



CITY OF OREGON CITY PLANNING COMMISSION AGENDA

**Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Monday, October 28, 2024 at 7:00 PM**

Ways to participate in this public meeting:

- Attend in person, location listed above. Please see the public comment guidelines below.
- Attend the livestream of the meeting on the City's YouTube Channel:

<https://www.youtube.com/user/CityofOregonCity>

- Register to provide electronic testimony (email ocplanning@orc.org or call 503-722-3789 by 3:00 PM on the day of the meeting to register)
- Email ocplanning@orc.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. APPROVAL OF MINUTES

- a. Approval of September 23, 2024 Minutes

3. PUBLIC COMMENTS

Please see the public comment guidelines below.

4. PUBLIC HEARINGS

- a. LEG-24-01 - Park Place Concept Plan Code Amendments
- b. GLUA 24-000023:LEG-24-00002 Legislative. *McLoughlin Blvd Enhancements*: an update to the Transportation System Plan
- c. GLUA-24-00026/ZC-24-0002/LEG-24-00003 Legislative: OCMC 17.47 Erosion and Sediment Control Text Amendment

5. COMMUNICATIONS

6. ADJOURNMENT

PUBLIC COMMENT GUIDELINES

Complete a Comment Card prior to the meeting and submit it to the clerk. When the Chair calls your name, proceed to the speaker table, and state your name and city of residence. Each speaker is given 3 minutes to speak. As a general practice, the committee does not engage in discussion with those making comments. Complaints shall be addressed at the department level prior to addressing the committee.

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](#) 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.



CITY OF OREGON CITY PLANNING COMMISSION MINUTES - Draft

Commission Chambers, Libke Public Safety Building, 1234 Linn Ave, Oregon City
Monday, September 23, 2024, at 7:00 PM

1. CALL TO ORDER AND ROLL CALL

Chair Stoll called the meeting to order at 7:02 PM.

Present: 6 – Chari Greg Stoll, Commissioner Brandon Dole, Commissioner Bob LaSalle, Commissioner Karla Laws, Commissioner Dirk Schlagenhauser, Commissioner Daphne Wuest

Absent: 1 - Vice Chair Paul Espe, excused

Staffers: 3 - Community Development Director Aquilla Hurd-Ravich, Planning Manager Pete Walter, Deputy City Attorney Carrie Richter (Virtual), Assistant Planner Christina Robertson-Gardner, City Engineer/Public Works Director Dayna Webb

2. MEETING MINUTES

A. Meeting Minutes for Approval: August 12, 2024.

A motion was made by Commissioner Schlagenhauser, seconded by Commissioner La Salle to approve the meeting minutes for August 12, 2024.

The motion carried by the following vote:

Yea: 6 - Commissioner Dole, Commissioner Wuest, Commissioner LaSalle, Commissioner Laws, Commissioner Schlagenhauser, Chair Stoll

Nay: 0

3. PUBLIC COMMENT

- A. Didi Dahlsrud – spoke about trees and that the Climate Action Plan in Oregon City is not enough. We have an opportunity to reach out to new development to address this. Lots are so small that trees don't have an opportunity to grow to full maturity, and we are losing our canopy. We are losing insects and birds. We need to save every mature tree we can.
- B. Jed Peterson – spoke about rejecting the proposal for tonight due to missing checks and balances. Codified requirements that have been ignored in past proposals that are for safety purposes. The new proposal removes the protection for the public.
- C. Lee McCarty – spoke about concerns about the proposed urban growth boundary and zoning. The tract of land below Meadow Ridge Estates and Redland Rd. There is very dense zoning proposed for the near future. They see the recommended zoning for the tract as compromising to the core value the City set as a growth boundary transition from zoning in one area to zoning in another area so that there is not a skyscraper built next to a residential estate. He would like to request that this transition of zoning be reviewed.

5. DISCUSSION

5a. McLoughlin Boulevard Enhancement Project – Phase 3 update

The Commission agreed to move the Staff report for the project to before the Public Hearing item.

Assistant Planner Christina Robertson-Gardner and Public Works Director Dayna Webb gave an update on the conceptual design for the project. The plan is to have this come before the Planning Commission as a legislative file on October 28.

Christina provided an overview of the purpose and needs of this project. The project area is from 10th St to the Railroad tunnel and from Main St to the river. The goal is to provide safety for all transportation modes and support Oregon City's tourism, economic and community development goals while opening up and using the waterfront.

The City is working with ODOT as well as a technical group regarding options. The initial ideas were not viable due to ODOT's needs and the geological make up of the area. They did come up with the Long Span option which City Commission has given the go ahead to continue working with that option. It is important to get this adopted into the Transportation plan for design grant applications.

Dayna spoke about the advantages and challenges of the Long Span option. Other opportunities looked at during this phase are to create a green linear park under the arch bridge and possible community space and programming opportunities in the area with landscaping, benches, picnic tables and bike parking. When we reach the refinement process these options will be decided upon with more detail.

She also covered how 99E would be adjusted for pedestrian safety. There would also be adjustments to parking. These would be further reviewed in the refinement design stage.

Christina explained how to receive updates regarding this project on the website and it is possible to request email updates through the website page – [McLoughlin Blvd Enhancements | Oregon City, OR \(orcity.org\)](https://www.orcity.org/McLoughlin-Blvd-Enhancements). Dayna and Christina are visiting the other committees as well as the downtown groups to update them and get feedback.

Dayna explained the grant application process. There are different grants we can apply for and the deadlines are coming up.

Commissioners had questions about the right of way on the Elbow on 99E and how parking would work in the right of way at the transmission shop. Reminder was given that this is a concept plan, and the details will be further worked out at the refinement stage. When the concept plan is adopted, it does not mean that we are locked into just the items listed. There was also a question about just having pedestrian walkways on just one side of 99E, but there would not be bike path because there is not enough space in certain areas. It was determined to be almost a no build option.

Could the towers of the span be made smaller so that it does not take away from the Arch bridge? The design was created based on what it would take to make the long span work in the area that it is intended to be.

Will there be signs on the bridge explaining the history and resources of the area etc.? There are signs listed on the concept plan as entrance signage and interpretive art included as well.

Will there be a way to tie the Rivershore Park to the Span Bridge area? At the conceptual level, that area is hatched out and will be further designed once we have The Confederated Tribes of Grand Ronde design for Tumwata Village.

Downtown is in transition, and there has been more homelessness so will there be more security for the bridge area. This a long-term project, and security can be noted in the concept plan so it is included.

Is this an addition to the Transportation Plan? This concept plan was already adopted 20 years ago. This would be a refinement of that. In theory this is in the not likely funded project category, but if grant opportunities come up it would be re-evaluated. Since this is part of the TSP already, it is part of the Transportation SDC calculations. It is also in the Regional Transportation Plan and it is identified as likely to be funded.

How could there be parallel parking along the river side in the area by the bridge with the speed of the traffic? Working with ODOT to meet the technical specs for providing that parking.

All the sidewalks and improvements along 99E would be ODOT's right of way, and we would have to get permits and work with ODOT for the specifications.

PUBLIC COMMENT

- A. Larry Morton – spoke about his business on the elbow of 99E. He said that he would be out of business in 6 months or less with the proposed changes. He spoke about how fast semi-trucks go around the curve there and have even hit his tool truck there. He sees curbs there as a hazard. He also mentioned that the acoustics of the room are horrible and suggested have a screen with close captioning.
- B. Paul Edgar – spoke about the proposal and concerned about getting people from the city side of 99E to the river side. Every time a crosswalk signal is hit, traffic stops. We could see 99E coming to a dead stop all day long. He lives in Canemah and if traffic is constantly stopped, the back up will keep him from getting out of his neighborhood. He suggests using a bridge over 99E with a nice view platform.
- C. Tom Geil – spoke about when he was on Planning Commission that this original plan he had suggested that an overpass was needed. He has a business on Main St and getting out even now at 5 pm is difficult with traffic backed up on 99E. The original idea was to have an overpass from Main St over to tumwata Village.

4. PUBLIC HEARING

4A. LEG-24-01 – Park Place Concept Plan Code Amendments

Chair Stoll read the Public Hearing Script. Commissioners had no conflict of interest.

Planning Manager Pete Walter presented the staff report for the Park Place Plan Code Amendments. He gave an overview of the project and the goals. Some of the components of the Plan include extensions of Holly Lane and Swan Ave. These projects, D48-D50, are part of the Transportation Systems Plan. They are part of the long-term plan and are unlikely to be funded in 10 years. Development can help fund these projects based on rough proportionality to the impact of development. Planning Commission has recommended reprioritizing these projects to short-term projects in the next TSP update. They have also requested that they be added to Clackamas County's TSP in order to have the projects be recognized.

Pete summarized housing regulations that have changed since 2008. He talked about Park and Trail Dedication as well as the Neighborhood Commercial Zone and Stormwater

Management. He provided some of the outcomes from the Neighborhood Commercial Market Analysis completed by Johnson Economics.

Pete went over the identified revisions to the various code chapters that had already been addressed by the Planning Commission in previous meetings. Chapters and sections revised included:

- a. 16.12.026 – Street Design -Alleys
- b. 17.04 – Definitions – added new ones to help define design and architectural features in the Park Place area
- c. 17.08.040 – Low Density Residential Districts – setback modification
- d. 17.08 and 17.10 – Low and Medium Density Residential – created a transitional zone
- e. 17.08.055 and 17.10.055 – Additional Standards for the PPCP area – Perimeter Transition
- f. 17.21 – Residential Design – removed discretionary language and added clear and objective design elements and changed minimum % of middle housing lots based on acres in the land division application. The middle housing lots are to be dispersed among the development.
- g. 17.24 – NC Neighborhood Commercial District – eliminated ground floor residential use and created a new section of more limited list of permitted uses.
- h. 17.24.035 – Prohibited Uses – residential
- i. 17.24.040 – Dimensional standards – landscaping requirements
- j. 17.24.050 – Additional Standards for Park Place Concept Plan Area – Additional permitted uses.
- k. 17.24. 060 - Additional Standards for Park Place Concept Plan Area –Residential Uses.
- l. 17.62.61 – Site Plan and Design Review – park, trail and open space requirements in Park Place.
- m. Non-Residential development park dedication
- n. Residential development park dedication
- o. Fee-in-lieu of Dedication
- p. North Village Community Park (8 acres)
- q. South Village Neighborhood Park (4 acres)
- r. Trail Dedication Standards
- s. 17.65- Master Plans and Planned Unit Developments – states process available when applicant cannot or chooses not to meet the code

Commission took a quick break and then allowed for Public Comments.

PUBLIC COMMENT

- A. Garrett Stephenson, ICON Constructions (virtual) – audio was missing initially. They are asking for a continuance as they are just getting into the financial aspects of the proposed changes. There are some concerns about some of the changes and if the changes will affect the cost of development. They submitted a letter earlier about some concerns. They are concerned about the mandate of doing Middle Housing and the new disbursement of that housing. He also spoke about the Fee-In-Lieu park dedication and wondering if this is a double dipping situation with the SDC fees.
- B. Jennifer Arnold, Emerio Design with ICON (virtual) – Submitted a written document earlier today. It also talks about concern of cost being affected with the new code changes with garage and alley way revisions. It was a lot to review and would like a continuance.
- C. Harlon Barow, Icon Construction – ICON has been working with the City to find mutually agreeable processes to meet the most important goals of the Park Place Concept Plan and other infrastructure master plans. The major areas of concern are the Park & Trail

- dedications and garage orientation standards.
- D. Dolores Rund – indicated she no longer had a question.
 - E. Roya Mansouri – lives in a property adjacent to the Park Place area. She does feel like these changes are going to help keep the village feel. She would like additional information about the location of parks and trails will be and the street connections. Likes the idea of mixed use of homes on a block and likes the garages not being in front.
 - F. Enoch Huang – He commented about not knowing that all of this work was being done until when a decision was being made tonight. He was pleased to hear about some of the code changes being made. He had questions about the 40 foot setbacks and the zoning between properties in the UGB and outside the UGB. Hearing about the buffer zone for the NROD, he knows that concerns about wetlands were raised in the past and he is not sure if those were addressed or not.
 - G. Barbara Cox – She is concerned for the Trail system but will address that at a later date. Her other concern is the connection of Swan Ave and Beemer Rd. Beemer Rd has a lot of young children and some parts are only wide enough for one car to get through. Sidewalk switches sides. She does not think this is a good idea.
 - H. Sam Wolf – left before making comment.
 - I. Tom Geil – He expressed concern that the agenda items were changed around for staff time, but people left who came for the PPCP hearing. He commented about how alley ways were part of the original concept plan and now ICON is trying to change it. City Commission denied the original development after listening to the community, but here we are working through code changes that would allow ICON over development into an acceptable land use application. He understands that code amendments are necessary, but the traffic issue has not been fully addressed. There is still just one way in and out. People will be making cut throughs existing neighborhoods and there is no evacuation plan.
 - J. Joyce Carlson – she lives off of Beemer and agreed with Barbara's comments about traffic. She is also concerned about the trails being put in their backyards. She lives where she does purposely with nature. She does not want all the traffic next to her yard and has a concern it will bring in crime and will destroy her safe haven. There is wildlife that will be affected. She does not see this as protecting the natural environment.
 - K. Michael Doran – He would like to request that Commissioners and Staff visit this area. There is so much going on in this area and traffic infrastructure need to be put in before any more development occurs. If they cannot be built ahead of the development, then the development plan should not go through. He is not against development, but just wants to be sure infrastructure is in place first.
 - L. Mark-Hult Bennett – He agrees what Tom and Michael already said. There is more and more development and Holcomb is only two lanes and it is increasingly busy. Holly Lane needs to be built first. He was in the evacuation for the fire a few years ago and traffic was so backed up. It is serious and the road extensions need to be built first or people will die.
 - M. Megan Keough – She lives on Holly-Crest Lane. She believes the PPCP is unnecessary and proposes a significant threat to our community's integrity. The decision to add more traffic to Holly Lane is concerning. The PPCP is an unwelcome encroachment on the existing neighborhood. She does not understand the need to add retail on Donovan Road with the existing disruption with school traffic.

A commissioner had a question for Deputy Attorney Carrie Richter about developers getting relief for design standards that make development more expensive, would it apply to alleys? Alleys are not listed as an eligible item in SB1537, but Carrie said she would need to look into that a bit more before giving a definitive answer.

Commissioners held a discussion about allowing additional public comments at the beginning

of the next meeting should the Public Hearing be continued.

There was also a Commissioner commented about the additional documentation that was submitted this afternoon. There were 38 pages that could not be reviewed while they were taking testimony. Two requests were given for continuation and some of the information provided was already rejected by City Commission. Have a continuance would allow time to further review.

A continuance would allow the word to get out to additional community members so that they could make an appearance and give testimony.

A motion was made by Commissioner Laws, seconded by Commissioner La Salle to continue the Park Place Concept Plan Code Amendments Public Hearing to October 28, 2024 and the continuance would be the first topic on the agenda with public comments following a short summary.

The motion carried by the following vote:

Yea: 6 - Commissioner Dole, Commissioner Wuest, Commissioner LaSalle, Commissioner Laws, Commissioner Schlagenhauser, Chair Stoll

Nay: 0

Commissioner La Salle addressed the audience and encouraged them to tell people that there will be opportunity to speak at the October 28th meeting.

6. COMMUNICATIONS

Next meeting scheduled is October 28.

7. ADJOURNMENT

Chair Stoll adjourned the meeting at 9:50 p.m.



CITY OF OREGON CITY

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

Staff Report

To:	Planning Commission	Agenda Date:	October 28, 2024
From:	Aquilla Hurd-Ravich, Community Development Director Pete Walter, Planning Manager		

SUBJECT:

LEG-24-01 - Park Place Concept Plan Code Amendments

STAFF RECOMMENDATION:

The Planning Staff recommends that the Planning Commission recommend approval of the proposed code amendments to the City Commission, following a public hearing.

EXECUTIVE SUMMARY:

This item is a continued hearing from September 23, 2024. The initial staff report was presented to the Planning Commission and the public at that time; however, due to the amount of public testimony and written comments received just prior to the meeting, the Planning Commission voted to continue the hearing to provide time to review comments and offer more time for the public to testify.

The Park Place Concept Plan (PPCP) was adopted through Legislative File 08-01 in 2008. At the time the Oregon City Municipal Code was amended to implement the principles of the concept plan. Since that time, land use regulations in the State of Oregon have changed and the City reviewed its first land use application in the concept plan area. That review illuminated some of the areas in the code that need refining 16 years after the initial adoption of the concept plan in order that they address clear and objective approval criteria for needed housing. Since May, the Planning Commission has been discussing the proposed code amendments. The Planning Commission continued the September 23, 2024 public hearing to this evening. Staff have attempted to address all public comments received to date to the extent that they are relevant to these code amendments.

BACKGROUND:

Please review the attached staff memorandum entitled "Response to development related comments on GLUA24-013/LEG-24-01", the recommended findings for file LEG-24-01, the proposed code amendments with their explanation boxes, the public comments summary matrix, and the public comments received to date for additional background. Note: several public comments have been directed toward future development that has not yet been proposed, rather than to these code amendments that are the subject of review. It is very important to distinguish that the Planning Commission is not reviewing a development proposal and that the appropriate time for comments to address development is when it is actually proposed.

NEXT STEPS:

See options below.

OPTIONS:

1. Recommend adoption of the draft code amendments as proposed.
2. Recommend adoption of the draft code amendments with revisions, and continue the public hearing.
3. Do not recommend adoption of the draft code amendments, and provide further direction to staff.



REPORT DATE: September 16, 2024

FILE NO.: Legislative File: GLUA 24-013/LEG-24-01

APPLICANT: City of Oregon City – Planning Division
698 Warner Parrott Rd, Oregon City, Oregon 97045

REVIEWERS: Aquilla Hurd-Ravich, AICP, Community Development Director
Pete Walter, Planning Manager
Carrie Richter, Asst. City Attorney

REQUEST: Amend Title 17 – Zoning - of the Oregon City Municipal Code to include Clear and Objective Approval Criteria for Implementation of the Park Place Concept Plan

LOCATION: Park Place Concept Plan boundary located south of Holcomb Boulevard

RECOMMENDATION: Adopt the proposed code amendments.

17.50.170 - Legislative hearing process.

A. Purpose. Legislative actions involve the adoption or amendment of the city's land-use regulations, comprehensive plan, maps, inventories and other policy documents that affect the entire city or large portions of it. Legislative actions which affect land use must begin with a public hearing before the planning commission.

B. Planning Commission Review.

1. Hearing Required. The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The community development director shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.

2. The community development director's Report. Once the planning commission hearing has been scheduled and noticed in accordance with Section 17.50.090(C) and any other applicable laws, the community development director shall prepare and make available a report on the legislative proposal at least seven days prior to the hearing.

3. Planning Commission Recommendation. At the conclusion of the hearing, the planning commission shall adopt a recommendation on the proposal to the city commission. The planning commission shall make a report and recommendation to the city commission on all legislative proposals. If the planning commission recommends adoption of some form of the proposal, the planning commission shall prepare and forward to the city commission a report and recommendation to that effect.

C. City Commission Review.

- 1. City Commission Action. Upon a recommendation from the planning commission on a legislative action, the city commission shall hold at least one public hearing on the proposal. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the city commission may adopt, modify or reject the legislative proposal, or it may remand the matter to the planning commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the city's land-use regulations, comprehensive plan, official zoning maps or some component of any of these documents, the city commission decision shall be enacted as an ordinance.*
- 2. Notice of Final Decision. Not later than five days following the city commission final decision, the community development director shall mail notice of the decision to DLCD in accordance with ORS 197.615(2).*

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

EXECUTIVE SUMMARY:

The Park Place Concept Plan (PPCP) was adopted through Legislative File 08-01 in 2008. At the time the Oregon City Municipal Code was amended to implement the principles of the concept plan. Since that time, land use regulations in the State of Oregon have changed and the City reviewed its first land use application in the concept plan area. That review illuminated some areas in code that need refining 16 years after the initial adoption of the concept plan.

The code updates incorporate guidance from the Planning commission and City Commission from May 2024 to the present, including six Planning Commission work sessions and several City Commission work session and hearings, as well as engagement with the Citizen Involvement Committee and the Park Place Neighborhood Association.

I. INTRODUCTION

This legislative proposal identifies and updates sections of the Oregon City Municipal Code that need revisions in order to refine and implement key elements from the Park Place Concept Plan (PPCP).

The 2008 Park Place Concept Plan identified 11 key elements:

1. Two primary north-south connections between Holcomb Boulevard and Redland Road (Swan Avenue and Holly Lane)
2. Two distinct mixed-use neighborhoods (North Village and South Village) that accommodate 1,459 new dwelling units
3. Neighborhood-oriented commercial nodes that integrate commercial land uses, residential land use, and public open space.
4. An area for a new civic institution, such as a library or community center
5. A mix of housing types and ranges of affordability
6. An extensive system of off-street and on-street trails and pedestrian/bicycle connections

7. Innovative, “green” on-site stormwater treatment methods
8. Protected sensitive areas, including drainages and steep slopes
9. Streets and buildings oriented for solar access
10. The use of green edges to define neighborhoods and buffer developments
11. Integration of parks and open spaces into existing and future neighborhoods

The code amendments affect the following sections of the Oregon City Municipal Code:

- Chapter 16.08 – Land Division Process and Standards –
- Chapter 16.12.026 – Street Standards – Alleys
- Chapter 17.04 – New Definitions
- Chapter 17.08 – Low Density Residential Districts
- Chapter 17.10 – Medium Density Residential Districts
- Chapter 17.21 – Residential Design Standards – Park Place Concept Plan Area
- Chapter 17.24 – Neighborhood Commercial District
- Chapter 17.62 – Site Plan and Design Review – Additional Public Park, Trail and Open Space Requirements in the Park Place Concept Plan Area
- Chapter 17.65- Master Plans and Planned Unit Developments

II. SUMMARY OF PUBLIC OUTREACH

The amendments are subject to the Type IV legislative process, which requires public notification and public hearings before the Planning Commission and City Council. This process has been established by the City and determined to be consistent with the City’s acknowledged Citizen Involvement Program and Statewide Planning Goal 1. The public hearing notice of the action and decision, and the hearings on this case before the Planning Commission and City Council are all recognized as opportunities for citizen participation.

