involvement opportunities when they occur.

POLICY 1.6 Include nearby communities in public engagement efforts, where appropriate, to provide an outside perspective to Oregon City land use planning.

STRATEGY 1.6.A Develop a program for reaching out to representatives of nearby communities such as the City of West Linn, City of Gladstone, recognized Hamlets or Villages in Clackamas County, and Community Planning Organizations in unincorporated Clackamas County to participate in public planning processes on regional issues.

GOAL 2

Acknowledge, protect, enhance, and commemorate Oregon City's historic, artistic, and cultural resources.

POLICIES:

POLICY 2.1 Promote the Willamette and Clackamas Rivers as a community benefit for cultural connection and understanding.

POLICY 2.2 Recognize and celebrate the history of tribal presence in Oregon City and seek opportunities to educate community members and elevate understanding.

POLICY 2.3 Facilitate historic preservation programs for retention of federal, state, and locally designated historic districts and sites.

STRATEGY 2.3.A Promote the designation of qualifying properties outside Historic and Conservation Districts as historic.

STRATEGY 2.3.B Maintain Oregon City's status as a Certified Local Government in the National Historic Preservation Program.

STRATEGY 2.3.C 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.

POLICY 2.4 Identify and protect important artistic and cultural resources and historic amenities through programs, designation, interpretive signage, and other means to increase awareness and generate appreciation.

STRATEGY 2.4.A 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.

STRATEGY 2.4.B Support the preservation and initiatives of Oregon City’s artistic resources through public information, advocacy and leadership within the community, and the use of regulatory tools and incentive programs.

POLICY 2.5 Provide activities and programs for residents and visitors that weave together historic, artistic, and cultural resources, education, and recreation.

STRATEGY 2.5.A Recognize the value of diverse cultural and historic resources and modern civic amenities. Integrate educational and recreational opportunities with the City’s preservation efforts.

GOAL 3

Strengthen wellbeing, quality of life, and livability¹ across all Oregon City neighborhoods by creating places that are safe and comfortable with convenient access to community services.

POLICIES:

POLICY 3.1 Support the City’s network of community-based organizations, programs, and centers that provide services for Oregon City residents.

POLICY 3.2 Improve equitable access to health care for all residents through cross-sector partnerships and coordination with service providers.

STRATEGY 3.2.A 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.

STRATEGY 3.2.B 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 3.3 Provide opportunities for learning and civic engagement for all ages through City services and partnerships with local schools.

1. Livability is defined as “the building and maintaining of community amenities that enhance the quality of life through actions to improve local environments and provide safe conditions in places where people live.” (Oregon City Urban Renewal Plan, Amended 2022)

POLICY 3.4 Support and promote availability of affordable healthy food for all Oregon City neighborhoods.

STRATEGY 3.4.A Allow and encourage the development of small retail centers in residential neighborhoods that provide goods and services for local residents and workers.

POLICY 3.5 Build and enhance partnerships between police, government agencies, neighborhoods, and civic/business organizations to enhance community safety and positive health outcomes.

POLICY 3.6 Support services and programs that serve Oregon City's unhoused residents in meeting daily needs while offering stable and lasting solutions.

GOAL 4

Integrate diversity, equity, and inclusion (DEI) best practices when evaluating all city functions, including land use policies, programs, and regulations.

POLICIES:

POLICY 4.1 Implement DEI practices in City business and operations, and when evaluating and selecting public improvement projects.

POLICY 4.2 Support opportunities for home ownership and rental availability for all household sizes, types and incomes through housing policies and regulations.

POLICY 4.3 Establish land use patterns and regulations that promote a balance of jobs and housing across Oregon City to strengthen access to employment.

CHAPTER 2: DIVERSE ECONOMY

STATEWIDE PLANNING GOALS:

☒ Goal 9 Economic Development

☒ Goal 14 Urbanization

☒ Goal 10 Housing

☒ Goal 2 Land Use



Background Information

The following background summary presents information about current conditions, assets and trends specific to the statewide planning goals applicable to Oregon City and captured by the topics of this theme.

Economic Development

Oregon City's role in regional and statewide commerce is significant, in part because of its location on the banks of the Willamette River and its history as a hub for the exchange and transfer of goods from the upper and lower Willamette River and associated land routes. Oregon City supports a diverse industrial and commercial business base that is comprised primarily of small to medium-sized businesses. Approximately one-third of total employment in Oregon City is in the public sector, including Clackamas County, the Oregon City School District and Clackamas Community College.

In 2006, Oregon City developed an Economic Development Strategy to focus on Oregon City's designation as Regional Center by Metro's 2040 Growth Concept Plan. The *Oregon City Futures: A Strategy for Economic Development, Phase I Summary and Recommendations* report identified broad goals for economic development for Oregon City:

1. Increase the community's assessed value
2. Increase the diversification of businesses and industries
3. Increase number and quality of jobs
4. Develop sound businesses with staying power
5. Enhance the appeal and attractiveness of community
6. Provide an environment for strong business and industrial growth
7. Leverage urban renewal and public dollars to maximize the total investment and development effort.
8. Create tax increment with each investment or create an environment in which private investment will follow public investment (urban renewal).

Housing

Oregon City recognizes that the health of its community depends heavily on the health of its neighborhoods and its ability to provide housing that meets the diverse needs of all residents. The goals and strategies of the 2004 Plan were largely focused on protecting the character of existing residential neighborhoods and planning for new neighborhoods, both of which are supported by a range of housing types and neighborhood services. The need to maintain that balance still applies today and played a large role in development of housing strategies for the OC2040 Plan.

In 2021, the City adopted a Housing Needs Analysis (HNA) to understand how much housing will be needed in the future and if the City has enough available land to accommodate the community's housing needs through 2041. The HNA provides recent information about Oregon City's housing market and forecasted housing needs, along with data on Oregon City's demographic and socioeconomic trends, to support future planning efforts related to housing as well as options for addressing unmet housing needs in Oregon City. Key findings of the HNA include:

- Growth in housing will be driven by growth in households. The number of households in Oregon City's Planning Area is forecast to grow from 14,778 households to 22,213 households, an increase of 7,435 households between 2021 and 2041.
- Oregon City is planning for growth of 7,435 new dwelling units. To accommodate those units over the 20-year planning period, Oregon City will average 372 new dwelling units annually, and will plan for more single-family attached and multifamily dwelling units in the future to meet the city's housing needs. The factors driving the shift in types of housing needed in Oregon City include changes in demographics and decreases in housing affordability. The aging of senior populations and the household formation of young adults will drive demand for renter and owner-occupied housing, such as small single-family detached housing, townhouses, duplexes, and apartments/condominiums. Both groups may prefer housing in walkable neighborhoods, with access to services.
- Oregon City is meeting Metro's requirements for net density and housing mix. OAR 660-007-0035 sets specific density targets for cities in the Metro UGB and requires that cities within the Metro UGB "provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing." Based on the HNA findings, Oregon City is exceeding average density targets at an average net density of 9.5 dwelling units per net acre, and the City is assuming that 20% of new dwelling units will be single-family attached, 10% of new units will be duplexes, triplexes, or quadplexes, and 20% of new units will be multifamily.
- Oregon City has an unmet need for affordable housing. About 34% of Oregon City's households are cost burdened, with 50% of renters cost burdened and 28% of owners cost burdened. Oregon City's level of cost burden is similar to other communities in Clackamas County.
- Oregon City met the requirements of House Bill 2001 and as of 2022, the City adopted zoning code to comply with the requirements of HB 2001.

Urbanization

Cities in Oregon must estimate future growth and the need for land and apply appropriate zoning to that land in order to meet the need. Building from inventories of buildable land and studies like Housing Needs Analysis and an Economic Development Strategy, urban growth boundaries must be established, and cities must designate urbanizable land from rural land.

While Oregon City continues to grow and evaluate jobs and housing needs, there are many factors that are considered during the process of urbanization:

- Balancing existing development with new growth
- Ensuring an adequate supply of housing that is affordable to and meets the needs of a range of households
- Providing opportunity for businesses and vibrant, mixed-use centers
- Extending public services in a way that is efficient and economical
- Protecting open spaces and natural resources
- Balancing property rights with public goals
- Physical constraints (Oregon City cannot expand west or north because of rivers and adjacent cities of West Linn and Gladstone)

A 1990 Urban Growth Management Agreement between Oregon City and Clackamas County guides land use designations and extension of public services to urbanizing areas. Per that agreement, Oregon City (rather than the County) provides public services in urbanizing areas and applies Comprehensive Plan designations to those areas. Clackamas County applies zoning to land within the UGB (but outside city limits) to generally designate it as Future Urbanizable (FU-10) until the City annexes those properties and applies City zoning.

Metro's Urban Growth Management Functional Plan, Title 11, establishes the regulations for how and when cities can expand their urban growth boundaries to ensure a 20-year adequate land supply. The most recent UGB expansions in Oregon City were the addition of the Park Place neighborhood (500 acres in 2002); the Beaver Creek Road area, which is now called Thimble Creek (453 acres in 2004, re-adopted in 2020); and the South End neighborhood (611 acres in 2016). Currently, there are no UGB expansions under consideration for Oregon City.

Land Use

Oregon City promotes community vitality through good design, efficient use of land, and strategies and actions that ensure new development contributes to the City's overall character and quality of life. The City also acknowledges the critical role of corridors and the opportunity they provide for transit-oriented, higher-intensity, mixed-use development patterns. Connections - particularly multi-modal connections - between neighborhoods, Downtown, the waterfront, and other activity centers are emphasized in planning efforts so that residents and visitors can easily move around and meet their daily needs without having to travel long distances.

All land use types are regulated through the Zoning Map, and are generally categorized as residential, commercial, industrial, institutional/civic, or open space/natural areas. The City's land use categories include:

- Low Density Residential (LR) — primarily single-family detached homes and middle housing.
- Medium Density Residential (MR) — residential developments with dwelling unit types such as attached single-family units, rowhouses, and townhouses.
- High Density Residential (HR) — typically high-density, multiple dwelling residential. Permitted uses include apartments, condominiums, and single-family attached and rowhouse dwellings.

- **Commercial (C)** — commercial uses serving local, city-wide, and regional needs, such as retail and service commercial. Typically, this classification is associated with newer, suburban development and located along arterial streets.
- **Industrial (I)** — uses related to manufacturing, processing, and distribution of goods. Employment-based uses are encouraged. Intensive or heavy industrial uses are allowed in certain zones. Zones in the Comprehensive Plan Land-Use Map district are designed to comply with requirements of Title 4 of Metro's Urban Growth Management Functional Plan (1998).
- **Mixed Use 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. Zones in the Comprehensive Plan Land-Use Map district are intended to be compatible with Metro's Corridor design type.
- **Mixed Use Employment (MUE)** — employment-intensive uses such as offices, research and development, light manufacturing, and associated commercial uses.
- **Mixed Use Downtown (MUD)** — urban density, mixed uses that are conducive to pedestrian and transit uses. This category is intended to be used to implement the Oregon City Downtown Community Plan (1999), the Oregon City Waterfront Master Plan (2002), and Metro's Regional Center concept, particularly in terms of connecting the Downtown with the waterfront. A design overlay is included in this area and is intended to promote development consistent with Oregon City's traditional Downtown form.
- **Public and Quasi-Public (QP)** — publicly owned lands other than city parks, such as schools, cemeteries, undeveloped lands, open space, government buildings and public utility facilities, such as the sewage treatment plant and water reservoirs.
- **Parks (P)** — City parks.
- **Future Urban Holding (FUH)** — undesignated, pending development and approval of a "concept plan," a Metro requirement that cities plan land uses in areas being converted from rural to urban uses.

GOAL 1

Provide opportunities for a variety of goods, services, and employment options to work toward a dynamic, ecologically sound, and socially equitable economy.

POLICIES:

POLICY 1.1 Regularly update City-wide economic studies to guide development of strategies and policies that improve economic health and resiliency.

STRATEGY 1.1.A Conduct an Economic Opportunities Analysis to understand which industries and services will thrive in Oregon City's area, and how to best use land within the City's Urban Growth Boundary.

POLICY 1.2 Ensure a suitable amount of land is dedicated to employment uses.

STRATEGY 1.2.A Work with Metro to ensure that there is enough land available within the Urban Growth Boundary to meet the need for industrial and/or commercial development. If there is not enough, identify areas outside the boundary that may be appropriate to annex. The selection of these areas will be based on market factors, protection of environmentally sensitive areas, compatibility with adjoining and nearby uses, public facilities and infrastructure, proximity to expressways and transit, site requirements of specific types of industries, and the desires of the property owners.

STRATEGY 1.2.B Ensure that land zoned or planned for employment use is used for industrial purposes, and that exceptions are allowed only where some other use supports employment development. New non-industrial uses should especially be restricted in already developed, active industrial sites.

POLICY 1.3 Support retention and expansion of local businesses, as well as recruitment of new businesses, across a variety of sizes and types

POLICY 1.4 Provide fair and equitable opportunities to compete for city contracts for all businesses.

STRATEGY 1.4.A Ensure diversity, equity and inclusion actions are incorporated into City contracting practices

POLICY 1.5 Create and maintain cooperative partnerships with other public agencies and private business groups interested in promoting economic development.

STRATEGY 1.5.A Target public infrastructure investments and create public/private partnerships to leverage maximum benefits from public investment and to help ensure that the Regional Center develops to its maximum capacity and realizes its full potential.

STRATEGY 1.5.B Seek input from local businesses when making decisions that will have a significant economic impact on them.

STRATEGY 1.5.C Use public-private partnerships as a means to leverage private investment when appropriate.

- POLICY 1.6** Promote the city’s destinations, natural resources, and historic and cultural amenities to grow the tourism industry.
- STRATEGY 1.6.A Encourage the development of a strong and healthy Historic Downtown retail, office, cultural, and residential center.
- STRATEGY 1.6.B Working with major stakeholders, develop and implement a strategy to help the Historic Downtown Area enhance its position as a retail district. Such a strategy might include funding for a “Main Street” or similar program.
- STRATEGY 1.6.C Ensure land uses and transportation connections that support tourism as an important aspect of the City’s economic development strategy. This includes important cultural and historical amenities.
- STRATEGY 1.6.D Encourage private development of tourism related uses such as: hotel, bed and breakfast, restaurant facilities and other visitor services.

- POLICY 1.7** Support a healthy and balanced workforce through a variety of programs and policies.
- STRATEGY 1.7.A 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.
- STRATEGY 1.7.B Support a program for providing affordable childcare options to foster a stable workforce.

GOAL 2

Provide housing options, including both rental and ownership opportunities, that are attainable for the full range of Oregon City households.

POLICIES:

- POLICY 2.1** Plan for housing supply that supports and implements the recommendations of the current Housing Needs Analysis.
- STRATEGY 2.1.A Ensure housing policies allow for increased opportunities for home ownership by regularly evaluating housing supply, market demand, buildable land, and infrastructure costs through a Housing Needs Analysis.

POLICY 2.2 Ensure that land use designations and zoning code provisions allow and encourage a wide range of housing types.

STRATEGY 2.2.A 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.

POLICY 2.3 Support retention of existing homes and opportunities for community members to “age in place”.

POLICY 2.4 Support and encourage transit-oriented development opportunities.

STRATEGY 2.4.A Ensure planning for transit corridors includes facilities and access management, aesthetics (including signage and building facade improvements), infill and redevelopment opportunities, high-density residential development, and business assistance to existing businesses.

STRATEGY 2.4.B 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).

POLICY 2.5 Support development of subsidized and affordable housing.

STRATEGY 2.5.A 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.

STRATEGY 2.5.B 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 mitigated.

STRATEGY 2.5.C 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.

STRATEGY 2.5.D Investigate variable System Development Charges (SDCs) and other incentives to support middle housing and affordable housing development.

GOAL 3

Guide growth and development in a manner that implements the City's 2040 Vision and maintains an urban growth boundary that supports and accommodates projected population and employment during the 20-year planning period.

POLICIES:

- POLICY 3.1** Promote efficient use of land and public infrastructure and plan for appropriate infill development, redevelopment, and new development.
- STRATEGY 3.1.A** Create incentives for new development to use land more efficiently, such as by having minimum floor area ratios and maximums for parking and setbacks.
- STRATEGY 3.1.B** 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.
- STRATEGY 3.1.C** Use redevelopment programs such as urban renewal to help redevelop underutilized commercial and industrial land.
- STRATEGY 3.1.D** Establish priorities to ensure that adequate public facilities are available to support the desired industrial development.
- STRATEGY 3.1.E** Encourage sub-area master planning for larger developments or parcels, including redevelopment, 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.
- STRATEGY 3.1.F** Support density transfers for lots of record that are located within the Natural Resource Overlay District.

- POLICY 3.2** Promote development of walkable neighborhoods to reduce transportation demand and enhance localized access to community services and amenities.

- STRATEGY 3.2.A** Promote connectivity between neighborhoods and neighborhood commercial centers through a variety of transportation modes.

- POLICY 3.3** Designate land uses in a manner that balances opportunities for housing and jobs and ensures development is consistent and compatible with the community's needs and resources.

- STRATEGY 3.3.A** Protect existing and planned undeveloped and underdeveloped industrial lands from incompatible land uses and minimize deterrents to desired industrial development.
- STRATEGY 3.3.B** Ensure that land-use patterns create opportunities for residents to live closer to their workplace.
- STRATEGY 3.3.C** Maintain a sufficient land supply within the city limits and the Urban Growth Boundary to meet local, regional, and state requirements for accommodating growth.

POLICY 3.4 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.

STRATEGY 3.4.A Use the following 11 land-use classifications on the Oregon City Comprehensive Plan Land-Use Map to determine the zoning classifications that may be applied to parcels:

- Low Density Residential (LR)
- Medium Density Residential (MR)
- High Density Residential (HR)
- Commercial (C)
- Mixed Use Corridor (MUC)
- Mixed Use Employment (MUE)
- Mixed Use Downtown (MUD)
- Industrial (I)
- Public and Quasi-Public (QP)
- Parks (P)
- Future Urban Holding (FUH)

GOAL 4

Encourage and support new development that incorporates supportive community features and sustainability principles in site design and building construction.

POLICIES:

POLICY 4.1 Promote best practices for integrating residential infill development into the fabric of existing neighborhoods.

STRATEGY 4.1.A Use a combination of incentives and development standards to promote and encourage well-designed residential developments that result in neighborhood livability and stability.

POLICY 4.2 Incorporate resource efficiency and sustainability in the built environment by emphasizing energy-saving features and practices in construction and development regulations.

STRATEGY 4.2.A Encourage designs that achieve a minimum “Certified” level of LEED (Leadership in Energy and Environmental Design) certification.

STRATEGY 4.2.B 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.

STRATEGY 4.2.C Encourage siting and construction of new development to take advantage of solar energy, minimize energy usage, and maximize opportunities for public transit.

POLICY 4.3 Utilize urban design principles that create comfortable and attractive public spaces that are reflective of Oregon City’s community vision

POLICY 4.4 Support and promote site and building design alternatives that balance high-quality and durable construction with affordability.

GOAL 5

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.

POLICIES:

POLICY 5.1 Ensure the Urban Growth Boundary conforms to Title 11 of the Code of the Metropolitan Service District and provides 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.

STRATEGY 5.1.A Include an assessment of the fiscal impacts of providing public services to unincorporated areas upon annexation, including the costs and benefits to the city as a whole as a requirement for concept plans.

POLICY 5.2 Reduce the need to develop land within the Urban Growth Boundary by encouraging redevelopment of underdeveloped areas within the existing city limits.

POLICY 5.3 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.

STRATEGY 5.3.A Maximize new public facilities and services by considering new development within the Urban Growth Boundary at reasonable densities allowed by the Comprehensive Plan.

STRATEGY 5.3.B 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 5.4 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.

STRATEGY 5.4.A Promote compact urban form and support efficient delivery of public services by ensuring that lands to be annexed are within the City's Urban Growth Boundary, and contiguous with the city limits. Do not consider long linear extensions, such as cherry stems and flag lots, to be contiguous with the city limits.

STRATEGY 5.4.B Evaluate and in some instances require that parcels adjacent to proposed annexations be included to:

- i. avoid creating unincorporated islands within the city;
- ii. enable public services to be efficiently and cost-effectively extended to the entire area; or
- iii. implement a concept plan or sub-area master plan that has been approved by the Planning and City Commissions.

STRATEGY 5.4.C Expedite the annexation of property as provided by state law in order to provide sewer service to adjacent unincorporated properties when a public health hazard is created by a failing septic tank sewage system.

POLICY 5.5 Create and maintain cooperative, collaborative partnerships with other public agencies responsible for servicing the Oregon City area.

STRATEGY 5.5.A Amend as necessary the 1990 Urban Growth Management Agreement with Clackamas County to control land uses in the unincorporated area around the city to ensure that conversion of rural lands to urban uses upon annexation is orderly and efficient and in conformance with the Comprehensive Plan for Oregon City.

STRATEGY 5.5.B Coordinate public facilities, services and land-use planning through intergovernmental agreements with the school district, Clackamas Community College, Clackamas County Fire District #1, Tri-Cities Services District and other public entities as appropriate.

STRATEGY 5.5.C Coordinate with Clackamas County and Metro to contain city boundaries and future urban land uses to areas on relatively level land north of the steep lands of Beaver Creek and its tributaries that border the southern portion of the city and the steep lands of the tributaries to Abernethy Creek that border the east and southeasterly portions of the city. *Please refer to the Oregon City Urban Reserves map in the Appendix.*

CHAPTER 3: CONNECTED INFRASTRUCTURE

STATEWIDE PLANNING GOALS:

- ☒ Goal 12 Transportation
- ☒ Goal 11 Public Facilities and Services

- ☒ Goal 13 (A) Energy



Background Information

The following background summary presents information about current conditions, assets and trends specific to the statewide planning goals applicable to Oregon City and captured by the topics of this theme.

Transportation

The 2013 Oregon City Transportation System Plan (TSP) is an ancillary plan to the Comprehensive Plan and serves as the guide for development and management of the City's transportation facilities for the 20-year planning horizon. There are several additional documents and projects that have been added to the TSP since 2013, such as the Linn Avenue, Leland Road & Meyers Road Corridor Plan, the McLoughlin-Canemah Trail Plan, and alternate mobility targets for the intersection of Highway 213 and Beaver Creek Road. The TSP provides a framework for:

- The roadway system, including alignments and classifications
- Design standards for roadways, based on classification
- Planning and design for multi-modal transportation that emphasizes non-vehicle modes of travel
- Rail and air transportation considerations
- Marine transportation related to the Willamette and Clackamas Rivers, both for commercial and recreational uses
- Information technologies to improve the overall transportation system function and efficiency
- Parking demand management, maintenance, and metering

In 2017, Oregon City prepared a Transportation Demand Management Plan (TDM) to examine opportunities and challenges related to parking, access, and transportation systems in the vicinity of Willamette Falls and downtown Oregon City. The document highlights recommended strategies and a general phasing plan for those strategies to help the City plan for redevelopment of the site, leverage existing opportunities, and mitigate potential impacts to the transportation system.

Public Facilities and Services

Oregon City is committed to providing its residents with safe and accessible public services that are developed in a timely, orderly, and efficient manner and contribute to Oregon City's quality of life. The City is served by the following types of public facilities and services, provided by the City or other entities:

- Wastewater collection and treatment, water distribution, and stormwater management
- Solid waste disposal
- Transportation infrastructure
- Fire protection and emergency services
- Police protection
- Electricity, gas and telecommunications
- Health care
- Education, Library
- Parks and recreation

The City plans for, and regulates, many public facilities and services through master plans and public works design standards and specifications. This guides public investments and capital improvement projects. Funding for these public facilities and services is done in a number of ways:

- The General Fund is a limited revenue source from property taxes and shared by a multitude of other governmental agencies and special districts.
- Urban Renewal funding comes from designating specific areas as deficient in assessed values and development ability and creating a plan for increasing property tax values and revenues through public infrastructure improvements and private development incentives. The Urban Renewal tax mechanism affords municipalities the opportunity to collect revenues for highly needed, value-based improvements for which other resources are insufficient. The improvements, in turn, provide a higher tax base for future City budgets.
- The Capital Improvement Program provides a detailed financial analysis of proposed projects. It is generally a short-term plan (one to five years) for public facility improvements and extension.
- Special levies or bond issues can be submitted to voters to raise funds for specific projects. These tools have traditionally been used for large projects such as school funding, construction or purchase of recreational facilities, and sewer or water system replacement.
- Grants may be available for many projects meeting certain federal and/or state guidelines.
- Local Improvement Districts (LIDs) are useful for many projects deemed necessary for small areas.
- User fees can be assessed for many services. Water, wastewater, stormwater, street maintenance, power, gas, telephone, garbage removal, health services, and some governmental services (courts and permit issuance) can be funded in this manner.
- System development charges (SDCs) are collected when building permits are issued and are used to construct infrastructure required to serve new development and growth of system needs. The SDC is directly related to the Capital Improvement Program for transportation, water, wastewater, stormwater, and parks.
- Tax increases may also be used, although they are usually insufficient and highly unpopular.
- Zoning, subdivision control, site plan review. Although funding is not directly addressed, many planning mechanisms, including zoning, subdivision control, site plan review, and others are used to require or encourage installation of many public facilities and services.
- Better coordination of services and improved operating efficiency are highly desirable, when possible.
- Builders and residents. The cost of public facilities serving new developments should be borne as much as possible by builders and residents of developments. Development proposals should be approved only if the vital public facilities necessary for additional land development and population growth are existing or committed.

Energy

Oregon City recognizes that energy consumption is affected by many factors – land use patterns, placement of buildings, modes of transportation, protection of natural resources, and many others. The City is committed to energy conservation, particularly as the cost of non-renewable energy sources continues to increase and renewable sources become more prominent and available. The Willamette River is one such source of renewable energy; currently, the Willamette Falls Hydroelectric Project generates about 122 million kilowatt-hours per year – enough to power about 11,000 homes.

The goals and strategies of the OC2040 Plan emphasize the following types of energy conservation methods:

- Land use techniques, particularly promoting mixed-use development to make efficient use of land and reduce distances between homes and daily destinations.
- Transportation elements that emphasize efficiency of the system and use of alternative modes of travel (biking, walking, rolling).
- Promoting sustainable building practices and use of sustainable materials.
- Incentives for projects that utilize energy conservation practices.

GOAL 1

Provide a safe, comfortable, and accessible transportation network that serves all modes of travel, including non-motorized modes.

POLICIES:

- POLICY 1.1

Plan for and develop multi-modal connectivity throughout Oregon City, with an emphasis on access to community services, amenities, and key points of interest.
- STRATEGY 1.1.A

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.
- STRATEGY 1.1.B

Provide an interconnected and accessible street system that minimizes vehicle miles traveled and inappropriate neighborhood cut-through traffic.
- STRATEGY 1.1.C

Ensure the adequacy of travel mode options and travel routes (parallel systems) in areas of congestion.
- STRATEGY 1.1.D

Identify and prioritize improved connectivity throughout the city street system.

- POLICY 1.2

Reduce Oregon City's carbon footprint by supporting and emphasizing non-motorized modes.
- STRATEGY 1.2.A

Provide an interconnected and accessible pedestrian system that links residential areas with major pedestrian generators such as employment centers, public facilities, and recreational areas.
- STRATEGY 1.2.B

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.
- STRATEGY 1.2.C

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

- POLICY 1.3

Promote safety by implementing street design that equally considers and serves non-motorized and motorized users.
- STRATEGY 1.3.A

Identify and implement ways to minimize conflict points between different modes of travel.
- STRATEGY 1.3.B

Improve the safety of vehicular, rail, bicycle, and pedestrian crossings.

- POLICY 1.4

Ensure transportation investments are equitably applied across Oregon City neighborhoods.
- STRATEGY 1.4.A

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.

POLICY 1.5 Support opportunities for safe, affordable, and accessible transit service, including regional efforts to expand public transportation networks.

STRATEGY 1.5.A Promote and encourage a public transit system that ensures efficient accessibility, mobility, and interconnectivity between travel modes for all residents of Oregon City.