A public outreach process occurred during the development code amendment process that included:

- [Project website](#) created Summer 2024, with background information, public process timeline, and ways to connect with staff.
- Land use Measure 56 Postcard sent to all owners and residents within the Park Place Concept Plan project area boundary with informational links and the September 23, 2024, public hearing date.
- Legislative Planning Commission Public Hearing Notice sent to owners and residents within 300’ of the Park Place Concept Plan project area boundary, with informational links and the September 23, 2024, public hearing date.
- June 13, 2024, Development Stakeholder Group Presentation

The Planning Commission and City Commission reviewed the zoning and code amendments for the Park Place Concept Plan Code Revisions over multiple meetings from May through August 2024. Comments and direction, as well as public comments, were tracked throughout the meetings, and

topics were added to future meetings if new items were identified or had not been resolved. The following meetings were held to discuss the proposed legislative amendments:

- [City Commission Work Session May 7, 2024](#) - Overview of project approach
- [Planning Commission May 13, 2024](#) - Overview of code revisions
- [Planning Commission June 10, 2024](#) - Reviewed legal issues, key elements, and code revisions 17.04, 17.10, and 17.21
- [Planning Commission June 14, 2024](#) - Reviewed code revisions 17.21, 17.24, and 17.65 and reviewed an economic report-
- [Planning Commission July 8, 2024](#) - Code revisions 16.12.026, 17.08, 17.62 (Parks and Trails)
- [Planning Commission July 22, 2024](#) - Updated draft code
- [Planning Commission August 12, 2024](#) - Reviewed updated drafts of code for Neighborhood Commercial and Parks and Trails dedication
- [City Commission August 13, 2024](#) - Check-in and Direction

Community Meetings

- [Citizen Involvement Committee \(CIC\)- August 5, 2024](#)
- [Park Place Neighborhood Association Steering Committee](#) - August 19, 2024

Public Hearings:

- [First evidentiary Public Hearing – Planning Commission - September 23, 2024.](#)

Public Comments

A public comment matrix is attached as an Exhibit to this staff report. The matrix provides a summary of the topics and issues presented in the public comments and how they are addressed. This document will be updated to reflect public comments added into the record throughout the hearings process at the Planning Commission and City Commission meetings.

III. DECISION-MAKING CRITERIA:

The remainder of this report details compliance of the proposed code amendments with the applicable state, regional and local requirements.

III.A DECISION-MAKING CRITERIA - CONTINUED:

CHAPTER 17.68 ZONING CHANGES AND 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 Legislative request for amendments to the Oregon City Municipal Code was initiated by the Planning Division.

17.68.015 - Procedures.

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

Finding: Compliance with the procedures set forth in OCMC 17.50 are discussed after the findings for OCMC 17.68 – Zoning Changes and Amendments.

17.68.020 Criteria.

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

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

Finding: Findings for consistency with the most recently adopted Comprehensive Plan goals, policies and strategies follow later in this report. The City's current comprehensive plan was updated in December 2022¹ and refers to the Park Place Concept Plan as an Ancillary Document. The Park Place Concept Plan was originally adopted in 2008 along with numerous code amendments to implement the plan.

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

Finding: The development of area envisioned in the Park Place Concept Plan area has already been included in updates to the city's Ancillary Documents to the Comprehensive Plan, including amendments to the various public facilities plans for water, sewer, storm drainage, transportation, schools, police and fire protection. The capacity of the respective public facilities and services to support the proposal is not affected by the proposed code amendments. The criterion requires that public utilities and services be either currently adequate, or will be constructed in advance of development, or will be constructed prior to an occupancy permit for any development within the concept plan area. The current updated Parks Master Plan also folds in anticipated needs for parks and

¹ Ord. No. 2022-1009, <https://ormswd.synergycds.com/HPRMWebDrawer/Record/9620973>

recreation, which is slated for legislative adoption in 2024. The city is limited by the U.S Constitution to only exact public improvements that are roughly proportional to the impacts of proposed development. Additional findings for adequacy of public facilities and services is also discussed in the findings for Statewide Planning Goal 11 since 2008.

Water, Sewer, & Storm Drainage

Goal 11 requires the City to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Pursuant to OAR 660-011-0020(2), a public facility plan must identify significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan.

Oregon City's wastewater collection and treatment, water distribution, and stormwater management facilities and services are governed by the following ancillary documents:

- City of Oregon City Sanitary Sewer Master Plan (2014)
- City of Oregon City Stormwater Master Plan (2020)
- City of Oregon City Water Master Plan (2021)

The above documents, together with Oregon City's Transportation System Plan from 2013 (TSP), are the City's acknowledged public facilities and transportation system plans that inform infrastructure investments (i.e., water, stormwater, wastewater, and transportation) in Oregon City. The TSP is addressed under the Goal 12 findings below. No changes to these plans are proposed in conjunction with this code update.

Transportation

Impacts to the transportation system are addressed under (C) below.

Schools, Police & Fire Protection

Impacts to police, fire protection, and schools are not anticipated by these code amendments.

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.

Finding: The planned transportation system to serve the development envisioned in the Park Place Concept Plan was evaluated in 2008 when the concept plan was adopted and became an ancillary document to the Transportation System Plan. The Transportation System Plan (2013) also evaluated the concept plan and folded in the major transportation projects into that plan. No new uses are being proposed with these proposed code amendments. The zones do not change and the underlying comprehensive planning designations do not change either. No development is proposed with this legislative amendment to create clear and objective standards. There are also no proposed changes to the 2013 Transportation System Plan.

For these reasons no additional impacts to transportation are anticipated as a result of these proposed amendments.

The extensions of Holly Lane and Swan Avenue are adopted in the 2013 Transportation System Plan (TSP). Holly Lane is adopted as Planned Minor Arterial and Swan Avenue is shown as a Planned Collector. Minor Arterial Roadways are intended to serve local traffic traveling to and from major arterial roadways. This classification provides greater accessibility to neighborhoods, often connecting to major activity generators and provide efficient through movement for local traffic. A Collector Roadway connects neighborhoods to minor arterial roadways.

Holly Lane is an adopted TSP project that connects Redland Rd to Holcomb Blvd. It is identified as project #D48 Holly Lane North Extension and described as a residential minor arterial with newly created street connections to Cattle Drive and Journey Drive. The funding priority is listed as “Long-term”. Swan Avenue extension is also an adopted TSP project connecting Livesay Rd to Redland Rd and Redland to Morton Rd. These projects are identified as #D49 and #D50 and described as residential collectors. The funding priority is also “Long-term”.

Long-term projects are those that are “likely to be implemented beyond 10 years from the adoption of [the TSP]. These projects are important for the development of the transportation network, but unlikely to be funded in the next 10 years [2023]”. (TSP p63 Volume II 2 of 2)

Development can pay for a portion of these extensions where a rational nexus exists and in rough proportionality to the impact of development. Chapter 16.12 Minimum Public Improvements and Design Standards and specifically sections 16.12.010 and 16.12.011 would apply to any development paying for portions of or all of these road extensions.

OCMC Chapter 16.12.015 requires development to “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.” These limitations refer to established case law requiring rough proportionality and a rational nexus when requiring development to provide public improvements.

Known issues with this element of the PPCP are that all of the proposed Swan Lane and most of Holly Lane connections are outside of City limits currently and connect to roads in Clackamas County’s jurisdiction. This is not unusual, since concept plans are required to be adopted for areas within a Metro city’s UGB but which are outside of the current city limits. The expectation is that the roads in the concept plan will be constructed to city standards at the time of development, after annexation and rezoning within the city. However, there needs to be clear coordination and agreement between Clackamas County and Oregon City about how and when these roads are planned, funded and constructed. Clackamas County does not have these projects in their TSP and also does not have planned improvements on Redland Road that could handle additional trips. The County has not indicated if these projects will be considered in the next TSP Update.

The Planning Commission considered the following options:

1. Take no further action because the two connecting roads are adopted in the Oregon City TSP and will be constructed as development occurs.
2. When the TSP and CIP are updated in the next two years, reprioritize these important connections to be a short-term priority. Potentially invest SDC funding in the projects D48, D49, and D50.
3. Establish and codify a maximum number of trips that trigger construction of the full extent of roads and public improvements even when it is outside of the development area. If this option is considered, the trigger should be limited to the Park Place Concept Plan Area.

The Planning Commission consensus was to pursue option #2 and reprioritize the two projects from long-term to short-term. There was also discussion about participating in the County's Transportation System Plan in order to have these projects reflected in their plan. There was discussion about investigating a Zone of Benefit or a Local Improvement District to help fund these roads. Feedback also included looking to the Urban Growth Management Area agreement as a tool for how to plan and fund roads at the edges of the urban/rural interface.

Local Streets

The City Commission held a work session and received a report and a presentation from DKS, the city's transportation planning consultant to address community concerns regarding high traffic volumes on local designated streets due to new development.² A potential solution could be to adopt a local street maximum volume standard in the Oregon City Development Code which would apply to new development applications. This memo presents a background of local street standards, a summary of guidelines and standards applied in peer communities, and potential benefits and challenges to implementing a local street volume standard.

No new uses are being proposed with these proposed code amendments. The zones do not change and the underlying comprehensive planning designations do not change either. No development is proposed with this legislative amendment to create clear and objective standards. There are also no proposed changes to the 2013 Transportation System Plan.

For these reasons no additional impacts to transportation are anticipated as a result of these proposed amendments.

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

Finding: Responses to the applicable statewide planning goals are addressed in Section III.C. of this report.

CHAPTER 17.50 ADMINISTRATION AND PROCEDURES

17.50.030 Summary of the City's Decision-Making Processes.

² Report, *Oregon City Local Street Volume Standard Evaluation*, by Reah Flisakowski, PE, and Hallie Turk, EI, DKS Associates, August 9, 2024.

Finding: Complies as Proposed. This proposal is being reviewed pursuant to the required legislative process in OCMC 17.50.170.

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.

Finding: Complies as Proposed. This legislative amendment was initiated by staff in the Planning Division in response to City Commission consensus. Given that Planning staff are representing the City as the applicant and a pre-application conference is typically held by Planning staff it would not have made sense or provided any additional instruction for the applicant's representative to hold a pre-application conference with themselves; therefore the Community Development Director waived the pre-application requirement

17.50.055 Neighborhood Association Meeting

Finding: Complies as Proposed. This is a legislative application so there is no requirement for a meeting with affected neighborhood associations, however the project was presented to the Citizen Involvement Committee on August 5, 2024, and to the Park Place Neighborhood Association on August 19, 2024. See also findings for Statewide Planning Goal 1 later in this report.

17.50.060 Application Requirements.

Finding: Complies as Proposed. All application materials required are submitted with this narrative.

17.50.070 Completeness Review and 120-day Rule.

Finding: Complies as Proposed. This is a Legislative Decision, there is no 120-day deadline for making a final city decision.

17.50.080 Complete Application--Required Information.

Finding: Complies as Proposed. All application materials required are submitted with this narrative.

17.50.090 Public Notices.

Finding: Complies as Proposed. A Measure 56 Notice as required pursuant to ORS 227.186 was sent to all property owners within the Park Place Concept Plan (PPCP) area boundary and a legislative Land Use Notice was sent to all residents within 300' of the PPCP boundary. The city provided a notice to the Dept. of Land Conservation and Development (DLCD) of the proposed amendments 35 days prior to the first evidentiary hearing. The Land Use Notice was posted on the Oregon City project website. Staff

provided an email transmittal of the proposal and notice to affected agencies, and to all Neighborhood Associations requesting comment, including the Park Place Neighborhood Association, active County Community Planning Organizations, and Beaver Creek Hamlet.

Staff is maintaining a list of public comments received to date which is attached to the record for this proposal.

17.50.100 Notice Posting Requirements.

Finding: Complies as Proposed. No signs were posted as there was not a limited number of affected properties for this proposed Legislative amendment.

17.50.170 – Legislative hearing process

Finding: Complies as Proposed. This proposal is being reviewed pursuant to the required legislative process in OCMC 17.50.170.

III.B. OREGON CITY COMPREHENSIVE PLAN GOALS AND POLICIES AND STRATEGIES

Consistency of the proposed code amendments with the applicable goals, policies and strategies from the OC2040 Comprehensive Plan are addressed below.

OC2040 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.

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.

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.

Finding: The proposal is consistent with these goals, policies and strategies. The project provided several opportunities for citizen involvement, including staff presentations to the Citizen Involvement Committee, the Development Stakeholder Group, and the Park Place Neighborhood Association. Informational resources were provided to the general public and interested members of the public through the project website. The Holcomb-Outlook Community Planning Organization is not currently active, however notice was provided to the Hamlet of Beavercreek.

The Planning Commission met six times prior to the beginning of the legislative public hearing process to review the proposed code amendments, with public comment permitted. Additionally, a Measure 56 postcard was sent to all property owners and residents within the City's urban growth boundary. Meetings were held with the City Commission and Planning Commission and citizens were notified of these meetings.

A project update form and public comment portal set up on the project webpage <https://www.orcity.org/1452/Park-Place-Concept-Plan-Code-Revisions> received several sign-ups and comments as well.

Public notices were provided pursuant to OCMC 17.50.090 *Public Notices* as discussed above. Further opportunities for public input on the proposed amendment is provided through the legislative public hearing process.

GOAL 2 Acknowledge, protect, enhance, and commemorate Oregon City's historic, artistic, and cultural resources.

STRATEGY 2.3.A Promote the designation of qualifying properties outside Historic and Conservation Districts as historic.

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.

Finding: The proposal is consistent with these goals, policies and strategies. There are several potentially eligible historic structures within the concept plan area on properties not yet annexed to the city. At the time of annexation these properties will be considered in more detail. The process of designating historic districts and structures is codified in OCMC 17.40. The city provides notice of potential ground disturbing activities that might impact cultural or archeological resources early in the development review process to SHPO and tribal cultural resources staff through codified procedures.

GOAL 3 Strengthen wellbeing, quality of life, and livability across all Oregon City neighborhoods by creating places that are safe and comfortable with convenient access to community services.

POLICY 3.1 Support the City's network of community-based organizations, programs, and centers that provide services for Oregon City residents.

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.

Finding: The proposal is consistent with these goals, policies and strategies. The PPCP envisions walkable neighborhoods with housing choices that have proximity to goods, services and amenities, discussed in more detail below.

Neighborhood Commercial Zone

PPCP Key Elements include two distinct mixed-use neighborhoods (North Village and South Village) that accommodate 1,459 new dwelling units, neighborhood-oriented commercial nodes that integrate commercial land uses, residential land use, and public open space, and an area for a new civic institution, such as a library or community center.

OCMC 17.24.060 adds more detail to allow civic uses within the NC zone subject to applicable site plan and design review without a conditional use permit. 17.24.060. Additional civic uses permitted include non-profit and private uses such as art galleries, museums, indoor and outdoor music and theatre venues, childcare facilities, health and fitness clubs, clubs and lodges, mobile food units, and outdoor markets that are operated on the weekends and after six p.m. on weekdays.

OC2040 CHAPTER 2: DIVERSE ECONOMY

GOAL 1 Provide opportunities for a variety of goods, services, and employment options to work toward a dynamic, ecologically sound, and socially equitable economy.

POLICY 1.3 Support retention and expansion of local businesses, as well as recruitment of new businesses, across a variety of sizes and types

STRATEGY 1.6.D Encourage private development of tourism related uses such as: hotel, bed and breakfast, restaurant facilities and other visitor services.

Finding: The proposal is consistent with these goals, policies and strategies. The PPCP envisions neighborhood-oriented commercial nodes that integrate commercial land uses, residential land uses, and public open space.

Neighborhood Commercial zoning is codified through 17.24 and the comprehensive plan has identified two areas of Mixed-Use Corridor in the Concept Plan where NC will be applied when annexed to the City. NC uses include commercial, residential, and parks. Additionally, there is a maximum allowable residential use of 50% of square footage on any one site which ensures that residential uses cannot be the predominant building type in the NC area.

The uses envisioned to make up the Livesay Main Street, small scale commercial businesses, a civic building, and a park or Village Green, in the North Village are permitted uses in Neighborhood Commercial. The South Village also envisioned a small Neighborhood Commercial node with a park. Main street design standards are codified in 17.62.055 as described in the original Park Place land use implementation appendix. Including store front windows, street-level entrances, streetscape elements such as weather protection and street trees, and restrictions on mid-block driveways to ensure an attractive, walkable environment.

In March 2024, staff requested a market analysis of the Neighborhood Commercial area in the North Village from the firm Johnson Economics. The analysis indicates this area is “expected to be limited to tenants serving the local community, largely residents south of Holcomb and north Redland roads.” The analysis goes on to estimate that commercial demand “will need a substantive amount of planned residential development to be completed, as well as the Holly Road connection between Holcomb and Redlands before commercial development is viewed as viable at the site.” See analysis from Jerry Johnson of Johnson Economics with further details about what type of commercial uses might locate in the area.

NC zone already restricts residential use to 50% of the total building square footage on site and a single commercial building is limited to 10,000 square feet. The City Commission directed removing the percentage restriction as it could become cumbersome to enforce and implement; however, a new restriction is added to prohibit residential on the ground floor of any building in the NC zone abutting Livesay Road.

The Live/Work dwellings sections were also modified to clarify those uses and structures are subject only to 17.20.040 and the cap on residential use does not apply.

Various non-regulatory approaches exist to promote the economic viability of the NC zone within the Park Place Concept Plan including urban renewal, various grant programs, local improvement districts and tax credits through the state.

The size of off-site storm water facilities and parks land improvements are proposed to have restrictions that would only apply to NC in Park Place area. The size restrictions were added to protect the commercial land.

Revisions are proposed to 17.24.060 Neighborhood Commercial to include additional standards for the Park Place Concept Plan area. Residential uses are limited to upper floors of building and cannot be located on ground floors. Additional standards for landscaping, setbacks, residential uses, and parking are included. Building entrances and architectural standards are proposed to create an urban design aesthetic that supports a main street type development. Features such as locating entrances near the corner of a building and incorporating elements such as height or massing, cupolas, turrets, or pitched roofs. Proposed requirement to cut the corner of a building and include weather protection, special paving materials, street furnishing, plantings. Architectural features such as increased windows and glazing and canopies and overhangs are intended to create visual interest at the street level. Proposed code also includes specificity about materials, streetscape trees, lighting, seating, signage, and awnings.

GOAL 2 Provide housing options, including both rental and ownership opportunities, that are attainable for the full range of Oregon City households.

POLICY 2.1 Plan for housing supply that supports and implements the recommendations of the current 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 2.5 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.

Finding: The proposal is consistent with these goals, policies and strategies. The proposed code amendments are intended to promote housing diversity within the Park Place Concept Plan area boundary through clear and objective approval standards. The Housing Choices code updates that Oregon City adopted to implement HB2001 in 2022³ remain in effect and are not changed by this proposal. The amendments do not change existing allowable housing types already permitted in the low and medium density zone districts. Previous code amendments, driven by HB 2001, provides Oregon City with more housing choices, especially those that are attainably priced. The “middle housing” addressed by HB 2001 includes duplexes, triplexes, quadplexes, townhouses and cottage clusters. These housing types meet the housing needs of many younger people, older people, and low-income households that cannot afford or do not need a large single-family detached house. Many of these housing types were historically permitted and built throughout the state prior to World War II, and can still be found in many older neighborhoods. HB 2001 re-legalized these housing types, which had not been built in many cities for over 70 years due in part to restrictive zoning codes.

Adopted zones in the Low Density and Medium Density Comprehensive Plan designations allow for a range of lot sizes and types of housing. The Residential Standards for the Park Place Concept Area (OCMC 17.21) apply design types for residential development. The purpose of OCMC 17.21 is to ensure new residential development implements the goals and policies of the Park Place Concept Plan, promote high quality residential development and construction, protect property values, encourage visual variety and architectural compatibility; ensure diversity of housing types and promote an integrated character in the Park Place Concept Plan Area.

The middle housing code updates provide opportunities to expand upon the range of development types across more of the city while continuing to permit (or maintaining) the existing residential housing stock. A density bonus for Affordable Housing is already adopted in the R-3.5 Medium Density Zone District.

New minimum housing diversity standard

Amendments to OCMC Chapter 17.21 – *Housing Standards – Park Place Concept Plan Area* strike a balance between regulation and the housing market by requiring up to 25% of lots be for middle housing units, based on the net developable acreage of the proposed development. Additionally, the required middle housing units are required to be “clustered” in groups of no more than three abutting lots, so as to promote a better distribution and mix of dwelling unit types throughout the development and reduce overly-uniform housing design.

Those amendments will have the net effect of increasing the density of land and diversity of housing within the PPCP boundary in the medium and low-density zones that previously permitted only single-family detached residential use with limited middle housing options. An increased number of dwelling

³ Ord. 22-1001, <https://ormswd.synergydcs.com/HPRMWebDrawer/Record/9274921>

units within these existing residential areas rather than developing new residential areas can reduce the need for distance travel.

The amendments to OCMC 17.21 include new, clear and objective design standards consistent with the requirements of HB 2001.

Making changes to the City's System Development Charge structure which includes water, wastewater, stormwater, transportation and parks is a major effort that requires significant analysis and coordination with the City's adopted public facilities plans. A review of the city's SDC structure was done in 2022.

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.

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.

Finding: The proposal is consistent with these goals, policies and strategies. The proposed code amendments are intended to implement the mixed use vision for the PPCP. Neighborhood Commercial zoning is codified through 17.24 and the comprehensive plan has identified two areas of Mixed-Use Corridor in the Concept Plan where NC will be applied when annexed to the City. NC uses include commercial, residential, and parks. Additionally, residential use is proposed to only be allowed above the ground floor on any one site which ensures that residential uses cannot be the predominant building type in the NC area.

The uses envisioned to make up the Livesay Main Street, small scale commercial businesses, a civic building, and a park or Village Green, in the North Village are permitted uses in Neighborhood Commercial. The South Village also envisioned a small Neighborhood Commercial node with a park.

Main street design standards are codified in 17.62.055 as described in the original Park Place land use implementation appendix. Including store front windows, street-level entrances, streetscape elements such as weather protection and street trees, and restrictions on mid-block driveways to ensure an attractive, walkable environment.