STRATEGY 1.5.B Explore options for better connections throughout the region through Transportation System Plan updates and projects.

POLICY 1.6 Improve public parking programs and transportation demand management in downtown Oregon City while managing impacts to adjacent residential areas.

GOAL 2

Ensure public utilities and infrastructure are maintained and improved to adequately serve all existing areas of Oregon City and can be extended to serve newly developing areas in a logical and fiscally responsible manner.

POLICIES:

POLICY 2.1 Regularly update all City infrastructure and utility master plans.

POLICY 2.2 Adjust system development charges to ensure the benefit of new development is captured while impacts to the system are proportionally shared.

POLICY 2.3 Ensure public infrastructure investments are equitably applied across Oregon City neighborhoods.

STRATEGY 2.3.A Implement the City's wastewater policies through the City of Oregon City Sanitary Sewer Master Plan.

STRATEGY 2.3.B 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.

STRATEGY 2.3.C 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.

STRATEGY 2.3.D Identify neighborhoods that are underserved by transportation and other infrastructure investments to ensure equitable future investments.

POLICY 2.4 Increase resiliency to climate change, natural hazard events, and cyber intrusions in public utility infrastructure.

POLICY 2.5 Coordinate City-wide communication and outreach efforts around utility rates and other operational changes.

POLICY 2.6 Support public-private partnerships to expand availability of highspeed internet service City-wide.

STRATEGY 2.6.A Encourage development of broadband networks in street rights-of-way in a coordinated way to provide state-of-the-art technology to residents.

GOAL 3

Serve the health, safety, and welfare of all Oregon City residents through provision of comprehensive public facilities and services.

POLICIES:

POLICY 3.1 Seek and support opportunities to increase access to digital communications for all Oregon City residents and businesses.

POLICY 3.2 Maintain a high level of police and fire protection in all areas of the city.

POLICY 3.3 Support and promote emergency preparedness and climate change resiliency efforts and programs.

POLICY 3.4 Coordinate with service providers to ensure high levels of public utility and infrastructure service.

STRATEGY 3.4.A Work with the Clackamas Water Environment Services to provide enough collection capacity to meet standards established by the Oregon Department of Environmental Quality (DEQ) to avoid discharging inadequately treated sewage into surface water.

POLICY 3.5 Pursue adequate funding to pay for public facilities and services.

STRATEGY 3.5.A Enhance efficient use of existing public facilities and services by considering development at reasonable levels permitted in the Comprehensive Plan, implementing minimum residential densities, and adopting an Accessory Dwelling Unit Ordinance to infill vacant land.

STRATEGY 3.5.B Provide incentives for private sector contributions to multi-modal transportation links and facilities, for example, establishing new standards in the zoning code.

GOAL 4

Promote and support energy conservation, sustainability, and resiliency through best practices in infrastructure planning, operations, and management.

POLICIES:

POLICY 4.1 Identify and seek opportunities for sustainable practices in management and operation of public facilities and services.

STRATEGY 4.1.A 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.

STRATEGY 4.1.B Adopt a progressive water rate structure that will encourage water conservation.

STRATEGY 4.1.C Wherever possible, design and develop public facilities to take advantage of solar energy, develop co-generation, and conserve energy in operations and public access

POLICY 4.2 Continue to implement green, sustainable, and low-impact approaches to stormwater management.

STRATEGY 4.2.A Ensure parking lot designs that mitigate stormwater impacts. Take measures to reduce waterflow and increase water absorption using bioswales, vegetated landscaped islands with curb cuts to allow water inflow, and increase tree planting

POLICY 4.3 Prioritize street design in new development and redevelopment that implements localized stormwater treatment and other sustainable practices.

STRATEGY 4.3.A Increase the use of bioswales for stormwater retention where practical.

POLICY 4.4 Coordinate infrastructure to support the equitable development of “Climate-Friendly Areas,” as defined by DLCD².

STRATEGY 4.4.A Promote mixed-use development, increased densities near activity centers, and home-based occupations (where appropriate).

STRATEGY 4.4.B Create commercial nodes in neighborhoods that are underserved to reduce vehicle miles traveled.

STRATEGY 4.4.C 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.

2. DLCD defines Climate-Friendly Areas as an area where residents, workers, and visitors can meet most of their daily needs without having to drive. They are urban mixed-use areas that contain, or are planned to contain, a greater mix and supply of housing, jobs, businesses, and services. These areas are served, or planned to be served, by high quality pedestrian, bicycle, and transit infrastructure to provide frequent, comfortable, and convenient connections to key destinations within the city and region. (Retrieved July 21, 2022 from: <https://www.oregon.gov/lcd/LAR/Documents/SixPageOverview.pdf>)

POLICY 4.5 Support opportunities to increase densities near activity and transit centers.

STRATEGY 4.5.A 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.

STRATEGY 4.5.B Promote public transit (such as: bus, light rail, streetcar, bus rapid transit, commuter rail, ferry, river transportation, etc.) that serves Oregon City and locate park-and-ride facilities at convenient neighborhood nodes to facilitate access to regional transit.



CHAPTER 4: PROTECTED ENVIRONMENT

STATEWIDE PLANNING GOALS:

☑ Goal 5 (B) Natural Resources

☑ Goal 8 Parks and Recreation

☑ Goal 6: Air, Water, Land
Resources

☑ Goal 13 (B): Energy
Conservation

☑ Goal 7 Natural Hazards

☑ Goal 15 Willamette River
Greenway



Background Information

The following background summary presents information about current conditions, assets and trends specific to the statewide planning goals applicable to Oregon City and captured by the topics of this theme.

Parks and Recreation

Oregon City has a variety of parks, trails and open space governed by a Parks and Recreation Master Plan (2008). Currently in the process of being updated (2022), the Plan serves as a guide to implementing Oregon City's goal of providing a broad range of parks and recreational spaces, activities, and programs to meet the current and future needs of its residents. The plan emphasizes the unique assets in Oregon City and identifies opportunities to further leverage those assets and build new ones. A set of mission statements provides the framework for the plan and will also serve as a starting point for new OC2040 goals and strategies that are developed for this project. Those mission statements are:

- Strengthen community image and sense of place, promote cultural unity
- Protect and preserve natural and cultural resources
- Foster social, intellectual, physical and emotional development
- Strengthen safety and security in park and recreation spaces
- Support economic development
- Provide educational experiences through recreation
- Promote health, wellbeing, and community problem solving
- Be good stewards of public resources

In addition, the City adopted a Trails Master Plan in 2004. The Plan proposes the development of a hierarchical trail system that integrates regional trails, community trails, and local trails in a series of loops. The Plan recommends improvements that will upgrade the existing system where needed, fill in the missing gaps, and connect to significant environmental features, schools, public facilities, local neighborhoods, and business districts in Oregon City and throughout the region.

Natural Resources

Oregon City enjoys a richness of natural resources and a topography that provides scenic views and sites that create a sense of place and civic identity for residents and visitors. The City strives to identify, enhance and protect its natural and scenic resources to ensure their continued existence and contribution to Oregon City's character and livability. This includes the protection of wetlands, streams, water quality, and vegetation (trees and riparian corridors), as well as air, water, and land quality. While air quality standards are established by the Oregon Department of Environmental Quality, Oregon City is committed to meeting those standards and to promoting land use and transportation practices that contribute to better air quality (reduction in vehicle miles, for example).

Water resources critical to Oregon City's residents include:

- Willamette and Clackamas Rivers
- Tributaries of Abernathy, Newell, and Beaver Creeks
- Various bogs and wetlands
- Groundwater supply under the City

Natural resources are inventoried and protected through the City's Natural Resource Overlay District, Chapter 17.49 of the Zoning Code which discourages development within vegetated corridors associated streams and wetlands; the Geologic Hazards Overlay District in Chapter 17.44 which reviews development on slopes and in landslide areas; the Flood Management Overlay District in Chapter 17.42 which protects development within the floodplain and recently flooded areas; and implementation of the City's National Pollutant Discharge Elimination System (NPDES) permit which includes processes related to stormwater.

The Willamette and Clackamas rivers, major waterways of regional significance, border two sides of the city and create an aesthetic and recreational setting of great value to the city. Together, these rivers and streams contribute to the uniqueness of Oregon City and to the variety of natural resource, recreational, and open space values enjoyed by residents and visitors.

With Oregon City situated along the banks of the Willamette River, the City is also subject to statewide rules governing the waterway. In 1973, the Oregon State Legislature designated the Willamette River Greenway (WRG) to protect approximately 300 miles of greenway along the Willamette River from Eugene to the confluence with the Columbia River. The intent was to protect the corridor's natural, scenic and recreational qualities and to preserve its historical sites, structures, facilities, and objects for education and enjoyment. Oregon City complies with statewide rules through specific standards and regulation for development within the WRG that are established in the Willamette River Greenway Overlay District, Chapter 17.48 of the Oregon City Zoning Code.

In Oregon City, the Clackamas River along the northern boundary of the city, as well as Abernathy, Newell, Holcomb, Potter, and other creeks provide both spawning and rearing habitat for steelhead trout, coho salmon, and cutthroat trout. Riparian corridors, the areas on either side of a stream, are critical to protecting the stream ecosystem and quality of habitat for salmonids and other stream-dependent species. Surface water from the Lower Clackamas River is the source of potable water for Oregon City and West Linn. The Clackamas River is a recreational waterway and offers a boat ramp at Clackamette Park and Riverside Park at the end of Water Avenue.

Natural Hazards

Oregon City is subject to a number of natural hazards. The City works to minimize the risks and impacts of natural hazards by limiting development in areas where hazardous events are most likely to occur and by working with the residents of these areas.

Oregon City was incorporated into Clackamas County's Natural Hazards Mitigation Plan in 2009. Since that time, Clackamas County adopted a new Clackamas County Natural Hazards Mitigation Plan in 2012 and 2019. The latest Oregon City Addendum to the NHMP was approved by FEMA on September 25, 2019. The plan describes potential hazards in Oregon City, lists goals, objectives and mitigation measures, and describes an action plan. The plan also contains maps of the 100-year and 1996 flood areas, potential landslide areas, relative earthquake hazard, and the location of hazardous materials, natural gas pipelines, and essential facilities. The most prominent hazards that face Oregon City include:

- **Flooding:** most flooding in Oregon City is the result of overflows of one or more of its three major streams—the Willamette River, Clackamas River, and Abernethy Creek—although localized, minor flooding can occur during storms. Flooding is most likely between October and April and generally results from a series of heavy rainfall events that can be aggravated by concurrent snowmelt in the watershed.
- **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. Areas of unstable foundation soils have been mapped for Oregon City and the City has a Geologic Hazards 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.”
- **Seismic Activity:** Oregon is in a region with a history of intense seismic activity. The most hazardous area coincides with the most severe flood-prone area north of Abernethy Creek, due primarily to the alluvial soil and high-water table that are most vulnerable to liquefaction during an earthquake. Areas in the McLoughlin neighborhood and on the Hilltop are far less vulnerable to groundshaking because they are underlain by basalt flows with little soil cover.
- **Wildfires:** dry summers, dense vegetation, and the invasion of non-native weeds in parts of Oregon City make the community vulnerable to wildfires. Wildfires are particularly likely in areas with steep slopes and limited groundwater, leading to dry vegetation in late summer, where there is combustible brush or debris, and where structures with flammable exterior materials are present. Oregon City's vulnerability to wildfires is greater in areas of “wildland-urban interface,” where dwellings are in the middle of heavily treed or vegetated areas and where steep, vegetated terrain can contribute to a “chimney effect” as fires burn uphill. The same conditions could apply to areas near Waterboard Park, Canemah Bluffs, Park Place, and canyons such as Singer Creek and Newell Creek.
- **Wind and Ice Storms:** in fall and winter, major storms from the Pacific Ocean bring high winds to the Oregon coast but are generally moderated by the time they reach Oregon City. However, some storm events result in damaging high winds, freezing rain and ice storms throughout western Oregon, which can result in loss of life and property damage. These storms affect the entire City but damage can be more severe where trees are blown over and trees limbs droop onto power and telephone lines. Electrical power service can be interrupted because of downed lines, which can lead to additional safety and comfort complications for the City and for residents. Traffic signals, emergency communications, roads, and other public facilities are especially vulnerable.
- **Volcanic Activity:** Oregon City's landscape was shaped by volcanic activity; much of Oregon City lies on a series of basalt flows that resulted from volcanic eruptions many thousands of years ago. While volcanic events are rare, they can occur at any time and with enormous force. It is unlikely that Oregon City would be directly affected by a volcanic eruption in the region. More likely are secondary effects from airborne ash that would severely affect air quality. Ash, mudflows, and pyroclastic flows would affect the Clackamas River watershed, thus potentially compromising the supply of water for Oregon City and West Linn.

GOAL 1

Provide and maintain a comprehensive system of parks, trails, natural resource areas, and recreation amenities that is accessible to residents of all ages and abilities, enhances the environmental and aesthetic quality of the community, and encourages healthy living.

POLICIES:

- POLICY 1.1

Provide additional parklands to adequately serve the City's current and estimated future population based on adopted service levels and community needs.
- STRATEGY 1.1.A

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.
- STRATEGY 1.1.B

Identify and protect land for parks and recreation within the Urban Growth Boundary.
- STRATEGY 1.1.C

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 1.2

Provide equitable distribution of parks and trails across the city.
- STRATEGY 1.2.A

Ensure the adequacy of pedestrian and bicycle connections to local, county, and regional trails.
- STRATEGY 1.2.B

Ensure adequate park and trail development in high density development and neighborhoods lacking access to these amenities.
- POLICY 1.3

Provide a network of signage and trails to enhance connections within parks, and between parks, neighborhoods, and public amenities.
- POLICY 1.4

Reduce barriers to park use and improve safety and accessibility of parks resources for all users, regardless of ability, comfort level, or native language.
- STRATEGY 1.4.A

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.

GOAL 2

Conserve, protect, and enhance the function, health, and diversity of the City's natural resources and ecosystems.

POLICIES:

POLICY 2.1 Develop and adopt a Climate Action Plan for Oregon City.

POLICY 2.2 Implement site development and design practices that incorporate natural ecosystem enhancement, minimize impacts on natural resources, and avoid degradation or loss of wetlands, watershed, and habitat.

STRATEGY 2.2.A 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.

STRATEGY 2.2.B Encourage use of native and hardy plants such as trees, shrubs and groundcovers to maintain ecological function and reduce maintenance costs and chemical use.

POLICY 2.3 Bolster efforts to reduce landfill demand through re-use, recycling, and composting methods.

STRATEGY 2.3.A Commit to long-term sustainability and recognize the link between reduction of solid waste, reuse and recycling of materials, and protection of natural resources.

POLICY 2.4 Protect and enhance the urban forest tree canopy.

STRATEGY 2.4.A Encourage the maintenance and improvement of the city's tree canopy to improve air quality.

POLICY 2.5 Support water conservation and storm water management efforts within the Willamette Basin.

STRATEGY 2.5.A Prevent erosion and restrict the discharge of sediments into surface- and groundwater by requiring erosion prevention measures and sediment control practices.

STRATEGY 2.5.B Where feasible, use open, naturally vegetated drainage ways to reduce stormwater and improve water quality.

POLICY 2.6 Promote outdoor lighting that is designed to reduce the negative impacts of light pollution.

STRATEGY 2.6.A Encourage new developments to provide even and energy-efficient lighting that ensures safety and discourages vandalism. Encourage existing developments to retrofit when feasible.

STRATEGY 2.6.B 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 2.7 Support programs and methods that will improve air quality in Oregon City.

STRATEGY 2.7.A Promote land-use patterns that reduce the need for distance travel by single-occupancy vehicles and increase opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.

POLICY 2.8 Protect the Clackamas and Willamette Rivers and their tributaries including Newell Creek as the centerpieces of Oregon City's natural environment.

STRATEGY 2.8.A Conserve open space along creeks, urban drainage ways, steep hillsides, and throughout Newell Creek Canyon.

STRATEGY 2.8.B Encourage preservation over mitigation when making decisions that affect wetlands and a “no net loss” approach to wetland protection.

POLICY 2.9 Establish, restore, and maintain a network of connected wildlife habitat corridors.

STRATEGY 2.9.A 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.

GOAL 3

Ensure the safety of residents and property by supporting plans, programs, and investments that minimize the impacts of future natural hazard events and aid in rapid response and recovery.

POLICIES:

POLICY 3.1 Utilize public-private partnerships to educate residents on the importance of community hazard planning and resilience.

POLICY 3.2 Restrict development in unsafe areas and where development would increase hazard impacts, such as steep slopes, landslides, wetlands, streams, and floodplains.

STRATEGY 3.2.A Protect existing development from natural hazards through mitigation measures identified in the Clackamas County Hazard Mitigation Plan.

POLICY 3.3 Invest in retrofits and infrastructure redundancies to minimize service losses during an extreme weather or natural hazard event.

STRATEGY 3.3.A Require local service lines in new subdivisions be placed underground.

- POLICY 3.4

Prioritize restoration of critical services following a natural hazard event.
- STRATEGY 3.4.A

Ensure that key public facilities (emergency service) are located outside recognized hazard areas.
- STRATEGY 3.4.B

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.

- POLICY 3.5

Collaborate with adjacent jurisdictions to coordinate emergency communication systems and distribution of resources in the event of an emergency or natural disaster.

GOAL 4

Ensure the environmental and economic health of the Willamette River Greenway (WRG) as a key feature of Oregon City and the broader region

POLICIES:

- POLICY 4.1

Protect the significant fish and wildlife habitat of the Willamette River by maximizing the preservation of trees and vegetative cover.
- POLICY 4.2

Preserve major scenic views, drives and sites of the WRG.
- POLICY 4.3

Encourage access to and along the river consistent with the Oregon City Park and Recreation Master Plan.
- POLICY 4.4

Restrict new substations and power line towers in the WRG and river view corridor.
- POLICY 4.5

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

Acknowledgements

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Adam Marl
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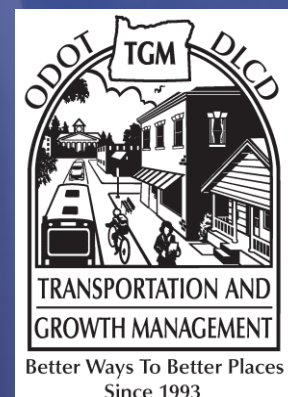
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This project was funded through a grant from the Transportation Growth Management (TGM) program, which is a joint effort of the Oregon Department of Transportation (ODOT) and the Department of Land Conservation and Development (DLCD). The TGM program works at the intersection of land use and transportation planning to help Oregon cities and counties create thriving, livable places.

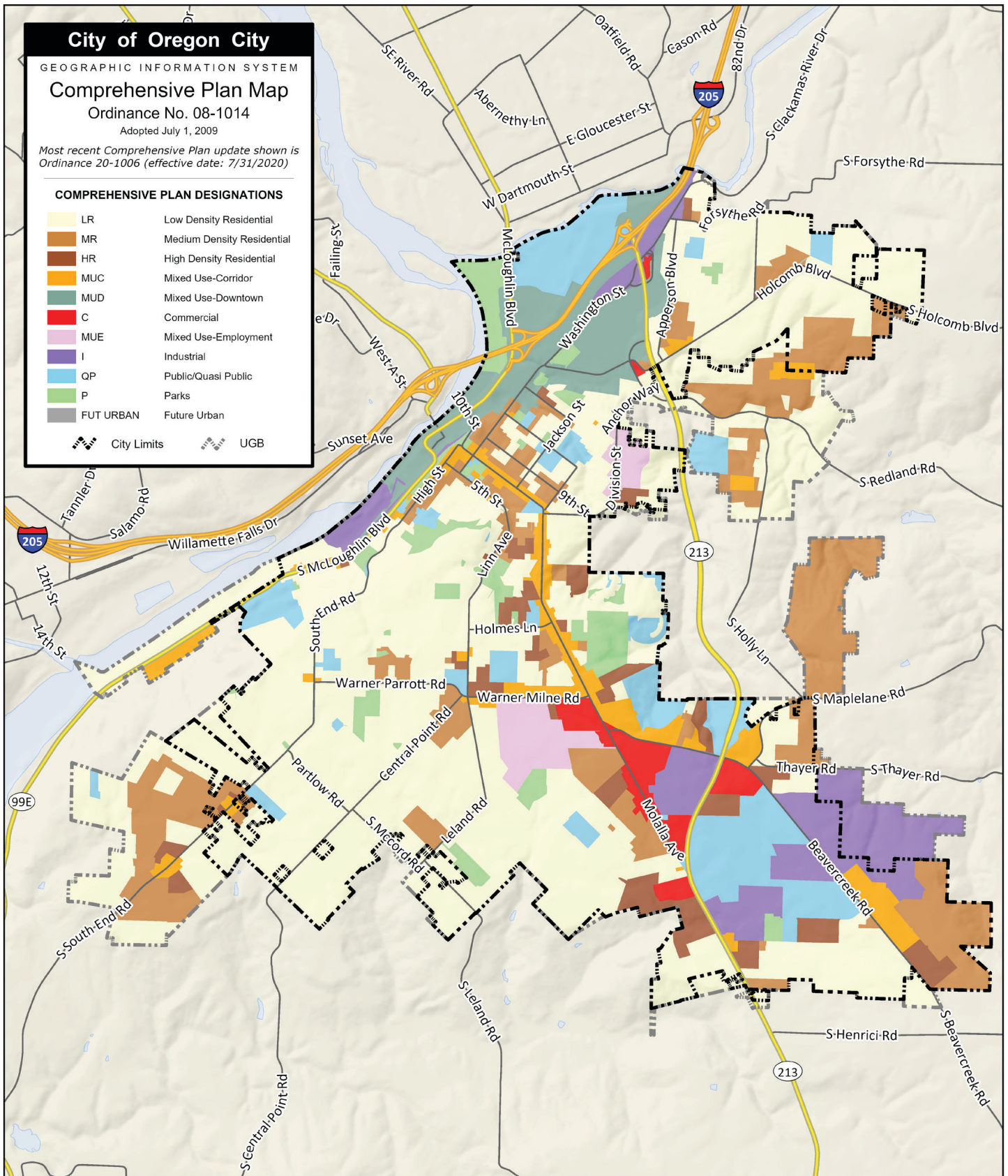


Appendix

APPENDIX A. COMPREHENSIVE PLAN MAP
APPENDIX B. OREGON CITY URBAN RESERVES MAP
APPENDIX C. ANCILLARY DOCUMENTS

APPENDIX A. COMPREHENSIVE PLAN MAP

Item 8a.



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



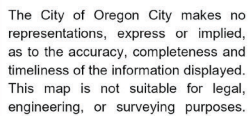
0 0.25 0.5 1 Miles

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Plot date: 10/12/2022; Plot name: Comprehensive - 8_5x11P - 20221012.pdf; Map name: Comprehensive Maps Pro.aprx\Comprehensive Map - 8_5x11P

Item 8a.



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TYPE III STAFF RECOMMENDATION - REVISED
7/3/2023**Submitted: 04/18/2023**
Complete: 05/10/2023
120-day Deadline: 9/7/2023
NOD:**HEARING DATE:** July 10, 2023, continued from June 26, 2023, Planning Commission**FILE NUMBERS:** GLUA-23-00012 / MAS-23-00001**APPLICANT:** Lango Hansen Landscape Architects, Attn: Brian Martin
1100 NW Glisan St, Ste. 3A, Portland, OR 97209
Representing: Kendall Reid, Director, Oregon City Parks and Recreation Department**OWNER:** City of Oregon City
625 Center St, Oregon City, OR 97045**REQUEST:** Approval of a Master Plan / General Development Plan for Clackamette Park**LOCATION:** 1955 Clackamette Drive and adjacent parcels.
2-2E-30 -00600, 2-2E-30 -00100, 2-2E-30 -00102, 2-2E-30 -00500,
2-2E-30 -00601, 2-2E-30 -01300**ZONING:** I – Institutional, MUD – Mixed Use Downtown**REVIEWER:** Pete Walter, Planning Manager
Sang Pau, Development Services Project Manager**RECOMMENDATION:** Approval with Conditions.

PROCESS: Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include conditional use permits. 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. 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.

Findings for compliance with the following sections of the Oregon City Municipal Code are provided on the pages indicated.

Chapter	Page
CHAPTER 17.34 MUD MIXED USE DOWNTOWN DISTRICT	13
CHAPTER 17.39 I INSTITUTIONAL DISTRICT	17
CHAPTER 17.41 TREE PROTECTION, PRESERVATION, REMOVAL AND REPLANTING STANDARDS	19
CHAPTER 17.42 FLOOD MANAGEMENT OVERLAY DISTRICT	24
CHAPTER 17.44 – GEOLOGIC HAZARDS.....	25
CHAPTER 17.47 – EROSION AND SEDIMENT CONTROL	26
CHAPTER 17.48 WRG WILLAMETTE RIVER GREENWAY OVERLAY DISTRICT	26
CHAPTER 17.49 NATURAL RESOURCES OVERLAY DISTRICT	31
CHAPTER 17.50 ADMINISTRATION AND PROCEDURES.....	38
CHAPTER 17.52 OFF-STREET PARKING AND LOADING	42
CHAPTER 17.54 SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS.....	44
CHAPTER 17.62 - SITE PLAN AND DESIGN REVIEW	44
CHAPTER 17.65 MASTER PLANS AND PLANNED UNIT DEVELOPMENT.....	45
CHAPTER 12.04 – STREETS SIDEWALKS AND PUBLIC SPACES	57
CHAPTER 13.12 – STORMWATER MANAGEMENT	61
CHAPTER 15.48 – GRADING, FILLING AND EXCAVATING	65
CHAPTER 16.12 – MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT.....	66

Recommended Conditions of Approval

GLUA-23-00012 / MAS-23-00001

(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.