Proposed Code Revisions to 17.24.060 Neighborhood Commercial include additional standards for the Park Place Concept Plan area. Additional standards for landscaping, setbacks, residential uses, and

parking are included. Building entrances and architectural standards are proposed to create an urban design aesthetic that supports a main street type development. Revised standards include locating entrances near the corner of a building and incorporating elements such as height or massing, cupolas, turrets, or pitched roofs. Also, proposed requirements to chamfer or to cut the corner of a building and include weather protection, special paving materials, street furnishing, plantings are included. Architectural features such as increased windows and glazing and canopies and overhangs are intended to create visual interest at the street level. Proposed code also includes specificity about materials, streetscape trees, lighting, seating, signage, and awnings.

Based on the type of small scale commercial uses anticipated, the adoption of a minimum floor area ratio for the NC zone within the PPCP was not included in this proposal.

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.

Finding: The proposal is consistent with these goals, policies and strategies. The proposed code amendments are intended to implement the mixed-use vision for the PPCP commercial and civic areas.

PPCP Key Elements include two distinct mixed-use neighborhoods (North Village and South Village) that accommodate 1,459 new dwelling units, neighborhood-oriented commercial nodes that integrate commercial land uses, residential land use, and public open space, and an area for a new civic institution, such as a library or community center.

OCMC 17.24.060 adds more detail to allow civic uses within the NC zone subject to applicable site plan and design review without a conditional use permit. 17.24.060. Additional civic uses permitted include non-profit and private uses such as art galleries, museums, indoor and outdoor music and theatre venues, childcare facilities, health and fitness clubs, clubs and lodges, mobile food units, and outdoor markets that are operated on the weekends and after six p.m. on weekdays.

This proposal makes no changes to the proposed street network envisioned in the PPCP or to the connectivity requirements of the adopted Transportation System Plan or Street Standards in OCMC 16.12 – *Minimum Public Improvements and Design Standards for Development*. Please refer to the transportation findings on page 6 for further explanation. The Planning Commission does recommend that the Holly Lane and Swan Avenue connections, projects D48, D49, and D50, be reprioritized from long-term to short-term in the next TSP update.

The new trail dedication requirements that will be part of commercial design review in OCMC Chapter 17.62 – Site Plan and Design Review, and Chapter 16.08 – Land Division, are intended to promote trail connections identified in the City’s 2024 Parks Master Plan and achieve an extensive system of off-street and on-street trails and pedestrian/bicycle connections, a key element of the PPCP. Trail

dedication shall be accompanied by a “shadow plat” or connectivity map to indicate how the trail proposed within the development would connect to off-site trails, trailheads and activity areas when the trail extended outside the development boundary. Trails shall be publicly accessible to all residents, including those with disabilities, and adhere to ADA (Americans with Disabilities Act) guidelines where applicable. Easements for public access shall be required. Density Transfers within the Natural Resources Overlay District are already permitted and codified in OCMC 17.49.240.

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)

Finding: The proposal is consistent with these goals, policies and strategies. The proposed code amendments do not change the Comprehensive Plan Land Use classifications or their corresponding zoning districts.

GOAL 4 Encourage and support new development that incorporates supportive community features and sustainability principles in site design and building construction.

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 4.3 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.

Finding: The proposal is consistent with these goals, policies and strategies. The proposed code amendments are intended to implement the mixed use vision for the PPCP. Neighborhood Commercial zoning is codified through 17.24 and the comprehensive plan has identified two areas of Mixed-Use Corridor in the Concept Plan where NC will be applied when annexed to the City. NC uses include commercial, residential, and parks. Additionally, there is a prohibition on ground floor residential use which ensures that residential uses cannot be the predominant building type in the NC area.

The uses envisioned to make up the Livesay Main Street, small scale commercial businesses, a civic building, and a park or Village Green, in the North Village are permitted uses in Neighborhood Commercial. The South Village also envisioned a small Neighborhood Commercial node with a park.

Main street design standards are codified in 17.62.055 as described in the original Park Place land use implementation appendix. Including store front windows, street-level entrances, streetscape elements such as weather protection and street trees, and restrictions on mid-block driveways to ensure an attractive, walkable environment.

Proposed Code Revisions to 17.24.060 Neighborhood Commercial include additional standards for the Park Place Concept Plan area. Residential uses will be limited to upper floors and not allowed on ground floors when abutting Livesay Road. Additional standards for landscaping, setbacks, residential uses, and parking are included. Building entrances and architectural standards are proposed to create an urban design aesthetic that supports a main street type development. Revised standards include locating entrances near the corner of a building and incorporating elements such as height or massing, cupolas, turrets, or pitched roofs. Also, proposed requirements to chamfer or to cut the corner of a building and include weather protection, special paving materials, street furnishing, plantings are included. Architectural features such as increased windows and glazing and canopies and overhangs are intended to create visual interest at the street level. Proposed code also includes specificity about materials, streetscape trees, lighting, seating, signage, and awnings.

OC2040 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 1.1 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 1.4 Ensure transportation investments are equitably applied across Oregon City neighborhoods.

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.

Finding: The proposal is consistent with these goals, policies and strategies. Please refer to the transportation findings on page 6 for further background. This proposal makes no changes to the proposed street network envisioned in the PPCP or to the connectivity requirements of the adopted Transportation System Plan or Street Standards in OCMC 16.12 – *Minimum Public Improvements and Design Standards for Development*. Please refer to the transportation findings on page 6 for further explanation. The Planning Commission does recommend that the Holly Lane and Swan Avenue connections, projects D48, D49, and D50, be reprioritized from long-term to short-term in the next TSP update. Additionally, the proposed amendments do not change zoning or comprehensive plan designations. Traffic impacts as a result of zone changes are analyzed when there is a proposal for a zone change and in the case of the Park Place Concept Plan area this analysis will take place when land is proposed for annexation and zoning assignments. No development is proposed with this legislative

amendment however traffic analysis will be required if a development application is submitted to the City. The proposed amendments are intended to clarify the code and create clear and objectives standards to review development proposals.

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.

STRATEGY 2.3.D Identify neighborhoods that are underserved by transportation and other infrastructure investments to ensure equitable future investments.

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.

Finding: The proposal is consistent with these goals, policies and strategies. See findings under OCMC 17.68.020.(B) and (C) earlier in this report relating to adequacy of public facilities and the transportation system beginning on page 5.

The development of the area envisioned in the Park Place Concept Plan area has already been included in updates to the city's Ancillary Documents to the Comprehensive Plan, including amendments to the various public facilities plans for water, sewer, storm drainage, transportation, schools, police and fire protection. The capacity of the respective public facilities and services to support the proposal is not affected by the proposed code amendments. The criterion requires that public utilities and services be either currently adequate, or will be constructed in advance of development, or will be constructed prior to an occupancy permit for any development within the concept plan area. The current updated Parks Master Plan also folds in anticipated needs for parks and recreation, which is slated for legislative adoption in 2024. The city is limited by the U.S Constitution to only exact public improvements that are roughly proportional to the impacts of proposed development. Additional findings for adequacy of public facilities and services is also discussed in the findings for Statewide Planning Goal 11 since 2008.

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.

The planned transportation system to serve the development envisioned in the Park Place Concept Plan was evaluated in 2008 when the concept plan was adopted and became an ancillary document to the Transportation System Plan. The Transportation System Plan (2013) also evaluated the concept plan and folded in the major transportation projects into that plan. No new uses are being proposed with these proposed code amendments. The zones do not change and the underlying comprehensive planning designations do not change either. No development is proposed with this legislative amendment to create clear and objective standards. There are also no proposed changes to the 2013 Transportation System Plan.

For these reasons no additional impacts to transportation are anticipated as a result of these proposed amendments.

GOAL 4 Promote and support energy conservation, sustainability, and resiliency through best practices in infrastructure planning, operations, and management.

POLICY 4.2 Continue to implement green, sustainable, and low-impact approaches to stormwater management.

STRATEGY 4.4.A Promote mixed-use development, increased densities near activity centers, and home-based occupations (where appropriate).

STRATEGY 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.

Finding: The proposal is consistent with these goals, policies and strategies. The proposed code amendments are intended to implement the mixed-use vision for the PPCP. Neighborhood Commercial zoning is codified through 17.24 and the comprehensive plan has identified two areas of Mixed-Use Corridor in the Concept Plan where NC will be applied when annexed to the City. The proposed amendments include clearer design standards for new buildings in the NC zone and additional protections for the zone's commercial nature by limiting the size of storm ponds and park land within the zone district.

OC2040 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 1.1 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.

Finding: The proposal is consistent with these goals, policies and strategies. The PPCP calls for the provision of 8-10 acre community park in the North Village area and a 3-5 acre neighborhood park in the South Village area that would be connected by extensive system of off-street and on-street trails and pedestrian/bicycle connections. Revisions are proposed to OCMC 17.62.059 to add a new section of code with proportional dedication standards and allowance for fee-in-lieu of dedication of public park and trail requirements in Park Place Concept Plan area. Similar revisions are proposed for OCMC 16.08.040 that would require dedication at time of a land division.

As with the discussion of critical road infrastructure discussed above, the City is constrained in its ability to exact park land dedication and improvements to that which is roughly proportional to the impact of development. To deal with these limitations, city staff is proposing a formula for residential development. OCMC 17.62.059 requires the dedication of park land or an in-lieu fee that is based on a proportional formula based on number of individuals in each dwelling multiplied by the number of dwelling units at four acres per 1000 people. Under this approach, every new housing unit will contribute its fair share for the park. If future development is so piecemeal that it precludes dedication of the minimum PPCP required parkland, the City will have to be prepared to buy whatever remaining pieces are necessary using the funds collected in-lieu fees, either through negotiation or eminent domain, if necessary.

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.

Finding: The proposal is consistent with these goals, policies and strategies. The Park Place Concept Plan (PPCP) identifies a substantial, interconnected network of trails corresponding to the open space system, and in some cases parallel to road corridors. Proposed trail locations are

consistent with the City's adopted Trails Master Plan and other local and regional plans, help connect activity centers, and provide alternatives to travel by automobile. The proposed code amendments for trails is intended:

- To achieve an extensive system of off-street and on-street trails and pedestrian/bicycle connections, a key element of the PPCP.
- To provide standards for the applicability, design, location, connectivity, access, maintenance, dedication, enforcement and integration of trails for residential and non-residential development within the PPCP.
- To assure that trail dedication requirements are roughly proportional to the impact of the proposed development on the trail system.
- To promote pedestrian connectivity, enhance recreational opportunities and enhance environmental stewardship within the PPCP.
- To integrate trail planning with other adopted goals, policies and plans, including the Oregon City Parks and Recreation Master Plan (2008), the Oregon City Trails Master Plan (2004), the Oregon City Transportation System Plan (2013), and the OC2040 Comprehensive Plan (2022).

OC2040 GOAL 2 Conserve, protect, and enhance the function, health, and diversity of the City's natural resources and ecosystems.

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 2.4 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 2.7 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.

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.

Finding: The proposal is consistent with these goals, policies and strategies. The proposed code amendments do not make any changes to the Natural Resources Overlay District code. The PPCP envisioned green edges as areas consisting of sensitive habitat and drainage areas that frame pockets of development. The PPCP states that this open space “can be realized through local regulation, sensitive development practices, and through public acquisition. From Chapter 4 of the Concept Plan, a policy identified conserving and protecting natural areas, including environmentally constrained areas unsuitable for development.” The PPCP identifies areas with slopes of 25% or more as open space that will remain undeveloped. P56

This element is implemented by recognizing the Natural Resource Overlay District (NROD) and Geologic Hazards Overlay District within the Concept Plan area. Density transfers have been codified for the NROD to allow these areas to remain open. Three chapters in OCMC have been adopted and apply to the PPCP area including Natural Resource Overlay District (OCMC 17.49), Geologic Hazards (OCMC 17.44), and the Flood Management Overlay District (OCMC 17.42). The Concept Plan suggested adding definitions for landslide materials, landslide areas, unstable slopes, unstable soils and debris fans based on certain studies included in the Concept Plan. These studies are referenced in Chapter 44 specifically in 17.44.050(A)(1)(a-h). (PPCP p58) OCMC 17.44.050 requires these resources to be used as part of a geologic assessment.

The Park Place Concept Plan was developed in a manner that minimizes impacts to the existing hydrological conditions of the study area. Moreover, the stormwater concept plan and recommendations seek to utilize existing natural drainage features and low-impact development best practices to mimic existing hydrologic functions.

Chapter 13 of the OCMC addresses public utilities and services including water, sewer, and stormwater. These chapters are applicable during site plan and design review but are not listed as applicable chapters to address during general development or detailed development land use review. Updates to

Chapter 17.65.050 and 17.65.060 are needed to include references to these chapters and specifically chapter 13.12 Stormwater management.

Since the adoption of the Concept Plan, stormwater management standards were adopted and went into effect in 2015 as well as the Stormwater and Grading Design Standards which emphasize low-impact development (LID) practices. Stormwater LID techniques approved for use in Oregon City mimic natural drainage systems by keeping rainwater close to where it falls and attenuate stormwater runoff.

Stormwater is addressed in section 13.12.020 of the OCMC:

- OCMC 13.12.020 allows the City Commission to adopt the Stormwater and Grading Design Standards, which have been adopted in 2015 and an update in 2019/2020.

The Stormwater and Grading Design standards prescribe a Stormwater Management Strategy that development must address. “Given suitable site and soil conditions, the City requires that the stormwater management strategy prioritize infiltration of stormwater runoff to recharge groundwater mimic pre-development hydrologic conditions” (p38 Stormwater and Grading Design Standards). The City’s stormwater Management Hierarchy closely matches the desired stormwater management in the PPCP.

Level 1- Onsite retention of the 10-year design storm using LID for infiltration

Level 2- Onsite stormwater management using LID to meet water quality and flow control standards

Level 3- Offsite or Regional Facilities

Level 4- Fee in Lieu

The PPCP identified the desire for Green Streets which integrate the management of stormwater into street design itself that would provide a stormwater management benefit as well as an urban design element. Green streets typically take the form of vegetated swales along the street with curb cuts to allow street runoff to enter. However, this type of stormwater management may not be appropriate for the PPCP area due to topography and soil type. The slope of Holly Lane is anticipated to be 15% which is comparable to Pearl Street within the City. It will be very steep. Stormwater planters require a design that is not conducive to steep slopes. While stormwater planters are the modern version of stormwater swales, infiltration may not be the best or wisest solution to stormwater management due to the existing geologic hazards and natural resources in the area.

The proposed code amendments do not make any changes to the adopted tree regulations in OCMC 17.41.

Together with the existing code chapters for public and street trees in Chapter 12.08, heritage tree designation process in Chapter 12.32, stormwater regulations in Chapter 13.12, and NROD regulations in Chapter 17.49, the proposal remains consistent with the aforementioned goals, policies and strategies.

OC2040 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 proposal is consistent with these goals, policies and strategies. The proposed code amendments do not make any changes to the Natural Resources Overlay District code. Geohazard areas are an identified Goal 7 resource under the state land use system. Per OAR 660-046-0010(3)(c), cities may apply protective measures within Goal 7 areas including, but not limited to, restrictions on use, density, and occupancy by limiting middle housing types, in order to reduce risk to people and property from natural hazards.

The City's existing Geological Hazards Overlay District (OCMC 17.44) generally limits residential development to two dwelling units per acre and individual residential uses are limited by maximum grading and disturbance volumes.

In the Geologic Hazard Overlay District, the development of middle housing at densities that exceed the maximum density allowed for detached single-unit dwellings would increase the number of people exposed to a hazard. For that reason, development of middle housing in the Geologic Hazard Overlay District will be subject to regulations limiting density where there are slopes between 25-35% or located within historic landslide areas to two dwelling units per acre, whether that be two single-family detached dwellings, one duplex, or any other residential development type permitted in the underlying zoning district. This standard will permit residential development without increasing the number of people exposed to landslide hazards, thereby limiting loss of life and damage to property from natural hazards through the regulation of development in these areas.

The Geological Hazard Overlay District (OCMC 17.44) is intended to ensure that activities in geologic hazard areas are designed based on detailed knowledge of site conditions in order to reduce risk of private and public losses. It is intended to establish standards and requirements for the use of lands within geologic hazard areas and to provide safeguards to prevent undue hazards to property, the environment, and public health, welfare, and safety in connection with use of lands within geologic hazard areas. Finally, the Geologic Hazards Overlay District is intended to mitigate risk associated with geologic hazard areas, not to act as a guarantee that the hazard risk will be eliminated, nor as a guarantee that there is a higher hazard risk at any location. Unless otherwise provided the regulations of OCMC 17.44 are in addition to generally applicable standards provided elsewhere in the Oregon City Municipal Code. The City has a responsibility to balance the safety of residents and property while still allowing private property owners to exercise their rights as landowners.

Alley Requirements in the Park Place Concept Plan

Revisions to OCMC 16.12.026 – Alleys are currently required in the PPCP area however proposed code will create a new, clear and objective standard to offer a modification of the alley requirements within

the Natural Resources Overlay District and within the Geologic Hazard Overlay district. Alleys are a requirement within the Park Place Concept Plan area, however, public alley access may not be feasible nor practicable in these areas due to the additional grading, cut and fill and impervious surfaces that alleys require and the need to minimize disturbance to sensitive natural resources and steeply sloped or unstable sites within these overlay districts. Not requiring alleys in these sensitive areas will reduce the amount of grading and impervious surface required.

A third modification has been added to exclude development abutting the PPCP boundaries from the alley service requirement, since including an alley at the rear of these abutting lots will defeat the purpose of the green buffer concept, as well as the requirement for blocks with two tiers of lots of consistent depths per OCMC 16.12.030.

Through a Type II process, an applicant may request modification of this public improvement standard as part of a land division or other land use application.

III.C. OREGON STATEWIDE PLANNING GOALS

Statewide Planning Goal 1 – Citizen Involvement:

This goal outlines the citizen involvement requirement for adoption of Comprehensive Plans and changes to the Comprehensive Plan and implementing documents.

Finding: Requirements under Goal 1 are met by adherence to the applicable goals and policies of Section 1 of the OC 2040 Oregon City Comprehensive Plan and the citizen involvement processes required by the Oregon City Municipal Code, Chapter 17.50 – Administration and Procedures.

The amendments are subject to the Type IV legislative process, which requires public notification and public hearings before the Planning Commission and City Council. This process has been established by the City and determined to be consistent with the City's acknowledged Citizen Involvement Program and Statewide Planning Goal 1. The public hearing notice of the action and decision, and the hearings on this case before the Planning Commission and City Council are all recognized as opportunities for citizen participation. Additionally, a Measure 56 notice required by ORS 227.186 was mailed to affected property owners. Goal 1 is met.

Statewide Planning Goal 2 – Land Use Planning:

This goal requires a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: This goal outlines the land use planning process and policy framework, and is implemented through the applicable Goals and Policies in Chapter 2 of the Oregon City Comprehensive Plan: Diverse Economy . The Oregon City Comprehensive Plan and Oregon City Municipal Code have been acknowledged by DLCD as being consistent with the statewide planning goals. The City has followed the land use planning process and policy framework established in the City's acknowledged comprehensive plan elements and Oregon City Municipal Code as a basis for all decision and actions related to the use of land and to assure an adequate factual basis for such decisions and actions.

The amendments will be adopted by the City Commission after a public hearing. Multiple opportunities have been provided for review and comment by citizens and affected governmental units during the preparation of this ordinance.

Statewide Planning Goals 3 & 4: Agricultural Lands and Forest Lands

Finding: These statewide planning goals relate to agricultural and forest lands in Oregon and are not applicable to these amendments. These amendments pertain to lands within City limits that is zoned for urban development. By definition, Oregon City does not have rural resource lands such as for agricultural or forest use within its city limits or UGB, and therefore, those goals are not applicable.

Statewide Planning Goal 5 – Natural Resources, Scenic and Historic Areas

Finding: The City is currently in compliance with the Statewide Planning Goal 5. The amendments do not alter the City’s acknowledged Goal 5 inventories or land use programs. No changes will occur directly to current natural resource or historic protections (OCMC 17.49, Natural Resource Overlay District, and OCMC 17.40, Historic Overlay District) because of these amendments; therefore, the amendments are in compliance with Goal 5. In areas subject to the Historic Overlay District, housing types permitted in the underlying zoning districts will be permitted consistent with OAR 660-046-0010(3)(B) and will require review and compliance with Historic Overlay District provisions.

Statewide Planning Goal 6: Air, Water, and Land Resources Quality

Finding: Pursuant to OAR 660-015-0000(6), a Medium or Large City may limit development within an urban growth boundary to support attainment of federal and state air, water, and land quality requirements. Medium and Large Cities may apply regulations adopted pursuant to Goal 6 to the development of Middle Housing. The City is currently in compliance with Statewide Planning Goal 6. The amendments do not alter the City’s acknowledged land use programs regarding water quality and flood management protections. As a result, the updates comply with Goal 6.

Statewide Planning Goal 7 – Areas Subject to Natural Hazards

Finding: The City is currently in compliance with Goal 7 for geologic hazard areas by maintaining current development limitations and review requirements. Per OAR 660-046-0010(3)(c), cities may apply protective measures within Goal 7 areas including, but not limited to, restrictions on use, density, and occupancy by limiting middle housing types, in order to reduce risk to people and property from natural hazards.

The City’s existing Geological Hazards Overlay District (OCMC 17.44) generally limits residential development to two dwelling units per acre and individual residential uses are limited by maximum grading and disturbance volumes.

The amendments do not alter the City's acknowledged land use programs regarding potential landslide areas (OCMC 17.44 – US-Geologic Hazards) and flood protection (OCMC 17.42 – Flood Management Overlay District).

Statewide Planning Goal 8 – Recreational Needs

Finding: The provision of recreation services within Oregon City is the responsibility of the Oregon City Parks and Recreation Department. The code amendments proposed include clear and objective parks and trail dedication requirements for the Park Place Concept Plan which will promote recreational use by the future residents of the area.

Statewide Planning Goal 9: Economic Development

Finding: This goal is applicable as the Park Place Concept Plan envisions walkable mixed use development and small scale commercial uses within both the North and South Village concepts. Code revisions are proposed in order to achieve good design and preserve the NC – Neighborhood Commercial zoned areas that will eventually serve adjacent residential development with goods and services closer to their homes.

Statewide Planning Goal 10: Housing

To provide for the housing needs of citizens of the state.