1. Future Detailed Development Plans (DDPs) shall comply with the conditional approval of Planning file GLUA-23-00012 / MAS-23-00001 and any amendments within this application. (P & DS)
2. Detailed Development Plans (DDPs) within the master plan area shall provide 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 of the Public Works Stormwater and Grading Design Standards. (DS)
3. The developer for future DDPs shall obtain a 1200-C (NPDES) permit from Oregon Department of Environmental Quality (DEQ) for construction activities one acre or greater prior to receiving any city permits for construction. (DS)
4. If construction activities are proposed within the jurisdiction of Oregon State Division of State Lands (DSL) and/or United States Army Corps of Engineers (USACE), the developer shall obtain permits from those government agencies. (DS)
5. If construction activities are proposed within the jurisdiction of Oregon State Department of Fish and Wildlife (ODFW), the developer shall obtain permits from those government agencies. (DS)
6. Each individual phase of the master plan shall submit or address all items in section 16.12.014 of the Oregon City Municipal Code based on the timing requirements contained therein and as deemed applicable by the City. (DS)
7. Project C1 of the Transportation System Plan (TSP) shall be completed with completion of the RV Park located on the south side of Main Street. TSP projects S1 and W2 shall be completed by when the master plan completes more than 75% of the master plan.
 S1 – Shared-Use Path (this path will fulfill a portion of Regional Trail R1): Add a 10-foot-wide (or wider) shared-use path on the north side of the Main Street which connects to the pedestrian path for the park.
 W2 – Main Street Sidewalk Infill. (A shared-use path added per project S1 may fulfill a portion of this): Construction sidewalk along the frontage of the development properties (along Main Street and Clackamette Drive).
 C1 – Clackamette Drive Crossing. Provide an ADA compliant crosswalk (including ADA compliant curb ramps) and pedestrian activated signal from Clackamette Park overflow lot to the Clackamette Park entrance. (DS)
8. Street trees shall be placed in 5'x5' tree wells or in other acceptable locations, as prescribed by OCMC 12.08. Tree wells, if utilized, shall not encroach into the 10-foot-wide pedestrian path required along the frontage of the development. The Detailed Development Plan (DDP)

proposed with this master plan shall provide 10-foot-wide sidewalk with 5'x5' tree wells along the west side of Clackamette Drive or provide an ADA compliant 10-foot-wide (or wider) shared use path which provides pedestrian connectivity between Main Street and Clackamette Drive (this path will also fulfill Regional Trail R1). (DS)

9. The DDPs proposed with this master plan shall provide street lights along all street frontages in conformance with all City standards, specifications, codes, and policies and as approved by Portland General Electric (PGE). The applicant shall submit photometric plans.
10. Entry points for accessways (sidewalks & shared-use paths relating to TSP S1 & W2) shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections. (DS)
11. Accessways (sidewalks & shared-use paths relating to TSP S1 & W2) shall be free of horizontal obstructions and have a nine foot six inch high vertical clearance to accommodate bicyclists. (DS)
12. Accessway (sidewalks & shared-use paths relating to TSP S1 & W2) lighting shall be 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. (DS)
13. Accessways (sidewalks & shared-use paths relating to TSP S1 & W2) shall comply with Americans with Disabilities Act (ADA). (DS)
14. Accessways (sidewalks & shared-use paths relating to TSP S1 & W2) shall be designed to prohibit unauthorized motorized traffic (E.G. lockable bollards). (DS)
15. Accessway (sidewalks & shared-use paths relating to TSP S1 & W2) surfaces shall be paved with all-weather materials as approved by the City. (DS)
16. The applicant shall provide a covenant over the pedestrian and bicycle accessways which are not part of an existing or proposed public right-of-way and be responsible for the future maintenance and liability. (DS)
17. Detailed development plan (DDPs) associated with this master plan shall demonstrate compliance with intersection mobility standards per 16.12.033. If there are adverse impacts to the McLoughlin Boulevard & Dunes Drive intersection, future DDPs shall coordinate the Oregon Department of Transportation for a remedy. (DS)
18. Driveways shall meet the minimum driveway spacing standards identified in Table 16.12.035.A. (DS)
19. Driveways shall meet the minimum driveway width standards identified in Table 16.12.035.D (specifically for Collector Streets). (DS)
20. Driveways shall meet standards identified in 16.12.035.H. (DS)
21. The DDPs proposed with this master plan shall provide, at a minimum, a 5-foot-wide public utility easement (PUE) along all property lines fronting existing or proposed right-of-way. (DS)
22. The DDPs proposed with this master plan shall coordinate with Water Environment Services (WES) to ensure subsequent DDPs and the existing and proposed WES sanitary sewer mains are not in conflict. (DS)

23. The DDP(s) proposing water infrastructure work shall abandon the existing cast iron mains/services entering the development property per Oregon City Water Distribution System Design Standards. Water service connections shall be from the existing 12-inch ductile iron water main within Main Street or Clackamette Drive, and compliant with the Oregon City Water Distribution System Design Standards. (DS)
24. New franchise utilities for DDPs shall be placed underground and all existing overhead utilities adjacent to the property frontage shall be relocated underground unless deemed infeasible by the City and franchise utility provider(s). (DS)
25. The property owner(s) shall sign a Restrictive Covenant Non-Remonstrance Agreement for the purpose of making storm sewer, sanitary sewer, water or street improvements in the future that benefit the property and all fees associated with processing and recording the Non-Remonstrance Agreement shall be paid. (DS)
26. If construction is proposed within the geologic hazard overlay district with the DDPs associated with this master plan, those DDPs shall address the requirements of chapter 17.44. (DS)
27. All structures included in the park development will be reviewed for full compliance with the floodplain management overlay district regulations in OCMC 17.42 and other applicable regulations at the time of Detailed Development Plan review. (P)
28. When a Detailed Development Plan is proposed, the applicant shall provide a summary and description of the uses allowed outright (exempted) within the Natural Resources Overlay District and the approximate area of the project site devoted to such uses. Specifically, areas devoted to habitat restoration and enhancement shall be differentiated from areas of new NROD impact that require mitigation. (P)
29. At the time of detailed development plan the applicant shall provide a parking analysis for approval by the Community Development Director to assure that parking is sufficient and appropriate for the proposed park use. (P)
30. Should the applicant request any adjustments to the development code at the time of Detailed Development Plan submittal, those adjustments shall be reviewed through a Type III process pursuant to the OCMC 17.65.070 unless the code provides otherwise. (P)
31. This master plan shall expire twenty years from the date of issuance of the Notice of Decision pursuant to 17.65.040(F). (P)
32. To permit parcels 2-2E-30 -00601 and 2-2E-30 -00500 to be used for a city-owned RV park, the following zoning amendments will be necessary.
 1. Zoning Code text amendment. Amend the zoning code to allow overnight camping in a recreational vehicle as a permitted use in the I - Institutional Zone District.
 2. Comprehensive Plan map amendment. Amend the Comprehensive Plan map to change the current comprehensive plan designation of parcels 2-2E-30 -00601 and 2-2E-30 -00500 from Mixed Use Downtown to P – Public.
 3. Zoning Map amendment. Amend the Zoning map to change the zoning of parcels 2-2E-30 -00601 and 2-2E-30 -00500 from Mixed Use Downtown to I – Institutional.

The three processes described above may be pursued concurrently, but require a separate Type IV process pursuant to OCMC 17.68 – Zoning Changes and Amendments, which should occur

independently following approval of this master plan. As a condition of approval of this master plan and prior to the approval of a detailed development plan or any other site specific development plan for the city-owned RV park on parcels 2-2E-30 -00601 and 2-2E-30 -00500, the applicant shall seek approval of a comprehensive plan and zoning amendments identified above. If the zone changes for parcels 2-2E-30 -00601 and 2-2E-30 -00500 are not approved, the applicant shall apply to amend the master plan to remove parcels 2-2E-30 -00601 and 2-2E-30 -00500 from the proposal, propose an alternative location for the RV park use, or an alternative use that is allowed in the Mixed Use Downtown zone. (P)

I. BACKGROUND

1. Existing Conditions

Clackamette park is a 27-acre charter park situated at the confluence of the Willamette and Clackamas Rivers. It is Oregon City's only park that is designated as a regional park, and due to the park location and types of facilities located on the property it sees heavy use from residents of Oregon City and people throughout the region. Facilities at the site include an RV Park, playground area, shelter structures, horseshoe pits, picnic areas, a boat ramp, a skate park, an RV dump station, pathways, a restroom building and parking facilities for both cars and vehicles with trailers.

Existing Zoning and Uses

Most of the park uses and structures were established prior to the adoption of various land use and overlay zone district standards and have been continuous to the present. Today, the park falls within four separate overlay zones, each which has its own chapter in the Oregon City zoning ordinance. The following overlay districts and the percentage of the property within each of them is indicated below.

Overlay District	Percent of Property Regulated	Notes
Flood Management	100% (100-year floodplain)	Regulates development within the floodway and floodplain. The property was entirely underwater in the 1996 flood.
Geologic Hazards	Varies by tax lot	The perimeter of property has slopes >25% due to river banks and steep embankments for OR 99-E
Natural Resources (NROD)	100%	The entire park falls within the NROD as required by Metro Title 13.
Willamette River Greenway	100%	Requires compatibility review for impacts to the Willamette River



Figure 1. Vicinity Map – Tax lots indicated with yellow border.



Figure 2: Existing Conditions

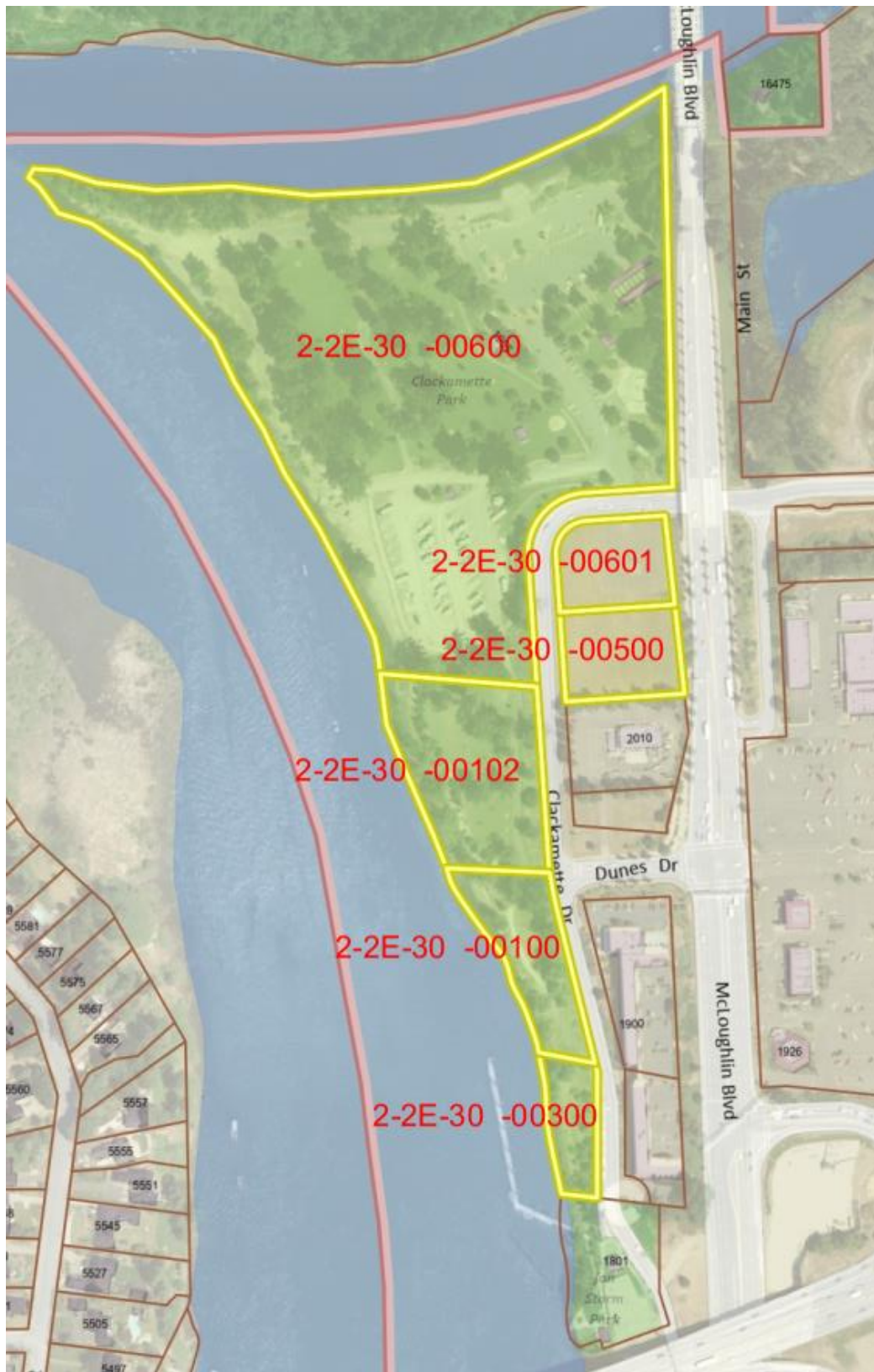


Figure 3. Tax lots indicated with yellow border.

This general development plan proposal encompasses six tax lots which are summarized below:

Tax lot	Size (ac)	Zoning	Use	Comment
2-2E-30 -00600	20.09	I	Park	
2-2E-30 -00102	2.69	I	Park	
2-2E-30 -00100	1.41	I	Park	
2-2E-30 -01300	0.69	I	Park	
2-2E-30 -00601	1.05	MUD	Parking lot, vacant	Urban Renewal Owned
2-2E-30 -00500	1.11	MUD	Vacant	Urban Renewal Owned
Total	27.04			

The following is a summary of the existing conditions and what may be changing. The numbers in parentheses correspond to the applicant's existing conditions map.

- The current skate park (1) was constructed in 2000, and will be enlarged.
- The horseshoe pits (2) and (6) would be eliminated to make room for the expanded parking area.
- The current restrooms (3) will remain.
- The existing open space lawn (4) would be modified to accommodate the new boat launch and parking.
- The current playground (5) will be replaced by a pedestrian entry and plaza and larger play area.
- The picnic shelter (7) will remain in its original location.
- The interpretive kiosk (8) would be relocated.
- The RV picnic shelter (9) will be removed.
- The paved paths (10) will be removed and replaced with new pathways.
- The RV park (11) will be removed from the shoreline and relocated to a new location across Clackamette Drive
- The RV dump station (12) will be removed to make way for a new sport court.
- The existing boat launch (13) will be renovated to be a non-motorized boat launch.
- The existing boat trailer parking (14) will be modified to become part of a new slightly larger parking lot.
- The existing auto parking lot (15) will be removed and replaced with a new landscaped parking lot.

2. Project Description

Given its location and amenities, Clackamette Park has long been a well-loved park, central to the community and a draw to the wider region. Because of general usage and ever evolving usage trends, several key amenities of the park were in need of upgrades or replacement, including the boat ramp, RV park, restroom building and pedestrian trail system. Oregon City Parks conducted an extensive outreach campaign to solicit input on the future of the park. Specific improvements to Clackamette Park that are included in this master plan include reorienting the main park entry, upgrades to site pedestrian and vehicular circulation, parking, a new boat launch facility, upgrading the existing boat launch facility to serve human powered craft, a new play area and large flexible open lawn spaces. Improvements also include relocating the RV park out of the flood plain, upgrading the restroom facilities, expanding the existing skate park, sport courts, art installations and extensive habitat restoration that includes plantings of native trees, shrubs and ground cover.

Overall, the project will result in a significant increase in landscaping and a net decrease in the amount of paved areas within the park, which will benefit the habitat and water quality functions of the park.

4 - FINAL MASTER PLAN



Figure 4: Proposed Site Plan (Concept)

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):

Russ Watkins

Mr. Watkins submitted a letter on June 12 on behalf of the Oregon City Horseshoe Club requesting that the original horseshoe courts be retained in their current location.

Oregon City Natural Resources Committee

Oregon City Natural Resources Committee reviewed the General Development Plan at their regular meeting on June 14, 2023 and recommended the following:

- Add more native trees in the southwest area of the park to mitigate and protect against flooding, erosion, etc.
- Place greater emphasis on the preservation of mature native existing trees within the park to improve perching, hunting and nesting habitat for birds along the river.
- Improve habitat by minimizing the use of expansive lawn area, especially close to the river, and instead plant more large native trees and shrubs that would typically be found in a riparian corridor
- The park should have a dedicated transit stop, specifically for the new Oregon City Connector Shuttle service. Give due consideration to add additional transit options/stops to encourage visitors even during full parking lot situations.
- Adding more growing space for mature trees in the parking and RV areas to provide shade to visitors.

Public testimony at the public hearing on June 26, 2023 was also received from Russ Watkins, William Gifford, and Jerry Herrmann.

Agency comments were submitted from Clackamas Water Environment Services indicating that they would have no conflicts with the proposal if the following considerations are taken.

- “WES-owned sanitary sewer infrastructure, including the existing Tri-City outfall and the Bolton/River Street force mains, are located within Clackamette Park. No development shall encumber use or access to this infrastructure by WES. Please notify WES of any future site improvements plans, including potential utility conflicts, grade changes that require adjustments to manhole lids, etc. Correspondence can be sent to WES-Planning@clackamas.us.”

Also, Oregon City School District responded and indicated they have no conflicts with the proposal.

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:

CHAPTER 17.34 MUD MIXED USE DOWNTOWN DISTRICT

17.34.020 - Permitted uses.

Permitted uses in the MUD district are defined as:

- 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. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;*
- L. Multifamily residential, 3-4 plex residential;*
- M. 1 or 2 units in conjunction with a nonresidential use provided that the residential use occupies no more than 50% of the total square footage of the development;*
- N. Restaurants, eating and drinking establishments without a drive through;*
- O. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;*
- P. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed sixty thousand square feet (a freestanding building over sixty thousand square feet is allowed as long as the building contains multiple stores);*
- Q. Seasonal sales;*
- R. Residential care facilities, assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;*
- 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. Home occupations;*
- W. Research and development activities;*
- X. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;*
- Y. Transportation facilities;*
- Z. Live/work dwellings;*
- AA. After-hours public parking;*
- BB. Marinas;*
- CC. Religious institutions.*
- DD. Mobile food units outside of the downtown design district.*

Finding: complies with conditions. The proposed master plan includes two tax lots that have historically been used for overflow parking from the park and which are zoned Mixed Use Downtown. The master plan contemplates the use of these parcels for additional parking for the park, as well as the new location for the city owned RV park to be relocated onto these parcels from its current location within Clackamette Park.

The additional overflow parking for the park is permitted under the current zoning by approval of the master plan boundaries to encompass parcels 2-2E-30 -00601 and 2-2E-30 -00500. However, the MUD zone district does not allow RV parks / overnight camping, and there is no zone district in the city that expressly permits RV parks / overnight camping. Furthermore, the master plan regulations do not allow a primary or accessory use that is not identified as a permitted, or conditional use in the underlying zone, except for the additional residential uses permitted under OCMC 17.65.070.C.6., and RV parks are not listed as an excepted use under that section and the primary use is not residential.

On a short term basis, pursuant to OCMC 12.16.040 - Camping prohibited, the city manager is authorized to adopt regulations under Section 12.16.020.B to allow camping in city parks during special events. Also, pursuant to OCMC 10.12.050 - Temporary park use, the city commission may issue a temporary permit authorizing members of a specific group, participants or attendees to a specific event to park and occupy recreational vehicles within the confines of a city park. Neither of these code sections allows for overnight camping in recreational vehicles on a year-round basis.

Therefore, to permit parcels 2-2E-30 -00601 and 2-2E-30 -00500 to be used for a city-owned RV park, the following zoning amendments will be necessary.

1. **Zoning Code text amendment.** Amend the zoning code to allow overnight camping in a recreational vehicle as a permitted use in the I - Institutional Zone District.
2. **Comprehensive Plan map amendment.** Amend the Comprehensive Plan map to change the current comprehensive plan designation of parcels 2-2E-30 -00601 and 2-2E-30 -00500 from Mixed Use Downtown to P – Public.
3. **Zoning Map amendment.** Amend the Zoning map to change the zoning of parcels 2-2E-30 -00601 and 2-2E-30 -00500 from Mixed Use Downtown to I – Institutional.

The three processes described above may be pursued concurrently, but require a separate Type IV process pursuant to OCMC 17.68 – *Zoning Changes and Amendments*, which should occur independently following approval of this master plan. As a condition of approval of this master plan and prior to the approval of a detailed development plan or any other site specific development plan for the city-owned RV park on parcels 2-2E-30 -00601 and 2-2E-30 -00500, the applicant shall seek approval of a comprehensive plan and zoning amendments identified above. If the zone changes for parcels 2-2E-30 -00601 and 2-2E-30 -00500 are not approved, the applicant shall apply to amend the master plan to remove parcels 2-2E-30 -00601 and 2-2E-30 -00500 from the proposal, propose an alternative location for the RV use, or an alternative use allowed in the Mixed Use Downtown zone.

The applicant can assure this standard is met by complying with the conditions of approval.

17.34.030 - Conditional uses.

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

- A. *Drive-through facilities;*
- B. *Emergency services;*
- C. *Hospitals;*
- D. *Outdoor markets that do not meet the criteria of OCMC 17.34.020.I.;*
- E. *Parks, playgrounds, play fields and community or neighborhood centers;*
- F. *Parking structures and lots not in conjunction with a primary use on private property, excluding after-hours public parking;*
- G. *Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a freestanding building with a single store exceeding a foot print of sixty thousand square feet;*
- H. *Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;*
- I. *Public utilities and services such as pump stations and sub-stations;*
- J. *Distributing, wholesaling and warehousing;*
- K. *Gas stations;*
- L. *Public and or private educational or training facilities;*
- M. *Stadiums and arenas;*
- N. *Passenger terminals (water, auto, bus, train), excluding bus stops;*
- O. *Recycling center and/or solid waste facility;*
- P. *Shelters, except within the Downtown Design District.*

Finding: not applicable. No conditional uses are proposed.

17.34.040 - Prohibited uses.

The following uses are prohibited in the MUD district:

- A. *Kennels;*
- B. *Outdoor storage and sales, not including outdoor markets allowed in OCMC 17.34.030;*
- C. *Self-service storage;*
- D. *Single-Family attached and detached residential units and duplexes;*
- E. *Motor vehicle and recreational vehicle repair/service;*
- F. *Motor vehicle and recreational vehicle sales and incidental service;*
- G. *Heavy equipment service, repair, sales, storage or rental² (including but not limited to construction equipment and machinery and farming equipment);*
- H. *Marijuana production, processing, wholesaling, research, testing, and laboratories;*
- I. *Mobile food units within the downtown design district unless a special event has been issued.*

Finding: Not applicable. No prohibited uses are proposed.

17.34.060 - Mixed-use downtown dimensional standards—For properties located outside of the downtown design district.

- A. *Minimum lot area: None.*

Finding: not applicable. No changes to lot size are proposed.

- B. *Minimum floor area ratio: 0.30.*

Finding: not applicable. No new structures are proposed; therefore, this standard does not apply.

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

Finding: not applicable. No new structures are proposed; therefore, this standard does not apply.

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

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

Finding: not applicable. No new structures are proposed; therefore, this standard does not apply.

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

Finding: not applicable. No new structures are proposed; therefore, this standard does not apply.

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

Finding: not applicable. No new structures are proposed; therefore, this standard does not apply.

G. Maximum Allowed Setbacks.

1. *Front yard: Twenty feet.*

Finding: not applicable. No new structures are proposed; therefore, this standard does not apply.

2. *Interior side yard: No maximum.*

Finding: not applicable. No new structures are proposed; therefore, this standard does not apply.

3. *Corner side yard abutting street: Twenty feet.*

Finding: not applicable. No new structures are proposed; therefore, this standard does not apply.

4. *Rear yard: No maximum.*

Finding: not applicable. No new structures are proposed; therefore, this standard does not apply.

5. *Rear yard abutting street: Twenty feet.*

Finding: not applicable. No new structures are proposed; therefore, this standard does not apply.

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

Finding: not applicable. No new structures are proposed; therefore, this standard does not apply.

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

Finding: complies with conditions. Compliance with landscaping standards will be determined when a site specific detailed development plan is submitted. The conceptual final master plan appears to indicate that a minimum of ten percent of the area of parcels 2-2E-30 -00601 and 2-2E-30 -00500 will be landscaped. 10% of 2.17 acres = 0.21 acres (9,443 square feet). **The applicant can assure this standard is met by complying with the conditions of approval.**

J. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a vertical mixed-use configuration or to live/work dwellings.

Finding: not applicable. This is not a residential development.

CHAPTER 17.39 I INSTITUTIONAL DISTRICT

17.39.020 - Permitted uses.

Permitted uses in the institutional district are:

- A. *Private and/or public educational or training facilities;*
- B. *Parks, playgrounds, playfields and community or neighborhood community centers;*
- C. *Public facilities and services including courts, libraries and general government offices and maintenance facilities;*
- D. *Stadiums and arenas;*
- E. *Banquet, conference facilities and meeting rooms;*
- F. *Government offices;*
- G. *Transportation facilities;*
- H. *Mobile food units.*

Finding: complies as proposed. The site is currently used as a park and will continue to be used as a park. This use is permitted outright in the institutional district.

17.39.030 - Accessory uses.

The following uses are permitted outright if they are accessory to and related to the primary institutional use:

- A. *Offices;*
- B. *Retail (not to exceed twenty percent of total gross floor area of all building);*
- C. *Child care centers or nursery schools;*
- D. *Scientific, educational, or medical research facilities and laboratories;*
- E. *Religious institutions.*

Finding: not applicable. None of the above uses are being proposed in the park master plan, therefore this question does not apply.

17.39.040 - Conditional uses.

Uses requiring conditional use permit are:

- A. *Any uses listed under OCMC 17.39.030 that are not accessory to the primary institutional use;*
- B. *Boarding and lodging houses, bed and breakfast inns;*
- C. *Cemeteries, crematories, mausoleums, and columbariums;*
- D. *Correctional facilities;*
- E. *Helipad in conjunction with a permitted use;*
- F. *Parking lots not in conjunction with a primary use;*
- G. *Public utilities, including sub-stations (such as buildings, plants and other structures);*
- H. *Fire stations;*
- I. *Police Station.*

Finding: not applicable. None of the above uses are being proposed in the park master plan, therefore this question does not apply.

17.39.045 - Prohibited uses.

Prohibited uses in the I district are:

- A. *Any use not expressly listed in OCMC 17.39.020, 17.39.030 or 17.39.040;*
- B. *Marijuana businesses;*

Finding: not applicable. Park use is expressly listed as a permitted use in 17.39.020.

17.39.050 - Dimensional standards.

Dimensional standards in the I district are:

- A. *Maximum building height: Within one hundred feet of any district boundary, not to exceed thirty-five feet; elsewhere, not to exceed seventy feet.*

Finding: complies as proposed. The restroom facility and the picnic shelters are the only structures proposed for the park and neither will exceed thirty-five feet in height. Compliance will be confirmed at the time a detailed development plan is submitted.

- B. *Minimum required setbacks: Twenty-five feet from property line except when the development is adjacent to a public right-of-way. When adjacent to a public right-of-way, the minimum setback is zero feet and the maximum setback is five feet.*

Finding: complies as proposed. All buildings on the park will be set back a minimum of 15 feet from the property line and maximum of 5 feet from the public right-of-way. Compliance will be confirmed at the time a detailed development plan is submitted.

- C. *Minimum required landscaping (including landscaping within a parking lot): Fifteen percent.*

Finding: complies as proposed. The park development will consist of significant planting areas and lawn. More than 50% of the site will be landscaped, including landscaping within the parking lot.

17.39.060 - Relationship to master plan.

- A. *A master plan is required for any development within the I District on a site over ten acres in size that:*

- 1. Is for a new development on a vacant property;*
- 2. Is for the redevelopment of a property previously used as a non-institutional use; or*
- 3. Increases the floor area of the existing development by ten thousand square feet over existing conditions*

Finding: complies as proposed. The applicant has submitted a master plan application for the redevelopment of a I-zoned property over ten acres in size. A master plan is required under section 17.65.030.

- B. *Master plan dimensional standards that are less restrictive than those of the Institutional District require adjustments. Adjustments will address the criteria of OCMC 17.65.70 and will be processed concurrently with the master plan application.*

Finding: complies as proposed. The applicant indicates that no dimensional standard adjustments are being pursued at this time and that any adjustments may be pursued when the Detailed Development Plan is submitted. Staff does not anticipate that the application will require any adjustments to the dimensional standards of the I-Institutional Zone due to the type of park uses proposed. Per code 17.65.070 - *Adjustments to development standards*, an adjustment request at the detailed development plan review shall cause the detailed development plan to be reviewed as a Type III application.

- C. *Modifications to other development standards in the code may be made as part of the phased master plan adjustment process. All modifications shall be in accordance with the requirements of the master plan adjustment process identified in OCMC 17.65.070.*

Finding: not applicable. Modifications are not being requested as a part of this master plan.

CHAPTER 17.41 TREE PROTECTION, PRESERVATION, REMOVAL AND REPLANTING STANDARDS

17.41.020 - Tree protection—Applicability.

1. *Applications for development subject to OCMC 16.08 (Land Divisions) or OCMC 17.62 (Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for those developments. Compliance with this chapter is required from the date a land use application is filed until a land division is recorded or other development approval is final.*
2. *For public capital improvement projects, the City Engineer shall demonstrate compliance with these standards pursuant to a Type I process.*
3. *Tree canopy removal greater than twenty-five percent on areas with greater than twenty-five percent slope, unless exempted under OCMC 17.41.040, shall be subject to these standards.*
4. *A heritage tree or grove which has been designated pursuant to the procedures of OCMC 12.32 shall be subject to the standards of this section.*
5. *A tree that has been planted pursuant to this section shall remain or shall be replaced with a new tree if removed.*

Finding: complies as proposed. A full site tree protection plan will be included with the detailed development plan as outlined in 17.65.050. There are no heritage trees or groves on the subject site.

17.41.030 - Tree protection—Conflicting code provisions.

Except as otherwise specified in this section, where these standards conflict with adopted city development codes or policies, the provision which provides the greater protection for regulated trees or groves, as defined in OCMC 17.04, shall govern.

Finding: complies as proposed. The development will pursue the provision that provides the greater protection for regulated trees or groves, as defined in OCMC 17.04.

17.41.040 - Exemptions.

These regulations are not intended to regulate normal cutting, pruning and maintenance of trees on private property except where trees are located on lots that are undergoing development review or are otherwise protected within the Natural Resource Overlay District (NROD) of OCMC 17.49. These standards are not intended to regulate farm and forest practices as those practices are defined under ORS 30.930, for farm or forestlands. These regulations do not apply to the removal of trees that are considered invasive species. An applicant for development may claim exemption from compliance with these standards if the development site containing the regulated grove or trees was a designated farm or forest use, tree farm, Christmas tree plantation, or other approved timber use within one year prior to development application. "Forest practices" and "forestlands" as used in this subsection shall have the meaning as set out in ORS 30.930. The Community Development Director has the authority to modify or waive compliance in this case.

Finding: complies as proposed. The applicant acknowledges the exemptions outlined in 17.41.040.

17.41.050 - Compliance options.

Applicants for review shall comply with these requirements through one or a combination of the following procedures:

- A. *Option 1—Mitigation. Retention and removal of trees, with subsequent mitigation by replanting pursuant to OCMC 17.41.060.*
- B. *Option 2—Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to OCMC 17.41.080; or*
- C. *Option 3—Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to OCMC 17.41.110; or*

D. *Option 4—Cash-in-lieu of planting pursuant to OCMC 17.41.120.*

Finding: complies as proposed. The development will pursue option 1 – mitigation which includes the retention and removal of trees as outlined in OCMC 17.41.060 at the time of Detailed Development Plan submittal.

17.41.060 - *Tree removal and replanting—Mitigation (Option 1).*

A. *Applicants for development who select this option shall ensure that all healthy trees shall be preserved outside the construction area as defined in OCMC 17.04 to the extent practicable. Preserved trees are subject to Option 3 of this Chapter. Compliance with these standards shall be demonstrated in a tree mitigation plan report prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. Tree inventories for the purposes of mitigation calculations may be prepared by a licensed surveyor. At the applicant's expense, the City may require the report to be reviewed by a consulting arborist. The number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under OCMC 12.08— Public and Street Trees, any required tree planting in parking lots, and any trees planted in pedestrian and bicycle accessways.*

Finding: complies as proposed. All healthy trees outside the construction area will be preserved to the extent practicable. A tree mitigation plan will be prepared by a qualified professional at the time of Detailed Development Plan submittal.

B. *The applicant shall determine the number of trees to be mitigated on the site by counting all of the trees six-inch DBH (minimum four and one-half feet from the ground) or larger on the entire site and either:*

1. *Trees that are removed outside of the construction area shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2; or*

2. *Dying, diseased or hazardous trees, when the condition is verified by a certified arborist to be consistent with the definitions in OCMC 17.04, may be removed from the tree replacement calculation. Dead trees may also be removed from the calculation, with the condition of the tree verified either by the Community Development Director or by a certified arborist at the applicant's expense, when the Community Development Director cannot make a determination. To the extent that the Community Development Director determines that the dead, dying, hazardous or diseased condition of the tree is the result of intentional action, the removal of that tree shall require mitigation pursuant to Column 2 of Table 17.41.060-1.*

Finding: complies as proposed. Specific trees to be removed will be determined as a part of the detailed development plan. All trees requiring mitigation will be mitigated onsite as a part of the park development.

Table 17.41.060-1
Tree Replacement Requirements

Size of tree removed (DBH)	Column 1 Number of trees to be planted. (If removed Outside of construction area)	Column 2 Number of trees to be planted. (If removed Within the construction area)
6 to 12"	3	1
13 to 18"	6	2
19 to 24"	9	3
25 to 30"	12	4

31 and over"	15	5
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Steps for calculating the number of replacement trees:

1. Count all trees measuring six inches DBH (minimum four and one-half feet from the ground) or larger on the entire development site.
2. Designate the size (DBH) of all trees pursuant to accepted industry standards.
3. Document in a certified arborist report any trees that are currently dead, dying, diseased or hazardous.
4. Subtract the number of dead, dying, diseased or hazardous trees in step 3 from the total number of trees on the development site in step 1. The remaining number is the number of healthy trees on the site. Use this number to determine the number of replacement trees in steps 5 through 8.
5. Identify the construction area (as defined in OCMC 17.04.230).
6. Determine the number and diameter of trees to be removed within the construction area. Based on the size of each tree, use Column 2 to determine the number of replacement trees required.
7. Determine the number and diameter of trees to be removed outside of the construction area. Based on the size of each tree, use Column 1 to determine the number of replacement trees required.
8. Determine the total number of replacement trees from steps 6 and 7.

Finding: complies as proposed. Specific trees to be removed will be determined as a part of the detailed development plan. All trees requiring mitigation will be mitigated onsite as a part of the park development.

C. Planting area priority for mitigation.

Development applications which opt for removal of trees with subsequent replanting pursuant to OCMC 17.41.050.A. shall be required to mitigate for tree cutting by complying with the following priority for replanting standards below:

1. First Priority. Replanting on the development site.
2. Second Priority. Off-site replacement tree planting locations. If the Community Development Director determines that it is not practicable to plant the total number of replacement trees on-site, a suitable off-site planting location for the remainder of the trees may be approved that will reasonably satisfy the objectives of this section. Such locations may include either publicly owned or private land and shall be approved by the Community Development Director.

Finding: complies as proposed. The tree mitigation plan will be completed as a part of the detailed development plan.

D. Replacement tree planting standards.

1. All replacement trees shall be either two-inch caliper deciduous or six-foot high conifer.

Finding: complies as proposed. All replacement trees will be planted onsite and will be either two-inch caliper deciduous or six-foot high conifer.

2. Replacement tree species shall be approved by a landscape architect or certified arborist or shall be found on the City's Native Plant or Street Tree lists.

Finding: complies as proposed. All replacement tree species shall be approved by a landscape architect.

3. Due to their diminishing range in the region, Oregon white oak (*Quercus garryana*) trees, if removed, shall be replaced by the same species.

Finding: complies as proposed. It is not expected that any Oregon white oak will be removed from the park by this development. If any Oregon white oak are removed, they will be replaced by the same species.

- E. All existing tree(s) in the tract shall be protected by a permanent restrictive covenant or easement approved in form by the City.

Finding: complies as proposed. The applicant confirms that all existing trees in the tract shall be protected by a permanent restrictive covenant or easement as approved by the City.

F. Alternative mitigation plan.

The Community Development Director may, subject to a Type II procedure, approve an alternative mitigation plan that adequately protects habitat pursuant to the standards for the Natural Resource Overlay District alternative mitigation plan in OCMC 17.49.190.

Finding: complies as proposed. The applicant acknowledges an alternate mitigation plan that adequately protects habitat may be approved by the Community Development Director at the time a detailed development plan is proposed.

17.41.080 - Tree preservation within subdivisions and partitions—Dedicated tract (Option 2).

Finding: not applicable. This development does not include a new subdivision, land division, density transfers or modifications to dimensional standards, therefore this criterion does not apply to the development.

17.41.110 - Tree protection by restrictive covenant (Option 3).

Any regulated tree or grove which cannot be protected in a tract pursuant to Section 17.41.080 above shall be protected with a restrictive covenant in a format to be approved by the Community Development Director. Such covenant shall be recorded against the property deed and shall contain provisions to permanently protect the regulated tree or grove unless such tree or grove, as determined by a certified arborist and approved by the Community Development Director, are determined to be diseased or hazardous.

Finding: not applicable. The development site does not contain any regulated trees or groves; therefore this standard does not apply to the development.

A. Permitted adjustments.

1. The Community Development Director, pursuant to a Type II procedure, may grant an adjustment to the side, front and rear yard setback standards by up to fifty percent if necessary to retain a Regulated Tree or Grove through a restrictive covenant pursuant to this section. In no case may the side yard setback be reduced to less than three feet. The adjustment shall be the minimum necessary to accomplish preservation of trees on the lot and shall not conflict with other conditions imposed on the property.

2. The City Engineer may grant an adjustment to street standards, pursuant to adopted public works standards, in order to preserve a tree. This may include flexibility to redesign sidewalk and planter strip sizes and locations and allow placement of sidewalks and planter strips in an easement within private lots.

3. The Community Development Director, pursuant to a Type II procedure, may allow other adjustments in order to preserve any healthy tree that cannot be moved due to its size, but will contribute to the landscape character of the area and will not present a foreseeable hazard if retained.

Finding: complies as proposed. The applicant does not expect to pursue any of the three above permitted adjustments; therefore these standards are not applicable to this application. Adjustments may be pursued at the time a Detailed Development Plan is submitted.

17.41.120 - Cash-in-lieu of planting (Option 4).

The applicant may choose this option in-lieu-of or in addition to Compliance Options 1 through 3. In this case, the Community Development Director may approve the payment of cash-in-lieu into a dedicated fund for the remainder of trees that cannot be replanted in the manner described above.

The cash-in-lieu payment per required mitigation tree shall be as listed on the adopted fee schedule and shall be adjusted annually based on the Consumer Price Index. The price shall include 150% of the cost of materials, transportation and planting.

Finding: not applicable. The applicant is not planning to pursue an in-lieu-of option, therefore these standards do not apply to the development.

17.41.130 - Regulated tree protection procedures during construction.

- A. *No permit for any grading or construction of public or private improvements may be released prior to verification by the Community Development Director that regulated trees designated for protection or conservation have been protected according to the following standards. No trees designated for removal shall be removed without prior written approval from the Community Development Director.*
- B. *Tree protection shall be as recommended by a qualified arborist or, as a minimum, to include the following protective measures:*
 - 1. *Except as otherwise determined by the Community Development Director, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and such measures shall be removed only after completion of all construction activity, including necessary landscaping and irrigation installation, and any required plat, tract, conservation easement or restrictive covenant has been recorded.*
 - 2. *Approved construction fencing, a minimum of four feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater. An alternative may be used with the approval of the Community Development Director.*
 - 3. *Approved signs shall be attached to the fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the Community Development Director.*
 - 4. *No construction activity shall occur within the tree protection zone, including, but not limited to; dumping or storage of materials such as building supplies, soil, waste items; nor passage or parking of vehicles or equipment.*
 - 5. *The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.*
 - 6. *No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the Community Development Director.*
 - 7. *No machinery repair or cleaning shall be performed within ten feet of the dripline of any trees identified for protection.*
 - 8. *Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited. Boring under or through the tree protection zone may be permitted if approved by the Community Development Director and pursuant to the approved written recommendations and on-site guidance and supervision of a certified arborist.*
 - 9. *The Community Development Director may require that a certified arborist be present during any construction or grading activities that may affect the dripline of trees to be protected.*
 - 10. *The Community Development Director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.*
- C. *Changes in soil hydrology due to soil compaction and site drainage within tree protection areas shall be avoided. Drainage and grading plans shall include provision to ensure that drainage of the site does not*

conflict with the standards of this section. Excessive site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.

Finding: not applicable. The applicant has not proposed any construction at this time, this is a General Development Plan. Following approval of a subsequent Detailed Development Plan the development will implement all of the required tree protection measures as outlined above and as specified in 17.141.30.

CHAPTER 17.42 FLOOD MANAGEMENT OVERLAY DISTRICT

17.42.020 - Applicability.

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

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

- 1. Land contained within the one hundred-year floodplain, flood area and floodway as shown on the Federal Emergency Management Agency flood insurance maps dated June 17, 2008, including areas of special flood hazard pursuant to [Section 17.42.040](#) and the area of inundation for the February 1996 flood; and*
- 2. Lands that have physical or documented evidence of flooding within recorded history based on aerial photographs of the 1996 flooding and/or the water quality and flood management areas maps.*

C. The standards that apply to the flood management areas apply in addition to state or federal restrictions governing floodplains or flood management areas.

Finding: applicable. The park project site is located in the Flood Management Overlay District and will follow all of the outlined requirements at the time of Detailed Development Plan review. **This standard is met through compliance with the conditions of approval attached to this decision.**

17.42.040 - Compliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of these floodplain regulations and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a civil infraction. Any person who violates this chapter or fails to comply with any of its requirements shall be subject to the enforcement procedures of this code per OCMC [1.20](#) Civil Infractions and [1.24](#) Code Enforcement. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy.

Finding: complies as conditioned. Future DDPs will likely involve construction within the floodplain (E.G. boat ramp, parking, playground etc.). These activities will likely involve cut and fill which will need to comply with this code chapter. All structures included in the park development will be reviewed for full compliance with the floodplain management overlay district regulations and other applicable regulations at the time of Detailed Development Plan review. **The applicant can assure this standard is met through compliance with the conditions of approval attached to this decision.**

17.42.060 - Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flooding damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the

Federal Insurance Administration for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

Finding: complies as proposed. The applicant acknowledges the natural risk of flooding at the park site.

17.42.080 - Administration.

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

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

- 1. The Water Quality and Flood Management Areas Map, dated June 7, 1999;*
- 2. The Federal Insurance Administration, Flood Insurance Rate Maps for Clackamas County, Oregon and Incorporated Areas dated June 17, 2008;*

Finding: Complies as conditioned. All structures included in the park development will be reviewed for full compliance with the floodplain management overlay district regulations and other applicable regulations at the time of Detailed Development Plan review. **The applicant can assure this standard is met through compliance with the conditions of approval attached to this decision.**

For brevity, the remaining sections of Chapter 17.42 have been omitted since they are not applicable at this time and will be reviewed with the subsequent Detailed Development Plan application. The code criteria may be reviewed at

https://library.municode.com/or/oregon_city/codes/municipal_code?nodeId=TIT17ZO_CH17.42FLMAOVDI

CHAPTER 17.44 – GEOLOGIC HAZARDS

17.44.025 - When required; regulated activities; permit and approval requirements.

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

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

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

Finding: Complies as conditioned. The proposed development is located within a geologic hazard overlay district based on steep slopes and their buffer zones. Mapping indicates that the site contains slopes steeper than 25%, which appear to be associated with the riverbank and various road embankments within and adjacent to the property boundaries. About 15% of the site is within this area of steep slopes or its buffer zone. The provisions for Chapter 17.44 - Geologic Hazards apply where development will occur within or may affect areas within the geologic hazard overlay and a Geological Assessment and Geotechnical Report is required. Based on the submitted documents, it appears that locations 4, 10 and 12 may meet these conditions. The application is for approval of the GDP and does not request approval for any actual construction activities. If construction is

proposed within the geologic hazard overlay district with the DDPs associated with this master plan, those DDPs shall address the requirements of chapter 17.44. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

For brevity, the remaining sections of Chapter 17.44 have been omitted since they will be reviewed with the subsequent Detailed Development Plan review. The code criteria may be reviewed at https://library.municode.com/or/oregon_city/codes/municipal_code?nodeId=TIT17ZO_CH17.44GEHA_17.44.05ODEPPREREPRAP

CHAPTER 17.47 – EROSION AND SEDIMENT CONTROL

17.47.030 - Applicability.

A. This chapter, which may also be referred to as "erosion control" in this Code, applies to development that may cause visible or measurable erosion on any property within the city limits of Oregon City.

B. This chapter does 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, provided that after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.

Finding: Not applicable. The application is for approval of the General Development Plan (GDP) and does not request approval for any actual construction activities. Therefore, a detailed erosion control plan or permit is not required. The applicant will be required to provide an erosion control plan per requirements of the OCMC with subsequent DDP applications.

CHAPTER 17.48 WRG WILLAMETTE RIVER GREENWAY OVERLAY DISTRICT

17.48.040 - Uses allowed.

All uses permitted pursuant to the provisions of the underlying zoning district are permitted on lands designated WRG; provided, however, that any development, change of use or intensification of use shall be subject, in addition to the provisions of the underlying district, to the provisions of this chapter.

Finding: complies as proposed. The proposed park development does not change the overall use or intensification of use.

17.48.050 - Permit required—Exceptions.

A Willamette River Greenway permit shall be required for all developments and changes or intensification of uses, except the following:

- A. The propagation of timber or the cutting of timber for public safety or personal use, except the cutting of timber along the natural vegetative fringe along the river;*
- B. Gravel removal from the bed of the Willamette River when conducted under a permit from the state;*
- C. Customary dredging and channel maintenance;*
- D. Placing by a public agency of signs, markers, aids and similar structures to serve the public;*
- E. Activities to protect, conserve, enhance and maintain public recreation, scenic, historical and natural uses on public lands;*
- F. Acquisition and maintenance of scenic easements by the Oregon Department of Transportation;*
- G. Partial harvesting of timber shall be permitted beyond the natural vegetative fringe and those areas not covered by a scenic easement and when the harvest is consistent with an approved plan under the Oregon*

Forest Practices Act. Commercial forest activities and harvesting practices providing for vegetative buffers, shading, soil stabilization, and water filtering effects required under the Oregon Forest Practices Act;

- H. The use of a small cluster of logs for erosion control;*
- I. The expansion of capacity or the replacement of existing communication or energy distribution and transmission systems, except utility sub-stations;*
- J. The maintenance and repair of existing flood control facilities;*
- K. Any activity subject to Type I review pursuant to OCMC 17.62.035.A.2, provided that proposed changes are located entirely outside of the compatibility boundary and on existing developed commercial, multifamily, or industrial properties.*
- L. Within the compatibility boundary, exterior building changes that are not considered remodeling.*
- M. Changes to landscaping or parking subject to Type I review pursuant to OCMC 17.62.035.A.2 that are more than 100 feet from the Oregon Department of State Lands' mapped ordinary low water line of the Willamette River, provided that changes are located on existing developed commercial, multifamily, or industrial properties.*
- N. On existing single or two-family residential properties, landscaping, construction of driveways, modification of existing structures or construction or placement of such subsidiary structures or facilities adjacent to the residence.*
- O. The addition of a wall sign, projecting sign, or roof sign on any building in the WRG overlay.*

Finding: complies as proposed. The applicant acknowledges the exemptions to the WRG as outlined above. The proposed parks master plan qualifies as an exception under "E. Activities to protect, conserve, enhance and maintain public recreation, scenic, historical and natural uses on public lands." Additional exceptions may apply and will be reviewed at the time of Detailed Development Plan review. Aspects of the project may qualify for Type I Minor Site Plan and Design Review when site specific development is proposed.

17.48.060 - Procedures.

A. Except as specifically provided for in Section 17.48.100, the procedure for action on a Willamette River Greenway permit shall be as provided for under the Type II review provisions in OCMC 17.50.

Finding: complies as proposed. The applicant acknowledges the above statement regarding OCMC 17.50.

17.48.070 - Development standards—Specific use.

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

Considerations for Specific Uses.

- A. With respect to recreational uses only: the considerations set forth in section C.3.b of Goal 15. Statewide Goal 15, Section C.3.b.:*
 - b. Recreation -- (1) Local, regional and state recreational needs shall be provided for consistent with the carrying capacity of the land; (2) Zoning provisions shall allow recreational uses on lands to the extent that such use would not substantially interfere with the long-term capacity of the land for farm use as defined in ORS 215.203; (3) The possibility that public recreation use might disturb adjacent property shall be considered and minimized to the greatest extent practicable; (4) The public parks established by section 8a of Chapter 558, 1973 Oregon Laws, shall be set forth in Oregon Laws, shall be set forth on the appropriate comprehensive plans and zoning established which will permit their development, use and maintenance;*

Finding: complies as proposed. This section is principally concerned with how recreational uses and needs might conflict with adjacent agricultural uses within the Greenway. Since no adjacent agricultural uses are present, no conflicts exist. Clackamette Park is a designated city charter park identified in the adopted Oregon City Comprehensive Plan. The applicable considerations for recreational use are met.

- B. *With respect to those fish and wildlife habitats identified in the city comprehensive plan only: the considerations set forth in section C.3.d. of Goal 15.*

Statewide Goal 15, Section C.3.d.:

- d. *Fish and wildlife habitat -- Significant fish and wildlife habitats shall be protected;*

Finding: complies as proposed. Fish and wildlife habitat protection is provided through the regulations in this Chapter and through the City's adopted Natural Resources Overlay District chapter 17.49 which apply when a development is proposed within the overlay district, and through state regulations administered by the Oregon Department of State Lands and Oregon Department of Fish and Wildlife. The applicable considerations for protection of fish and wildlife habitat are met.

- C. *With respect to those scenic qualities and views identified in the city comprehensive plan only: the considerations set forth in section C.3.e. of Goal 15.*

Statewide Goal 15, Section C.3.e:

- e. *Scenic qualities and views -- identified scenic qualities and viewpoints shall be preserved;*

Finding: complies as proposed. The city comprehensive plan (2022) includes the following statements, goals, policies and strategies pertaining to the Willamette and Clackamas Rivers. See also findings for compliance with the Comprehensive Plan under the General Development Plan approval criteria of OCMC 17.65 later in this report.

(P. 54) The Willamette and Clackamas rivers, major waterways of regional significance, border two sides of the city and create an aesthetic and recreational setting of great value to the city. Together, these rivers and streams contribute to the uniqueness of Oregon City and to the variety of natural resource, recreational, and open space values enjoyed by residents and visitors.

With Oregon City situated along the banks of the Willamette River, the City is also subject to statewide rules governing the waterway. In 1973, the Oregon State Legislature designated the Willamette River Greenway (WRG) to protect approximately 300 miles of greenway along the Willamette River from Eugene to the confluence with the Columbia River. The intent was to protect the corridor's natural, scenic and recreational qualities and to preserve its historical sites, structures, facilities, and objects for education and enjoyment. Oregon City complies with statewide rules through specific standards and regulation for development within the WRG that are established in the Willamette River Greenway Overlay District, Chapter 17.48 of the Oregon City Zoning Code.

GOAL 4

Ensure the environmental and economic health of the Willamette River Greenway (WRG) as a key feature of Oregon City and the broader region

POLICY 4.1 Protect the significant fish and wildlife habitat of the Willamette River by maximizing the preservation of trees and vegetative cover.

POLICY 4.2 Preserve major scenic views, drives and sites of the WRG.

POLICY 4.3 Encourage access to and along the river consistent with the Oregon City Park and Recreation Master Plan.

POLICY 4.5 Protect and maintain parks and recreation areas and facilities along the Willamette River to minimize effects in the WRG, in accordance with the Oregon City Park and Recreation Master Plan.

As an open space, Clackamette Park is managed consistent with the applicable provisions of the Comprehensive Plan. The applicable considerations for preservation of the Greenways scenic qualities and viewpoints are met.

D. With respect to timber resources only: the considerations set forth in section C.3.h. of Goal 15.

E. With respect to aggregate extraction only: the considerations set forth in section C.3.i. of Goal 15.

Finding: not applicable. No timber resource or aggregate extraction is proposed, therefore subsections D and E do not apply.

17.48.080 - Development standards—General considerations.

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

A. Access. Adequate public access to the Willamette River shall be considered and provided for.

Finding: complies as proposed. The park plan provides increased and adequate access to the Willamette River including improved accessible pathways, a repaired nonmotorized boat launch and a new boat launch.

B. Protection and Safety. Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided for to the maximum extent practicable.

Finding: complies as proposed. The park design will maintain public safety and protect public and private property to the maximum extent possible.

C. Vegetative Fringe. The natural vegetative fringe along the Willamette River shall be protected and enhanced to the maximum extent practicable.

Finding: complies as proposed. Extensive habitat restoration along the Willamette River will take place as a part of this park development including the planting of native trees, shrubs, groundcover and grasses. Habitat restoration is a permitted - excepted use within the Natural Resources Overlay District.

D. Directing Development Away from the River. Development shall be directed away from the Willamette River to the greatest possible degree, provided that lands committed to urban uses within the Greenway may continue as urban uses, subject to the nonconforming use provisions of Chapter 17.58 of this title.

Finding: complies as proposed. No urban uses are proposed as a part of this park development, therefore this section does not apply. Recreational uses are differentiated from urban uses and permitted under the WRG.

E. A Greenway Setback. In each application, the approving officer or body shall establish a setback to keep structures separated from the Willamette River in order to protect, maintain, preserve and enhance the natural scenic, historic and recreational qualities of the Willamette River Greenway, as set forth in the city comprehensive plan; provided, however, that the requirement to establish such setbacks shall not apply to water-related or water-dependent uses. No greenway setback standards shall apply for areas outside of the 150-foot Compatibility boundary.

Finding: complies as proposed. The applicant acknowledges that a setback will be established for the project. At this time, consideration of additional setbacks for any structures is not anticipated, but may be reviewed at the time of detailed development plan review.

F. *Other Applicable Standards. The Oregon Department of Transportation Greenway Plan, the Greenway portions of the city comprehensive plan, the Willamette River Greenway statutes and the provisions of Statewide Planning Goal 15, shall also be considered in actions involving Willamette River Greenway permits.*

Finding: complies as proposed. The applicant acknowledges the consideration of other planning documents and their influence on the development of this park.

17.48.100 - Compatibility review.

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

Finding: complies as proposed. The applicant acknowledges the compatibility review that will be completed for this project.

B. *All development or changes or intensifications of uses in the compatibility area shall be approved only if the following findings are made by the Planning Commission through a Type III review process pursuant to OCMC 17.50.*

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

Finding: complies as proposed. In the site master plan, to the maximum extent possible, landscaped areas, open space and vegetation have been incorporated between active areas such as the play area, skate park and parking lot and the river.

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

Finding: complies as proposed. The park plan provides necessary access to the Willamette River including improved accessible pathways, a repaired nonmotorized boat launch and a new boat launch.

17.48.110 - Prohibited activities.

The following are prohibited within the Willamette River Greenway:

A. *Structural bank protection, except rip rap or a channelization used as an emergency measure only to protect existing structures. Any such rip rap or channelization to stabilize undeveloped sites shall be prohibited as well;*

B. *Subsurface sewage disposal drainfields within one hundred feet of the ordinary mean low-water line of the Willamette River.*

Finding: not applicable. The applicant is not proposing any prohibited activities within the Willamette River Greenway, therefore this section does not apply.

17.48.120 - Additional procedural requirements.

In addition to the requirements of Chapter 17.50, the following procedural requirements shall be applicable to all matters arising out of Sections 17.48.070 through 17.48.100:

A. *Applications submitted for review under Sections 17.48.070 through 17.48.100 shall be accompanied by such materials as are reasonably necessary for adequate review, including, as necessary:*

1. *A site and landscaping plan showing existing vegetation and development and location of proposed development for activities;*
2. *Elevations of any proposed structures;*

3. *Materials list for any proposed structures, including type and colors of siding and roofing; and*
4. *Cross-sections of any area within the vegetative fringe where grading, filling, timber harvesting or excavating will occur.*

Finding: complies as proposed. A site and landscaping plan, elevations of proposed structures, materials and cross sections will be included with the Detailed Development Plan.

- B.
 1. *Written notice, including a copy of the application, shall be sent immediately upon receipt to the Oregon Department of Transportation by certified mail, return receipt requested. The Oregon Department of Transportation shall have seven working days from the date of mailing to respond before a decision be rendered.*
 2. *Written notice shall be given to the Oregon Department of Transportation by certified mail, return receipt requested, within seven days of the entry of a final order on the disposition of all applications made under Sections 17.48.070 through 17.48.100.*

Finding: complies as proposed. Written notice shall be sent to the Oregon Department of Transportation as outlined above. Notice of this General Development Plan application was provided to ODOT, who has not provided comments as of the date of this staff report. Any comments received from ODOT prior to the closure of the public record by the Planning Commission shall be made part of the record for this decision.

CHAPTER 17.49 NATURAL RESOURCES OVERLAY DISTRICT

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: not applicable. The entire subject property is already within the NROD boundary, therefore this section does not apply.

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: complies as proposed. The applicant acknowledges that an NROD permit will be required for this park project development. This documentation will be included with the Detailed Development Plan.

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: complies as proposed. The applicant acknowledges the above provisions regarding emergency work within the NROD boundary.

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: complies as proposed. The applicant acknowledges that they will be required to adhere to the more restrictive provisions regarding any development within the NROD area.