Finding: The proposed code amendments are intended to promote housing diversity within the Park Place Concept Plan area boundary through clear and objective approval standards. The Housing Choices code updates that Oregon City adopted to implement HB2001 in 2022⁴ remain in effect and are not changed by this proposal. The amendments do not change existing allowable housing types already permitted in the low and medium density zone districts. Previous code amendments, driven by HB 2001, provides Oregon City with more housing choices, especially those that are attainably priced. The “middle housing” addressed by HB 2001 includes duplexes, triplexes, quadplexes, townhouses and cottage clusters. These housing types meet the housing needs of many younger people, older people, and low-income households that cannot afford or do not need a large single-family detached house. Many of these housing types were historically permitted and built throughout the state prior to World War II, and can still be found in many older neighborhoods. HB 2001 re-legalized these housing types, which had not been built in many cities for over 70 years due in part to restrictive zoning codes.

Adopted zones in the Low Density and Medium Density allow for a range of lot sizes and types of housing. The Residential Standards for the Park Place Concept Area (OCMC 17.21) apply design types for residential development. The purpose of OCMC 17.21 is to ensure new residential development implements the goals and policies of the Park Place Concept Plan, promote high quality residential development and construction, protect property values, encourage visual variety and architectural

⁴ Ord. 22-1001, <https://ormswd.synergycds.com/HPRMWebDrawer/Record/9274921>

compatibility; ensure diversity of housing types and promote an integrated character in the Park Place Concept Plan Area.

The middle housing code updates provide opportunities to expand upon the range of development types across more of the city while continuing to permit (or maintaining) the existing residential housing stock. A density bonus for Affordable Housing is already adopted in the R-3.5 Medium Density Zone District.

New minimum housing diversity standard

Amendments to OCMC Chapter 17.21 – *Housing Standards – Park Place Concept Plan Area* strike a balance between regulation and the housing market by requiring up to 25% of new lots be for middle housing units, based on the net developable acreage of the proposed development. Additionally, the required middle housing units are required to be “clustered” in groups of no more than three abutting lots, so as to promote a better distribution and mix of dwelling unit types throughout the development and reduce overly-uniform housing design.

Oregon City adopted a Housing Needs Analysis in December 2021 ORD20-1014 which included the Park Place Concept Plan in the buildable land inventory, expected population growth, and the forecast for new dwelling units. The proposed amendments do not change these assumptions, and the clear and objective criteria proposed will be applied to new residential development in the Park Place Concept Plan area, helping to achieve the goals set in the Housing Needs Analysis.

Statewide Planning Goal 11: Public Facilities and Services

To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: Goal 11 requires the City to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Pursuant to OAR 660-011-0020(2), a public facility plan must identify significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan.

Oregon City’s wastewater collection and treatment, water distribution, and stormwater management facilities and services are governed by the following ancillary documents:

- City of Oregon City Sanitary Sewer Master Plan (2014)
- City of Oregon City Stormwater Master Plan (2020)
- City of Oregon City Water Master Plan (2021)

The above documents, together with Oregon City’s Transportation System Plan from 2013 (TSP), are the City’s acknowledged public facilities and transportation system plans that inform infrastructure investments (i.e., water, stormwater, wastewater, transportation, and electricity) in Oregon City. The TSP is addressed under the Goal 12 findings below. No changes to the Public Facilities Service Plans are proposed in conjunction with the code update project.

Statewide Planning Goal 12: Transportation

To provide and encourage a safe, convenient, and economic transportation system.

Finding: See findings under page 5. As far as land use impacts on the transportation system, this code amendment proposal does not anticipate any major changes to allowable uses that were not already evaluated with the adoption of middle housing code in 2022. That analysis determined that the assumed increase in residential trips resulting from a middle housing shift is not expected to have a significant effect on the transportation system in Oregon City.

The findings of the 2013 TSP will not change because of the middle housing shift, including the established citywide circulation needs. New subdivisions will continue to be analyzed as part of development review to establish localized needs (e.g., safe access, connectivity).

Statewide Planning Goal 13: Energy Conservation

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based on sound economic principles.

Finding: Goal 13 regarding energy conservation is not applicable because the City's acknowledged regulations implementing Goal 13 remain unaffected by the proposed amendments.

Statewide Planning Goal 14: Urbanization

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Finding: Goal 14 requires cities to estimate future growth rates and patterns, and to incorporate, plan, and zone enough land to meet the projected demands. The amendments do not repeal, replace, or void existing code provisions regarding annexation. Therefore, the code amendments are consistent with Goal 14.

Statewide Planning Goal 15: Willamette River Greenway

To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Finding: Statewide Planning Goal 15 requires cities to adopt local greenway plans, along with criteria for new development, new uses, and the increase of use along the river. Section 15 – Willamette River Greenway of the Oregon City Comprehensive Plan establishes goals and policies that provide a basis for an overlay zone in Title 17 of the City of Oregon City Municipal Code, namely OCMC 17.48 – WRG Willamette River Greenway Overlay District. The proposed code amendments to not change any regulations within Chapter 17.48 and none of the Park Place concept Plan area is within the Willamette River Greenway Overlay District.

Statewide Planning Goals: 16 Estuarine Resources; 17 Coastal Shorelands; 18 Beaches and Dunes; 19 Ocean Resources

Finding: Statewide planning Goals 16-19 relate to coastal lands in Oregon, which are not applicable within the planning jurisdiction of the City of Oregon City and are not applicable to the amendments.

IV. STAFF RECOMMENDATION:

Based on the findings identified above, the proposal to amend Titles 16 and 17 of the Oregon City Municipal Code to implement clear and objective standards for the Park Place Concept Plan is consistent with the Oregon City Comprehensive Plan and State Land Use Goals and applicable Oregon Administrative Rules.

The Community Development Director therefore recommends approval of Planning file LEG 24-01.

V. EXHIBITS AND REFERENCED PLANS

- a. Draft Redlines with Explanation Boxes
 - Chapter 16.08 – Land Division Process and Standards –
 - Additional Public Park, Trail and Open Space Requirements in the Park Place Concept Plan Area
 - Chapter 16.12.026 – Street Standards – Alleys
 - Chapter 17.04 – New Definitions
 - Chapter 17.08 – Low Density Residential Districts
 - Chapter 17.10 – Medium Density Residential Districts
 - Chapter 17.21 – Residential Design Standards – Park Place Concept Plan Area
 - Chapter 17.24 – Neighborhood Commercial District
 - Chapter 17.62 – Site Plan and Design Review –
 - Additional Public Park, Trail and Open Space Requirements in the Park Place Concept Plan Area
 - Chapter 17.65- Master Plans and Planned Unit Developments
- b. Public Comment Summary Matrix
- c. Public Comments submitted to date
- d. 2024 Parks Master Plan (On File)
- e. 2004 Trails Master Plan (On File)
- f. 2008 Parks and Recreation Master Plan (On File)
- g. 2008 Park Place Concept Plan (On File)
- h. Oregon City Transportation System 2013 (On File)
- i. Memorandum, “Park Place Concept Plan Key Elements Integrating Clear and Objective Standards into Oregon City Municipal Code, May 7th, 2024; Updated June 24, 2024 with PC revisions (On File)
- j. Full Records of Planning Commission Meetings - May 2024 to August 2024 (On File)
 - May 13
 - June 10
 - June 24
 - July 8
 - July 22
 - August 5
 - August 12
- k. Record for City Commission Worksession on August 13, 2024 (On File)
- l. Oregon City Housing Needs Analysis - December 2021, Ord. 20-1014 (On File)

16.12.026 Same—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.

Pursuant to OCMC 16.12.0313, an applicant may request modification of the alley requirement in one or more of the following situations:

1. New residential development located wholly or partially within the Natural Resources Overlay District (NROD) regulated by OCMC 17.49 where the requested modification will minimize disturbance to sensitive natural resources protected by the NROD.
2. New residential development wholly or partially within the Geologic Hazards Overlay District regulated by OCMC 17.44 where the requested modification will minimize disturbance to steeply sloped or unstable sites within the Geologic Hazards Overlay District.
3. New residential development within the Park Place Concept Plan perimeter transition area required per OCMC 17.08.055(C) and OCMC 17.10.080.(C) and the requested modification is necessary to allow the perimeter transition.
4. Where the alley requirement would preclude ~~or a~~ block layout with two tiers of lots with consistent lot depths per OCMC 16.12.030.

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.

Explanation:

This revision creates a new, clear and objective standard to offer a modification of the alley requirements within sensitive NROD habitat areas and geologic hazards overlay districts.

Public alley access may not be feasible nor practicable in these areas due to the additional grading, cut and fill and impervious surfaces that alleys require and the need to minimize disturbance to sensitive natural resources and steeply sloped or unstable sites within these overlay districts.

A third and fourth modification has been added to exclude development abutting the PPCP boundaries from the alley service requirement, since including an alley at the rear of these abutting lots will defeat the purpose of the green buffer concept, as well as the requirement for blocks with two tiers of lots of consistent depths per OCMC 16.12.030.

Through a Type II process, an applicant may request modification of this public improvement standard as part of a land division or other land use application.

PPCP Key Element:

8. Protected sensitive areas, including drainages and steep slopes.

New Zoning Code Definitions

Note: This list includes new definitions to implement the Park Place Concept Plan and other definitions for words added to the code over time that are not currently defined. Some existing definitions require renumbering to fit the new definitions into the code in alphabetical order. The renumbered definitions are included at the end.

New Definitions

17.04.091 - Architecturally significant façade

“Architecturally significant façade” means the exterior wall(s) or elevation(s) of a structure that contains the greatest number and most detailed elements of architectural design, detail, materials or craftsmanship compared to the other walls or elevations of the structure as viewed from a public area, street or vantage point. The architecturally significant façade of a building is the most familiar and recognizable part of the building, and includes windows, materials, entryways, sheltering elements and other features of interest that are not found on or found to a lesser extent on the other exterior walls or elevations of the structure.

17.04.124 - Awning

“Awning” means a roof-like structure of fabric, metal or other materials stretched or connected over a rigid frame projecting from the elevation of a building designed to provide continuous overhead weather protection.

17.04.175 - Canopy

“Canopy” means a roof-like covering over a door or an opening of a structure intended and used for the purpose of sheltering persons or inanimate objects from the rays of the sun and from rain and weather. Entrance canopies shall be attached to the building and may be supported from the ground up or cantilevered out from the wall of a building using structural support integral to the building.

17.04.271 - Cupola

“Cupola” means a relatively small, most often dome-like, tall structure on top of a building. Often used to provide a lookout or to admit light and air, it usually crowns a larger roof or dome.

17.04.287 – Dedication

“Dedication” means the intentional appropriation or conveyance by an owner or developer of private land for public use, and the acceptance of land for such use by the City over the public function for which it will be used. Dedications for roads, parks, utilities, or other public uses often are made conditions for approval of a development by the City.

17.04.317 - Distribution

“Distribution” means a use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

17.04.345 - Eco-roof.

"Eco-roof" or "green roof" means a lightweight vegetated roof system consisting of waterproofing material, a growing medium, and specially selected plants. An eco-roof or green roof is one of various stormwater low impact development techniques intended to reduce runoff, improve water and air quality, provide wildlife habitat, and save energy. See also Low Impact Development. Eco-roofs may also be used on constrained urban sites in lieu of traditional landscaping.

17.04.503 - Gazebo

"Gazebo" means a type of open sided accessory structure consisting of pillars or posts supporting an enclosed roof system, which offers full protection from the elements. The sides are fully open to allow airflow.

17.04.537 - Green roof.

See "Eco-roof" as defined in OCMC 17.04.345.

17.04.609 - Kennel

"Kennel" means any premises where five or more dogs, cats, or other small animals are kept for board, propagation, training or sale.

or;

Existing definition in OCMC 6.04.020 - "Kennel" means the owner or keeper of four or more dogs which have permanent canine teeth shall be considered as the owner or keeper of a kennel.

17.04.742.010 - Massing, architectural

"Massing" or "architectural massing" means the perceived three-dimensional form of a building as influenced by size, scale, and shape, not just its outline from a single perspective. Massing influences the sense of space which the building encloses and helps to define both the interior space and the exterior shape of the building. The creation of massing, and changes to it, may be additive (accumulating or repeating masses) or subtractive (creating spaces or voids in a mass by removing parts of it). Massing can also be significantly altered by the materials used for the building's exterior, as transparent, reflective, or layered materials are perceived differently. See also "primary massing" and "secondary massing".

17.04.742.020 – Massing, primary

"Primary massing" means the principal or dominant architectural massing of a structure due its greater size, scale or shape. See "massing, architectural".

17.04.742.030 - Secondary massing

"Secondary massing" means the less dominant massing of a structure due its lesser size, scale or shape when compared to the primary massing. See "massing, architectural".

17.04.912 – Pergola

"Pergola" means a type of open sided accessory structure consisting of pillars or posts supporting a partially open roof system. A pergola may be attached to a primary structure or detached.

17.04.967 - Plaza

"Plaza" means an area generally open to the public on a controlled basis and used for passive recreational activities, events and relaxation. Plazas are paved areas typically provided with amenities, such as seating, drinking and ornamental fountains, art, trees, and landscaping, for use by pedestrians. A plaza area is wholly or partly enclosed by a building or buildings and has openings to the sky.

17.04.941 - Portico

"Portico" means a covered porch or roofed structure leading to the entrance of a building, or extended with a roof structure over a walkway, supported by columns or enclosed by walls.

17.04.952 - Primary entrance

“Primary entrance” means the principal pedestrian entry to a structure closest to the public street and the one which is dominant on the building façade due to its size, architectural detail and design.

17.04.1063.010 – Roof

“Roof” means a permanently attached structural covering over any portion of a building or structure including horizontal projections beyond the walls or supports of the building or structure, but excluding roof structures, decorative and functional elements specifically exempted from the building height measurement under definition 17.04.550 “Height of Building”.

17.04.1063.020 - Roof, flat

“Flat roof” means a roof which is not pitched and the surface of which is parallel to the ground.

17.04.1063.030 – Roof, gable

“Gable roof” or “gabled roof” means a roof which slopes from both sides of a ridge.

17.04.1063.040 - Roof, gambrel

“Gambrel roof” means a usually symmetrical gable roof with two slopes on each side.

17.04.1063.050 - Roof, hipped

“Hipped roof” means a roof with slopes on all four sides, continuous from peak to eaves.

17.04.1063.060 - Roof, mansard

“Mansard roof” means a steep, dual-pitched hipped roof allowing a tall attic space; frequently used to add an upper story.

17.04.1063.070 – Roof, pitch

“Roof pitch” means the steepness of a roof expressed as a ratio of inch(es) rise per horizontal foot (or their metric equivalent), or as the angle in degrees its surface deviates from the horizontal. A flat roof has a pitch of zero in either instance; all other roofs are pitched.

17.04.1063.080 - Roof, primary

“primary roof” means the portion of a building’s roof structure that most contributes to the mass of a building due to its predominance in height, width, length, bulk, or volume of area covered.

17.04. 1063.080 - Roof, secondary

“Secondary roof” means a roof that is subordinate to the primary roof of a structure due to its lesser contribution to the mass of a building. See “Primary roof”.

17.04.1063.090 – Roof, shed

“Shed roof” means a roof having with a single sloping plane and no hips, ridges or valleys. (Planning Commission recommended adding a definition for a shed roof to distinguish from a flat roof)

17.04.1161 - Special Event Permit

“Special event permit” means a permit issued by the Public Works Department or by the Parks and Recreation Department for events that are proposed on public property, or which have the potential to impact public property and rights-of-way.

17.04.1473 - Warehouse

“Warehouse” means a facility or facilities characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise, and odors, but not involved in manufacturing or production.

17.04.1497 – Wholesale, wholesaler

“Wholesale” or Wholesaler” means the selling and/or distributing of merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies, other than a consumer. This means an entity that buys and sells at wholesale.

Renumbered Definitions

~~17.04.175~~ 17.04.173 - Camouflage.

~~17.04.742~~ 17.04.741.100 - Medical marijuana dispensary.

Chapter 17.08 LOW DENSITY RESIDENTIAL DISTRICTS

17.08.010 Designated.

The R-10, R-8 and R-6 residential districts are designed for low density residential development.

17.08.020 Permitted uses.

Permitted uses in the R-10, R-8 and R-6 districts are:

- A. Single-family detached residential units;
- B. Accessory uses, buildings and dwellings;
- C. Duplexes;
- D. Triplexes;
- E. Quadplexes;
- F. Townhouses;
- G. Cottage clusters;
- H. Residential homes;
- I. Parks, playgrounds, playfields and community or neighborhood centers;
- J. Home occupations;
- K. Family day care providers;
- L. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);
- M. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- N. Transportation facilities.

17.08.025 Conditional uses.

The following uses are permitted in the R-10, R-8 and R-6 districts when authorized by and in accordance with the standards contained in OCMC 17.56:

- A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
- B. Bed and breakfast inns/boarding houses;
- C. Cemeteries, crematories, mausoleums and columbariums;
- D. Child care centers and nursery schools;
- E. Emergency service facilities (police and fire), excluding correctional facilities;
- F. Residential care facilities;
- G. Private and/or public educational or training facilities;

- H. Public utilities, including sub-stations (such as buildings, plants and other structures);
- I. Religious institutions;
- J. Assisted living facilities; nursing homes and group homes for over fifteen patients.

17.08.030 Reserved.

Editor's note(s)—Ord. No. 22-1001, § 1(Exh. A), adopted June 1, 2022, repealed § 17.08.030, which pertained to master plans and derived from Ord. No. 18-1009, adopted July 3, 2019.

17.08.035 Prohibited uses.

Prohibited uses in the R-10, R-8 and R-6 districts are:

- A. Any use not expressly listed in OCMC 17.08.020, 17.08.025 or 17.08.030;
- B. Marijuana businesses.

17.08.040 Dimensional standards.

Dimensional standards in the R-10, R-8 and R-6 districts are as follows:

Table 17.08.040

Standard	R-10	R-8	R-6
Minimum lot size ¹			
Single-family detached, duplex and triplex	10,000 square feet	8,000 square feet	6,000 square feet
Quadplex and cottage cluster	10,000 square feet	8,000 square feet	7,000 square feet
Townhouse	1,500 square feet	1,500 square feet	1,500 square feet
Maximum height: All	35 feet	35 feet	35 feet
Except cottage cluster unit	25 feet	25 feet	25 feet
Maximum building lot coverage, <u>except</u>	40%,	40%,	40%,
With ADU	except 45%	except 45%	except 45%
Cottage cluster	None	None	None
Minimum lot width: All	65 feet	60 feet	50 feet
Except townhouse	20 feet	20 feet	20 feet
Minimum lot depth: All	80 feet	75 feet	70 feet
Except townhouse	75 feet	75 feet	70 feet

Minimum front yard setback: All, except	20 feet, except 15 feet — Porch	15 feet, except 10 feet — Porch	10 feet, except 5 feet — Porch
Except cottage <u>Cottage cluster</u>	10 feet	10 feet	10 feet
<u>Porch</u>	<u>15 feet</u>	<u>15 feet</u>	<u>15 feet</u>
Minimum interior side yard setback: All, except	8 feet	7 feet	5 feet
Except townhouse <u>Townhouse</u>	0 feet (attached)/8 feet (side)	0 feet (attached)/7 feet (side)	0 feet (attached)/5 feet (side)
Minimum corner side yard setback	10 feet	10 feet	10 feet
Minimum rear yard setback <u>for principal dwelling, except</u>	20 feet, except 15 feet — Porch 10 feet — ADU, cottage cluster	20 feet, except 15 feet — Porch 10 feet — ADU, cottage cluster	20 feet, except 15 feet — Porch 10 feet — ADU, cottage cluster
<u>Porch</u>	<u>15 feet</u>	<u>15 feet</u>	<u>15 feet</u>
<u>ADU</u>	<u>10 feet</u>	<u>10 feet</u>	<u>10 feet</u>
<u>Cottage cluster</u>	<u>10 feet</u>	<u>10 feet</u>	<u>10 feet</u>
Garage setbacks, except	20 feet from ROW, except 5 feet Alley	20 feet from ROW, except 5 feet Alley	20 feet from ROW, except 5 feet Alley
<u>From alley</u>	<u>5 feet</u>	<u>5 feet</u>	<u>5 feet</u>
<u>Minimum separation from between existing city dwelling unit abutting the Park Place Concept Plan boundary and new dwelling unit</u>	<u>40 feet</u>	<u>40 feet</u>	<u>40 feet</u>

Notes:

1. For land divisions, lot sizes may be reduced pursuant to OCMC 16.08.065.
2. Accessory structures may have reduced setbacks pursuant to OCMC 17.54.010.B.
3. Public utility easements may supersede the minimum setback.

Explanation:

The proposed addition to Table 17.08.040 includes the new setback requirement between existing dwelling units outside of the Park Place Concept Plan boundary and new dwelling units within the plan area. The intent of this revision is for additional clarity by including the setback that is discussed under the section 17.10.080.C.(3) to the table in addition to the written text.

Also, the table is slightly modified to show the required rear yard setbacks more clearly for porches, ADUs and cottage clusters, though no changes are proposed to these setbacks.

On 7.8.2024 the Planning Commission suggested further edits to the table for ease of readability for rear yard setbacks for porch, ADU and cottage clusters which are included in this version.

The word "city" was added to the table for the minimum separation between units that to clarify that the transition zone requirements are applicable only to where new development abuts existing zoned residential areas within Oregon City limits and not to areas with county zoning that are outside the city. In other words, the intent of the transition area was not to try to match existing County zoning, just City zoning.

PPCP Key Element:

10. The use of green edges to define neighborhoods and buffer developments.

17.08.045 Exceptions to setbacks.

- A. Projections from Buildings. Ordinary building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features may project into the required yards up to twenty-four inches.
- B. Through Lot Setbacks. Through lots having a frontage on two streets shall provide the required front yard setback on each street. The required rear yard setback is not necessary.

Explanation:

The word "setback" is added for greater clarity. Per definition 17.04.1110 - Setback. "Setback" means the minimum distance by which the footprint of all buildings or structures shall be separated from a lot line.

PPCP Key Element:

N/A. This revision is added for greater clarity to the existing code section only.

17.08.050 Density standards.

- A. Density standards in the R-10, R-8 and R-6 districts are as follows:

Table 17.08.050

Standard	R-10	R-8	R-6
Minimum net density: All	3.5 du/acre	4.4 du/acre	5.8 du/acre
Except cottage clusters	4 du/acre	4.4 du/acre	5.8 du/acre
Maximum net density: All	4.4 du/acre	5.4 du/acre	7.3 du/acre
Except townhouses	17.4 du/acre	21.6 du/acre	25 du/acre

- B. Exceptions.