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: complies as proposed. The applicant will be simultaneously pursuing permits from Federal agencies for in-water work and other improvements in the corridors of the Clackamas and Willamette Rivers.

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: complies as proposed. The applicant acknowledges their obligation to satisfy all applicable state and federal wetland requirements.

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. No prohibited uses are being proposed within the NROD boundary of this project.

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.*
- 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).*

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: complies with conditions. The applicant acknowledges the above list of uses allowed outright, as outlined above. When a Detailed Development Plan is proposed, the applicant shall provide a summary and description of the uses allowed outright and the approximate area of the project site devoted to such uses. **The applicant can assure that this standard is met by complying with the recommended conditions of approval.**

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: complies as conditioned. The applicant acknowledges the list of uses allowed under prescribed conditions as outlined above. Park improvements include alterations to existing structure, trails and pedestrian paths, new roadways, utility lines and stormwater infrastructure. These will be further detailed in the Detailed Development Plans. When a Detailed Development Plan is proposed, the applicant shall provide a summary and description of the uses allowed under prescribed conditions and the approximate area of the project site devoted to such uses. **The applicant can assure that this standard is met by complying with the recommended conditions of approval.**

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;*

Finding: complies as conditioned. The Parks Department hired a certified arborist to conduct a tree inventory of the entire site. The inventory includes the species, size and health condition of each individual tree. To the greatest extent possible all healthy native trees will be preserved in the redevelopment of the park. Since existing conditions of the trees may change between the time of approval of this General Development Plan and the subsequent Detailed Development Plan review, the applicant shall provide an updated inventory of trees when the DDP is proposed. **The applicant can assure that this standard is met by complying with the recommended conditions of approval.**

- 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.*

Finding: complies as proposed. The proposed parking lots include landscape islands and perimeter landscape planting to meet the landscape requirements of the base zone.

- 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);*

Finding: complies as proposed. All vegetation planted in the NROD will be native and listed on the Oregon City Native Plant List or another locally adopted plant list.

- D. *Grading is subject to installation of erosion control measures required by the City;*

Finding: complies as proposed. All appropriate temporary and permanent erosion control measures will be installed at the park.

- 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;*

Finding: complies as proposed. The applicant acknowledges the above statement regarding setbacks. Further review of the need for modifications to setbacks shall be done at the time of detailed development plan review.

- 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;*

Finding: complies as proposed. The applicant acknowledges the above statement regarding setbacks.

- G. Fences in compliance with OCMC 17.49.080.N;*

Finding: complies as proposed. Fences will be 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;*

Finding: complies as proposed. Exterior lighting in the NROD will conform to the requirement above.

- I. If development will occur within the one hundred-year floodplain, the standards of OCMC 17.42 shall be met; and*

Finding: complies as proposed. Development will occur within the one hundred-year floodplain, therefore the development will comply with the standards of OCMC 17.42 at the time of DDP review.

- J. Mitigation of impacts to the regulated buffer is required, subject to OCMC 17.49.180 or 17.49.190.*

Finding: complies as proposed. Mitigation for this park development will comply to OCMC 17.49

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

<i>All other protected water features</i>	<i>< 25 percent</i>	• <i>Edge of bankfull flow</i> • <i>Delineated edge of Title 3 wetland</i>	<i>50 feet</i>
	<i>≥25 percent for 150 feet or more (see Note 2)</i>		<i>200 feet</i>
	<i>≥25 percent for less than 150 feet (see Note 2)</i>		<i>Distance from starting point of measurement to top of ravine (break in ≥25 percent slope) (See Note 3) plus 50 feet.</i>

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: complies as proposed. The applicant acknowledges calculation of a vegetated corridor as outlined above.

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: complies as proposed. The adopted NROD boundary at Clackamette Park already corresponds to the Metro Regionally Significant Habitat Map.

C. Habitat Areas outside city limit/within UGB. *For habitat and water features identified by Metro as regionally significant which are located outside of the city limits as of the date of adoption of this ordinance, the minimum corridor width from any non-anadromous fish bearing stream or wetland shall be fifty feet.*

Finding: not applicable. The entirety of the project is located within the city limit, therefore these standards do not apply to the development.

17.49.120 - Maximum disturbance allowance for highly constrained lots of record.

In addition to the General Development Standards of OCMC 17.49.100, the following standards apply to a vacant lot of record that is highly constrained by the NROD, per OCMC 17.49.090.B and 17.49.090.F:

- A. Standard for Residential Development.** *In the NROD where the underlying zone district is zoned Residential (R-10, R-8, R-6, R-5, R-3.5): the maximum disturbance area allowed for new residential development within the NROD area of the lot is three thousand square feet.*

Finding: not applicable. This development is not residential.

- B. Standard for all developments not located in R-10, R-8, R-6, R-5, and R-3.5.** *For all other underlying zone districts, the maximum disturbance area allowed for a vacant, constrained lot of record development within the NROD is that square footage which when added to the square footage of the lot lying outside the NROD portion equals twenty-five percent of the total lot area.*

1. *Lots that are entirely covered by the NROD will be allowed to develop twenty-five percent of their area.*
2. *This can be determined by: (1) Multiplying the total square footage of the lot by .25; or (2) Subtracting from that amount the square footage of the lot that is located outside the NROD. The result is the maximum square footage of disturbance to be allowed in the NROD portion of the lot. If the result is ≤ 0 , no disturbance is permitted and the building shall be located outside of the boundary.*

Finding: complies as conditioned. This standard constrains development within the NROD for vacant lots of record by allowing a maximum disturbance area of 25%. There are three parcels on the south end of the park that would be considered vacant lots of record within the NROD, tax lots 2-2E-30 -00102 (2.69 acres), 2-2E-30 -00100 (1.41 acres), and 2-2E-30 -01300 (0.69 acres) and no additional development other than new trail alignment and landscape plantings are proposed. The main parcel of the existing park, tax lot 2-2E-30 -00600, may already exceed this disturbance amount. Significant portions of the park will be restored to native vegetation and large areas of impervious area will be removed on this parcel. The applicant has not provided a calculation of development area associated with the proposal, however staff anticipates that there will be an overall decrease in areas that are currently devoid of any native vegetation. When the DDP is proposed the applicant shall provide a calculation of existing and proposed disturbance, and the net result. Importantly, planning staff would consider only new net disturbance as contributing towards the 25% limit, since pre-existing uses and structures would not be subject to this limitation under OCMC 17.49.080 and are permitted to continue. **The applicant can assure that this standard is met by complying with the recommended conditions of approval.**

- C. *In all areas, the disturbance area of a vacant, highly constrained lot of record within the NROD shall be set back at least fifty feet from the top of bank on Abernethy Creek, Newell Creek, or Livesay Creek or twenty-five feet from the top of bank of any tributary of the aforementioned Creeks, other water body, or from the delineated edge of a wetland located within the NROD area.*

Finding: not applicable. The park is already developed and is not vacant.

- D. *If the highly constrained lot of record cannot comply with the above standards, a maximum 1,500 square foot disturbance within the NROD area may be allowed.*

Finding: not applicable. The park is already developed and is not vacant.

For brevity, the remaining sections of Chapter 17.49 have been omitted since they will be reviewed with the subsequent Detailed Development Plan review. The code criteria may be reviewed at

https://library.municode.com/or/oregon_city/codes/municipal_code?nodeId=TIT17ZO_CH17.49NAREOVDI

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. The applicant attended the required pre-application conference (file PA-22-00046).

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 Two Rivers Neighborhood Association was inactive at the time of application. The applicant conducted extensive public outreach prior to application including a presentation to the Citizen Involvement Committee on August 1, 2022.

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. The applicant posted the property with the required notices on May 16, 2023 and additional signs were posted on June 7, 2023 in accordance with this section. Signed affidavits of posting are included in the land use file for this application.

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: Not applicable. Construction or associated permits are not pursued with this application. Subsequent DDPs which propose and require construction permits will be subject to this code section.

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: Not applicable. Construction or associated permits are not pursued with this application. Subsequent DDPs which propose and require construction permits will be subject to this code section.

CHAPTER 17.52 OFF-STREET PARKING AND LOADING

17.52.010 - Applicability.

The construction of a new structure or parking lot, or alterations to the size or use of an existing structure, parking lot or property use shall require site plan review approval and compliance with this chapter. This chapter does not apply to single-family attached, detached residential dwellings and duplexes.

Finding: applicable. This project includes new parking lots and will apply for a site plan review. Development will comply with chapter 17.52. Formal review for compliance with this chapter will be done when a detailed development plan is proposed.

17.52.015 - Planning commission adjustment of parking standards.

Finding: not applicable. The applicant has not requested an adjustment of parking standards from the Planning Commission. Pursuant to OCMC 17.52.020.A.2, the Community Development Director may approve a parking analysis for uses not specifically listed, which includes parks. The OCMC does not specify a specific required parking rate for public parks. Similar to park projects in the past, the applicant will provide a list of comparable parks in the region, including the size of the park, the amenities at the park and the amount of parking provided at the park. This research has been done and has formed the basis of design for the proposed parking that is provided at the park. This documentation will be included in the Detailed Development Plan.

17.52.020 - Number of automobile spaces required.

A. *The number of parking spaces shall comply with the minimum and maximum standards listed in Table 17.52.020. The parking requirements are based on spaces per one thousand square feet net leasable area unless otherwise stated.*

Table 17.52.020		
LAND USE	PARKING REQUIREMENTS	
	MINIMUM	MAXIMUM
Multifamily Residential	1.00 per unit	2.5 per unit
3-4 Plex Residential	2.00	4
Hotel, Motel	1.0 per guest room	1.25 per guest room
Correctional Institution	1 per 7 beds	1 per 5 beds
Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes	1 per 7 beds	1 per 5 beds
Hospital	2.00	4.00
Preschool Nursery/Kindergarten	2.00	3.00
Elementary/Middle School	1 per classroom	1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium/assembly room/stadium

<i>High School, College, Commercial School for Adults</i>	<i>0.20 per # staff and students</i>	<i>0.30 per # staff and students</i>
<i>Auditorium, Meeting Room, Stadium, Religious Assembly Building, movie theater,</i>	<i>.25 per seat</i>	<i>0.5 per seat</i>
<i>Retail Store, Shopping Center, Restaurants</i>	<i>4.10</i>	<i>5.00</i>
<i>Office</i>	<i>2.70</i>	<i>3.33</i>
<i>Medical or Dental Clinic</i>	<i>2.70</i>	<i>3.33</i>
<i>Sports Club, Recreation Facilities</i>	<i>Case Specific</i>	<i>5.40</i>
<i>Storage Warehouse, Freight Terminal</i>	<i>0.30</i>	<i>0.40</i>
<i>Manufacturing, Wholesale Establishment</i>	<i>1.60</i>	<i>1.67</i>
<i>Light Industrial, Industrial Park</i>	<i>1.3</i>	<i>1.60</i>

Finding: complies with conditions. This code section does not specify the required parking rate for public parks. The overall use of the park has not changed. The existing park provides 75 auto parking spaces and 46 boat trailer parking spaces. The amount of parking in the proposed site plan has been increased. The proposed park provides 90 auto parking spaces and 61 boat trailer parking spaces. Under new state rules for Climate Friendly and Equitable Communities, the City cannot require parking for new development within ½ a mile of a frequent transit corridor. 99-E is a frequent transit corridor and therefore, no minimum parking standard applies. At the time of detailed development plan the applicant shall provide the parking analysis for approval by the Community Development Director to assure that parking is sufficient. **The applicant can assure this standard is met through compliance with the conditions of approval attached to this decision.**

1. *Multiple Uses. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.*

Finding: not applicable. This application is for a single use only, a park. Therefore, these standards are not applicable to the development.

2. *Requirements for types of buildings and uses not specifically listed herein shall be determined by the Community Development Director, based upon the requirements of comparable uses listed.*

Finding: complies with conditions. This code section does not specify the required parking rate for public parks. The overall use of the park has not changed. The existing park provides 75 auto parking spaces and 46 boat trailer parking spaces. The amount of parking in the proposed site plan has been increased. The proposed park provides 90 auto parking spaces and 61 boat trailer parking spaces. Under new state rules for Climate Friendly and Equitable Communities, the City cannot require parking for new development within ½ a mile of a frequent transit corridor. 99-E is a frequent transit corridor and therefore, no minimum parking standard applies. At the time of detailed development plan the applicant shall provide the parking analysis for approval by the Community Development Director to assure that parking is sufficient. **The applicant can assure this standard is met through compliance with the conditions of approval attached to this decision.**

For brevity, the remaining sections of Chapter 17.52 have been omitted since they will be reviewed with the subsequent Detailed Development Plan. The code criteria may be reviewed at https://library.municode.com/or/oregon_city/codes/municipal_code?nodeId=TIT17ZO_CH17.52OREPALO

CHAPTER 17.54 SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS

17.54.100 Fences, Hedges, Walls, and Retaining Walls.

A. A fence, hedge, wall, retaining wall, or combination thereof may be located on real property, not within the right-of-way, subject to all of the following:

- 1. A fence, hedge, wall, retaining wall, or combination thereof located in front of a building may be up to 3.5-feet in total height as measured from the finished grade at any point on the fence.*
- 2. A fence, hedge, wall, located next to, or behind the forward most building, or within more than forty feet of the right-of-way, whichever is less may be up to:*
a. Six feet in total height for residential properties with less than five units as measured from the finished grade at any point on the fence; or
b. Eight feet in total height for all other uses as measured from the finished grade at any point on the fence.
- 3. A retaining wall or combination of a fence, hedge, wall located next to and behind the forward most building, or within more than forty feet of the right-of-way, whichever is less, may be up to (as measured from the finished grade) 8.5 feet in height from the finished grade.*
- 4. Fences, hedges, and/or walls located within two feet above a retaining wall, as measured on a horizontal plane, shall be measured together for the purposes of determining height.*
- 5. Property owners shall ensure compliance with the Traffic Sight Obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.*
- 6. Retaining walls completely below the elevation of the right-of-way may be up to six feet in height.*
- 7. Minimum fall protection required by the Building Official, such as railings, is not included in the height of a retaining wall but must comply with the fence height requirements.*

Finding: complies as proposed. All proposed fences, hedges, walls and retaining walls proposed with this development will conform with the standards of 17.54.100, as outlined above.

B. When no other practicable alternative exists, the City Engineer may permit a fence, hedge, wall, retaining wall, or combination thereof to be located within the right-of-way subject to all of the following:

- 1. A Revocable Permanent Obstruction in the Right of Way permit is granted per OCMC 12.04.120;*
- 2. Retaining walls, fences, or hedges comply with OCMC 17.54.100.A, unless determined to be impracticable by the City Engineer.*
- 3. The abutting property owner shall ensure compliance with the Traffic Sight Obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.*

Finding: not applicable. No fences are being proposed in the right-of-way.

C. It is unlawful for any person to erect any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire, except as erected in connection with security installations at a minimum height of six feet, providing further that prior written approval has been granted by the City Manager.

Finding: not applicable. No electric or barbed wire fences are being proposed as a part of this development.

CHAPTER 17.62 - SITE PLAN AND DESIGN REVIEW

14. Compliance with Chapter 17.62 will be determined at the time of Detailed Development Plan submittal. The code criteria may be reviewed at

https://library.municode.com/or/oregon_city/codes/municipal_code?nodeId=TIT17ZO_CH17.62SIPLDERE

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. This project is 27 acres in size and therefore requires a Master Plan.

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. A preapplication conference for the General Development Plan was held on 9/28/2022. A subsequent preapplication conference will be held at a future date, prior to the submittal of the Detailed Development Plan.

- 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: complies. This application is for the General Development Plan and will be reviewed under a Type III procedure pursuant to OCMC 17.65.080.

- 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: complies as proposed. The application for the Detailed Development Plan will be made at a future date, in accordance with the requirements above. The subsequent detailed development plan may require review by the Planning Commission through a Type III master plan amendment pursuant to OCMC 17.65.070 and .080 if any adjustments to the code are requested at that time.

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 project is not pursuing a concurrent application; therefore this standard does not apply to the development.

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 with conditions. The applicant has indicated that a detailed development plan will be submitted at a later time. Should the applicant request any adjustments to the development code at the time of Detailed Development Plan submittal, they shall be processed through a Type III process unless the code provides otherwise. **The applicant can assure this standard is met through compliance with the conditions of approval attached to this decision.**

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 as proposed. The proposed duration of the General Development plan is 20 years. The improvements shown on the General Development site plan may be phased but specific phasing, staging and timing has not yet been determined.

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. The project site is located at the confluence of the Clackamas and Willamette Rivers and is at the far northwest corner of Oregon City. The site has been developed and used as a park for many decades. The improvements have included boat launches in multiple spaces, an RV park, pedestrian paths, vehicular circulation and parking, open space lawn areas, a play area, a skate park, a large horseshoe facility and other miscellaneous improvements. The lot on the east side of Clackamette Drive, currently owned by the City, has served as overflow parking and special event space.

The park is owned by the Oregon City Parks Department. The onsite building inventory includes an existing restroom building, two picnic shelters and a covering over some of the horseshoe pits. There are currently 75 designated and informal parking spaces. The designated spaces are in striped asphalt parking lots near the main entry into the park and near the boat ramp. The informal parking occurs at the gravel shoulders along the RV park access road. There are 46 boat trailer parking spaces adjacent to the boat ramp. Bicycle parking is not currently provided at the park. There are numerous existing trees, largely consisting of black cottonwoods with lesser numbers of ash, maple and other species. The park currently has several acres of open lawn space. (Natural cultural/ historical resources that appear on the city's adopted Goal 5 inventory will not be disturbed in the redevelopment of Clackamette Park. There are steep slopes located along the perimeter of the site, in some of the areas nearest to the river. Some of these slopes are categorized at geologic hazards pursuant to OCMC 17.44.

The park is currently served by domestic water, sanitary sewer, storm lines and electrical connections. There is a 12" domestic water line in Main Street with a 4" cast iron tap to the park site. This currently serves the restroom facility and the irrigation system. There is one sanitary connection from the restroom to the 12" sanitary line located in Main Street and one connection from the RV dump station to the line in Main Street. There is an 8" storm line on the site that connects to the storm line in Main Street.

The following transportation improvements are identified in the Oregon City Transportation System Plan (TSP) adjacent to the park which are to be completed with subsequent development applications:

Project C1 of the Transportation System Plan (TSP) shall be completed with completion of the RV Park located on the south side of Main Street. TSP projects S1 and W2 shall be completed by when the master plan completes more than 75% of the master plan.

S1 – Shared-Use Path (this path will fulfill a portion of Regional Trail R1): Add a 10-foot-wide (or wider) shared-use path on the north side of the Main Street which connects to the pedestrian path for the park.

W2 – Main Street Sidewalk Infill. (A shared-use path added per project S1 may fulfill a portion of this): Construct sidewalk along the frontage of the development properties (along Main Street and Clackamette Drive).

C1 – Clackamette Drive Crossing. Provide an ADA compliant crosswalk (including ADA compliant curb ramps) and pedestrian activated signal from Clackamette Park overflow lot to the Clackamette Park entrance.

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.*
- 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.*
- 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.*
- 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.*
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. The proposed duration of the General Development plan is 20 years. The improvements shown on the General Development site plan may be phased but specific phasing, staging and timing has not yet been determined. The proposed development is consistent with OCMC 17.65 as outlined specifically in the preceding General Development Plan narrative. The proposed site use will remain the same as the existing site use, a community park. The analysis of the transportation impacts are outlined in the attached Transportation Analysis Letter. Public Facilities impacts have been addressed in prior sections. The park improvements included in this General Development Plan will have a positive impact in the Neighborhood Livability, updating a well-used park and well-loved park, creating additional opportunities to access the Clackamas and Willamette Rivers and to encounter nature.

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 as proposed. The applicant acknowledges that the General Development Plan will be required to be consistent with OCMC 17.65. The purposes of this chapter in OCMC 17.65.010.

17.65.010 - Purpose and intent.

It is the intent of this chapter 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. The city recognizes the valuable housing options, services

and/or employment opportunities that these developments bring to Oregon City residents. The master plan or planned unit development process is intended to facilitate an efficient and flexible review process for major developments, support innovative and creative land development, and to provide long-term assurance to plan for and execute developments in a phased manner. To facilitate this, the master plan process is structured to allow an applicant to address larger development issues, such as adequacy of infrastructure and transportation capacity, and reserve capacity of the infrastructure and transportation system before expenditure of final design costs. The master plan or planned unit development process is further intended to promote efficiency in land development, maintenance, street systems and utility networks while providing site layouts that integrate usable and attractive open spaces, site circulation, and the general wellbeing of site users. For the purposes of this chapter planned unit developments are considered the same as master plans.

This GDP will guide the redevelopment of Clackamette Park in order that it continue to provide the major public benefits associated with a regional park. It will facilitate the efficient review of subsequent phases of park development, and assure the adequacy of public infrastructure and services to the development.

2. *Development shall demonstrate compliance with OCMC 12.04 16.12, 17.62, if applicable, and 16.08, if applicable.*

Finding: complies as proposed. The applicant acknowledges that the detailed development plan will be required to be consistent with OCMC 12.04, 16.12 and 17.62, as applicable.

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 as proposed. The proposed intensity level of development does not vary significantly from the existing intensity level of development. The existing levels of public services being provided will be sufficient for the proposed park development.

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 as proposed. The proposed General Development Plan will protect all inventoried Goal 5 resources within the project boundary through the application of the various overlay district standards and through the subsequent site plan and design review process.

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 as proposed. The proposed intensity level of development does not vary significantly from the existing intensity level of development. Transportation impacts associated with the proposal have been documented in a Transportation Analysis Letter which will be evaluated in further detail at the time of Detailed Development Plan review. The existing levels of public services being provided will be sufficient for the proposed park development. The proposed General Development Plan adequately mitigates identified impacts from the entirety of the development.

6. *The proposed general development plan is consistent with the Oregon City Comprehensive Plan.*

Finding: complies as proposed. The proposed General Development Plan is consistent with the Oregon City Comprehensive plan as explained below.

Relevant Excerpts from the OC 2040 Oregon City Comprehensive Plan (adopted 2022).

(P.53) Parks and Recreation

Oregon City has a variety of parks, trails and open space governed by a Parks and Recreation Master Plan (2008). Currently in the process of being updated (2022), the Plan serves as a guide to implementing Oregon City's goal of providing a broad range of parks and recreational spaces, activities, and programs to meet the current and future needs of its residents. The plan emphasizes the unique assets in Oregon City and identifies opportunities to further leverage those assets and build new ones. A set of mission statements provides the framework for the plan and will also serve as a starting point for new OC2040 goals and strategies that are developed for this project. Those mission statements are:

- *Strengthen community image and sense of place, promote cultural unity*
- *Protect and preserve natural and cultural resources*
- *Foster social, intellectual, physical and emotional development*
- *Strengthen safety and security in park and recreation spaces*
- *Support economic development*
- *Provide educational experiences through recreation*
- *Promote health, wellbeing, and community problem solving*
- *Be good stewards of public resources*

(P.54) Natural Resources

In Oregon City, the Clackamas River along the northern boundary of the city, as well as Abernethy, Newell, Holcomb, Potter, and other creeks provide both spawning and rearing habitat for steelhead trout, coho salmon, and cutthroat trout. Riparian corridors, the areas on either side of a stream, are critical to protecting the stream ecosystem and quality of habitat for salmonids and other stream-dependent species. Surface water from the Lower Clackamas River is the source of potable water for Oregon City and West Linn. The Clackamas River is a recreational waterway and offers a boat ramp at Clackamette Park and Riverside Park at the end of Water Avenue.

Comprehensive Plan Chapter 1. Healthy and Welcoming Communities

GOAL 1 Implement and maintain a community engagement program that provides broad and inclusive opportunities for all Oregon City community members to learn about and understand city government processes, including land use planning, and participate meaningfully in decisions that impact their communities.

POLICY 1.5 Provide on-going education to the community regarding land use projects and processes and ensure clear communication about when and how to be involved at key points in the process.

STRATEGY 1.5.A Notify citizens about community involvement opportunities when they occur.

The general development plan is consistent with the stated Goal 1, policies and strategies. The applicant conducted an extensive public engagement process to develop the final conceptual design for the master plan which is documented on the project website <https://www.orcity.org/parksandrecreation/project/clackamette>. The master planning process included talking with City officials, state agencies, reaching out to stakeholders and engaging Oregon City residents to help guide the master planning process. A series of interactive public meetings was held to create a foundation for the master plan, review concept ideas and provide input on a final master plan for the park. The first open house meeting was held on March 1 where site analysis drawings were presented to the public. Information presented included project context, existing conditions, site opportunities and constraints. Early survey results helped guide conversations and feedback. Those in attendance discussed several key ideas and there was in-depth conversation surrounding how the park should feel, what site amenities should be a priority and what types of river access best serve the community. Attendees provided feedback and a number of other pertinent issues surrounding Clackamette Park. Public notice of this application was provided in accordance with OCMC 17.50.

Comprehensive Plan Chapter 4: Protected Environment

GOAL 1 Provide and maintain a comprehensive system of parks, trails, natural resource areas, and recreation amenities that is accessible to residents of all ages and abilities, enhances the environmental and aesthetic quality of the community, and encourages healthy living.

POLICY 1.4 Reduce barriers to park use and improve safety and accessibility of parks resources for all users, regardless of ability, comfort level, or native language.

STRATEGY 1.4.A 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.

The general development plan is consistent with the stated Goal 1, policies and strategies.

GOAL 2 Conserve, protect, and enhance the function, health, and diversity of the City's natural resources and ecosystems.

POLICY 2.4 Protect and enhance the urban forest tree canopy.

STRATEGY 2.4.A Encourage the maintenance and improvement of the city's tree canopy to improve air quality.

POLICY 2.5 Support water conservation and storm water management efforts within the Willamette Basin.

STRATEGY 2.5.A Prevent erosion and restrict the discharge of sediments into surface- and groundwater by requiring erosion prevention measures and sediment control practices.

STRATEGY 2.5.B Where feasible, use open, naturally vegetated drainage ways to reduce stormwater and improve water quality.

The general development plan is consistent with the stated Goal 2, policies and strategies through the application of development codes and overlay district regulations and in the OCMC that are acknowledged as consistent with the Statewide land use planning goals of the State of Oregon, and through the application of engineering and public works design standards for stormwater management, erosion control and drainage.

POLICY 2.7 Support programs and methods that will improve air quality in Oregon City.

STRATEGY 2.7.A Promote land-use patterns that reduce the need for distance travel by single-occupancy vehicles and increase opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.

POLICY 2.8 Protect the Clackamas and Willamette Rivers and their tributaries including Newell Creek as the centerpieces of Oregon City's natural environment.

POLICY 2.9 Establish, restore, and maintain a network of connected wildlife habitat corridors.

STRATEGY 2.9.A 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.

The general development plan is consistent with the above stated Goal 2 policies and strategies through the application of development codes and overlay district regulations and in the OCMC that are acknowledged as consistent with the Statewide land use planning goals of the State of Oregon, and through the application of engineering and public works design standards for stormwater management, erosion control and drainage.

GOAL 3

Ensure the safety of residents and property by supporting plans, programs, and investments that minimize the impacts of future natural hazard events and aid in rapid response and recovery.

POLICY 3.2 Restrict development in unsafe areas and where development would increase hazard impacts, such as steep slopes, landslides, wetlands, streams, and floodplains.

The general development plan is consistent with the stated Goal 3, policies and strategies through the application of the Clackamas County Hazard Mitigation Plan and through application of development codes and overlay district regulations in the OCMC.

GOAL 4

Ensure the environmental and economic health of the Willamette River Greenway (WRG) as a key feature of Oregon City and the broader region

POLICY 4.1 Protect the significant fish and wildlife habitat of the Willamette River by maximizing the preservation of trees and vegetative cover.

POLICY 4.2 Preserve major scenic views, drives and sites of the WRG.

POLICY 4.3 Encourage access to and along the river consistent with the Oregon City Park and Recreation Master Plan.