1. Any dwelling units created as accessory dwelling units do not count towards the minimum or maximum density limits in Table 17.08.050.
2. Duplexes, triplexes and quadplexes shall count as a single dwelling unit for the purposes of calculating maximum net density. Total dwelling units within a development may count for the purposes of calculating minimum net density.
3. Cottage clusters are exempt from maximum net density standards.

17.08.055 Additional standards for the Park Place Concept Plan Area.

- A. Applicability. This section applies to all development in the Low Density Residential District within the Park Place Concept Plan Area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the R-10 zone within the Park Place Concept Plan Area. In the event of a conflict, the standards of this section control.
- C. Perimeter Transition. Along the boundary of the Park Place Concept Plan area where new development is proposed abutting a existing residential development within the city the following additional standards shall apply to create a perimeter transition.
 1. Where any portion of a lot abuts existing residential development within the city outside of the concept plan area boundary, uses shall be limited to residential uses and roads, parks, trails, and open space.
 2. Where any portion of a lot abuts existing residential development within the city outside of the concept plan area boundary, the minimum lot size, width, and depth shall meet the minimum dimensions of the abutting city residential zone district. For example, a lot inside the Park Place Concept Plan Area which abuts a lot outside of the concept plan area that is zoned R-6 shall meet the minimum dimensions of the R-6 zone even when the lot inside the Concept Plan Area has a different zoned designation. ~~for residential uses shall be a minimum of ten thousand square feet for single-family detached dwellings, duplexes and triplexes. Minimum lot size shall be one thousand five hundred square feet for townhouses. Minimum lot size shall be ten thousand square feet for quadplexes and cottage clusters.~~
 3. Except for townhouse lots, an applicant may request up to a 20% reduction to the minimum lot sizes specified herein through a minor variance process per OCMC 17.60.020(D) and (E), or through a Master Plan adjustment per OCMC 17.65.070.

Explanation:

Previously this section had the following sentence: “the minimum lot sizes specified herein shall not be eligible for variance or adjustment”.

The Planning Commission supported allowing up to a twenty percent reduction in the minimum lot size specified within the transition area through a Type II minor variance process or through a Type III master plan adjustment, if applicable.

The additional language “within the city” was added to clarify that the transition zone requirements are applicable only to where new development abuts existing zoned residential areas within Oregon City limits and not to areas with county zoning that are outside the city. In other words, the intent of the transition area was not to try to match existing County zoning, just City zoning.

PPCP Key Elements:

5. A mix of housing types and ranges of affordability.

10. The use of green edges to define neighborhoods and buffer developments.

4. Where any portion of a proposed lot abuts existing residential development outside of the concept plan area boundary, all primary structures shall be set back a minimum of forty feet from existing dwelling units outside the plan boundary.
5. Within the forty-foot setback required in (3) above, a combination of landscaping and screening shall be provided to buffer the perimeter. The landscaping and screening shall meet one of the following standards:
 - a. Utilize existing trees in compliance with the OCMC 17.41, resulting in preservation of a minimum of twelve inches total DBH per lot with trees spaced an average of one tree for every thirty linear feet along the southern property line. These trees may be located on residential lots or in an abutting tract created for tree preservation consistent with OCMC 17.41.050.B; or
 - b. Preserving or planting native vegetation within or adjacent to the Natural Resources Overlay District in compliance with OCMC 17.49, provided that there is a minimum of twelve inches total DBH per lot with trees spaced an average of one tree for every thirty linear feet along the northern property line. These trees may be located on residential lots or in an abutting tract created for tree and habitat preservation consistent with OCMC 17.49; or
 - c. Provide a combination of new landscaping and screening to include:
 - i. A minimum of twelve inches of total DBH, or a minimum of an average of one tree with minimum caliper of two inches DBH for every thirty linear feet; and
 - ii. A minimum six-foot tall, decorative, sight-obscuring fence or wall parallel to the plan area boundary. The fence or wall shall be constructed of wood, stone, rock, or brick. Other durable materials may be substituted with the community development director's approval. Chain-link fencing shall not be allowed to satisfy this standard.
6. An alternative perimeter transition may be proposed as part of a master plan per OCMC 17.65, provided it is consistent with the goals of the adopted Park Place Concept Plan.

Explanation:

The additional standards for the Park Place Concept Plan area within the R-10 district are intended to create a transition between older residential development and newer, more intense residential development within the concept plan area. The "Northern Perimeter" of the concept plan boundary abuts several older low-density subdivisions, including Trailview (zoned R-10), Wasco Acres (zoned R-6), and Tracey Heights (zoned R-6).

Larger setbacks, lot sizes and screening is desired in this transition area between newer development within the concept plan area and existing lower density development outside.

Screening within the forty-foot setback area may be accomplished through the preservation of existing trees, planting of native vegetation abutting the NROD area, or a combination of landscaping plantings and fencing.

Larger subdivisions may opt to place the landscaping buffer in a separate open space tract to be maintained by an HOA, whereas smaller land divisions or may choose a different approach.

Item 3 above was added to reflect the Planning Commission's support for allowing up to a twenty percent reduction in the minimum lot size specified within the transition area through a Type II minor variance process or through a Type III master plan adjustment, if applicable.

PPCP Key Elements:

5. *A mix of housing types and ranges of affordability.*
10. *The use of green edges to define neighborhoods and buffer developments.*

Chapter 17.10 MEDIUM DENSITY RESIDENTIAL DISTRICTS

17.10.010 Designated.

The R-5 and R-3.5 residential districts are designed for medium density residential development.

17.10.020 Permitted uses.

Permitted uses in the R-5 and R-3.5 districts are:

- A. Single-family detached residential units;
- B. Accessory uses, buildings and dwellings;
- C. Duplexes;
- D. Triplexes;
- E. Quadplexes;
- F. Townhouses;
- G. Cottage clusters;
- H. Manufactured home parks or subdivisions in the R-3.5 district only;
- ~~I. Multi-family residential in the R-3.5 district only, subject to the applicable standards in Site Plan and Design Review in Chapter 17.62.~~
- I. Residential homes;
- J. Parks, playgrounds, playfields and community or neighborhood centers;
- K. Home occupations;
- L. Family day care providers;
- M. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);
- N. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- O. Transportation facilities.

Explanation:

Section 17.10.020- is proposed to be amended to permit multi-family development in the R-3.5 zone instead of the current requirement for a Type III master plan in section 17.10.030, which will go away. Multi-family development in any zone requires a Type II Site Plan and Design Review process subject to standards in OCMC 17.62 and the applicable dimensional standards and density permitted for multi-family use in the R-3.5 zone.

PPCP Key Element:

5. A mix of housing types and ranges of affordability.

Allowing multi-family development within the R-3.5 zone district through a clear and objective process rather than a discretionary review process reduces regulatory barriers and creates a greater mix of housing types and ranges of affordability.

17.10.025 Conditional uses.

The following uses are permitted in the R-5 and R-3.5 districts when authorized by and in accordance with the standards contained in OCMC 17.56:

- A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
- B. Bed and breakfast inns/boarding houses;
- C. Cemeteries, crematories, mausoleums and columbariums;
- D. Child care centers and nursery schools;
- E. Emergency service facilities (police and fire), excluding correctional facilities;
- F. Residential care facilities;
- G. Private and/or public educational or training facilities;
- H. Public utilities, including sub-stations (such as buildings, plants and other structures);
- I. Religious institutions;
- J. Assisted living facilities; nursing homes and group homes for over fifteen patients;
- K. Live/work dwellings.

17.10.030 Master plans.

The following use is permitted in the R-3.5 district when authorized by and in accordance with the standards contained in OCMC 17.65.

- A. Multi-family residential.

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

Explanation:

This section is proposed to be removed since it requires a discretionary review process for needed housing. Instead of master plan review, multi-family development is proposed to be a permitted use in the R-3.5 zone. Multi-family development in any zone requires a Type II land use approval process and is subject to the Site Plan and Design Review standards in OCMC 17.62 and the applicable dimensional standards and density permitted for multi-family use in the R-3.5 zone.

PPCP Key Element:

5. A mix of housing types and ranges of affordability.

Allowing multi-family development within the R-3.5 zone district through a clear and objective process rather than a discretionary review process reduces regulatory barriers and creates a greater mix of housing types and ranges of affordability.

17.10.035 Prohibited uses.

Prohibited uses in the R-5 and R-3.5 districts are:

- A. Any use not expressly listed in OCMC 17.10.020, 17.10.025 or 17.10.030.
- B. Marijuana businesses.

17.10.040 Dimensional standards.

Dimensional standards in the R-5 and R-3.5 districts are as follows:

Table 17.10.040

Standard	R-5	R-3.5
Minimum lot size ¹		
Single-family detached and duplex	5,000 square feet	3,500 square feet
Triplex	5,000 square feet	5,000 square feet
Quadplex and cottage cluster	7,000 square feet	7,000 square feet
Townhouse	1,500 square feet	1,500 square feet
Maximum height: All	35 feet	35 feet
Except cottage cluster unit	25 feet	25 feet
Maximum building lot coverage		
Single-family detached and duplex	50%	55%
With ADU	60%	65%
Triplex, quadplex and townhouse	70%	80%
Cottage cluster	None	None
Minimum lot width		
All, except	35 feet, except	25 feet, except
Townhouse	20 feet	20 feet
Minimum lot depth	70 feet	70 feet

Minimum front yard setback <u>All,</u> <u>except</u>	10 feet, except	5 feet, except
<u>Porch</u>	5 feet —Porch	0 feet —Porch
Minimum interior side yard setback: <u>All, except</u>	5 feet, except	5 feet, except
<u>All, except</u>	0 feet (attached)/5 feet (side)	0 feet (attached)/5 feet (side)
Townhouse	<u>0 feet (attached)/5 feet (side)</u>	<u>0 feet (attached)/5 feet (side)</u>
Minimum corner side yard setback	7 feet	7 feet
Minimum rear yard setback, <u>except</u>	20 feet, except	20 feet, except
<u>Porch</u>	15 feet —Porch	15 feet —Porch
<u>ADU</u>	10 feet —ADU, cottage cluster	10 feet—Cottage cluster 5 feet —ADU
<u>Cottage cluster</u>	<u>10 feet</u>	<u>10 feet</u>
Garage setbacks, <u>except</u>	20 feet from ROW, except	20 feet from ROW, except
<u>From alley</u>	5 feet from alley	5 feet from alley
<u>Minimum separation from between existing city dwelling unit abutting the Park Place Concept Plan boundary and new dwelling unit</u>	<u>40 feet</u>	<u>40 feet</u>

Notes:

1. For land divisions, lot sizes may be reduced pursuant to OCMC 16.08.065.
2. Accessory structures may have reduced setbacks pursuant to OCMC 17.54.010.B.
3. Public utility easements may supersede the minimum setback.

Explanation:

The proposed addition to Table 17.10.040 includes the new setback requirement between existing dwelling units outside of the Park Place Concept Plan boundary and new dwelling units within the plan area. The intent of this revision is for additional clarity by including the setback that is discussed under the section 17.10.080.C.(3) to the table in addition to the written text.

On 7.8.2024 the Planning Commission suggested further edits to the table for ease of readability for rear yard setbacks for porch, ADU and cottage clusters which are included in this version.

PPCP Key Concept:

10. The use of green edges to define neighborhoods and buffer developments.

17.10.045 Exceptions to setbacks.

- A. Projections from buildings. Ordinary building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features may project into the required yards up to twenty-four inches.

- B. Through lot setbacks. Through lots having a frontage on two streets shall provide the required front yard setback on each street. The required rear yard setback is not necessary.

Explanation:

The word "setback" is added for greater clarity. Per definition 17.04.1110 - Setback. "Setback" means the minimum distance by which the footprint of all buildings or structures shall be separated from a lot line.

PPCP Key Element:

N/A. This revision is added for greater clarity to the existing code section only.

17.10.050 Density standards.

- A. Density standards in the R-5 and R-3.5 districts are as follows:

Table 17.10.050

Standard	R-5	R-3.5
Minimum net density	7.0 du/acre	10 du/acre
• <u>All, except</u>	<u>7.0 du/acre</u>	<u>10 du/acre</u>
• <u>Multi-family</u>		<u>17.4 du/ac</u>
Maximum net density		
• All, except	8.7 du/acre	12.4 du/acre
• Townhouse	25 du/acre	25 du/acre
• Multi-family		21.8 du/acre
<i>Affordable Housing Bonus</i>		26.2 du/acre

Explanation:

Table 17.10.050 would be amended to apply minimum and maximum density for multifamily development when proposed within the R-3.5 zone district. These are the same densities specified for multi-family development in the R-2 zone district. Multi-family residential is proposed as a permitted use subject to clear and objective standards, rather than through the discretionary master plan process which is the current code requirement under subsection 17.10.030 above, which is proposed to be removed. Applicants who wish to construct multi-family development within the Medium Density District would first need to apply for a zone change to R-3.5 zone through a Type IV process.

21.8 du/acre is a typical density for multi-family development.

An affordable housing bonus is offered within the R-3.5 zone district, similar to the high-density residential district elsewhere in the city.

PPCP Key Element Implemented:

5. A mix of housing types and ranges of affordability.

Allowing multi-family development within the R-3.5 zone district through a clear and objective process rather than a discretionary review process reduces regulatory barriers and creates a greater mix of housing types and ranges of affordability.

- B. Exceptions.

1. Any dwelling units created as accessory dwelling units do not count towards the minimum or maximum density limits in Table 17.10.050.
2. Duplexes triplexes and quadplexes shall count as a single dwelling unit for the purposes of calculating maximum net density. Total dwelling units within a development may count for the purposes of calculating minimum net density, and also for the purposes of calculating minimum housing diversity.
3. Cottage clusters are exempt from maximum net density standards.
4. Multi-family residential development shall comply with the applicable Site Plan and Design Review standards in OCMC 17.62.
5. Affordable housing density bonus. Multi-family residential projects in the R-3.5 zone with five or more units on a single lot are eligible for a density bonus in exchange for developing affordable housing. A bonus of one additional dwelling unit per affordable unit included in the project, up to a maximum twenty percent increase from maximum net density up to 26.2 du/acre, is allowed. Projects containing exclusively affordable units may develop to the maximum twenty percent increase or 26.2 du/acre. Affordable units shall be affordable to households earning equal to or less than eighty percent of the area median income as defined by the U.S. Department of Housing and Urban Development, adjusted for household size, and guaranteed affordable for a minimum term of 30 years through restrictive covenant or other similar guarantee approved by the community development director.

Explanation:

(4) above cross references the Site Plan and Design Review chapter 17.62. Multi-family development, which is five units or more on a single parcel, must comply with the applicable standards of this chapter, which includes 17.62.050 – General Standards, 17.62.055 building standards and 17.62.057 – open space requirements for multi-family development, through a Type II process.

(5) allows for density bonus for qualifying affordable projects. As specified, the determination of “area median income” would be made at the time of development review.

PPCP Key Element:

5. A mix of housing types and ranges of affordability.

17.10.060 Conversion of existing duplexes.

Any conversion of an existing duplex unit into two single-family attached dwellings shall be reviewed for compliance with the land division requirements in Title 16 and the underlying zone district.

17.10.070 Additional standards for Thimble Creek Concept Plan Area.

- A. Applicability. This section applies to all development in the R-5 district within the Thimble Creek Concept Plan Area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the R-5 zone within the Thimble Creek Concept Plan Area. In the event of a conflict, the standards of this section control.
- C. Southern Perimeter Transition. Along the southern boundary of the Thimble Creek Concept Plan area between Beaver Creek Road and the eastern-most point of Tax Lot 00316, located on Clackamas County Map #32E15A, additional standards apply to create a perimeter transition.
 1. Where any portion of a lot is within twenty feet of the southern boundary, uses shall be limited to residential uses and roads, parks, trails, and open space.

2. Where any portion of a lot is within twenty feet of the southern boundary, the minimum lot size for residential uses shall be six thousand square feet for single-family detached dwellings, duplexes and triplexes. Minimum lot size shall be one thousand five hundred square feet for townhouses. Minimum lot size shall be seven thousand square feet for quadplexes and cottage clusters.
3. Where any portion of a lot is within twenty feet of the southern boundary, all primary structures shall be set back a minimum of forty feet from the southern boundary.
4. Within the forty-foot wide setback from the southern boundary, a combination of landscaping and screening shall be provided to buffer the perimeter. The landscaping and screening shall meet one of the two standards:
 - a. Utilize existing vegetation in compliance with OCMC 17.41, resulting in preservation of a minimum of twelve inches total DBH per lot with trees spaced an average of one tree for every thirty linear feet along the southern property line. These trees may be located on the residential lots or an abutting tract created for tree preservation consistent with OCMC 17.41.050.B or other similar landscaping or open space purpose.
 - b. Provide a combination of new landscaping and screening to include:
 - i. A minimum of twelve inches of total DBH, or a minimum of an average of one tree with minimum caliper of two inches DBH for every thirty linear feet along the southern property line, whichever is greater; and
 - ii. A minimum six-foot tall, decorative, sight-obscuring fence or wall running parallel to the southern boundary. The fence or wall shall be constructed of wood, stone, rock, or brick. Other durable materials may be substituted with the community development director's approval. Chain-link fencing with slats shall not be allowed to satisfy this standard.
5. An alternative southern perimeter transition may be proposed as part of a master plan per OCMC 17.65, provided it is consistent with the goals of the adopted Thimble Creek Concept Plan.

17.10.080 Additional standards for the Park Place Concept Plan Area.

- A. Applicability. This section applies to all development in the R-5 district within the Park Place Concept Plan Area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the R-5 zone within the Park Place Concept Plan Area. In the event of a conflict, the standards of this section control.
- C. Perimeter Transition. Along the boundary of the Park Place Concept Plan area where new development is proposed abutting existing residential development within the city the following additional standards shall apply to create a perimeter transition.
 1. Where any portion of a lot abuts existing residential development within the city outside of the concept plan area boundary, uses shall be limited to residential uses and roads, parks, trails, and open space.
 2. Where any portion of a lot abuts existing residential development within the city outside of the concept plan area boundary, the minimum lot size width, and depth shall meet the minimum dimensions of the abutting city residential zone district. For example, a lot inside the Park Place Concept Plan Area which abuts a lot outside of the concept plan area that is zoned R-6 shall meet the minimum dimensions of the R-6 zone even when the lot inside the Concept Plan Area has a different zoned designation. ~~for residential uses shall be a minimum of five thousand square feet for single-family detached dwellings, duplexes and triplexes. Minimum lot size shall be one thousand five hundred square feet for townhouses. Minimum lot size shall be seven thousand square feet for quadplexes and cottage clusters.~~

3. Except for townhouse lots, an applicant may request up to a 20% reduction to the minimum lot sizes specified herein through a minor variance process per OCMC 17.60.020(D) and (E), or through a Master Plan adjustment per OCMC 17.65.070.
4. Where any portion of a proposed lot abuts existing residential development outside of the concept plan area boundary, all primary structures shall be set back a minimum of forty feet from existing dwelling units outside the plan boundary.
5. Within the forty-foot setback required in (3) above, a combination of landscaping and screening shall be provided to buffer the perimeter. The landscaping and screening shall meet one of the following standards:
 - a. Utilize existing trees in compliance with the OCMC 17.41, resulting in preservation of a minimum of twelve inches total DBH per lot with trees spaced an average of one tree for every thirty linear feet along the southern property line. These trees may be located on residential lots or in an abutting tract created for tree preservation consistent with OCMC 17.41.050.B; or
 - b. Preserving or planting native vegetation within or adjacent to the Natural Resources Overlay District in compliance with OCMC 17.49, provided that there is a minimum of twelve inches total DBH per lot with trees spaced an average of one tree for every thirty linear feet along the northern property line. These trees may be located on residential lots or in an abutting tract created for tree and habitat preservation consistent with OCMC 17.49; or
 - c. Provide a combination of new landscaping and screening to include:
 - i. A minimum of twelve inches of total DBH, or a minimum of an average of one tree with minimum caliper of two inches DBH for every thirty linear feet; and
 - ii. A minimum six-foot tall, decorative, sight-obscuring fence or wall parallel to the plan area boundary. The fence or wall shall be constructed of wood, stone, rock, or brick. Other durable materials may be substituted with the community development director's approval. Chain-link fencing shall not be allowed to satisfy this standard.
6. An alternative perimeter transition may be proposed as part of a master plan per OCMC 17.65, provided it is consistent with the goals of the adopted Park Place Concept Plan.

Explanation:

The additional standards for the Park Place Concept Plan area within the R-5 district are intended to create a transition between older residential development and newer, more intense residential development within the concept plan area. The “Northern Perimeter” of the concept plan boundary abuts several older low-density subdivisions, including Trailview (zoned R-10), Wasco Acres (zoned R-6), and Tracey Heights (zoned R-6).

The additional language “within the city” was added to clarify that the transition zone requirements are applicable only to where new development abuts existing zoned residential areas within Oregon City limits and not to areas with county zoning that are outside the city. In other words, the intent of the transition area was not to try to match existing County zoning, just City zoning.

Larger setbacks, lot sizes and screening is desired in this transition area between newer development within the concept plan area and existing lower density development outside.

Screening within the forty-foot setback area may be accomplished through the preservation of existing trees, planting of native vegetation abutting the NROD area, or a combination of landscaping plantings and fencing.

Larger subdivisions may opt to place the landscaping buffer in a separate open space tract to be maintained by an HOA, whereas smaller land divisions or may choose a different approach.

Item 3 above was added to reflect the Planning Commission’s support for allowing up to a twenty percent reduction in the minimum lot size specified within the transition area through a Type II minor variance process or through a Type III master plan adjustment, if applicable.