POLICY 4.5 Protect and maintain parks and recreation areas and facilities along the Willamette River to minimize effects in the WRG, in accordance with the Oregon City Park and Recreation Master Plan.

The general development plan is consistent with the stated Goal 4, policies and strategies through the application of the application of development codes and overlay district regulations in the OCMC.

7. *The proposed general development plan is consistent with the underlying zoning district(s) and any applicable overlay zone or concept plans.*

Finding: complies as proposed. As shown in the findings in this report, the proposed general development plan is consistent with the underlying I - Institutional zoning district and relevant overlay district. The proposed General Development Plan does not significantly alter the site usage from its current usage.

17.65.060 - Detailed development plan.

Finding: complies as proposed. The applicant acknowledges the requirements of the Detailed Development Plan outlined in this section. This information will be included at a future date in conjunction with the submission of the Detailed Development Plan.

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: not applicable. The applicant is not requesting any adjustments at this time, therefore these standards do not apply to this project.

- 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: not applicable. The applicant is not requesting any adjustments for the project at this time, therefore these standards do not apply to this development.

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. The applicant is not requesting any adjustments for the project at this time, therefore these standards do not apply to this development.

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: complies as proposed. The applicant acknowledges the amendment requirements as outlined above.

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 as proposed. The applicant acknowledges the amendment requirements as outlined above.

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 as proposed. The applicant acknowledges the effective date of the General Development Plan relative to the land use regulations that will govern the development of the project site.

CHAPTER 12.04 – STREETS SIDEWALKS AND PUBLIC SPACES

12.04.005 - Jurisdiction and management of the public rights-of-way.

- A. *The City has jurisdiction and exercises regulatory management over all public rights-of-way within the City under authority of the City Charter and state law by issuing separate public works right-of-way permits or permits as part of issued public infrastructure construction plans. No work in the public right-of-way shall be done without the proper permit. Some public rights-of-way within the city are regulated by the State of Oregon Department of Transportation (ODOT) or Clackamas County and as such, any work in these streets shall conform to their respective permitting requirements.*
- C. *The City has jurisdiction and exercises regulatory management over each public right-of-way whether the City has a fee, easement, or other legal interest in the right-of-way. The City has jurisdiction and regulatory management of each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.*
- D. *No person may occupy or encroach on a public right-of-way without the permission of the City. The City grants permission to use rights-of-way by franchises, licenses and permits.*
- E. *The exercise of jurisdiction and regulatory management of a public right-of-way by the City is not official acceptance of the right-of-way, and does not obligate the City to maintain or repair any part of the right-of-way.*

Finding: Applicable. The City of Oregon City has jurisdiction over Clackamette Drive & Main Street. Although the project does not directly front McLoughlin Boulevard, transportation activities at the park may impact the McLoughlin Boulevard & Dunes Drive intersection due to its close proximity. McLoughlin Boulevard is a road under jurisdiction of the Oregon Department of Transportation.

12.04.025 - Driveways.

Driveways shall be reviewed in accordance with OCMC 16.12.035. Driveway requirements may be modified through the procedures in OCMC 16.12.013.

Finding: Applicable. See 16.12.035 for more information.

12.04.030 - Maintenance and repair.

The owner of land abutting the street where a sidewalk has been constructed shall be responsible for maintaining said sidewalk and abutting curb, if any, in good repair.

Finding: Not applicable. Existing sidewalk of the street abutting the development property is in good repair and the city has not found the need to make repairs at the at the time of application.

12.04.032 - Required sidewalk repair.

- A. *When the Public Works Director determines that repair of a sidewalk is necessary, written notice shall be provided to the owner of property adjacent to the defective sidewalk.*
- B. *The notice shall require the owner of the property adjacent to the defective sidewalk to complete the repair of the sidewalk within ninety days after the service of notice. The notice shall also state that if the repair is not made by the owner, the City may do the work and the cost of the work shall be assessed against the property adjacent to the sidewalk.*
 - 1. *All sidewalks hereafter constructed in the City on improved streets shall be constructed to city standards and widths required in the Oregon City Transportation System Plan and OCMC 16.12. Sidewalks and curbs are to be constructed according to plans and specifications approved by the City Engineer.*
 - 2. *Sidewalks constructed on unimproved streets shall be constructed of concrete according to lines and grades approved by the City Engineer. On unimproved streets, curbs do not have to be constructed.*
- C. *The Public Works Director shall cause a copy of the notice to be served personally upon the owner of the property adjacent to the defective sidewalk, or the notice may be served by registered or certified mail, return receipt requested. If after diligent search the owner is not discovered, the Public Works Director shall cause a copy of the notice to be posted in a conspicuous place on the property, and such posting shall have the same effect as service of notice by mail or by personal service upon the owner of the property.*
- D. *The person serving the notice shall file with the City recorder a statement stating the time, place and manner of service or notice.*

Finding: Not applicable. The existing sidewalk of the street abutting the development property is in good repair and the city has not found the need to make repairs at the at the time of application.

12.04.050 - Retaining walls—Required.

Every owner of a lot within the City, abutting upon an improved street, where the surface of the lot or tract of land is above the surface of the improved street and where the soil or earth from the lot, or tract of land is liable to, or does slide or fall into the street or upon the sidewalk, or both, shall build a retaining wall, the outer side of which shall be on the line separating the lot, or tract of land from the improved street, and the wall shall be so constructed as to prevent the soil or earth from the lot or tract of land from falling or sliding into the street or upon the sidewalk, or both, and the owner of any such property shall keep the wall in good repair.

Finding: Not Applicable. No retaining walls exist or are proposed on this project adjacent to the public sidewalk.

12.04.100 - 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 Standard in effect at the time a right-of-way 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: Not applicable. Excavation is not proposed.

12.04.120 - Obstructions—Permit required.

- A. Permanent Obstructions. It is unlawful for any person to place, put or maintain any obstruction, other than a temporary obstruction, as defined in subsection B. of this section, in any public street or alley in the City, without obtaining approval for a right-of-way permit from the City Commission by passage of a resolution.*
- 1. The City Engineer shall provide applicants with an application form outlining the minimum submittal requirements.*
 - 2. The applicant shall submit at least the following information in the permitting process in order to allow the City Commission to adequately consider whether to allow the placement of an obstruction and whether any conditions may be attached:*
 - a. Site plan showing right-of-way, utilities, driveways as directed by staff;*
 - b. Sight distance per OCMC 10.32, Traffic Sight Obstructions;*
 - c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);*
 - d. Alternative routes if necessary;*
 - e. Minimizing obstruction area; and*
 - f. Hold harmless/maintenance agreement.*
 - 3. If the City Commission adopts a resolution allowing the placement of a permanent obstruction in the right-of-way, the City Engineer shall issue a right-of-way permit with any conditions deemed necessary by the City Commission.*
 - 4. Signage that acts as an obstruction is approved through OCMC 15.28*
- B. Temporary Obstructions.*
- 1. A "temporary obstruction" is defined as an object placed in a public street, sidewalk, road, or alley which is not permanently anchored to another surface such as the pavement, sidewalk, or a building. A "temporary obstruction" includes, but is not limited to, moving containers, debris dumpsters, and seating.*
 - a. Planters and benches are exempt from permitting unless the City Engineer finds by inspection that the planter or bench is impeding use of the right-of-way. If deemed an impeding use, a planter or bench will comply with the requirements for temporary obstructions.*
 - 2. The City Engineer, or designee, is authorized to grant a permit for a temporary obstruction.*
 - 3. The City Engineer shall provide applicants with an application form outlining the minimum submittal requirements.*
 - 4. The applicant shall submit, and the City Engineer, or designee, shall consider, at least the following items in the permitting process. Additional information may be required in the discretion of the City Engineer:*
 - a. Site plan showing right-of-way, utilities, driveways as directed by staff;*
 - b. Sight distance per OCMC 10.32, Traffic Sight Obstructions;*

- c. *Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);*
- d. *Handicap accessible route complying with Americans with Disability Act (ADA) standards.*
- e. *Alternative routes if necessary;*
- f. *Minimizing obstruction area; and*
- g. *Hold harmless/maintenance agreement.*
- 5. *In determining whether to issue a right-of-way permit to allow a temporary obstruction, the City Engineer may issue such a permit only after finding that the following criteria have been satisfied:*
 - a. *The obstruction will not unreasonably impair the safety of people using the right-of-way and nearby residents;*
 - b. *The obstruction will not unreasonably hinder the efficiency of traffic affected by the obstruction;*
 - c. *No alternative locations are available that would not require use of the public right-of-way; and;*
 - d. *Any other factor that the City Engineer deems relevant.*
- 6. *The permittee shall post a weatherproof copy of the temporary obstruction permit in plain view from the right-of-way.*
- 7. *Types*
 - a. *A short-term temporary obstruction is allowed for a period of not more than 60 consecutive calendar days. It is permitted with a temporary obstruction in the right-of-way permit.*
 - b. *A long-term temporary obstruction is allowed for a period of not more than one year, and it is permitted with a renewable right-of-way permit.*
- 8. *Signage that acts as an obstruction is approved through OCMC 15.28*

C. *Fees. The fee for obtaining a right-of-way permit for either a permanent obstruction or a temporary obstruction shall be set by resolution of the City Commission.*

Finding: Not Applicable. No obstructions are proposed within the right of way.

12.04.150 - Street and alley vacations—Cost.

At the time of filing a petition for vacation of a street, alley or any part thereof, a fee as established by City Commission resolution shall be paid to the City. The City Commission, upon hearing such petition, may grant the same in whole or in part, or may deny the same in whole or in part, or may grant the same with such reservations as would appear to be for the public interest, including reservations pertaining to the maintenance and use of underground public utilities in the portion vacated.

Finding: Not Applicable. No vacations are proposed as part of this application.

12.04.170 - Street design—Purpose and general provisions.

All development shall be in conformance with the city's public facility master plans, public works policies, standard drawings and engineering specifications. All streets shall be reviewed and approved by the city engineer prior to construction. All streets and driveway connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat or site planning and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

Finding: See findings from chapter 16.12 of this report.

12.04.270 - Standard construction specifications.

The workmanship and materials for any work performed under permits issued per this chapter shall be in accordance with the current edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the City in accordance with this ordinance, in effect at the time of

application. The exception to this requirement is where this chapter and the Public Works Street Standard Drawings provide other design details, in which case the requirements of this chapter and the Public Works Street Standard Drawings shall control. In the case of work within ODOT or Clackamas County rights-of-way, work shall be in conformance with their respective construction standards.

Finding: Not applicable. Construction or associated permits are not pursued with this application. Subsequent DDPs which propose and require construction permits will be subject to this code section.

CHAPTER 13.12 – STORMWATER MANAGEMENT

13.12.050 - Applicability and exemptions.

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

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

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

Those facilities exempted from the stormwater conveyance requirements by the above subsection will remain subject to the requirements of the Oregon Uniform Plumbing Code. Those exempted facilities shall be reviewed by the Building Official.

Finding: Applicable. Connection to a public stormwater conveyance system is required to serve this development.

B. Water Quality and Flow Control. The water quality and flow control requirements of this chapter shall apply to the following proposed uses or developments, unless exempted under subsection C:

- 1. Activities located wholly or partially within water quality resource areas pursuant to OCMC 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the NROD or will disturb more than one thousand square feet of existing impervious surface within the NROD as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given five-year period; or*
- 2. Activities that create or replace more than five thousand square feet of impervious surface, cumulated over any given five-year period.*

Finding: Applicable. The proposed master plan will create more than five hundred square feet of impervious surface.

C. Exemptions. The following exemptions to subsection B of this section apply:

- 1. An exemption to the flow control requirements of this chapter will be granted when the development site discharges to the Willamette River, Clackamas River or Abernethy Creek; and either lies within the one hundred-year floodplain or is up to ten feet above the design flood elevation as defined in OCMC 17.42, provided that the following conditions are met:*
 - a. The project site is drained by a conveyance system that is comprised entirely of manmade elements (e.g. pipes, ditches, culverts outfalls, outfall protection, etc.) and extends to the ordinary high water line of the exempt receiving water; and*
 - b. The conveyance system between the project site and the exempt receiving water has sufficient hydraulic capacity and erosion stabilization measures to convey discharges from the proposed conditions of the project site and the existing conditions from non-project areas from which runoff is collected.*

2. Projects in the following categories are generally exempt from the water quality and flow control requirements:

- a. Stream enhancement or restoration projects approved by the City.
- b. Farming practices as defined by ORS 30.960 and farm use as defined in ORS 214.000; except that buildings associated with farm practices and farm use are subject to the requirements of this chapter.
- c. Actions by a public utility or any other governmental agency to remove or alleviate an emergency condition.
- d. Road and parking area preservation/maintenance projects such as pothole and square cut patching, surface sealing, replacing or overlaying of existing asphalt or concrete pavement, provided the preservation/maintenance activity does not expand the existing area of impervious coverage above the thresholds in subsection B of this section.
- e. Pedestrian and bicycle improvements (sidewalks, trails, pathways, and bicycle paths/lands) where no other impervious surfaces are created or replaced, built to direct stormwater runoff to adjacent vegetated areas.
- f. Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics.
- g. Maintenance or repair of existing utilities.

Finding: Applicable. An exemption to the flow control requirements of this chapter is applicable because the development site is downstream of the existing stormwater infrastructure and will need to discharge to the Willamette River or Clackamas River. The site also lies within the one hundred-year floodplain and is within ten feet of the design flood elevation as defined in OCMC 17.42. The project site can be drained by a conveyance system that is comprised entirely of manmade elements (e.g. pipes, ditches, culverts outfalls, outfall protection, etc.) and extends to the ordinary high water line of the exempt receiving water.

D. Uses Requiring Additional Management Practices. In addition to any other applicable requirements of this chapter, the following uses are subject to additional management practices, as defined in the Public Works Stormwater and Grading Design Standards:

- 1. Bulk petroleum storage facilities;
- 2. Above ground storage of liquid materials;
- 3. Solid waste storage areas, containers, and trash compactors for commercial, industrial, or multi-family uses;
- 4. Exterior storage of bulk construction materials;
- 5. Material transfer areas and loading docks;
- 6. Equipment and/or vehicle washing facilities;
- 7. Development on land with suspected or known contamination;
- 8. Covered vehicle parking for commercial or industrial uses;
- 9. Industrial or commercial uses locating in high traffic areas, defined as average daily count trip of two thousand five hundred or more trips per day; and
- 10. Land uses subject to DEQ 1200-Z Industrial Stormwater Permit Requirements.

Finding: Not Applicable. The development has not proposed use of the land that requires additional management practices as defined in the Public Works Stormwater and Grading Design Standards.

13.12.080 - Submittal requirements.

- A. Applications subject to stormwater conveyance, water quality, and/or flow control requirements of this chapter shall prepare engineered drainage plans, drainage reports, and design flow calculation reports in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards.
- B. Each project site, which may be composed of one or more contiguous parcels of land, shall have a separate valid city approved plan and report before proceeding with construction.

Finding: Not applicable. Construction activities are not proposed. So a preliminary stormwater report and stormwater plan is not required at this time. However, stormwater report(s) will be required for each phase of the development. **See findings from section 13.12.090 of this report.**

13.12.090 - Approval criteria for engineered drainage plans and drainage report.

An engineered drainage plan and/or drainage report shall be approved only upon making the following findings:

A. The plan and report demonstrate how the proposed development and stormwater facilities will accomplish the purpose statements of this chapter.

B. The plan and report meet the requirements of the Public Works Stormwater and Grading Design Standards adopted by resolution under OCMC 13.12.020.

C. The storm drainage design within the proposed development includes provisions to adequately control runoff from all public and private streets and roof, footing, and area drains and ensures future extension of the current drainage system.

D. Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams.

E. Specific operation and maintenance measures are proposed that ensure that the proposed stormwater quantity control facilities will be properly operated and maintained.

Finding: Complies as conditioned. Construction activities are not proposed so the application package did not include a preliminary stormwater report and stormwater plan sheet, prepared by a professional, licensed civil engineer. Detailed Development Plans (DDPs) within the master plan area shall provide 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 of the Public Works Stormwater and Grading Design Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.100 - Alternative materials, alternative design and methods of construction.

The provisions of this chapter are not intended to prevent the use of any material, alternate design or method of construction not specifically prescribed by this chapter or the Public Works Stormwater and Grading Design Standards, provided any alternate has been approved and its use authorized by the City Engineer. The City Engineer may approve any such alternate, provided that the City Engineer finds that the proposed design is satisfactory and complies with the intent of this chapter and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed by this chapter in effectiveness, suitability, strength, durability and safety. The City Engineer shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered in the City files.

Finding: Not Applicable. The applicant has not proposed alternative design methods requiring special approval by the City Engineer. However, should the applicant propose such methods with the public facilities construction plan submittal, the proposal will be reviewed and approved by the City Engineer as required.

13.12.110 - Transfer of engineering responsibility.

Project drainage plans shall always have a project engineer. If the project engineer is changed during the course of the work, the City shall be notified in writing and the work shall be stopped until the replacement engineer has agreed to accept the responsibilities of the project engineer. The new project engineer shall provide written notice of accepting project responsibility to the City within seventy-two hours of accepting the position as project engineer.

Finding: Complies as conditioned. The developer is required to execute a "Developer/Engineer Agreement for Public Works Improvements" per section 16.12.014.

13.12.120 - Standard construction specifications.

The workmanship and materials shall be in accordance with the current edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the City, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Stormwater and Grading Design Standards provide other design details, in which case the requirements of this chapter and the Public Works Stormwater and Grading Design Standards shall be complied with.

Finding: Not applicable. Construction or associated permits are not pursued with this application. Subsequent DDPs which propose and require construction permits will be subject to this code section.

13.12.140 - Maintenance of public stormwater facilities.

A. A stormwater facility that receives stormwater runoff from a public right-of-way shall be a public facility. Upon expiration of the warranty period and acceptance by the City as described below, the City shall be responsible for maintenance of those public stormwater facilities. Access for maintenance of the stormwater facilities shall be provided to the City through the granting of a stormwater easement or other means acceptable to the City.

Finding: Not applicable. The applicant has not proposed public stormwater facilities. Maintenance of public stormwater facilities will depend on what each individual Detailed Development Plan (DDP) within the master plan proposes regarding stormwater management.

B. Responsibility for maintenance of stormwater facilities including all landscaping, irrigation systems, structures and appurtenances shall remain with the property owner/developer for two years (known as the warranty period). The owner/developer shall provide the City a separate two-year landscaping maintenance surety bond for one hundred ten percent of the landscaping cost. Transfer of maintenance of stormwater conveyance systems shall occur when the City accepts the stormwater conveyance system.

Finding: Not applicable. The applicant has not proposed public stormwater facilities. Maintenance of public stormwater facilities will depend on what each individual Detailed Development Plan (DDP) within the master plan proposes regarding stormwater management.

13.12.145 - Maintenance of private stormwater facilities.

A. An applicant shall submit an operation and maintenance plan for each proposed stormwater facilities, unless exempted in the Public Works Stormwater and Grading Design Standards. The information in the operation and maintenance plan shall satisfy the requirements of the Public Works Stormwater and Grading Design Standards.

B. Private owners are required to inspect and maintain stormwater facilities on their property in accordance with an approved operation and maintenance plan. A maintenance log is required to document facility inspections and specific maintenance activities. The log shall be available to City inspection staff upon request.

C. Failure to operate or maintain a stormwater facility according to the operation and maintenance plan may result in an enforcement action under Section 13.12.150.

Finding: Not applicable. The applicant has not proposed stormwater facilities. Maintenance of public stormwater facilities will depend on what each individual Detailed Development Plan (DDP) within the master plan proposes regarding stormwater management.

13.12.170 - Permits from other jurisdictions.

A. The Oregon State Department of Environmental Quality (DEQ) currently issues NPDES 1200-C permits for projects that cover areas of one acre or greater. No permit shall be issued for projects of this size (or any other size as modified by DEQ) without a copy of said DEQ permit being on file with Oregon City. DEQ is responsible for policing its own permits; however, if City personnel observe conditions that are believed to be in violation of any

such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate DEQ representatives.

Finding: Complies as conditioned. The development site exceeds 1.0 acre in disturbed area. The developer for future DDPs shall obtain a 1200-C (NPDES) permit from Oregon Department of Environmental Quality (DEQ) for construction activities one acre or greater prior to receiving any city permits for construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

B. Projects may require Oregon State Division of State Lands (DSL) and/or United States Army Corps of Engineers (USACE) permits. If such permits are required, no permission to construct will be granted until such a time as a copy of such permit is on file with the City or notice is received from those agencies that a permit is not required. DSL/USACE is responsible for enforcing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate DSL/USACE representatives.

Finding: Complies as conditioned. If construction activities are proposed within the jurisdiction of Oregon State Division of State Lands (DSL) and/or United States Army Corps of Engineers (USACE), the developer shall obtain permits from those government agencies. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. Projects may require Oregon State Department of Fish and Wildlife (ODFW) permits. When ODFW permits are required, no work will be authorized until the receipt of a copy of the ODFW permit. ODFW is responsible for policing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate ODFW representatives.

Finding: Complies as conditioned. If construction activities are proposed within the jurisdiction of Oregon State Department of Fish and Wildlife (ODFW), the developer shall obtain permits from those government agencies. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the**

CHAPTER 15.48 – GRADING, FILLING AND EXCAVATING

15.48.030 Applicability—Grading permit required.

A. A city-issued grading permit shall be required before the commencement of any of the following filling or grading activities:

- 1. Grading activities in excess of ten cubic yards of earth;*
- 2. Grading activities which may result in the diversion of existing drainage courses, both natural and man-made, from their natural point of entry or exit from the grading site;*
- 3. Grading and paving activities resulting in the creation of impervious surfaces greater than two thousand square feet or more in area;*
- 4. Any excavation beyond the limits of a basement or footing excavation, having an unsupported soil height greater than five feet after the completion of such a structure; or*
- 5. Grading activities involving the clearing or disturbance of one-half acres (twenty-one thousand seven hundred eighty square feet) or more of land.*

B. Those fill and grading activities proposed to be undertaken in conjunction with a land use application, including but not limited to subdivisions, planned unit developments, partitions and site plan reviews, are subject to the standards of this chapter. However, a separate grading permit is not required. Approval of the

construction plans submitted through the land use application process shall constitute the grading permit required under this chapter.

Finding: Not applicable. No grading activity is proposed or required. Fill and grading activities will need to be proposed in conjunction with subsequent DDP. The entirety of this chapter is not applicable at this time.

15.48.040 - Grading permit exemptions.

The following filling and grading activities shall not require the issuance of a grading permit:

A. Excavation for utilities, or for wells or tunnels allowed under separate permit by other governmental agencies;
 B. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. The placement of any fill material removed from such an excavation requires a grading permit if:

1. It exceeds fifty cubic yards,
2. More than ten cubic yards are removed from the site, or
3. The fill is placed on the site to a depth greater than one foot;

C. Farming practices as defined in ORS 30.930 and farm uses as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this chapter;

D. Excavation for cemetery graves;

E. Sandbagging, diking, ditching, filling or similar work when done to protect life or property during an emergency;

F. Repaving of existing paved surfaces that does not alter existing drainage patterns;

G. Maintenance work on public roads performed under the direction of the city, Clackamas County or Oregon State Department of Transportation personnel.

Finding: Not Applicable. The application does not qualify for an exemption.

15.48.090 Submittal requirements.

An engineered grading plan or an abbreviated grading plan shall be prepared in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards whenever a city approved grading permit is required. In addition, a geotechnical engineering report and/or residential lot grading plan may be required pursuant to the criteria listed below.

A. Abbreviated Grading Plan. The city shall allow the applicant to submit an abbreviated grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards if the following criteria are met:

1. No portion of the proposed site is within the flood management area overlay district pursuant to [Chapter 17.42](#), the unstable soils and hillside constraints overlay district pursuant to [Chapter 17.44](#), or a water quality resource area pursuant to [Chapter 17.49](#); and

CHAPTER 16.12 – MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT

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 development; 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: Not Applicable. No modification has been requested.

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

Finding: Not Applicable. No modification has been requested.

3. The modification is consistent with an adopted transportation or utility plan; and

Finding: Not Applicable. No modification has been requested.

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

Finding: Not Applicable. No modification has been requested.

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 modification has been requested.

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.*

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: Complies as conditioned. Each individual phase of the master plan shall submit or address all items in section 16.12.014 of the Oregon City Municipal Code based on the timing requirements contained therein and as deemed applicable by the City.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

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 as conditioned. The development is adjacent to several city Transportation System Plan projects and must fulfil the following projects. The development is also adjacent to Regional Trail R1 identified in the Oregon City Trails Master Plan. Project C1 of the Transportation System Plan (TSP) shall be completed with completion of the RV Park located on the south side of Main Street. TSP projects S1 and W2 shall be completed when the master plan completes more than 75% of the master plan.

S1 – Shared-Use Path (this path will fulfill a portion of Regional Trail R1): Add a 10-foot-wide (or wider) shared-use path on the north side of the Main Street which connects to the pedestrian path for the park.

W2 – Main Street Sidewalk Infill. (A shared-use path added per project S1 may fulfill a portion of this): Construction sidewalk along the frontage of the development properties (along Main Street and Clackamette Drive).

C1 – Clackamette Drive Crossing. Provide an ADA compliant crosswalk (including ADA compliant curb ramps) and pedestrian activated signal from Clackamette Park overflow lot to the Clackamette Park entrance.

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.

	<i>Industrial</i>	<i>118 ft.</i>	<i>86 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>10.5 ft.</i>	<i>6 ft.</i>	<i>7 ft.</i>	<i>(5) 12 ft. Lanes</i>	<i>N/A</i>
	<i>Residential</i>	<i>100 ft.</i>	<i>68 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>10.5 ft.</i>	<i>6 ft.</i>	<i>7 ft.</i>	<i>(3) 12 ft. Lanes</i>	<i>6 ft.</i>

<i>Road Classification</i>	<i>Comprehensive Plan Designation</i>	<i>Right-of-Way Width</i>	<i>Pavement Width</i>	<i>Public Access</i>	<i>Sidewalk</i>	<i>Landscape Strip</i>	<i>Bike Lane</i>	<i>Street Parking</i>	<i>Travel Lanes</i>	<i>Median</i>
<i>Collector</i>	<i>Mixed Use, Commercial or Public/Quasi Public</i>	<i>86 ft.</i>	<i>64 ft.</i>	<i>0.5 ft.</i>	<i>10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells</i>		<i>6 ft.</i>	<i>8 ft.</i>	<i>(3) 12 ft. Lanes</i>	<i>N/A</i>
	<i>Industrial</i>	<i>88 ft.</i>	<i>62 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>7.5 ft.</i>	<i>6 ft.</i>	<i>7 ft.</i>	<i>(3) 12 ft. Lanes</i>	<i>N/A</i>
	<i>Residential</i>	<i>85 ft.</i>	<i>59 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>7.5 ft.</i>	<i>6 ft.</i>	<i>7 ft.</i>	<i>(3) 11 ft. Lanes</i>	<i>N/A</i>

<i>Road Classification</i>	<i>Comprehensive Plan Designation</i>	<i>Right-of-Way Width</i>	<i>Pavement Width</i>	<i>Public Access</i>	<i>Sidewalk</i>	<i>Landscape Strip</i>	<i>Bike Lane</i>	<i>Street Parking</i>	<i>Travel Lanes</i>	<i>Median</i>
<i>Local</i>	<i>Mixed Use, Commercial or Public/Quasi Public</i>	<i>62 ft.</i>	<i>40 ft.</i>	<i>0.5 ft.</i>	<i>10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells</i>		<i>N/A</i>	<i>8 ft.</i>	<i>(2) 12 ft. Lanes</i>	<i>N/A</i>
	<i>Industrial</i>	<i>60 ft.</i>	<i>38 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>5.5 ft.</i>	<i>(2) 19 ft. Shared Space</i>		<i>N/A</i>	
	<i>Residential</i>	<i>54 ft.</i>	<i>32 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>5.5 ft.</i>	<i>(2) 16 ft. Shared Space</i>		<i>N/A</i>	

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 as conditioned. Roads along the frontage of the development are improved to city requirements (automobile travel lanes and bike lanes are present) but there are gaps in sidewalk along the frontage of the development. Main Street and Clackamette Drive are functionally classified as “Collector” roads and the development property is zoned “Mixed Use or Institutional”. Construction of sidewalk gaps can be fulfilled by meeting requirements stated in findings from 16.12.015. Zoning designation of the development property requires placement of street trees in 5’x5’ but this may not be viable due to site topography along the existing roadway. Street trees shall be placed in 5’x5’ tree wells or in other acceptable locations, as prescribed by OCMC 12.08. Tree wells, if utilized, shall not encroach into the 10-foot-wide pedestrian path required along the frontage of the development. The Detailed Development Plan (DDP) proposed with this master plan shall provide 10-foot-wide sidewalk with 5’x5’ tree wells along the west side of Clackamette Drive or provide an ADA compliant 10-foot-wide (or wider) shared use path which provides pedestrian connectivity between Main Street and Clackamette Drive (this path will also fulfill Regional Trail R1).