PPCP Key Elements:

- 5. A mix of housing types and ranges of affordability.*
- 10. The use of green edges to define neighborhoods and buffer developments.*

Chapter 17.21 RESIDENTIAL STANDARDS—PARK PLACE CONCEPT PLAN AREA

17.21.010 Purpose.

The ~~intent of this chapter is~~ standards of this section are intended to ensure new residential development implements the goals and policies of the Park Place Concept Plan area, promote high-quality residential development and construction; protect property values; encourage visual variety and architectural compatibility; ensure diversity of housing types, and promote an integrated character in the Park Place Concept Plan area. Specifically, the standards shall:

- A. Provide clear and objectives standards for residential development.
- B. Promote new residential developments that are distinctive, have character, and relate and connect to established neighborhoods in Oregon City;
- C. Provide variety and visual interest in the exterior design of residential buildings;
- D. Provide for a variety of lot sizes and housing types for a range of households and age groups;
- E. Enhance the residential streetscape and diminish the prominence of garages and parking areas;
- F. Enhance public safety by preventing garages from obscuring main entrances or blocking views of the street from inside residences; and
- G. Improve the compatibility of new residential development with the residential character of surrounding neighborhoods. ~~and the historic architectural styles of Oregon City.~~

~~Appropriate architectural styles include: Western Farmhouse/Vernacular, Bungalow, Queen Anne Vernacular and Foursquare. The 2006 Historic Review Board's Design Guidelines for New Construction include additional architectural descriptions of historic single-family structures in Oregon City.~~

Explanation:

The purpose statement in section 17.21.010 is amended to remove the references to discretionary historical review guidelines and architectural styles, and to clarify that the chapter provides clear and objective standards for review of residential design as required by State Law.

As stated before, this revision removes the references to, as well as the pictures of architectural styles subject to discretionary interpretation to clarify that the chapter provides clear and objective standards for review of residential design as required by State Law.

PPCP Key Element:

5. A mix of housing types and ranges of affordability.

The purpose statement ties the code standards to the adopted PPCP, which is part of the city's adopted Comprehensive Plan, and the goals of the concept plan to provide diverse and affordable housing with good design.



Western Farmhouse/Vernacular



Bungalow (Craftsman)



Foursquare



Queen Anne Vernacular

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

Explanation:

PPCP Key Element:

5. A mix of housing types and ranges of affordability.

The purpose statement ties the code standards to the adopted PPCP, which is part of the city's adopted Comprehensive Plan, and the goals of the concept plan to provide diverse and affordable housing with good design.

17.21.020- Applicability.

- A. These standards apply to all new residential construction within the Medium and Low Density Residential Districts within the adopted boundaries of the Park Place Concept Plan area. Additions of more than 50% of the existing gross floor area for homes existing prior to the adoption of this chapter in the Park Place Concept Plan area are subject to this section.
- B. These standards are applicable in addition to the following residential design standards. In the event of conflicting standards, this Chapter shall control.
 - 1. Single-family detached and duplex residential units shall comply with the applicable standards in OCMC Chapter 17.14.
 - 2. Townhouses, triplexes, quadplexes, and cottage clusters in any zone shall comply with the applicable standards in OCMC Chapter 17.16.

3. Accessory dwelling units, live/work dwellings, and manufactured home parks shall comply with the applicable standards in OCMC Chapter 17.20.

C. These standards do not apply to multi-family development, live-work units, or mixed-use development.

~~A. This chapter applies to all new detached single-family residential units, duplexes, triplexes, quadplexes, townhouses, accessory dwelling units, and cottage clusters located within the Park Place Concept Plan areas. Additions to homes existing prior to the adoption of this chapter in a concept plan area or new residences outside of a concept plan area may choose review under this section or OCMC 17.14, OCMC 17.16, or OCMC 17.20 as applicable.~~

~~Residential plans that conform to the following standards may be approved as a Type I Decision. Residential plans that require approval of an exemption shall be processed as a Type II Land Use decision at time of land division or building permit application.~~

Explanation:

Clarifies that the standards of Chapter 17.21 are in addition to existing residential design standards. Housing designs are typically reviewed at the time of building permit review. If there is a conflict, the more restrictive or higher standard prevails. This supports architectural integrity and variety in residential neighborhoods.

PPCP Key Element:

5. A mix of housing types and ranges of affordability.

17.21.025 Modifications that will better meet design standards.

A. Residential plans that conform to the following standards may be approved as a Type I Decision or with a building permit application. Residential plans that require approval of an exemption or modification may be approved as a Type II Land Use decision at time of land division, or through a Type II modification to prior to building permit application.

B. Modifications that will better meet design standards. An applicant may propose modified residential designs and housing mixes that differ from these standards through a Type II review process at the time of land division or building permit application. Modifications that are denied through Type II design review may be requested as a Planning Commission variance process pursuant to Chapter 17.60, or as a master plan adjustment pursuant to OCMC 17.65.070, if applicable.

1. Criteria for modification to the standards:

- i. The modification will result in a development that better meets the applicable design standard or housing diversity standard.
- ii. The modification or modifications are consistent with the purpose and intent of this Chapter as discussed in section 17.21.010 above.

Explanation:

This section clarifies and relocates to one place in the chapter the process by which an applicant may seek modifications to the design standards. Previously the process for modifications was restated in multiple subsections which was unnecessary and redundant. An applicant has the option of requesting the modification(s) at the time of land division or prior to a building permit, but in either case, the process requires a Type II decision with public notice and comment, and which may be appealed by persons with standing.

PPCP Key Element:

N/A. This revision is for process clarification only. It does not affect any standards.

17.21.030 - ~~Roof design.~~

- A. Primary roofs shall be pitched at a minimum ratio of five-twelfths, except for non-gabled dormers, covered porches, or secondary roofs and masses.
- ~~B. Flat roofs and shed roofs are not permitted except on accessory structures and for carports.~~
- ~~C. Other primary roof forms may be proposed through the Type II modification process per Section 17.21.025.~~
- ~~CB. Solar Access. Primary roof designs shall also comply with the solar access requirements of section 17.21.100–Solar Access Standards.~~

~~Exemption: An exemption from the roof standard of subsection A above may be approved by the community development director if the resulting plan is consistent with the architectural style.~~

Explanation:

Various roof forms (including flat, hipped, gambrel, etc.) are permitted for single-family detached and duplex structures throughout Oregon City pursuant to OCMC Chapter 17.20. Requiring a traditional roof and minimum roof pitch for principal dwellings within the Park Place Concept Plan area promotes compatibility of new residential construction with existing architectural styles.

The exemption section will be deleted and replaced by subsection 17.21.025 – *Review Process* above.

The proposed cross-referenced Solar Access section has been deleted based on the Planning Commission's decision to remove that entire section of code.

Some Planning Commissioners supported allowing alternative roof forms. Staff has added this as a possible modification subject to Type II review.

17.21.040 - ~~Modulation and m~~Massing.

New residences shall have a massing ~~and footprint~~ that is compatible with the envisioned pedestrian friendly neighborhoods of the concept plan area which is accomplished by regulating the overall building footprint.

- ~~A. A.~~ Residences with footprints over one thousand two hundred square feet (not including porch or deck areas) shall provide for secondary massing (such as cross gabled wings or sunroom/kitchen/dining room extensions) under separate roof-lines. Each secondary mass shall not have a footprint larger than six hundred square feet.
- ~~B. Porches, additions and attached garages with separate rooflines may also be used to satisfy the massing requirements above.~~

Explanation:

Removed discretionary language from the previous requirements. The Planning Commission supported allowing porches, additions and attached garages with separate rooflines to meet the massing requirement.

17.21.050 – Porches and entries.

- A. Each residence shall contain a front porch with a front door that faces the street that is ~~a minimum of twenty four inches above average grade with skirting and is~~ at least eighty square feet with no dimension under six feet with the wider dimension parallel to the street. ~~Porch railings are required.~~ The front porch shall be covered.

Explanation:

Planning Commission supported removing the requirement for a 24" raised front porch and railings, citing unreasonable additional cost and to allow builder greater flexibility. The requirements for a minimum size of the porch and the requirement that it be covered remain. ~~P~~Planning commission supported deferring to the building code regarding whether porch railings are required but did not support requiring railings for aesthetic / architectural reasons only.

- ~~B. Exemption: Residence styles that do not contain a front porch or require a reduction in the size of the porch or its location may request an exemption from the community development director from subsection A above, if another type of pronounced entryway is provided. Pronounced entrances may include a rounded front door, canopy or other articulated entrances, columns, and/or other similar features provided they are compatible with the architectural style of the house. A reduced porch may be allowed if there is sufficient architectural or topographical reason to reduce the size of the porch.~~
- ~~B.~~ All subdivisions shall have at least seventy-five percent of the housing utilize front porches as approved under subsection A above.
- ~~D.~~ Each residence shall have a separate delineated pedestrian connection from the front door of the unit to the sidewalk that is a minimum width of three feet. The pedestrian connection shall be separate from a driveway.

17.21.060 – Architectural details.

- A. ~~Residences~~ shall contain architectural details. Each of the types of details listed below are worth one point unless otherwise noted. Residences ~~must~~shall achieve the equivalent of five points worth of architectural details.

- ~~1. A.~~ Stonework detailing on columns or across foundation.
- ~~2. B.~~ Brick or stonework covering more than ten percent of the front facade.
- ~~3. C.~~ Wood, clad wood, or fiberglass windows on all four elevations of the building (two points).
- ~~4. D.~~ Decorative roofline elements (choose two): Roof brackets, rake board at edge of all roof and porch, eaves, roof eaves that extend at least eighteen inches.
- ~~5. E.~~ Decorative siding elements (choose two): Barge board/frieze boards (minimum eight inches) under eaves, waterboard at foundation line and between floors (minimum six inches), corner board at all corners.

6. ~~F.~~ Decorative porch elements (choose one): Scrolls, brackets, or wrapped and finished porch railings and posts.
7. ~~G.~~ Decorative shingle design covering ten percent of the facade.

17.21.070 Approved siding materials.

A. Approved siding materials include the following.

1. ~~A.~~ Brick.
2. ~~B.~~ Basalt stone or basalt veneer.
3. ~~C.~~ ~~Narrow horizontal~~ Horizontal plank, lap or tongue and groove siding, (wood or composite) siding (five inches wide or less); wider siding will be considered where there is a historic precedent.
4. ~~D.~~ Vertical panel Board and batten siding (wood or composite).
5. Shingle or shake siding and panels (wood or composite).

~~Both smooth or textured siding is acceptable but shall not be permitted together on the same building.~~

~~E. Exemption: Other materials may be approved by the community development director if they are consistent with the quality of the approved siding materials and have historic precedence in Oregon City.~~

Explanation:

Removed discretionary language from the previous requirements. Planning Commission supported allowing more flexibility to use other exterior forms of siding and paneling, citing building cost.

Explanation:

~~Removed discretionary language from the previous requirements.~~ Planning Commission supported allowing more flexibility to use other exterior forms of siding and paneling, citing building cost and need for greater flexibility. Staff has added the three typical siding types (horizontal plank, vertical panel, and shingle / shake).
Removed discretionary language from the previous requirements.

17.21.080 - Windows.

- ~~A. All windows on all elevations must be recessed at least two inches from the facade and incorporate window trim at least four inches in width. All elevations must~~shall provide an average of one window every fifteen feet of linear elevation on each floor of each elevation. If shutters are used, they shall be half of the window opening each such that the entire window opening is covered when they are closed.
- ~~B. Exemption: An exemption may be granted by the community development director from the window standard of subsection A above if the proposed windows provide for some amount recess depth and the side elevation is consistent architecturally with the front elevation of the house in window prominence.~~
- ~~C. All subdivisions shall have at least seventy-five percent of the housing meet the standards under subsection A above.~~

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

Explanation:

Removed discretionary language from the previous requirements for windows.

17.21.090-17.21.090 – Garages Orientation and Accessory Structures.

- A. ~~A–Garages and carports are not a requirement, however, the orientation of these structures is subject to the following standards. Garages must shall~~ be detached, side entry or rear entry. For side entry garages: The garage area shall not be located in front of the living area.
- B. Modification to Garage Orientation standard permitted for existing topographic or geologic conditions. Pursuant to OCMC 16.12.01333, an applicant may request modification of the alley requirement due to the presence of the following overlay districts if the decision maker determines that the requested modification would minimize disturbance to sensitive natural resources and steeply sloped or unstable sites in the following situations:
1. New residential development located wholly or partially within the Natural Resources Overlay District regulated by OCMC 17.49; and
 2. New residential development located wholly or partially within the Geologic Hazards Overlay District regulated by OCMC 17.44.F4.
 3. Mitigation. Any modification that allows a front-loaded garage onto a public street shall comply with the applicable standards in OCMC 16.12.035 – Driveways, OCMC 17.16 Single Family Detached and Duplex Design Standards, and OCMC Middle Housing Design Standards.
 4. Front loaded garages are not permitted on any road designated as a collector, neighborhood collector, minor arterial or arterial street. Front loaded garages shall not be proposed when abutting a public street that abuts a public park.

Explanation:

This revision creates a new, clear and objective standard to offer a modification to the garage orientation standard within sensitive NROD habitat areas and geologic hazards overlay districts.

Detached, side oriented or rear loaded garages may not practicable in these areas due to the additional grading, cut and fill and impervious surfaces that may be required and the need to minimize disturbance to sensitive natural resources and steeply sloped or unstable sites within these overlay districts.

This modification would be allowed as of this public improvement standard as part of a land division or other land use application.

Section B.3 above was corrected to refer to the applicable design standards for the housing type in OCMC 17.14 and 17.16, and the public improvement requirements for driveways in OCMC 16.12. It had erroneously referred to Chapter 17.20.

PPCP Key Element:

8. Protected sensitive areas, including drainages and steep slopes.

17.21.095 - Accessory Structures

A. Detached Accessory structures over 200 square feet in size shall be designed consistent with the primary residence as follows:

1. Exterior siding materials visible from the street shall match the principal exterior siding material and reveal on the principal dwelling.

2. All windows shall include the same trim type and size as those on the principal dwelling unit, provided that the size of the trim shall be a minimum of two inches in width.

3. Eaves shall project from the building walls at the same distance as the eaves on the principal dwelling unit.

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

Explanation:

This set of standards for larger accessory structures includes clear and objective criteria from the city's existing standards for Accessory Dwelling Units. This standard would not allow pre-ordered engineered steel buildings, aka "pole barns", which are permitted elsewhere in the city.

17.21.100 – Solar Access Standards

A. Siting Requirements: All residential structures shall be designed and constructed in compliance with the following solar siting requirements:

B. All new residential units shall have a roof surface that meets all the following criteria:

1. Is oriented within 30 degrees of a true east-west direction;

2. Is not sloped towards true north; and

3. Includes a minimum of 100 square feet of un-shaded roof area per unit.

Explanation:

Planning Commission does not support adding a requirement for solar access and siting due to difficulty of administration and not wishing to limit homeowners' options for solar power equipment placement. Subsequently this proposed section is no longer included.

Formerly, supplemental zoning regulations in the City's code (OCMC Section 17.54.070) established solar access standards (maximum shade point heights and maximum shade height on solar features) for single family residential development. The code was incredibly complex to implement, monitor and enforce. Instead, if solar access standards are desired to maximize passive solar heating and simplify solar array placement for homes and to reinforce the street layout proposed for Park Place, it is recommended that solar orientation standards be simpler. The sample solar orientation regulation language is adapted from the Oregon Department of Energy and Boulder, Colorado. Staff will be reviewing home designs for compliance with this standard at the time of building permit review.

17.21.105 – Park Place Concept Plan Housing Diversity Standards

A. Purpose

1. To promote a more diverse community through the provision of a variety of housing types.

2. To discourage developments that are dominated by a single type of home or dwelling unit with a narrow range of price points and densities.

3. To encourage “neighborhood-oriented” residential developments that incorporate a variety of housing types, including duplex, tri-plex, quad-plex, cottage clusters, live-work units, townhomes, apartments, and single-family dwelling units in a range of sizes.

B. Applicability of Standards:

1. These standards apply at the time of an application for a subdivision or partition.

2. The standards of this section shall not apply to:

a. Residential developments that have been approved with modifications per subsection 17.21.025.(B).

b. Any housing units proposed within the Neighborhood Commercial zone (NC).

C. Residential development parcels, including parcels part of a phased development, shall provide a minimum number of lots for Middle Housing, based on the size of the development as required in Table 17.21.105:

TABLE 17.21.105:

<u>Minimum Required Housing Diversity within the Park Place Concept Plan Area</u>	
<u>Net Developable Area*</u>	<u>Required Minimum % of Lots for Middle Housing**</u>
<u>0—1 Acres</u>	<u>1 housing type</u>
<u>1.12 to 10 Acres</u>	<u>15%</u>
<u>10.1 to 30 Acres</u>	<u>20%</u>
<u>30.1 Acres+</u>	<u>25%</u>

*The Development Site is based on the Net Developable Area and may comprise multiple parcels or properties. See Definition in OCMC 17.04.810, "Net developable area".

**See Definition in OCMC 17.04.752, "Middle housing" means duplexes, triplexes, quadplexes, townhouses and cottage clusters.

D. To achieve better distribution of housing types within a residential development, no more than three middle housing original lots shall be permitted to abut one another. For purposes of this section, “abut” or “abutting” means lots share a common lot line for a minimum of ten feet. This standard is applicable only to the residential subdivision or partition that at the time of land use review.

E. The middle housing lots shall be identified on the preliminary plans and the final plat of the subdivision through a plat note.

F. Following recordation of a final plat that complies with this section, this standard shall be deemed to have been met. This standard does not preclude future additional middle housing units or middle housing land divisions within a residential subdivision or partition, even if those additional units or lots may not comply with D above.

Explanation:

Staff reviewed codes that mandate housing diversity from Salem, Wilsonville, and other cities. These codes vary widely in their complexity and ease of administration. Wilsonville has a long history of fairly complex PUD and design review approval for large scale residential subdivisions that is nothing like Oregon City. The above table is like what the City of Salem has used. Rather than dictate various housing types, it requires a minimum percentage of all units be middle housing and leaves the decision of what kind of middle housing to the developer or builder. Staff feels that this provides the right balance of regulation with the realities of market driven housing development.

Table 17.21.105 was changed to require lots to be identified at time of subdivision rather than units. This is the mechanism needed by the City to ensure a certain amount of middle housing lots will be developed with middle housing units. But allow for the possibility that the type of middle housing unit may change following platting. Sections D, E, and F were added to accommodate flexibility of middle housing unit choice following platting and the potential for further Middle Housing Land Divisions as required by State housing rules.

PPCP Key Elements:

5. A mix of housing types and ranges of affordability.

(NOTE – THE FOLLOWING IS NOT PROPOSED CODE LANGUAGE)**POSSIBLE ALTERNATIVE HOUSING DIVERSITY IDEAS:**

1. Adopt Vertical Housing Development Zone into the code, like Milwaukie: <https://ecode360.com/43855435> (Milwaukie's is in Title 3 – Finance).
2. Develop a set of pre-approved housing designs which have reduced review fees if used by builders.
3. Incentivize Middle Housing through scaled SDCs.

Chapter 17.24 NC NEIGHBORHOOD COMMERCIAL DISTRICT

17.24.010 Designated.

The neighborhood commercial district is designed for small-scale commercial and mixed-uses designed to serve a convenience need for residents in the surrounding low-density neighborhood. Land uses consist of small and moderate sized retail, service, office, multi-family residential uses or similar. This district may be applied where it is appropriate to reduce reliance on the automobile for the provision of routine retail and service amenities, and to promote walking and bicycling within comfortable distances of adjacent residential infill neighborhoods, such as within the Park Place and South End Concept Plan areas. Approval of a site plan and design review application pursuant to OCMC 17.62 is required.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 13-1017, § 1(Exh. 1), 4-16-2014; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.24.020 Permitted uses—NC.

The following uses are permitted within the neighborhood commercial district:

A.—

A. The following uses are permitted, provided the maximum footprint for a stand-alone building with a single store or multiple buildings with the same business does not exceed ten thousand square feet, unless otherwise restricted in this chapter;

1. Child care centers and/or nursery schools.
2. Health and fitness clubs.
3. Museums, libraries and cultural facilities.
4. Offices, including finance, insurance, real estate and government.
5. 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.
6. Postal services.
7. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment.
8. Restaurants, eating and drinking establishments without a drive-through.
9. Services, including personal, professional, educational and financial services; laundry and dry-cleaning.
10. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores.
11. Seasonal sales.
12. Studios and galleries, including dance, art, photography, music and other arts.
13. 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.
14. Veterinary clinics or pet hospitals, pet day care.

15. Home occupations.

~~Any use permitted in the mixed-use corridor, provided the maximum footprint for a stand-alone building with a single store or multiple buildings with the same business does not exceed ten thousand square feet, unless otherwise restricted in this chapter;~~

- B. Grocery stores, provided the maximum footprint for a stand-alone building with a single store or multiple buildings with the same business does not exceed forty thousand square feet;
- C. Live/work dwellings;
- D. Outdoor sales that are ancillary to a permitted use on the same or abutting property under the same ownership.

E. Additional uses permitted within the Thimble Creek Concept Plan area per OCMC 17.24.50.(C).

F. Additional uses permitted within the Park Place Concept Plan area per OCMC 17.24.060.(C).

Explanation:

Provides a cross-reference to the reader for the additional uses permitted in these concept plans.

The City Commission discussed Neighborhood Commercial uses at their Sept 4 2024 meeting and gave a consensus that they wanted to see a limited set of uses in the NC district that were intended to serve the neighborhoods nearby, would attract businesses and patrons alike, and did not want to see uses that might dissuade visitors and businesses from the NC district.

PPCP Key Element:

3. Neighborhood-oriented commercial nodes that integrate commercial land uses, residential land use, and public open space.

17.24.025 Conditional uses.

The following conditional uses may be permitted when approved in accordance with the process and standards contained in OCMC 17.56:

- A. Any use permitted in the neighborhood commercial district that has a building footprint in excess of ten thousand square feet;
- B. Emergency and ambulance services;
- C. Drive-through facilities;
- D. Outdoor markets that are operated before six p.m. on weekdays;
- E. Public utilities and services such as pump stations and sub-stations;
- F. Religious institutions;
- G. Public and or private educational or training facilities;
- H. Gas stations;
- I. Hotels and motels, commercial lodging;
- J. Veterinary clinic or pet hospital.

Explanation:

At the work session the Planning or City commission expressed the desire to conserve the limited amount of NC zoned land for commercial uses and mixed-use rather than allow the land to be taken up by public stormwater ponds or park facilities, although civic uses that foster activity and gatherings may be appropriate. Whether stormwater facilities and park uses should be a Conditional Use rather than a Prohibited Use should be a consideration. Or, perhaps storm ponds larger than a certain size could be prohibited or require conditional use. For example, a storm detention facility larger than 20,000 square feet (approximately a half-acre) could be prohibited or require conditional use approval.

PPCP Key Element:

3. Neighborhood-oriented commercial nodes that integrate commercial land uses, residential land use, and public open space.

17.24.035 Prohibited uses.

The following uses are prohibited in the NC District:

- A. Distributing, wholesaling and warehousing;
- B. Outdoor storage;
- C. Outdoor sales that are not ancillary to a permitted use on the same or abutting property under the same ownership;
- D. Hospitals;
- E. Kennels;
- F. Motor vehicle sales and incidental service;
- G. Motor vehicle repair and service;
- H. Self-service storage facilities;
- I. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment);
- J. Marijuana production, processing, wholesaling, research, testing, and laboratories;
- ~~K. Mobile food units or vendors, except with a special event permit;~~
- ~~LK.~~ Residential use that exceeds fifty percent of the total building square footage on-site on the ground floor unless set back –a minimum of one hundred feet from the property line along Livesay Road / Main Street

Explanation:

Civic uses that foster activity and gatherings, including mobile food units, may be an appropriate allowed use in the NC zone. Transitory and Non-Transitory Mobile food units are not currently permitted in any of the Mixed Use zone districts. Food carts are subject to specific site plan and design review standards under [OCMC 17.54.115](#). Whether stormwater facilities and park use should be a Conditional Use, subject to Planning Commission review and approval, rather than a Prohibited Use should be a consideration.

An additional modification was made to allow residential uses that are more than 50% of the total building square footage. The Planning Commission was concerned that commercial would not be viable in the location it is identify for and thought that the pressing need at this time and place not only in Oregon City, but the State, and nation is for housing. At the same time there was concern that unlimited allowance for residential uses would not protect the long term vision for commercial activity and the compromise by the Planning Commissioners was to increase the amount of allowed residential use as a part of a larger mixed use development.

This section was later amended by the City Commission who felt that a percentage would be challenging to regulate and that prohibiting ground floor residential will protect the zone for commercial uses.

PPCP Key Element:

3. Neighborhood-oriented commercial nodes that integrate commercial land uses, residential land use, and public open space.

17.24.040 Dimensional standards.

Dimensional standards in the NC district are:

A. ~~A~~-Minimum Building Height. None, however, the City encourages multi-story development designs that incorporate retail, live-work and multi-family uses subject to applicable standards.

a. Non-regulatory incentives. Applicants are encouraged to consider the vertical housing tax credit program, storefront improvement grant program and other incentives that may be available through the Economic Development Department.

Explanation:

~~This~~ This type of reference to non-regulatory incentives is not typically included in a zoning chapter, however, it's inclusion here is intended to provide some guidance for applicants as a "carrot" rather than a "stick". Non-regulatory incentives may be just as effective in promoting commercial development in the area than increased height limits.

PPCP Key Element:

3. Neighborhood-oriented commercial nodes that integrate commercial land uses, residential land use, and public open space.

B. ~~Maximum~~ building height: Forty-five feet or three stories, whichever is less.

~~B~~C. Maximum building footprint: Ten thousand square feet.

~~C~~D. Minimum required setbacks if not abutting a residential zone: None.

~~D~~E. Minimum required interior and rear yard setbacks if abutting a residential zone: Ten feet plus one-foot additional yard setback for every one foot of building height over thirty-five feet.

~~EE.~~ Maximum Allowed Setback.

1. Front yard setback: Five feet.
2. Interior yard setback: None.
3. Corner side yard setback abutting a street: ~~±~~

(a) thirty feet;

(b) five feet in the Thimble Creek and Park Place Concept Plan areas.-

4. Rear yard setback: None.

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

~~FH.~~ 1. Standards for residential uses: Residential uses shall meet the minimum net density standards for the R-3.5 district, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a mixed-use configuration or to live/work dwellings. Any new lots proposed for exclusive residential use shall meet the minimum lot size and setbacks for the R-3.5 zone for the proposed residential use type.

I. Minimum required landscaping: twenty percent. Required landscaping areas may include:

a. Landscaping within a parking lot.

b. Planter boxes.

c. Eco or green roofs.

d. Paved courtyard or plaza with at least twenty-five percent of the area used for landscaping, planter boxes, and/or water features including shade trees planted at the ratio of one tree for every five hundred square feet of urban plaza area.

e. Low Impact Development (LID) stormwater facilities

~~G.~~ Minimum required landscaping (including landscaping within a parking lot): Fifteen percent.

17.24.050 Additional standards for Thimble Creek Concept Plan Area.

A. Applicability. This section applies to all development in the NC district within the Thimble Creek Concept Plan Area.

B. Relationship of Standards. These standards apply in addition to and supersede the standards of the NC zone within the Thimble Creek Concept Plan Area. In the event of a conflict, the standards of this section control.

C. Uses.

1. All uses permitted per OCMC 17.24.020.A and B, are limited to a maximum footprint for a stand-alone building with a single store or multiple buildings with the same business not to exceed ten thousand square feet, unless otherwise restricted in this chapter.
2. Residential uses, excluding live/work, that do not exceed fifty percent of the total building square footage within the Thimble Creek Concept Plan Neighborhood Commercial Zoning District.
3. Artisan and specialty goods production is permitted, constituting small-scale businesses that manufacture artisan goods or specialty foods and makes them available for purchase and/or consumption on-site, with an emphasis on direct sales rather than the wholesale market. Examples include: Candy, fruit and vegetable preserving and specialty foods, bakeries and tortilla manufacturing; artisan leather, glass, cutlery, hand tools, wood, paper, ceramic, textile and yarn products; microbreweries, microdistilleries, and wineries. All uses shall provide either:

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- a. A public viewing area that includes windows or glass doors covering at least twenty-five percent of the front of the building face abutting the street or indoor wall, allowing direct views of manufacturing; or
 - b. A customer service space that includes a showroom, tasting room, restaurant, or retail space.
 - 4. Drive-throughs are prohibited.
 - 5. Gas stations are prohibited.
 - D. Dimensional Standards.
 - 1. Maximum building height shall be sixty feet or five stories, whichever is less.
 - 2. Minimum building height shall be twenty-five feet or two stories, whichever is less, except for accessory structures or buildings under one thousand square feet.
 - 3. Maximum corner side yard setback abutting a street shall be five feet.
 - 4. Minimum floor area ratio (FAR) shall be 0.5.
 - a. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FAR.
 - b. An individual phase of a project shall be permitted to develop below the required minimum FAR provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism that the required FAR for the project will be achieved at project build-out.
 - 5. Minimum required landscaping: Ten percent. Required landscaping areas may include:
 - a. Landscaping within a parking lot.
 - b. Planter boxes.
 - c. Eco roofs.
 - d. Paved courtyard or plaza with at least twenty-five percent of the area used for landscaping, planter boxes, and/or water features including shade trees planted at the ratio of one tree for every five hundred square feet of urban plaza area.
 - E. Residential Uses. Residential uses, excluding live/work dwellings, shall be subject to the following additional standards:
 - 1. All ground-floor residential uses, with the exception of entrances for upper-story residential uses, shall be set back a minimum of one hundred fifty feet from the property line along Glen Oak Road.
 - 2. Ground-floor residential building square footage shall not exceed fifty percent of the ground-floor nonresidential building square footage on-site.
 - 3. Ground-floor residential uses shall achieve a minimum net density of 17.4 units per acre, with no maximum net density.
 - 4. Any new lots proposed for exclusive residential use shall meet the minimum lot size and setbacks for the R-2 zone for the proposed residential use type.
 - 5. Upper-story residential uses are permitted with no limitations.
 - F. Site Design Standards.
 - 1. In lieu of complying with OCMC 17.62.050.B.1, parking areas shall be located behind the building façade that is closest to the street or below buildings and shall not be located on the sides of buildings or between the street and the building façade that is closest to the street.

17.24.060 Additional standards for Park Place Concept Plan Area.

A. Applicability. This section applies to all development in the NC district within the Park Place Concept Plan Area.

B. Relationship of Standards. These standards apply in addition to the standards of the NC zone district within the Park Place Concept Plan area. In the event of a conflict, the standards of this section shall prevail. No Type II modification of these standards is permitted pursuant to Section 17.62.055. Applicants seeking an adjustment or modification of the applicable standards may propose a Type III variance pursuant to Chapter 17.60 – Variances.

C. Additional Permitted Uses.

~~1. All permitted uses per OCMC 17.24.020.A and B, are limited to a maximum footprint for a stand-alone building with a single store or multiple buildings with the same business not to exceed ten thousand square feet, unless otherwise restricted in this chapter.~~

~~21. Civic Uses.~~ Civic uses permitted include non-profit, ~~and private, and government uses such as art galleries, museums, indoor and outdoor music and theatre venues, childcare facilities, health and fitness clubs, clubs and lodges, and libraries, community centers, environmental learning centers, and post offices. mobile food units, and outdoor markets that are operated on the weekends and after six p.m. on weekdays.~~

2. Off-site stormwater facilities that are less than .5 square acres in size. An “off-site” facility is one that accommodates stormwater that is created at a location zoned R-10, R-8, R-6, R-5, R-3.5 or R-2 and includes the following:

a. A public access easement and maintenance agreement.

b. An improved soft surface trail at least 4 feet wide providing access to at least three benches for public use.

3. Park land improvements that are less than .75 acres in size.

~~D.~~ Residential Uses. Residential uses shall be subject to the following additional standards:

~~1. Residential uses are permitted but shall not be located on the ground floor exceed fifty percent of the total building square footage within the Park Place Concept Plan Neighborhood Commercial Zoning District except as provided under (2) below.~~

~~2. All ground-floor residential uses, except for entrances for upper-story residential uses, shall be set back a minimum of one hundred feet from the property line along Livesay Road / Main Street.~~

~~3. Ground floor residential building square footage shall not exceed fifty percent of the ground floor nonresidential building square footage on-site.~~

~~43. Upper-story residential uses are permitted.~~

~~54. Live/work dwellings are subject to OCMC 17.20.040. Live/work dwellings are not subject to OCMC 17.24.035(K) and are not subject to OCMC 17.24.060 (D) (1).~~

Explanation:

The NC zone already restricts residential use to 50% of the total building square footage on site and a single commercial building is limited to 10,000 square feet. This section adds more detail to allow civic uses within the zone subject to applicable site plan and design review, but would not make these uses obtain a conditional use permit.

The additional standards were modified after initial review to allow a greater amount of residential use when combined with commercial uses. The Live/Work dwellings were also modified to clarify those uses and structures are subject only to 17.20.040 and the cap on residential use does not apply.

Off-site storm water facilities and Parks land improvements were added to this section so that the specific restrictions would only apply to NC in Park Place area. The size restrictions were added to protect commercial land. If a park or off-site storm water facility needed more acreage an applicant could make a variance application.

PPCP Key Elements:

2. Two distinct mixed-use neighborhoods (North Village and South Village) that accommodate 1,459 new dwelling units.
3. Neighborhood-oriented commercial nodes that integrate commercial land uses, residential land use, and public open space.
4. An area for a new civic institution, such as a library or community center.

F. Site Design Standards. The standards in Section 17.62.055 shall apply to neighborhood commercial development within the Park Place Concept Plan area. Additionally, the following standards apply without modification.

1. Siting of structures. At least sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line. For sites with less than one hundred feet of street frontage, at least fifty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line.
2. Parking. Parking areas shall be located behind the building façade that is closest to the street or, below buildings. Parking areas shall not be located on the sides of buildings or between the street and the building façade that is closest to the street. On-street parking is permitted subject to street standards in Chapter 16.12 and may be credited toward required off-street parking pursuant to the Off-street Parking and Loading standards in Chapter 17.52.
3. Building facades and entrances. All buildings along the street frontage shall face the front most architecturally significant facade toward the street and have a functional primary building entrance facing the street. Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.
4. Pedestrian Elements. Buildings located along the Village Center main streets in Park Place (Livesay Road, Donovan Road, Swan Avenue) shall incorporate a minimum of three (3) of the following elements in the front setback area. These standards are intended to create more transparency and visual interest of buildings, particularly for pedestrians at the street level in order to encourage residents to gather and customers to relax and linger.
 - (a) Canopies or overhangs (5'-0" minimum depth, measured from either the face of the column or the street-facing elevation) for the entire 50% of the width of the building. Canopies shall not project into public utility easements or right-of-way without obtaining proper permitting.
 - (b) Transom window at least 60% of façade width.

- (c) Storefront frieze, horizontal sign band, or a belt course above the transom window or mezzanine level.
- (d) Window planter box (minimum of one per window).
- (e) Projected window sill (at least 2" from building wall plane and 12" to 24" above grade).
- (f) A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of [6] feet)
- (g) Sitting space (i.e., dining area, benches, garden wall or ledges between the building entrance and sidewalk) with a minimum of 16 inches in height and 30 inches in width, and located within thirty feet of the street frontage. [Sitting space shall include ADA accessible seating.](#)
- (h) Public art ~~that incorporates seating~~ (e.g., fountain, sculpture).
- (i) Landscape treatments integrating arbors, low walls, trellis work; or similar elements.
- (j) Enhanced architectural details such as tile work and moldings distinct from the principal facade treatments.

45. Corner Building Entrances. These standards apply to the first 50 feet of depth of property in the NC zone district where a building is located at a corner. One of the following building entry standards shall be met.

- (a) Locate the primary entry to the building at the corner of the building or within 25 feet of the corner of the building.
- (b) Incorporate prominent architectural elements, such as increased building height or massing, a cupola, a turret, or a pitched roof, at the corner of the building or within 25 feet of the corner of the building.
- (c) Chamfer the corner of the building (i.e. cut the corner at a 45-degree angle and a minimum of 10 feet from the corner) and incorporate 2 of the following list of elements in the cut.
 - i. Extended sheltering weather protection (arcade, canopy, or awning).
 - ii. Special paving materials differing from adjoining walkway.
 - iii. Sitting space (i.e., dining area, benches, garden wall or ledges) between the building entrance and sidewalk with a minimum of 16 inches in height and 30 inches in width.
 - iv. Planter boxes

Explanation:

The Site Plan and Design Review standards of section (F) above are intended to better define and implement the "main street" concept of the PPCP. Note that the various building, architectural features and pedestrian design elements are presented as a more prescriptive set of requirements rather than as a menu of options. These proposed standards are expressly not subject to modification through a Type II modification process under OCMC 17.62.015. Instead, a Type III variance per OCMC 17.60 or master plan adjustment per OCMC 17.65 would be required to vary from the requirements.

PPCP Key Element:

3. Neighborhood-oriented commercial nodes that integrate commercial land uses, residential land use, and public open space.

Chapter 17.65 MASTER PLANS AND PLANNED UNIT DEVELOPMENTS¹

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, chapter. This chapter intends to foster the growth of major institutions, phased residential, commercial, or mixed-use development, and other large-scale developments while identifying and proportionally mitigating the impacts of such growth on surrounding properties and public infrastructure while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure through a phased development process. 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 designed to facilitate a streamlined and flexible review discretionary review -process for major institutions, phased residential, commercial, or mixed-use development, and other large-scale developments. This chapter intends to foster the growth of these types of developments, while identifying and proportionally 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.~~

~~major developments. This process supports innovative and creative land development approaches and provides long-term assurance for the planning and execution of larger developments, and in a phased manner address. To achieve this, the Master Plan process is structured in a way that allows the applicant to address larger development requirements, such as infrastructure and transportation capacity adequacy, through a phased implementation, and reserve the capacity of the infrastructure and transportation system before incurring final design costs.~~

~~The process may also provide greater certainty for larger institutional, commercial and residential developments by granting longer term approval for phased development (up to twenty years), a process for adjustments to development standards, and the choice to rely on the land use regulations in effect on the date its general development plan application was initially submitted for the duration of the approved master plan and subsequent phases.~~

~~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~~

¹Editor's note(s)—Ord. No. 18-1009, § 1(Exh. A), adopted July 3, 2019, amended Chapter 17.65 in its entirety to read as herein set out. Former Chapter 17.65, §§ 17.65.010—17.65.090, pertained to master plans, and derived from Ord. No. 08-1014, adopted July 1, 2009; Ord. No. 10-1003, adopted July 7, 2010 and Ord. No. 13-1003, adopted July 17, 2013.

~~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.~~

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

Explanation:

Section has been edited for greater clarity.

17.65.020 What is included in a master plan or planned unit development.

- A. A master plan or planned unit development is a two-step process that includes a general development plan and a detailed development plan. A general development plan incorporates the entire area where development is planned for up to the next twenty years from the date of final approval, including the identification of one or more development phases. The general development plan may encompass land that is not currently under the applicant's control, but which eventually may be controlled by the applicant during the duration of the master plan. The plan shall have no effect for lands not currently controlled by the applicant. "Controlled" shall be defined as leased or owned by the applicant. A detailed development plan is the phase or phases of the general development plan that are proposed for development within two years.
- B. A master plan or planned unit development identifies the current and proposed uses of the development, proposed project boundaries, and proposed public and private infrastructure needed to serve the development. If approved, the general development plan may be used to allow existing legal non-conforming uses. If conditions of approval from a previous land use decision have not been completed, they shall be modified through the general development plan or completed with new development.
- C. A master plan or planned unit development identifies future development impacts, thresholds for mitigation and mitigation improvements and implementation schedules. A threshold for mitigation is the point that determines when or where a mitigation improvement will be required. Examples of "thresholds" include vehicle trips, square feet of impervious surface area, water usage measured in gallons per minute, construction of a building within a general development plan and construction of a building within a certain distance of a residential lot.

Mitigation improvements are necessary when a threshold for mitigation is reached. Examples include road dedication, intersection improvement, road widening, construction of a stormwater or water quality facility, installation of vegetative buffering and wetland restoration or enhancement.

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

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.

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- 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.
 - E. Pursuant to OAR 660-008-0015, the master plan and planned unit development review process and approval criteria are discretionary. The city has adopted separate clear and objective approval standards and procedures for residential development applications that are entitled to be through a Type I or Type II process.

Explanation:

ORS 197A.400(3) provides that a local government can provide an alternative discretionary process for housing review so long as the alternative does not replace the clear and objective track. By amending the OCMC to implement the PPCP, the City will be providing that clear and objective track. There is no need to further amend the PPCP as it will continue to provide an alternative discretionary track for those applicants who wish to pursue it.

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

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.
- 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.
- 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.
- 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.
- 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.
- 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.

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

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 by 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:
 - i. Physical characteristics;
 - ii. Ownership patterns;
 - iii. Building inventory;
 - iv. Vehicle/bicycle parking;
 - v. Landscaping/usable open space;
 - vi. FAR/lot coverage;
 - vii. Natural resources that appear on the city's adopted Goal 5 inventory;
 - viii. Cultural/historic resources that appear on the city's adopted Goal 5 inventory;
 - ix. 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
 - x. Geologic hazards pursuant to OCMC 17.44.
 - h. Existing transportation analysis, including the following items. May also reference submitted maps, diagrams or photographs.
 - i. Existing transportation facilities, including highways, local streets and street classifications, and pedestrian and bicycle access points and ways;
 - ii. Transit routes, facilities and availability;
 - iii. Alternative modes utilization, including shuttle buses and carpool programs; and
 - iv. 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:

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- i. Water;
 - ii. Sanitary sewer;
 - iii. Stormwater management; and
 - iv. Easements.

2. Maps and Plans.

- a. Existing conditions site plan. Drawn at a minimum scale of one-inch equals one hundred feet (one inch equals one hundred feet) that shows the following items. At least one copy shall be eight and one-half inches x eleven inches in size, and black and white reproducible.
 - i. Date, north point, and scale of drawing.
 - ii. Identification of the drawing as an existing conditions site plan.
 - iii. Proposed development boundary.
 - iv. 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.
 - v. Contour lines at two-foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent.
- b. 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 by 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 by eleven in size, and black and white reproducible.

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:
 - i. Transportation impacts as prescribed in subsection g below;
 - ii. 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;

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- iii. 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.
 - iv. Neighborhood livability impacts;
 - v. 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:
 - i. Address the impacts of the development of the site consistent with all phases of the general development plan; or
 - ii. 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:
 - i. 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.
 - ii. 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 a.m. or p.m. 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.
 - iii. 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:
 - i. Proposed minimum lot area, width, frontage and yard requirements.

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- ii. Proposed project density in number of units per acre.
 - iii. Proposed residential types and number of each.
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.
- 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 or can be met though conditions of approval:
- 1. The proposed general development plan is consistent with the purposes of OCMC 17.65.
 - 2. Development shall demonstrate compliance with the following chapters of the OCMC if applicable:
 - a) 12.04 – Streets, Sidewalks and Public Places
 - b) 12.08 – Public and Street Trees
 - c) 13.12 – Stormwater Management
 - d) 16.12 – Minimum Public Improvements and Design Standards for Development
 - e) 16.08 – Land Divisions – Process and Standards
 - f) 17.62, if applicable, and 16.08, if applicable 17.54 – Supplemental Zoning Regulations and Exceptions
 - g) 17.62 – Site Plan and Design Review.

Explanation:

This section is revised to reference updated chapters of the code that may apply to a General Development Plan. Since a General Development Plan is typically a preliminary review and no development can be authorized unless a Detailed Development Plan is approved, only certain parts of these chapters may be applicable to the GDP. However, they are listed for clarity.

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 as demonstrated at the time of Detailed Development Plan approval.
4. The proposed general development plan protects any inventoried Goal 5 natural, historic or cultural resources within the proposed development boundary consistent with the provisions of the following applicable-overlay districts, if applicable:
 - a) OCMC Chapter 17.40 – Historic Overlay District
 - b) OCMC Chapter 17.42 – Flood Management Overlay District
 - c) OCMC Chapter 17.44 – Geologic Hazards Overlay District
 - d) OCMC Chapter 17.48 – Willamette River Greenway Overlay District
 - e) OCMC Chapter 17.49 – Natural Resource Overlay District

Explanation:

This section is revised to reference updated overlay district chapters of the code that may apply to a General Development Plan. Since a General Development Plan is typically a preliminary review and no development can be authorized unless a Detailed Development Plan is approved, only certain parts of these chapters may be applicable to the GDP. Chapters are bullet listed for clarity.

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.
6. The proposed general development plan is consistent with the Oregon City Comprehensive Plan.
7. The proposed general development plan is consistent with the underlying zoning district(s) and any applicable overlay zone or concept plans.
8. For projects with a residential use component, the proposed general development plan includes common open space for the recreational needs of the development's residents.
 - a. Required open space shall be located either on-site or off-site within one-quarter mile of the development.
 - b. Minimum required open space shall be one hundred square feet per residential unit in the development.
 - c. The open space area may be in private ownership or proposed for public dedication, at the city's discretion whether to accept.
 - d. The open space shall be developed with a unified design to provide for a mix of passive and active uses. Passive uses include, but are not limited to sitting benches, picnicking, reading, bird

watching and natural areas. Active uses include, but are not limited to playgrounds, sports fields and courts, running and walking areas.