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: See findings from 16.12.016 regarding required sidewalks.

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: See findings from 16.12.016 regarding required Pedestrian and Bicycle Accessways Routes.

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: See findings from 16.12.015 regarding required traffic control devices.

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: Complies as conditioned. The DDPs proposed with this master plan shall provide street lights along all street frontages in conformance with all City standards, specifications, codes, and policies and as approved by Portland General Electric (PGE). The applicant shall submit photometric plans for DDPs. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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: Not Applicable. A new street with a pavement width of less than thirty-two feet has not been proposed.

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: See section 12.08 regarding placement of street trees.

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: Not Applicable. The decision maker has not approved access easements in lieu of streets nor has dedication of a street been deemed impracticable.

H. Vehicular and pedestrian easements shall allow for public access and shall comply with all applicable pedestrian access requirements.

Finding: Not Applicable. No vehicular or pedestrian easements are proposed.

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: Not Applicable. No new streets with access control are required.

B. The City may grant a permit for the adjoining owner to access through the access control.

Finding: Not Applicable. No new streets with an access control are required.

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: Not Applicable. No new streets with access control are required.

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: Not Applicable. No new streets with access control are required.

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 as Proposed. The proposed street alignments conceptually meet the City requirements.

16.12.019 - Traffic sight obstructions.

All new streets shall comply with the Traffic Sight Obstructions in Chapter 10.32.

Finding: Not applicable. No new streets are proposed.

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: Not Applicable. No new intersections are being created and existing intersections meet city standards.

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.

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: Not Applicable. The development does not abut or create an arterial or collector street.

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: Not Applicable. The development does not require a street design that discourages use by non-local traffic. The City Engineer has not required 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.

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: Not Applicable. This application does not propose any half streets.

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: Not Applicable. No cul-de-sacs or dead-end streets are proposed or required for this development.

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: Not Applicable. No cul-de-sacs or dead-end streets are proposed or required for this development.

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: Not Applicable. No cul-de-sacs or dead-end streets are proposed or required for this development.

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: Not Applicable. No cul-de-sacs or dead-end streets are proposed or required for this development.

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: Not Applicable. No cul-de-sacs or dead-end streets are proposed or required for this development.

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: Not Applicable. Alleys are not proposed or required for this development.

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: Not Applicable. Off-site street improvements are not proposed or required for this development.

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 as Proposed. No new streets are required or proposed and the existing streets adjacent to the development are laid out in a manner that promotes pedestrian and bicycle circulation.

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: Not applicable. Excavation or pavement cuts are not proposed with the masterplan. Subsequent DDPs will be subject to this code section if excavation or pavement cuts are proposed within existing or future streets.

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: Not applicable. The development property is a park and it is bordered by rivers on all but one side. Any through connection created by a street will provide connectivity between adjacent properties.

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: Not applicable. No new street is required or proposed.

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: See findings from 16.12.015 & 16.12.015 regarding off-street pedestrian and bicycle accessways.

A. Entry points shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections.

Finding: Complies as conditioned. Entry points for accessways (sidewalks & shared-use paths relating to TSP S1 & W2) shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

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 conditioned. The width of the accessways will be dictated by the requirements of the TSP and the Oregon City Trails Master Plan for Regional Trail. Accessways (sidewalks & shared-use paths relating to TSP S1 & W2) shall be free of horizontal obstructions and have a nine foot six inch high vertical clearance to accommodate bicyclists. See 16.12.015 & 16.12.015 for other dimensional requirements for the accessway. **Staff**

has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

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: Not applicable. The accessway may be located within an area with large trees and vegetation which could obstruct visibility of the accessway from end points.

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 conditioned. Accessway (sidewalks & shared-use paths relating to TSP S1 & W2) lighting shall be 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. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. Accessways shall comply with Americans with Disabilities Act (ADA).

Finding: Complies as conditioned. Accessways (sidewalks & shared-use paths relating to TSP S1 & W2) shall comply with Americans with Disabilities Act (ADA). **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.*

Finding: Not applicable. The development is a park property and will have vegetation throughout the site.

G. Accessways shall be designed to prohibit unauthorized motorized traffic. Curbs and removable, lockable bollards are suggested mechanisms to achieve this.

Finding: Complies as Proposed. Accessways (sidewalks & shared-use paths relating to TSP S1 & W2) shall be designed to prohibit unauthorized motorized traffic (E.G. curbs, removable bollards or equal). **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Complies as Proposed. Accessway (sidewalks & shared-use paths relating to TSP S1 & W2) surfaces shall be paved with all-weather materials as approved by the City. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Not Applicable. The path must be ADA compliant.

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.

Finding: Not Applicable. No alternative design has been proposed for pedestrian and bicycle accessways.

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 conditioned. The applicant shall provide a covenant over the pedestrian and bicycle accessways which are not part of an existing or proposed public right-of-way and be responsible for the future maintenance and liability. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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 Thoroughway 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 Thoroughway 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.

Finding: Complies as conditioned. The applicant seeks development approval for a master plan. Although the project does not directly front McLoughlin Boulevard, transportation activities at the park may impact McLoughlin Boulevard due to its close proximity to the McLoughlin Boulevard & Dunes Drive intersection. McLoughlin Boulevard is under the jurisdiction of the Oregon Department of Transportation. Detailed development plan (DDPs) associated with this master plan shall demonstrate compliance with intersection mobility standards per 16.12.033. If there are adverse impacts to the McLoughlin Boulevard & Dunes Drive intersection, future DDPs shall coordinate the Oregon Department of Transportation for a remedy.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

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. There is an existing driveway on the property south of the proposed RV Park. This driveway is approximately 27 feet away from the shared property line. Driveways shall meet the minimum driveway spacing standards identified in Table 16.12.035.A (specifically for Collector Streets). **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: Not applicable. The development is not a single or two family residential development.

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: Not applicable. The driveway proposed will not generate high traffic volumes.

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 proposed development shows one driveway per lot frontage.

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 proposed development fronts roads with the same classification and the preliminary plan shows one driveway per frontage.

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 with Condition. Driveways shall meet the minimum driveway width standards identified in Table 16.12.035.D. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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: Not Applicable. No restrictions are proposed by the City Engineer.

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 with Condition. Driveways shall meet standards identified in 16.12.035.H. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

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 sections 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: Complies with Condition. The development property is zoned institutional. The DDPs proposed with this master plan shall provide, at a minimum, a 5-foot-wide public utility easement (PUE) along all property lines fronting existing or proposed right-of-way. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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: Not applicable. New easements for unusual facilities are required for this development.

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: Applicable. The development property is within the Willamette River Greenway Overlay District & Natural Resource Overlay District. See requirements of 17.48 & 17.49.

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: Not Applicable. The application has not proposed any joint access use; therefore, no access easements are required.

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: Applicable. The development property is within the Willamette River Greenway Overlay District & Natural Resource Overlay District. See requirements of 17.48 & 17.49.

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: Commencement of improvement work is further restricted by the requirements of section 16.12.014; see section 16.12.014 of this report for associated findings.

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: Not applicable. This is a master plan application. No construction is proposed with this application. Subsequent DDPs will be evaluated for compliance with this code section.

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: See findings from section 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: Not applicable. Underground utilities are not proposed within existing or future streets with this application. Subsequent DDPs will be subject to this code section if underground utilities are proposed within existing or future streets.

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: Not applicable. The application does not involve any construction activities. The as-builts will be required for DDPs associated with this masterplan.

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: Not applicable. The application does not involve any construction activities. Hours of construction will be regulated for DDPs associated with this masterplan.

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 of curvature and points of tangency of their center line, and at such other points as directed by the City Engineer.

Finding: See findings from 16.12.015 & 16.12.016.

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: See findings from section 13.12 for the design of stormwater management facilities to serve the development.

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 as conditioned. The development does not need to improve or extend the exiting sanitary sewer infrastructure. The property and surrounding developable properties are adjacent to an existing usable sanitary sewer main. The site is currently served with a 6-inch sanitary sewer connection. The development has not proposed any changes to the existing service connection. The property contains an existing Water Environment Services (WES) sanitary main. WES is proposing a new sanitary sewer main through the property. The DDPs proposed with this master plan shall coordinate with Water Environment Services (WES) to ensure subsequent DDPs and the existing and proposed WES sanitary sewer mains are not in conflict. **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 as Conditioned. The site is currently served with a 4" cast iron service main which connects from the existing 12-inch water main that runs within Clackamette Drive. There is also an existing service line from the same 12-inch main. The property and surrounding developable properties are adjacent to an existing usable water main. The development has not proposed any changes to the existing service connections. The DDP(s) proposing water infrastructure work shall abandon the existing cast iron mains/services entering the development property per Oregon City Water Distribution System Design Standards. Water service connections shall be from the existing 12-inch ductile iron water main within Main Street or Clackamette Drive, and compliant with the Oregon City Water Distribution System Design Standards. **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: See findings from section 12.08.

F. Bench Marks. At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the City Engineer.

Finding: Not applicable. The development is not a subdivision.

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 with Condition. There are no existing overhead utilities adjacent to the property frontage. New franchise utilities for DDPs shall be placed underground and all existing overhead utilities adjacent to the property frontage shall be relocated underground unless deemed infeasible by the City and franchise utility provider(s). **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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: Not Applicable. No facilities are required to be oversized as part of this application.

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 section 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: Not Applicable.** The creation of a new public street is not proposed or required.

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: Not Applicable. The applicant has not proposed the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions.

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: Not applicable. The design and construction of public streets are not proposed or required.

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: Not applicable. Construction is not proposed with this master plan. Construction proposed with subsequent DDPs will be subject to the requirements of this code section.

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 Section 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 Section 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: Complies with Condition. The property owner(s) shall sign a Restrictive Covenant Non-Remonstrance Agreement for the purpose of making storm sewer, sanitary sewer, water or street improvements in the future that benefit the property and all fees associated with processing and recording the Non-Remonstrance Agreement shall be paid. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

III. CONCLUSION AND RECOMMENDATION

Based on the analysis and findings above, staff concludes that the proposed Master Plan / General Development Plan for Clackamette Park located at 1955 Clackamette Drive and adjacent parcels, and identifies as Clackamas Assessor Map Parcels 2-2E-30 -00600, 2-2E-30 -00100, 2-2E-30 -00102, 2-2E-30 -00500, 2-2E-30 -00601, and 2-2E-30 -01300, can meet the requirements of the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report.

Therefore, the Community Development Director recommends approval with conditions, based upon the findings and exhibits contained in this staff report.

EXHIBITS:

1. Application (On File)
2. Public Comments (On File)
3. Agency Comments (On File)



NOTICE OF PLANNING COMMISSION DECISION

Date of Public Hearing: July 10, 2023

Date of Mailing of Notice of Decision: July 13, 2023

FILE NUMBERS: GLUA-23-00012
MAS-23-00001 - General Development Plan

APPLICANT: Lango Hansen Landscape Architects, Attn: Brian Martin
1100 NW Glisan St, Ste. 3A, Portland, OR 97209
Representing: Kendall Reid, Director, Oregon City Parks and Recreation Department

OWNER: City of Oregon City
625 Center St, Oregon City, OR 97045

REQUEST: Approval of a Master Plan / General Development Plan for Clackamette Park

LOCATION: 1955 Clackamette Drive and adjacent parcels.
2-2E-30 -00600, 2-2E-30 -00100, 2-2E-30 -00102, 2-2E-30 -00500,
2-2E-30 -00601, 2-2E-30 -01300

ZONING: I – Institutional, MUD – Mixed Use Downtown

REVIEWER: Pete Walter, Planning Manager
Sang Pau, Development Services Project Manager

DECISION: On July 10, 2023, after reviewing all of the evidence in the record and considering all of the arguments made by the applicant, opposing and interested parties, the Oregon City Planning Commission voted 6-0 to approve with conditions the requested Master Plan / General Development Plan application. Accordingly, the Oregon City Planning Commission adopted as its own the Staff Report with Findings and Recommended Conditions of Approval for File Numbers GLUA-23-00012 / MAS-23-00001. The complete record for the Planning Commission decision is on file at the Planning Division.

PROCESS: Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include conditional use permits, master plans, variances, code interpretations, similar use determinations and similar discretionary land use decisions. As a result, this decision will be final unless it is appealed. **The decision of the planning commission is appealable to the city commission within fourteen days of the date appearing on this notice of decision.** The requirements for filing an appeal are set forth in OCMC 17.50.190.C. 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.

Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include conditional use permits, preliminary planned unit development plans, variances, code interpretations, similar use determinations and those rezonings upon annexation under Section 17.06.050 for which discretion is provided. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission or the historic review board hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission or the historic review board, all issues are addressed. The decision of the planning commission or historic review board is appealable to the city commission, on the record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to 17.50.290(c) must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. The city commission decision on appeal from the historic review board or the planning commission is the city's final decision and is appealable to LUBA within twenty-one days of when it becomes final.

PLANNING COMMISSION FINAL CONDITIONS OF APPROVAL

GLUA-23-00012 / MAS-23-00001

(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.

1. Future Detailed Development Plans (DDPs) shall comply with the conditional approval of Planning file GLUA-23-00012 / MAS-23-00001 and any amendments within this application. (P & DS)
2. Detailed Development Plans (DDPs) within the master plan area shall provide 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 of the Public Works Stormwater and Grading Design Standards. (DS)
3. The developer for future DDPs shall obtain a 1200-C (NPDES) permit from Oregon Department of Environmental Quality (DEQ) for construction activities one acre or greater prior to receiving any city permits for construction. (DS)
4. If construction activities are proposed within the jurisdiction of Oregon State Division of State Lands (DSL) and/or United States Army Corps of Engineers (USACE), the developer shall obtain permits from those government agencies. (DS)
5. If construction activities are proposed within the jurisdiction of Oregon State Department of Fish and Wildlife (ODFW), the developer shall obtain permits from those government agencies. (DS)
6. Each individual phase of the master plan shall submit or address all items in section 16.12.014 of the Oregon City Municipal Code based on the timing requirements contained therein and as deemed applicable by the City. (DS)

7. Project C1 of the Transportation System Plan (TSP) shall be completed with completion of the RV Park located on the south side of Main Street. TSP projects S1 and W2 shall be completed by when the master plan completes more than 75% of the master plan.
 - S1 – Shared-Use Path (this path will fulfill a portion of Regional Trail R1): Add a 10-foot-wide (or wider) shared-use path on the north side of the Main Street which connects to the pedestrian path for the park.
 - W2 – Main Street Sidewalk Infill. (A shared-use path added per project S1 may fulfill a portion of this): Construction sidewalk along the frontage of the development properties (along Main Street and Clackamette Drive).
 - C1 – Clackamette Drive Crossing. Provide an ADA compliant crosswalk (including ADA compliant curb ramps) and pedestrian activated signal from Clackamette Park overflow lot to the Clackamette Park entrance. (DS)
8. Street trees shall be placed in 5'x5' tree wells or in other acceptable locations, as prescribed by OCMC 12.08. Tree wells, if utilized, shall not encroach into the 10-foot-wide pedestrian path required along the frontage of the development. The Detailed Development Plan (DDP) proposed with this master plan shall provide 10-foot-wide sidewalk with 5'x5' tree wells along the west side of Clackamette Drive or provide an ADA compliant 10-foot-wide (or wider) shared use path which provides pedestrian connectivity between Main Street and Clackamette Drive (this path will also fulfill Regional Trail R1). (DS)
9. The DDPs proposed with this master plan shall provide street lights along all street frontages in conformance with all City standards, specifications, codes, and policies and as approved by Portland General Electric (PGE). The applicant shall submit photometric plans.
10. Entry points for accessways (sidewalks & shared-use paths relating to TSP S1 & W2) shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections. (DS)
11. Accessways (sidewalks & shared-use paths relating to TSP S1 & W2) shall be free of horizontal obstructions and have a nine foot six inch high vertical clearance to accommodate bicyclists. (DS)
12. Accessway (sidewalks & shared-use paths relating to TSP S1 & W2) lighting shall be 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. (DS)
13. Accessways (sidewalks & shared-use paths relating to TSP S1 & W2) shall comply with Americans with Disabilities Act (ADA). (DS)
14. Accessways (sidewalks & shared-use paths relating to TSP S1 & W2) shall be designed to prohibit unauthorized motorized traffic (E.G. lockable bollards). (DS)
15. Accessway (sidewalks & shared-use paths relating to TSP S1 & W2) surfaces shall be paved with all-weather materials as approved by the City. (DS)
16. The applicant shall provide a covenant over the pedestrian and bicycle accessways which are not part of an existing or proposed public right-of-way and be responsible for the future maintenance and liability. (DS)
17. Detailed development plan (DDPs) associated with this master plan shall demonstrate compliance with intersection mobility standards per 16.12.033. If there are adverse impacts to the McLoughlin Boulevard & Dunes Drive intersection, future DDPs shall coordinate the Oregon Department of Transportation for a remedy. (DS)

18. Driveways shall meet the minimum driveway spacing standards identified in Table 16.12.035.A. (DS)
19. Driveways shall meet the minimum driveway width standards identified in Table 16.12.035.D (specifically for Collector Streets). (DS)
20. Driveways shall meet standards identified in 16.12.035.H. (DS)
21. The DDPs proposed with this master plan shall provide, at a minimum, a 5-foot-wide public utility easement (PUE) along all property lines fronting existing or proposed right-of-way. (DS)
22. The DDPs proposed with this master plan shall coordinate with Water Environment Services (WES) to ensure subsequent DDPs and the existing and proposed WES sanitary sewer mains are not in conflict. (DS)
23. The DDP(s) proposing water infrastructure work shall abandon the existing cast iron mains/services entering the development property per Oregon City Water Distribution System Design Standards. Water service connections shall be from the existing 12-inch ductile iron water main within Main Street or Clackamette Drive, and compliant with the Oregon City Water Distribution System Design Standards. (DS)
24. New franchise utilities for DDPs shall be placed underground and all existing overhead utilities adjacent to the property frontage shall be relocated underground unless deemed infeasible by the City and franchise utility provider(s). (DS)
25. The property owner(s) shall sign a Restrictive Covenant Non-Remonstrance Agreement for the purpose of making storm sewer, sanitary sewer, water or street improvements in the future that benefit the property and all fees associated with processing and recording the Non-Remonstrance Agreement shall be paid. (DS)
26. If construction is proposed within the geologic hazard overlay district with the DDPs associated with this master plan, those DDPs shall address the requirements of chapter 17.44. (DS)
27. All structures included in the park development will be reviewed for full compliance with the floodplain management overlay district regulations in OCMC 17.42 and other applicable regulations at the time of Detailed Development Plan review. (P)
28. When a Detailed Development Plan is proposed, the applicant shall provide a summary and description of the uses allowed outright (exempted) within the Natural Resources Overlay District and the approximate area of the project site devoted to such uses. Specifically, areas devoted to habitat restoration and enhancement shall be differentiated from areas of new NROD impact that require mitigation. (P)
29. At the time of detailed development plan the applicant shall provide a parking analysis for approval by the Community Development Director to assure that parking is sufficient and appropriate for the proposed park use. (P)
30. Should the applicant request any adjustments to the development code at the time of Detailed Development Plan submittal, those adjustments shall be reviewed through a Type III process pursuant to the OCMC 17.65.070 unless the code provides otherwise. (P)
31. This master plan shall expire twenty years from the date of issuance of the Notice of Decision pursuant to 17.65.040(F). (P)
32. To permit parcels 2-2E-30 -00601 and 2-2E-30 -00500 to be used for a city-owned RV park, the following zoning amendments will be necessary.
 1. Zoning Code text amendment. Amend the zoning code to allow overnight camping in a recreational vehicle as a permitted use in the I - Institutional Zone District.

2. Comprehensive Plan map amendment. Amend the Comprehensive Plan map to change the current comprehensive plan designation of parcels 2-2E-30 -00601 and 2-2E-30 -00500 from Mixed Use Downtown to P – Public.
3. Zoning Map amendment. Amend the Zoning map to change the zoning of parcels 2-2E-30 -00601 and 2-2E-30 -00500 from Mixed Use Downtown to I – Institutional.

The three processes described above may be pursued concurrently, but require a separate Type IV process pursuant to OCMC 17.68 – Zoning Changes and Amendments, which should occur independently following approval of this master plan. As a condition of approval of this master plan and prior to the approval of a detailed development plan or any other site specific development plan for the city-owned RV park on parcels 2-2E-30 -00601 and 2-2E-30 -00500, the applicant shall seek approval of a comprehensive plan and zoning amendments identified above. If the zone changes for parcels 2-2E-30 -00601 and 2-2E-30 -00500 are not approved, the applicant shall apply to amend the master plan to remove parcels 2-2E-30 -00601 and 2-2E-30 -00500 from the proposal, propose an alternative location for the RV park use, or an alternative use that is allowed in the Mixed Use Downtown zone. (P)



CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 02/21/2024
From: Aquilla Hurd-Ravich, Community Development Director

SUBJECT:

2040 Planning and Development Grant Intergovernmental Agreement (IGA) Metro – City of Oregon City for the Beavercreek Road Industrial Land Readiness Strategic Plan

STAFF RECOMMENDATION:

Staff recommends the City Commission authorize the City Manager or designee to enter into an Intergovernmental Agreement (IGA) with METRO to allow the grant contract and work to commence.

EXECUTIVE SUMMARY:

Oregon City was recently awarded a Metro Planning and Development grant to further examine the barriers to industrial development in areas both in the Thimble Creek concept plan area and adjacent land west of Beavercreek Road.

The enclosed IGA is the first step in finalizing the grant agreement and beginning this work. Metro council approved their side of the IGA on January 25, 2024. Once Oregon City has adopted, the IGA- city staff can finalize the grant agreement with Metro staff and begin the scope of work. The attached IGA includes the draft scope of work and draft grant agreement.

BACKGROUND:

Community and Economic Development staff aim to further examine the obstacles to industrial development in areas that are both within the concept plan area and the adjacent land west of Beavercreek Road. Although we have witnessed residential and institutional development in Thimble Creek and the adjacent areas, potential industrial and other commercial projects that could support employment goals have struggled to take off.

Staff would like to better understand why such development has faltered (e.g., high infrastructure costs, regulations, physical land constraints, market competition, or some combination of these factors). The expected outcome of this study will identify strategies

and actions the City can take to encourage and possibly facilitate the development of industrial land.

More specifically, the project team would like to interview developers, property owners, and other stakeholders, including Clackamas County staff, as part of this work. The study area encompasses land with an Industrial Comprehensive Plan Designation on the east and west sides of Beavercreek Road.

OPTIONS:

1. Approve the request to authorize the City Manager or Designee to enter into an IGA with METRO
2. Approve the request with modifications to the IGA *(note that this will require Metro Council to approve a revised version of the IGA)*
3. Do not approve the request to enter into an IGA

**2040 PLANNING AND DEVELOPMENT GRANT
INTERGOVERNMENTAL AGREEMENT
Metro – City of Oregon City
Beavercreek Road Industrial Land Readiness Strategic Plan**

This 2040 Planning and Development Grant Intergovernmental Agreement (this “Agreement”) is entered into by and between Metro, a metropolitan service district organized under the laws of the state of Oregon and the Metro Charter, located at 600 Northeast Grand Avenue, Portland OR, 97232 (“Metro”), and Oregon City, a municipality of the State of Oregon, located at 625 Center Street, Oregon City, OR, 97045 (the “City”). Metro and the City may be jointly referred to herein as the “Parties” or each, individually as a “Party”.

RECITALS

WHEREAS, Metro has established a Construction Excise Tax (“CET”), Metro Code Chapter 7.04, which imposes an excise tax throughout the Metro regional jurisdiction to fund regional and local planning that is required to make land ready for development after inclusion in the Urban Growth Boundary; and

WHEREAS, the CET is collected by local jurisdictions when issuing building permits, and is remitted to Metro pursuant to Intergovernmental Agreements to Collect and Remit Tax entered into separately between Metro and the local collecting jurisdictions; and

WHEREAS, the City has submitted a 2040 Planning and Development Grant Request application attached hereto as **Exhibit A** and incorporated herein (the “Grant Request”) for the Beavercreek Road Industrial Land Readiness Strategic Plan (the “Project”); and

WHEREAS, Metro has agreed to provide 2040 Planning and Development Grant Funds to the City for the Project in the amount of \$44,000 subject to the terms and conditions set forth herein (the “Grant Funds”), and the Parties wish to set forth the timing, procedures, and conditions for receiving the Grant Funds from existing CET funds for the Project.

AGREEMENT

NOW THEREFORE, the Parties hereto agree as follows:

1. **Metro Grant Award.** Metro shall provide the Grant Funds to the City for the Project as approved by the Metro Council in Resolution 23-5371 and as described in the Grant Request, subject to the terms and conditions specified in this Agreement.
2. **Project Management and Coordination.** The Parties have appointed the staff identified below to act as their respective project managers (each a “Project Manager” and collectively “Project Managers”) with the authority and responsibility described in this Agreement:

For the City: Ann Griffin, Economic Development Coordinator
Oregon City
agriffin@orc.org
503-974-5517

For Metro: Anais Mathez, Project Manager
 3J Consulting
 anais.mathez@3j-consulting.com
 845.270.3134

Metro and the City may each designate an additional or replacement Project Manager by providing written notice to the other party.

3. Mutual Obligations of both the City and Metro. The Parties and their respective Project Managers will collaborate to oversee the successful implementation of the Project as follows:

- (a) Selection of Consultants. For consultants selected after execution of this contract, the Project Managers will work together to identify consultants best qualified to perform the Scope of Work, attached hereto as **Exhibit B**. The Project Managers and any additional reviewers selected by the Parties will jointly review proposals from consultants and select a mutually agreeable consultant team to perform the work required to successfully complete the Project.
- (b) Schedule of Milestones. The Parties have agreed to a preliminary schedule of milestones for completion of the Project, which is attached hereto as **Exhibit C** ("Schedule of Milestones"). After the Project Managers have selected a consultant team as described in subsection 3(a), the Parties each expressly delegate authority to their respective Project Managers to prepare a revised schedule of Milestones that will provide more detailed performance timelines for the Project, including specific consultant and/or City deliverables for each Milestone, and establishing the amount of Grant Funds to be disbursed by Metro upon satisfactory completion of each Milestone. The Parties agree that once the Milestones are supplemented and revised by the Project Managers in accordance with this subsection, **Exhibit C** shall be automatically amended and the revised Milestones will become final and binding on the Parties unless and until later amended as allowed under paragraph 10 of this Agreement.
- (c) Project Committee(s). The Project Managers will jointly determine the role of the Project steering/technical/advisory committee(s), if any, and the composition of such committees or other bodies. Metro's Project Manager will participate as a member of any such committee.

4. City Responsibilities. The City shall perform the work on the Project described in the Grant Request, and as specified in the Milestones, subject to the terms and conditions specified in this Agreement.

- (a) Use of Grant Funds. The City shall use the Grant Funds it receives under this Agreement only for the purposes specified in the Grant Request and to achieve the Milestones as set forth in this Agreement. In the event that unforeseen conditions require adjustments to the Project scope, approach, or schedule, the City shall obtain Metro's prior written approval before implementing any revisions to the Project.
- (b) Consultant Contract(s). After the Project Managers have selected the consultant team and completed a revision of the Milestones as described above in section 3, the City shall enter into a contract(s) with the selected consultant team to complete the work as described in the Milestones as revised. The contract(s) entered into by the City shall reference this agreement and reflect the Scope of Work and the Milestones, as revised.
- (c) Submittal of Grant Deliverables. Within 30 days after completing each of the Milestones, the City shall submit to Metro all required deliverables for such Milestone, accompanied by an invoice

describing in detail its expenditures as needed to satisfy fiscal requirements. Deliverables must be submitted to Metro as outlined in the Milestones, as revised; the City shall not submit additional deliverables and invoices to Metro for later Milestones until Metro has reviewed and approved all prior deliverables under paragraph 5 of this Agreement.

5. Metro Responsibilities. Metro's funding commitment set forth in this Agreement shall be fulfilled solely through CET funds; no other funds or revenues of Metro shall be used to satisfy or pay any CET grant commitments. Metro shall facilitate successful implementation of the Project and administration of Grant Funds as follows:

- (a) Advisory Role. The Metro Project Manager shall take an active role as part of the Project Advisory Team and at the request of the City Project Manager will review and comment on draft project documents to communicate any concerns prior to the formal submission of the deliverables for each Milestone.
- (b) Review and Approval of Grant Deliverables. Within 15 days after receiving the City submittal of deliverables as set forth in the Milestones (as revised), Metro's Project Manager shall review the deliverables and either approve the submittal, or reply with comments and/or requests for further documentation or revisions that may be necessary. The Metro Project Manager shall determine whether the deliverables submitted are satisfactory in meeting the Scope of Work and the applicable Milestones.
- (c) Payment Procedures. Subject to the terms and conditions in this Agreement, Metro shall reimburse the City for its eligible expenditures for the applicable deliverable as set forth in Revised Exhibit C within 30 days following the Metro Project Manager's approval of deliverables, invoices and supporting documents.

6. Project Records. The City shall maintain all records and documentation relating to the expenditure of Grant Funds disbursed by Metro under this Agreement, as well as records and documentation relating to the financial match being provided by the City for the Project. Records and documents described in this section shall be retained by the City for three years from the date of completion of the Project, expiration of the Agreement or as otherwise required under applicable law, whichever is later. The City shall provide Metro with such information and documentation as Metro requires for implementation of the grant process. The City shall establish and maintain books, records, documents, and other evidence in accordance with generally accepted accounting principles, in sufficient detail to permit Metro or its auditor to verify how the Grant Funds were expended, including records demonstrating how City matching funds were expended.

7. Audits, Inspections and Retention of Records. Metro, together with its auditors and representatives, shall have reasonable access to and the right to examine all City records with respect to all matters covered by this Agreement during normal business hours upon three business days' prior written notice to the City. The representatives shall be permitted to audit, examine, and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls and other matters covered by this Agreement. All documents, papers, time sheets, accounting records, and other materials pertaining to costs incurred in connection with the Project shall be retained by the City and all of their contractors for three years from the date of completion of the Project, or expiration of the Agreement, whichever is later, to facilitate any audits or inspection.

8. Term. Unless otherwise terminated under paragraph 9, this Agreement shall be effective on the last date it is executed by the parties below, and shall be in effect until all Milestones and deliverables have been completed, all required documentation has been delivered, and all payments have been made as set forth in the Milestones, as revised.

9. Termination. Metro may terminate this Agreement and cancel any remaining Grant Fund payments upon a finding by the Metro Chief Operating Officer that the City has abandoned its work on the Project or is otherwise not satisfying its obligations under this Agreement regarding the requirements of the grant.

10. Amendment. This Agreement may be amended only by mutual written agreement of the Parties.

11. Other Agreements. This Agreement does not affect or alter any other agreements between Metro and the City.

12. Waiver. The Parties hereby waive and release one another for and from any and all claims, liabilities, or damages of any kind relating to this Agreement or the Grant Funds.

13. Authority. City and Metro each warrant and represent that each has the full power and authority to enter into and perform this Agreement in accordance with its terms; that all requisite action has been taken by the City and Metro to authorize the execution of this Agreement; and that the persons signing this Agreement have full power and authority to sign for the City and Metro, respectively.

14. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and together shall constitute a single document. Electronic signatures, as well as copies of signatures sent by facsimile or electronic transmission, shall be deemed original signatures for all purposes and shall be binding on the Parties.

[Signature Page Follows]

METRO

By: _____
Marissa Madrigal
Chief Operating Officer

Date: _____

Approved as to Form:

By: _____
Carrie MacLaren
Metro Attorney

Date: _____

- Attachments:
- Exhibit A – Grant Request
 - Exhibit B – Consultant Scope of Work
 - Exhibit C – Schedule of Milestones

THE CITY OF OREGON CITY

By: _____
Aquilla Hurd-Ravich
Community Development Director

Date: _____

Approved as to Form:

By: _____

DocuSigned by:
Carrie Richter
11CB45EB2149437...

City Attorney

Date: 2/12/2024

Metro 2040 Proposal – Oregon City 2040 Beaver Creek Road Industrial Land Readiness Strategic Plan

Brief project description (1-2 sentences): This project will develop specific strategies to identify and remove barriers to commercial and industrial development in the Thimble Creek Concept Plan area. Specifically, we will examine potential zoning and infrastructure opportunities that increase the likelihood of recruiting regionally significant industry sectors. This project will identify strategies to remove or improve limitations, and we will investigate and determine if there are opportunities to purchase parcels and assemble land.

Project purpose and regional impact

1. Describe the proposed project and the specific goals for the work. Who are the project partners, if any, and why is this work a priority? Explain how the project will advance industrial site readiness and whether it will address site-specific, industry-specific, or obstacle-specific barriers. Identify any designated Employment Areas (per Metro's 2040 Growth Concept map) that will be impacted by this project. Describe how impacted communities will be engaged in the project and how their needs and priorities will be incorporated into resulting plans and strategies.

The Community Development and Economic Development Departments of the City of Oregon City are working together to better understand the barriers to commercial and industrial development in and adjacent to the Thimble Creek area of Oregon City.

The Thimble Creek Concept Plan was re-adopted and updated from the Beaver Creek Concept Plan in July 2020. The visioning work began in 2006 and the Thimble Creek (formerly called Beaver Creek) Concept Plan was adopted in 2008 and readopted in 2016. Since then, several properties have been annexed to the City. The Thimble Creek Concept Plan envisioned a complete community with a diverse mix of uses woven together by open space, trails, and sustainable development practices. The area has zoning for employment campus mixed use districts. Presently there are recently developed sites for multifamily residential and some employment uses. There is strong interest to develop more of the residentially zoned land. However, there has been little interest in developing the employment campus land or previously zoned industrial land on the west side of Beaver Creek Road, including Clackamas Community College, which could present partnership opportunities for regionally significant industries.

The purpose of this project is to identify why employment land along Beaver Creek Road has not developed, what are the barriers to development, and what are the opportunities to increase the potential for development of regionally significant industry clusters.

This project will advance industrial site readiness by identifying development obstacles and strategies to reduce those obstacles. It will identify what types of industries are suitable for this location and it will develop strategies to attract industries that are important to the economy of Oregon City and the greater Portland Metro region.

With more analysis and updated engagement, the project team will develop specific strategies to support commercial and industrial development and attract private investment, with the goal of bringing family wage jobs. The proposed project will identify specific barriers to development, suggest specific actions that remove those barriers, and is a critical step in the creation of additional locations for industry in Oregon City.

Along with the lands zoned for industrial and commercial development in the Thimble Creek Concept Plan area, Metro has identified the land just west of Beavercreek Road as an employment area in its 2040 Regional Growth assessment. Also, part of the area east of Beavercreek Road is included in the Metro 2040 projection as prime for industrial development. The uploaded map illustrates these areas within Thimble Creek.

Impacted communities include existing residential neighborhoods to the north and west of the project site. Additionally, newly developed multi-family properties in the Thimble Concept Plan area will be impacted. Other communities include the property owners of the land zoned for employment uses and neighboring campus institutions such as Oregon City High School and Clackamas Community College. In addition to the communities physically located in the area, the project team will want to get input from commercial real estate brokers, commercial developers, and regional economic development experts with specific knowledge about industrial site readiness.

While the purpose of this project is not visioning, it is important to hear from those who live and work in the area about concerns and suggestions for what type of development will enhance their neighborhood. This will be balanced with input from industrial development experts and importantly balanced with property owner's desires for future uses of their land. Oregon City staff will work with a consultant to draft and implement a public engagement plan that incorporates the above identified communities.

Community demographics

2. Provide demographic information including race, ethnicity, age, and income of the neighborhood or community that will be affected by the project. Indicate the data source and describe how the project geography relates to the data provided. If appropriate, include not only residential data but also relevant information (even if anecdotal) regarding local businesses, employers, or commercial districts.

Oregon City is a community in Clackamas County with approximately 38,000 residents. The Thimble Creek Concept Plan area in southeastern Oregon City is undergoing a slow transition from low-density residential and agricultural uses to a more commercial location. Oregon City is undertaking this assessment with the goal of supporting efforts to bring well-paid employment opportunities to Oregon City by developing specific strategies to address barriers to development in Thimble Creek.

In terms of race, Oregon City is 82% white, 10% identify as having two or more races and 9.6% are of Hispanic Origin of any race. Finally, 0.9% of our residents are Black, 0.8% are American Indian and 2% are Asian alone (ESRI projection based on 2020 Census). The median age of our population is 40.3 years old. The median household income for Oregon City is \$93,000, and 67% of homes are owner occupied. As there are only 78 families in the Thimble Creek study area, it is more informative to evaluate demographics taken as the City as a whole.

Oregon City is home to approximately 1600 businesses. Our target sector industries include health care, light manufacturing and assembly, and distribution and logistics. Oregon City is the seat of Clackamas County, and as a result, is home to large number of government sector jobs. Oregon City's commercial districts include downtown Oregon City and the Red Soils Business Park.

Oregon City faces significant land constraints that inhibit the community's ability to support business expansion and attract additional jobs. The successful completion of this project is a necessary step if Oregon City is to contribute to Metro's 2040 employment related goals.

Team capacity and experience

3. Identify the roles that lead government staff and key project partners, if any, will play to implement the project and describe their qualifications and experience. Identify the roles and necessary expertise of any consultants to be hired with grant funds.

The proposed project will be managed by Christina Robertson-Gardiner in Community Development with support from Ann Griffin in Economic Development. Together, they will manage the RFP process, provide direction for the consultant team and design and supervise the community engagement work. Christina Robertson-Gardiner was the lead planner on the 2019/2020 Thimble Creek zoning code adoption process. Christina brings a depth of understanding of the land use planning and development process and has existing relationships with area property owners that may be valuable for the process.

Pete Walter, Planning Manager, will support the project and has extensive experience working with Oregon City landowners in the project area since 2006. He was the project manager for the re-adoption of the former Beavercreek Road (now Thimble Creek) Concept Plan in 2015 and has reviewed numerous developments on either side of Beavercreek Road.

Aquilla Hurd-Ravich is the Director of the Oregon City Community Development Department. She has played leadership roles in other Oregon communities, including the City of Tualatin. James Graham is the Economic Development Manager for Oregon City. Over his 30 plus years in economic development, he has created local partnerships across the United States. Both leaders are committed to this project and will provide overall management and direction. They will inform Oregon City elected officials of the importance of the project and help to secure their support.

We expect a consultant team to have expertise in real estate valuation, land use and zoning, and commercial development.

Achievable outcomes

4. What is the extent of the project team's authority to implement your proposed project, make policy, or commit investments? What governing bodies, organizations, or private parties will have to act to ultimately deliver project results? Describe how these influential entities or sponsors will be informed or involved over the course of the project to cultivate their support so that the project outcomes are achieved.

Aquilla Hurd-Ravich and James Graham regularly meet with City Manager Tony Konkol. These three leaders will maintain communication with Oregon City's City Commission and collectively have the authority to guide this process and make policy and project recommendations to Oregon City's elected officials.

As more fully described in the Scope of Work, this project will necessarily engage private sector partners, including property owners in the Thimble Creek area, commercial real estate developers and private investors, either in the form of private equity firms and/or independent businesses willing to partner with other stakeholders to establish a needed location in Oregon City.

Scope of work

5. Succinctly outline your approach to the project and the major project elements and deliverables you envision. Provide a bulleted list outline of the components or phases of work, the tasks and partners involved in each phase or element, the key work products, and the general timeframe to complete the project.

The Oregon City team, both staff and contracted professionals, will examine existing barriers to development in the Thimble Creek Concept Plan area with the goal of identifying solutions to address those barriers. Several important known obstacles include:

1. The relatively small size of the land parcels in the area, fragmented ownership patterns, and lack of coordination among landowners.
2. The challenges associated with relying exclusively on market-driven development to install a critical secondary roadway and other major public infrastructure parallel to Beavercreek Road.
3. The existence of Bonneville Power Administration powerlines is also significant as the large easements associated with the powerlines prohibit the construction of buildings, although roads, trails, landscaping and public utilities may be allowed. However, this project scope will not directly address this challenge.

The following scope of work is a high-level overview that will be further refined and defined with selected consultants :

- Phase I:
 - Release an RFP to solicit a professional consulting firm specializing in real estate and economic development with familiarity of the Clackamas land market. This team will primarily focus on data analysis, identifying barriers, constraints, opportunities, and strategic planning, and the consultant team will assist the city staff with stakeholder engagement. Possible outcomes of the strategic planning could include 3-4 development scenarios based upon the assumed purchase and assembly of property in the Thimble Creek Concept Plan Area. Potential strategic outcomes could include city staff partnering with the consultant team to approach property owners to ascertain interest in selling their land.
- Phase II:
 - Develop a stakeholder engagement plan and identify how feedback will influence the ultimate strategic plan.
 - Convene follow-up meetings with the owners of property in the Thimble Creek area to understand their vision for the use of the property. That could include the potential sale to a private party or to the City.
 - Gather data to establish existing conditions, determine buildable lands, identify zoning and infrastructure planning
 - Complete an analysis of regionally and locally significant industries that would benefit Oregon City.

Interview City staff and review recent pre-application conference notes for projects in the area that were not developed. Discuss identified barriers.

- Phase III:
 - Identify strategies to attract industrial and commercial development that incorporates information gathered from stakeholders as well the expert knowledge held by the consultant team related to economic and real estate development.
 - In conjunction with City staff, determine site design alternatives to support the development of a secondary road in Thimble Creek. Determine strategies for the partial development of the road that would be funded by the City of Oregon City, rather than the property owners.
- Phase IV:
 - City Commission adoption of the Beavercreek Road Industrial Land Readiness Strategic Plan.
 - Implement amendments to the City zoning code and infrastructure plans as identified in the strategic plan.
 - Implement strategies aimed at attracting commercial and industrial development identified in the strategic plan.

Proposed project budget

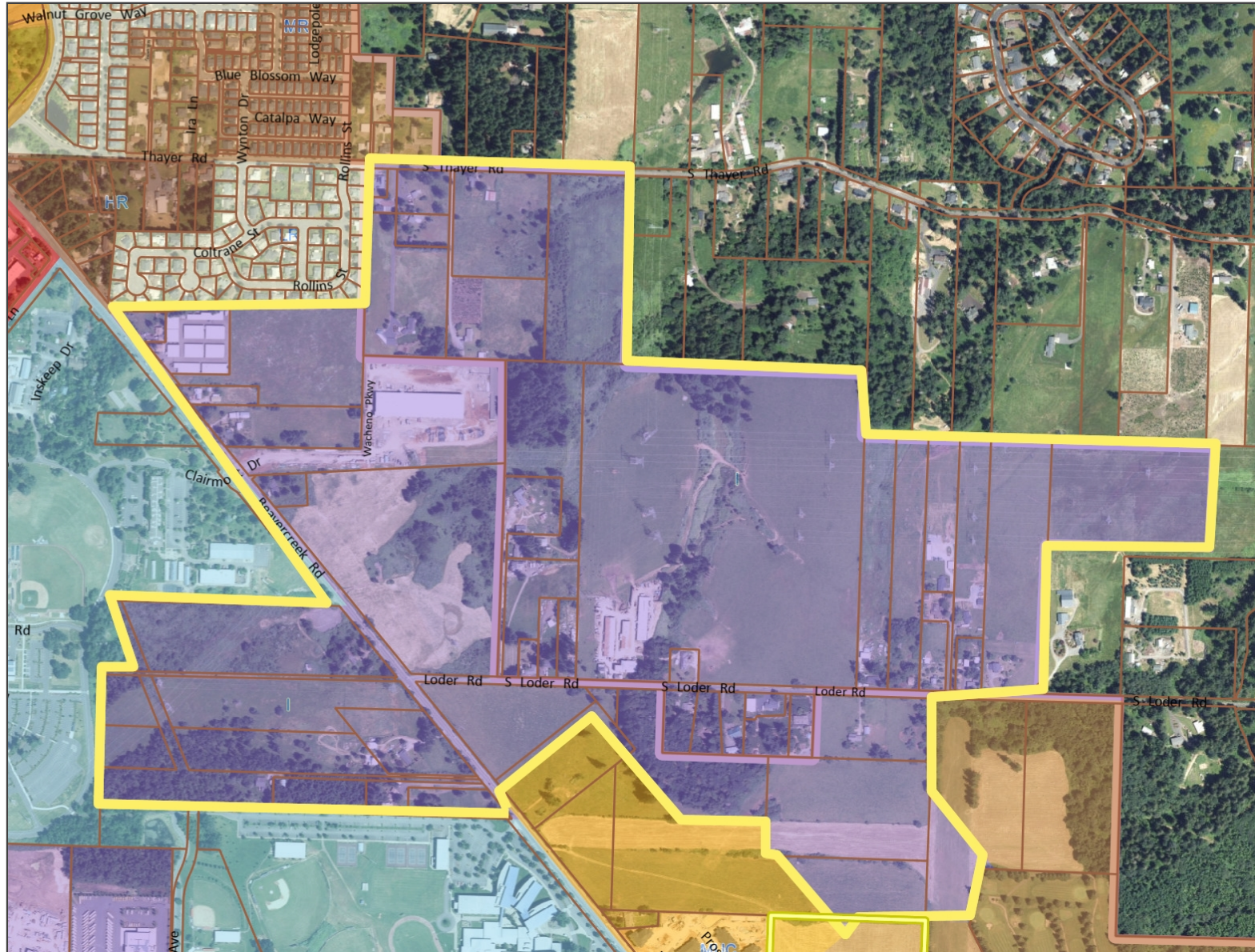
6. Use the budget template provided to show the estimated project costs by major phase or component. The budget table should align with the project scope of work and include major tasks or elements identified in question #5. Indicate estimated costs for consultant work as well as other direct project expenses. In the space below, describe the methodology used for estimating project costs, and identify any additional funds (if any) that have been pledged by project partners or other sources.

The Oregon City team requests \$44,000 in grant support and an overall project budget of \$82,950. Grant support will primarily be used to secure consultant groups, with three different teams supporting the project. The three teams include 1) professionals with expertise in commercial development, real estate evaluation and land use planning 2) financial modeling services and 3) a stakeholder meeting moderator.

In addition to the grant request, Oregon City staff estimate that the value of our collective time and materials over the 12-month project period would be approximately \$8,000 for Phase I, \$12,000 for Phases II-III and \$16,750 for Phase IV. Please see the table on the budget page for details.

Oregon City GIS Map

Item 9a.



Legend

Street Names

Taxlots

Unimproved ROW

City Limits

UGB

Basemap

Notes

Overview Map



0 800 1,600 Feet

1: 9,600



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

Map created 6/23/2023

Metro 2040 Industrial Land Readiness Study Area

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



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2040 Planning and Development Grant Application
Proposed project budget | All Application Types

Project Name: Oregon City 2040 Beavercreek Road Industrial Land Readiness Strategic Plan

Grant Funds Requested: \$ 44,000

Other funds Pledged: \$

38,950

PROJECT COMPONENT (Phase, element, deliverable, etc.)	CONSULTANT FEES	CBO PARTICIPATION AND/OR COMMUNITY LIAISON	OTHER DIRECT PROJECT COSTS	TOTAL
Phase I- Develop and Issue RFP, secure consultant, all staff time			\$ 8,000	\$ 8,000
Phases II-III Primarily consultant work:				
Consultant Team - Redevelopment and Land Use Planning/Annexation Expertise	\$ 35,000			\$ 35,000
Stakeholder engagement plan, data analysis, develop strategic plan				
Financial Modeling - Real estate evaluation	\$ 5,000			\$ 5,000
Community Engagement Processes				\$ -
A. Area Mailing			\$ 1,200	\$ 1,200
B. Print existing area drawings, renderings and posters for public meetings			\$ 400	\$ 400
C. Host 2-3 small group stakeholder meetings - refreshments and supplies			\$ 600	\$ 600
D. Moderator for Stakeholder Meetings	\$ 4,000			\$ 4,000
Staff time for support of stakeholder engagement and data gathering			\$ 12,000	\$ 12,000
				\$ -
Phase IV- Strategic Plan adoption and Implementation			\$ 16,750	\$ 16,750
Primarily staff time some potential for additional consultant work				\$ -
Presentations to Planning Commission, Citizen Involvement Committee, City Commission				\$ -
<i>subtotals</i>	\$ 44,000		\$ 38,950	
TOTAL PROJECT BUDGET				\$ 82,950

RESOLUTION NO. 23-20

A RESOLUTION SUPPORTING THE CITY'S APPLICATION FOR A METRO 2040 GRANT TO STUDY THE BEAVERCREEK ROAD INDUSTRIAL AREA

WHEREAS, The regional government Metro offers Planning and Development grants on a regular cycle to support a range of planning projects and activities; and

WHEREAS, The grants are funded from a regional construction excise tax on building permits issued within the Metro service area.; and

WHEREAS, This cycle the funds will be directed toward four categories: Concept Planning, Equitable Development, Community Engagement, and Industrial Land Readiness.; and

WHEREAS, The Community Development Department and Economic Development Department would like to partner on a grant application for the Industrial Land Readiness category.; and

WHEREAS, Economic and Community Development staff would like to study the Beaver Creek Road Industrial Area to identify barriers to industrial development; and

WHEREAS, If awarded the grant a study will yield strategies and actions to facilitate development of industrial land in the Thimble Creek Concept Plan and on land just east of Beavercreek Road; and

WHEREAS, As part of the grant application, Metro is seeking confirmation of the City Commission's support of this grant application, the use of staff time toward this effort, and implementation of actions to develop industrial land.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS

Section 1. This resolution shall take effect immediately upon its adoption by the City Commission.

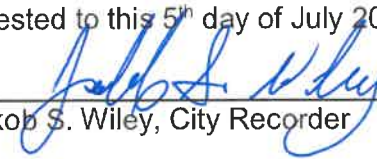
Section 2. The City Commission of Oregon City supports City staff submitting an application for a grant to study the Beavercreek Road Industrial Area.

Section 3. The City Commission supports the use of staff time toward this project and will support implementing strategies and actions to facilitate development of industrial land.

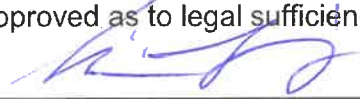
Approved and adopted at a regular meeting of the City Commission held on the 5th day of July 2023.


DENYSE C. MCGRIFF
Mayor

Attested to this 5th day of July 2023:


Jakob S. Wiley, City Recorder

Approved as to legal sufficiency:


City Attorney

METRO CONTRACT 939030 - EXHIBIT B**January 9, 2024****Oregon City 2040 Beaver Creek Road Industrial Land Readiness Strategic Plan | City of Oregon City****Scope of Work****Task 1. Project management**

- Schedule a kick-off meeting to review scope, roles and responsibilities, and project schedules.
- Participate in regular PMT meetings and prepare monthly invoices.

*Deliverables: PMT meetings, Revised scope and schedule; Monthly Invoices; Kick-off meeting**Timeline: Ongoing***Task 2. Stakeholder Engagement**

- Develop a stakeholder engagement plan and identify how feedback will influence the ultimate strategic plan.
- Convene follow-up meetings and focus groups with the owners of property in the Thimble Creek area to understand their vision for the use of the property. That could include the potential sale to a private party or to the City.
- Interview City staff and review recent pre-application conference notes for projects in the area that were not developed. Discuss identified barriers.

*Deliverables: Draft and Final Stakeholder Engagement Plan; Up to 4-6 property owner interviews, 2 roundtable interviews with City staff, Draft and Final Outreach Summary of development barriers and presentation**Timeline: March-May***Task 3. Existing Conditions and Analysis**

- Gather data to establish existing conditions, determine buildable lands, identify zoning and infrastructure planning
- Review Oregon City Development Code/process –identify any potential barriers or outliers that deviate from the regional norm.
- Complete an analysis of regionally and locally significant industries that would benefit Oregon City.
- Complete real estate appraisals of selected property/ies in the study area.

*Deliverables: Baseline data; Draft and Final Summary of significant industries**Timeline: March-June***Task 4. Strategic Implementation Plan and Site Design Alternatives**

- Identify strategies to attract industrial and commercial development that incorporates information gathered from stakeholders as well as the expert knowledge held by the consultant team related to economic and real estate development.

In conjunction with City staff, determine which development obstacle is greatest (i.e., Loder Road alignment or development of a secondary road). Develop site design alternatives and funding strategies that match this determination.

*Deliverables: Draft and final strategic plan including implementation strategies, funding and financing options; up to three site design alternatives for development**Timeline: June-August*

METRO CONTRACT 939030 - EXHIBIT C

January 9, 2024

Oregon City 2040 Beaver Creek Road Industrial Land Readiness Strategic Plan | City of Oregon City**Project Milestones, Deliverables, and Disbursement of Grant Funds**

PROJECT MILESTONE AND SPECIFIED GRANT DELIVERABLES		DATE DUE	PROGRESS PAYMENT
1	Execution of grant agreement a) Complete project documents b) Signed and executed IGA	February 29, 2024	\$0
2	Consultant Contracting a) Request for Proposals (RFP) b) Submit draft consultant scope(s) of work, schedule, and budget for review c) Establish revised milestones and deliverables to amend grant agreement Exhibit C to coincide with consultant contract(s) d) Finalize and execute consultant scope(s) and contract(s)	March 29, 2024	\$0
3	Stakeholder Engagement a) Final Stakeholder Engagement Plan b) Up to 4-6 property owner interviews and focus groups c) Up to 2 City staff roundtable interviews d) Outreach summary of development barriers and presentation	May 31, 2024	\$12,000
4	Existing Conditions and Analysis a) Baseline data b) Oregon City development code/process review c) Summary analysis of significant industries d) Potential property appraisal(s)	June 28, 2024	\$13,000
5	Strategic Implementation Plan and Site Design Alternatives a) Final strategic plan including implementation strategies, funding and financing options b) Up to three site design alternatives for development	August 30, 2024	\$14,000

METRO CONTRACT 939030 - EXHIBIT C
Oregon City 2040 Thimble Creek Industrial Land Readiness Strategic Plan | City of Oregon City

Continued

6	Adoption and Implementation a) Presentations to City Commission, Planning Commission and Citizen Involvement Committee b) City Commission adoption by resolution of the Thimble Creek Industrial Land Readiness Strategic Plan	November 29, 2024	\$0
7	Grant Completion Documentation a) Final financial report submitted and backup documentation retained on file as appropriate b) Final reporting on grant performance measures submitted and approved by Metro	December 31, 2024	\$5,000

APPROVED GRANT PROJECT EXPENSE DISTRIBUTION

Changes to the approved expense distribution shown at right must be approved by Metro through an amendment of this Exhibit C.	Consultant Fees	\$ 44,000
	Direct Expenses	\$ 38,950
	Contingency reserves	\$ 0
	TOTAL METRO GRANT FUNDS	\$ 44,000
	TOTAL OREGON CITY FUNDS	\$ 38,950