- e. Land area to be used for the open space area that is required in this section shall not include required setback areas, required landscaping, streets, rights-of-way, driveways, or parking spaces.
 - f. Unless dedicated to the public, the applicant shall also provide an irrevocable legal mechanism for the maintenance of the open space and any related landscaping and facilities. The applicant shall submit, for city review and approval, all proposed deed restrictions or other legal instruments used to reserve open space and maintenance of open space and any related landscaping and facilities.
9. For projects with a residential use component, the proposed general development plan includes a mix of residential uses such that no single residential use exceeds seventy-five percent of the total proposed units. The mix of residential uses shall provide variety of dwelling types and sizes that are integrated throughout the site, rather than isolated from one another, with smooth transitions between residential types including appropriate setbacks, landscaping or screening as necessary, while maintaining street and pedestrian connectivity between all residential uses. Tenancy (i.e. ownership versus rental) shall not be a consideration in determination of the mix of residential use. For the purposes of this section, residential uses include single-family detached, duplex, triplex, quadplex, townhouse, cottage cluster, and multi-family.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 22-1001, 1(Exh. A), 6-1-2022)

17.65.060 Detailed development plan.

A. Submittal Requirements.

1. A transportation impact study documenting the on- and off-site transportation impacts, as specified in OCMC 17.65.050.B.1.h.i. If such an analysis was submitted as part of the general development plan process, the scope of the report may be limited to any changes which have occurred during the interim and any information listed below which was not a part of the initial study.

The on-site portion of the analysis shall include the location, dimensions and names of all proposed streets, alleys, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle access ways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries 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.

2. The location within the development and in the adjoining streets of existing and proposed sewers, water mains, culverts, drain pipes, underground electric, cable television and telephone distribution lines, gas lines, and the location of existing aerial electric, telephone and television cable lines, if any, to be relocated within the development.
3. For portions of the project that would otherwise be subject to site plan and design review, a site plan or plans, to scale, containing the required information identified in OCMC 17.62.040.
4. For residential portions of the project not otherwise subject to site plan and design review, a site plan or plans, to scale, showing the proposed land uses and densities, building locations, lot patterns, circulation patterns, and open space locations and uses.
5. Any other information the community development director deems necessary to show that the proposed development will comply with all of the applicable Chapter 17 requirements.

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- B. Approval Criteria. The community development director shall approve an application for detailed development plan approval only upon findings that:
1. All development standards and impact mitigation meet the requirements of the approved general development plan, including conditions of approval.
 2. Any other applicable zoning regulations that are not addressed in the general development plan are met, unless an adjustment to those regulations has been applied for and is approved. The approval standards applicable to adjustments required as part of a master plan or planned unit development are contained in OCMC 17.65.070.
 3. The detailed development plan ~~conforms with the base zone standards, applicable residential design standards, and applicable standards shall demonstrate compliance with the following chapters of the OCMC if applicable:~~
 - a) 12.04 – Streets, Sidewalks and Public Places
 - b) 12.08 – Public and Street Trees
 - c) 13.12 – Stormwater Management
 - d) 16.12 – Minimum Public Improvements and Design Standards for Development
 - e) 16.08 – Land Divisions – Process and Standards
 - f) 17.52 – Off-Street Parking and Loading
 - g) 17.54 – Supplemental Zoning Regulations and Exceptions
 - h) 17.62 – Site Plan and Design Review.
 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 the following overlay districts, if applicable:~~
 - a) OCMC Chapter 17.40 – Historic Overlay District
 - b) OCMC Chapter 17.42 – Flood Management Overlay District
 - c) OCMC Chapter 17.44 – Geologic Hazards Overlay District
 - d) OCMC Chapter 17.48 – Willamette River Greenway Overlay District
 - e) OCMC Chapter 17.49 – Natural Resource Overlay District
- ~~contained in Chapters 17.62, 17.52, 16.12, and 16.08 unless adjusted as provided in OCMC 17.65.070.~~
- ~~{Ord. No. 18-1009, § 1(Exh. A), 7-3-2019}~~

Explanation:

This section is revised to reference updated chapters of the code that may apply to a Detailed Development Plan, which is required prior to any development. Development cannot proceed unless a Detailed Development Plan is approved. Chapters are bullet listed for clarity.

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.
- C. Regulations That May be Adjusted. Adjustments may be allowed for the following items:
 - 1. Dimensional standards of the underlying zone of up to twenty 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 ten 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 ten 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.
- 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.
- E. Approval Criteria. A request for an adjustment to one or more applicable development regulations under this section shall be approved if the review body finds that the applicant has shown the following criteria to be met:
 - 1. Granting the adjustment will equally or better meet the purpose of the regulation to be modified;
 - 2. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zone;
 - 3. City-designated Goal 5 resources are protected to the extent otherwise required by Title 17;

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4. Any impacts resulting from the adjustment are mitigated such that the development does not create significant adverse impacts on adjacent properties;
 5. If an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable; and
 6. The proposed adjustment is consistent with the Oregon City Comprehensive Plan and a concept plan if applicable.

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

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.
- 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 ten 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 increase/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.

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

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.

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

MEMORANDUM

To: GLUA24-013/LEG-24-01 Park Place Concept Plan Code Amendments
From: Aquilla Hurd-Ravich, Carrie Richter, Pete Walter
RE: Response to development related comments on GLUA24-013/LEG-24-01
Date: October 17, 2024

During the September 26 hearing, the Planning Commission received a number of comments from developers raising concerns that the proposed amendments would discourage or increase the cost of providing housing. The purpose of this memorandum is to respond to those concerns.

Alleys and Garage Orientation Standards

As the Planning Commission is well aware, when it comes to the provision of housing, the City must “adopt and apply only clear and objective standards, conditions and procedures” that “may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.” ORS 197A.400(1)(b). Developers have argued that dedicating land to alleys rather than to housing and requiring that garages be detached, side entry or rear entry unreasonably increases the cost of providing housing.

As a way to frame this issue, it might be helpful to consider how LUBA discussed “unreasonable cost or delay” provision in the context of a legislative enactment similar to the one proposed here. In *Homebuilders Ass’n of Lane County v. City of Eugene*, the Homebuilders argued that requiring tree root protection areas would reduce development areas and requiring amenities would increase the cost of development. 41 Or LUBA 370 (2002) Although a bit lengthy, it would be helpful for the Planning Commission to see the full scope of LUBA’s thinking:

“ORS 197.307(6)¹ prohibits standards, conditions or procedures for approval that, either in themselves or cumulatively, discourage needed housing ‘through unreasonable cost or delay.’ The statute does not prohibit reasonable cost or delay. In our view, the question of whether approval standards or procedures discourage needed housing through unreasonable cost or delay cannot, in most cases, be resolved in the abstract, in a challenge to a legislative decision that adopts such standards or procedures. In the absence of actual application of standards or procedures in a particular case,

¹ ORS 197.307(6) was renumbered in 2024 and is now ORS 197A.400(1)(b).

it is difficult to see how any party could demonstrate what the delay or additional cost might be, whether that delay or cost is reasonable or unreasonable, and whether that delay or cost discourages needed housing, either alone or in combination with other standards or procedures. Because different sets of standards and procedures will apply to different applications in different areas of the city, demonstrating in the abstract that standards or procedures cumulatively discourage needed housing is rendered even more difficult. These difficulties are apparent in the present case, because the petitions for review make no attempt to demonstrate why any standards or procedures, alone or cumulatively, result in unreasonable cost or delay, much less what those costs or delay might be. While petitioners argue that certain standards or procedures are likely to increase cost or delay, they make no effort to demonstrate that such increased cost or delay is unreasonable, alone or cumulatively. With the possible exception discussed below, we believe it is highly unlikely that such a demonstration can be made or, if made, reviewed in a meaningful manner, except in the context of an ‘as-applied’ challenge.

One exception to the foregoing is a challenge against a standard or procedure on the grounds that the standard or procedure is unreasonable as a matter of law; in other words, the standard or procedure lacks a rational basis. Any cost or delay attributable to a standard or procedure that lacks a rational basis is perforce ‘unreasonable,’ whatever the actual cost or delay that might be incurred in a particular case. Such a facial challenge can be meaningfully addressed and resolved in an appeal of a legislative decision.” (footnote added) 422-423.

As a general rule, a rational basis exists where there the regulation sets forth a legitimate government interest, and there is a rational connection between the regulations means and the identified interests. Applying this rational basis obligation in the above-referenced *Homebuilders* case, LUBA found that requiring the submittal of geotechnical analysis for development on steep slopes where the result of that report is not related to any approval standard was a purposeless requirement that served only to increase costs and cause delay. *Id* at 424.

Unlike the geotechnical analysis at issue in the *Homebuilders* case, the purpose for the alley and the garage regulations in OCMC 17.21 and OCMC 16.12 is intended to deemphasize the impact of automobiles on the street in denser development and foster a safer, more walkable and pedestrian friendly streetscape for the Park Place Concept Plan area. Proposed code section 17.21.010 – Residential Standards – Park Place Concept Plan includes the following purpose statements (E) and (F) below;

E. Enhance the residential streetscape and diminish the prominence of garages and parking areas;

F. Enhance public safety by preventing garages from obscuring main entrances or blocking views of the street from inside residences; and

In October 2006, Angelo Planning Group and SERA Architects facilitated a three-day public forum / design charrette as part of the public process to develop the Park Place Concept Plan. This process, and the resulting plan options that were considered, placed enormous emphasis on achieving walkable neighborhoods when the plan area is fully developed.

The Park Place Concept Plan includes multiple reference in the plan and design typologies in the appendix on alley loaded design for the mixed use, multi-family and higher density housing portions of the plan area, especially in the North and South Village centers and along the future alignment the Holly Lane and Swan Avenue collector level roads.

In particular, the use of alleys as the principal means of access in mixed-use and higher density housing areas can achieve the following objectives:

- Alley load homes are aesthetically pleasing because the garage door is tucked behind the house leaving the front of the home for porches and other design features, such as
 - Additional space for front porches, walking, and interacting with neighbors.
 - More space for landscaping in the front yard.
 - Improved curb appeal.
 - Smaller backyards = less maintenance, a positive for aging residents.
- The front of homes is more street-friendly without a garage and driveway dominating half its square footage. The front entry also offers a more welcoming appearance and quicker access to sidewalks.
- Alley design makes it easier for trash and recycling pickups. Everyone places bins at the foot of their alley driveways, allowing sanitation crews to service two streets' worth of homes at the same time.
- There's more room up front for attractive landscaping and closer proximity to conversations with neighborly passersby.
- The front-porch lifestyle is safer for kids to play in — often on a small lawn behind a small fence.
- Vehicles don't block the front of the house or neighborhood sidewalks, and open garages don't reveal all the necessary but often-unattractive stuff that most of us store in that space.
- Alley load homes are also ideal when building on a narrow or corner lot.
- Detached garages on alleys offer an opportunity for an accessory dwelling unit built on top of the garage (Examples in Oregon City exist in the Glen Oak Meadows subdivision.
- Alley loaded design preserves on-street parking space for guests and visitors because there is no need for driveway cuts.

- Fewer driveway cuts provides more planting area for street trees, enhancing the tree canopy over the street, and provides shade and a green separation from the street for pedestrians and kids playing on the sidewalk.
- Alley design is necessary to reduce driveway cuts onto higher volume residential collector roads (e.g. the future Holly Lane and Swan Avenue extensions) allowing safer traffic flow and fewer turning movements into and out of driveways onto these streets.

All of these justifications far exceed the minimum rational basis required to justify the City retaining the alley and garage orientation standards should it elect to do so.

There is a secondary reason why ORS 197A.400 increased costs concerns are not implicated in this case. ORS 197A.400 applies when a local government “amends” its regulations. The obligation to provide alleys in Park Place and Thimble Creek plan areas as set forth in OCMC 16.12.026 was codified in 2019 and is not subject to change as part of this code update. Since no amendment to OCMC 16.12.026 is proposed, the City has no legal obligation to revisit whether the alley obligation should be removed, although it could certainly make that choice as a matter of policy.

Where lot orientation and driveway access amendments are proposed, the City is being more permissive by adding clear criteria for modification of the alley requirement through the Type II process within the geologic hazard and natural resources overlay districts and for the transition areas at the edge of the plan area where the rear yards of new development will abut existing rear yards outside the plan area. To the extent that providing alleys does increase the cost of development, removing the obligation to provide alley-serving development on the edges will reduce those costs and making the alley modification procedure a Type II review will simplify the review process.

Finally, at the last hearing, Commissioner Schlagenhauser asked about whether the alley and garage location limitations are eligible for a mandatory adjustment under SB 1537. This recently adopted law identifies particular development and design standards that must be waived upon request. The obligation to provide alleys for off-street parking and loading access or garage orientation are not specifically identified within those lists. Rather, what might be seen as closely related are:

“(e) Garage door orientation, unless the building is adjacent to or across from a school or public park.”

Typically, garage door orientation has to do with whether the door swings inward, outward or upward. This is to be contrasted with garage orientation or driveway access location that would be served by alleys. With respect to garage orientation or driveway access, there is a mandatory adjustment listing for housing other than single family. More specifically, it provides:

“(h) For manufactured dwelling parks, middle housing as defined in ORS 197A.420, multifamily housing and mixed-use residential:

(A) Building orientation requirements, not including transit street orientation requirements.”

The term “building orientation” likely includes garages so for middle and multifamily housing, to the extent that off-street garage buildings were proposed as part of a middle, multi-family or mixed-use project, their orientation would be subject to mandatory adjustment.

The expressed legislative intent to allow adjustments for orientation obligations for particular housing types that makes no mention of single-family residential orientation obligations suggests a clear intent to allow local governments to continue to require alleys served by rear, side or separate freestanding garages without requiring any adjustment.

Housing Diversity Obligations

This section responds to comments regarding proposed OCMC 17.21.105- housing diversity standards which are characterized as too prescriptive. The comment states that not only are the standards too prescriptive, but the City doesn’t have the authority to require a certain amount of middle housing under ORS 197A.400. The comments go on to state that units should not have to be shown on tentative or final plats because it could make some lots less marketable and finally the comments state that a requirement of three middle housing lots will result in an odd number of units which is not conducive to townhouse development.

The housing diversity standard is the result of key element #5 in the Park Place concept plan which envisioned ***a mix of housing types and ranges of affordability***. The Planning Commission was presented with several options to implement this element. After considering the options the Planning Commission concluded that lot averaging, as suggested in the concept plan, was problematic and previously had proved to be onerous and resulted in odd sized lots. The Planning Commission was also concerned with the long term impacts of trying to enforce an affordable housing provision. Ultimately, they agreed that requiring a certain amount of middle housing units or lots would accomplish the goal of creating a mix of housing types and a range of affordability, which is a Goal of the OC2040 Comprehensive Plan as well as the Park Place Concept Plan.

Regarding City authority, ORS197A.400(4) allows cities to impose special conditions upon approval of a specific development proposal if the special condition conforms to clear and objective standards and it states:

“(4) Subject to subsection (1)² of this section, this section does not infringe on a local government’s prerogative to:

(a) Set approval standards under which a particular housing type is permitted outright;

(b) Impose special conditions upon approval of a specific development proposal; or

(c) Establish approval procedures.” (Footnote added).

Nothing in the language of ORS197A expressly prohibits local governments from requiring that middle housing be included as part of a residential subdivision so long as it is accomplished through the application of clear and objective standards.

The second concern raised is that requiring middle housing attached to lots within the recorded plat is challenging because not all developers build the homes on the lots they plat. Staff concurs that developers do not always build the units on the lots they develop and may sell those lots to other builders. This was the case in the Serres Farm subdivision in which duplexes were required on a certain number of lots that were subsequently sold to a different developer who will build the duplex units. Requiring lots to be identified at time of subdivision is the mechanism needed by the City to ensure a certain amount of middle housing lots will be developed with middle housing units. Furthermore, staff evaluated several municipalities that already have or will be adopting codes with clear and objective requirements for a diversity of housing types. These include the Cities of Salem, Bend, Wilsonville, and Tigard. Planners at the cities we reached out to affirmed that they feel secure that they have the legal authority to require housing mix that includes mandatory middle housing and that lots suitable to accommodate middle housing are reflected on the plat.

Finally, regarding concern over proposed middle housing mix “would preclude longer townhouse blocks because it is very difficult to construct an odd number of abutting townhomes”. Staff is adding the word “original” to make clear that the plat should identify original lots restricted to middle housing. Three original lots can still result in an even number of middle housing units because there can be up to four townhomes on each of the three middle housing lots, thereby creating 12 middle housing units – an even number.

Parks and Trails Land Dedication and Fee-in Lieu

² Subsection (1) refers to the obligation to apply only clear and objective standards.

As currently proposed, the code amendments require land to be dedicated to the City for parks and trails or a fee paid in-lieu of land dedication. These obligations will apply to all residential subdivisions, partitions, multi-family, as well as non-residential uses in commercial zones within Park Place. The amount of the land, or the fee-in-lieu, is based on consideration of the level of service standard set forth in the Parks Master Plan along with the park land need set forth in the Park Place Concept Plan. Recently adopted, the Parks Master Plan calls for a combined neighborhood / community park level of service 5 acres per 1000 people for neighborhood and community parks. P 69. The Park Place Concept Plan calls for the provision of one 3-5 acre neighborhood park and one 8-10 acre community park. P 30.

Without knowing the exact number of dwelling units that will be developed within Park Place, it would be reasonable to rely on the Park Place Concept Plan projection of 1459 total residential units as providing some rough estimate. P 2. As the attached chart shows, development at this estimated density would result in a level of service of 2.9 acres to 3.4 acres of neighborhood / community parks per 1000 residents. Rather than assume these lower service standards, staff has recommended 4 acres of land dedication per thousand, as it will move the area more closely in line with the current Parks Master Plan projection of 5 units per acre and will still generate park land acreage that will satisfy the Park Place Concept Plan at a minimum. These calculations are sufficient to show that the land dedication and fee in lieu obligations are directly proportional to the land needed to serve future Park Place residents.

Opponents have also objected to the land dedication / fee in lieu provisions arguing that by also requiring the payment of system development charges, the City will be recovering twice for the same land acquisition costs. This claim of double-dipping represents a misunderstanding of the current Parks SDC assessment within the City which does not include assessment for land within Park Place. The City's currently Parks SDC methodology was adopted in 2000, long before the land included in Park Place was planned for development. Subsequent amendments to the capital improvement plans for parks allowed for increasing the parks SDC for new development but none of those increases included Park Place park land acquisition costs. Rather, the first capital improvement plan that identifies land costs associated with the construction of parks identified within the Park Place Concept Plan was adopted by the City Commission in early 2024. The City has yet to revised its parks SDC to implement this new plan. Therefore, when a developer pays the current parks SDC assessment, those funds cannot be used for the acquisition of Park Place parkland and there is no double recovery for the same land. If, the City Commission does change the parks SDC to include land acquisition costs in Park Place, then an applicant will be eligible for parks SDC credits to eliminate the land costs imposed through the SDC charge.

Current LOS Citywide - Figure 53 (LOS Inventory)

Park Type	Acreage - Oregon City	Acreage - Other Service Providers	Acreage - Total Inventory	Current Citywide Service Level based upon population			Recommended Citywide Service Level - 2022		
Neighborhood Parks	52.86	0	52.86	1.39	acres per	1,000	2.00	acres per	1,000
Community Parks	92.29	34.51	126.8	3.34	acres per	1,000	3.00	acres per	1,000
Total Developed Park Acres	145.15	34.51	179.66	4.73	acres per	1,000	5	acres per	1,000

2022 Estimated Population - Oregon City 37,967

Park Place Concept Area - Low End

Park Type	Acreage - Park Place Concept Area	Acreage - Other Service Providers	Acreage - Total Inventory	Park Place Concept Area Service Level based upon population		
Neighborhood Parks	3	0	3	0.79	acres per	1,000
Community Parks	8	0	8	2.11	acres per	1,000
Total Developed Park Acres	11	0	11	2.90	acres per	1,000

Estimated population - Park Place Concept Area 3,793

Park Place Concept Area - High End

Park Type	Acreage - Park Place Concept Area	Acreage - Other Service Providers	Acreage - Total Inventory	Park Place Concept Area Service Level based upon population		
Neighborhood Parks	5	0	5	1.32	acres per	1,000
Community Parks	10	0	10	2.64	acres per	1,000
Total Developed Park Acres	15	0	15	3.95	acres per	1,000

Estimated population - Park Place Concept Area 3,793

Park Place Concept Area - Average

Park Type	Acreage - Park Place Concept Area	Acreage - Other Service Providers	Acreage - Total Inventory	Park Place Concept Area Service Level based upon population		
Neighborhood Parks	4	0	4	1.05	acres per	1,000
Community Parks	9	0	9	2.37	acres per	1,000
Total Developed Park Acres	13	0	13	3.43	acres per	1,000

Estimated population - Park Place Concept Area 3,793

Assumptions*

- Assumes 2.6 persons per dwelling unit in Park Place Concept Area
- *-Assumes 1459 dwelling units as the projected density as identified within the Park Place Concept Plan
- Park Place Concept Plan calls for an 8 to 10 acre community park and a 3 to 5 acre neighborhood park
- High end and low end were calculated at top of range and bottom of range for each park type. These were averaged together for the Average Service Level in the Park Place Concept Area

Findings:

Current citywide levels of service for neighborhood and community parks are 1.39 acres per thousand and 3.34 acres per thousand respectively

Recommended citywide levels of service for neighborhood and community parks are 2.00 acres per thousand and 3.00 acres per thousand respectively. These recommendations are derived from annual NRPA park metrics for 2022

Only one scenario (Park Place Concept Area - High End) results in a level of service that exceeds the current and/or recommended level of service citywide. This scenario is not being requested by the City

The middle-ground scenario (Park Place Concept Area - Average) and low-end scenario (Park Place Concept Area - Low End) both result in a level of service that is below the current and/or recommended level of service citywide

4.00 acres per thousand residents is consistent with the City's current level of service for both neighborhood and community parks. This figure represents a blended rate of acres per thousand for neighborhood and community parks.

In fact, 4.00 acres per thousand may represent a discounted rate according to this analysis.

Public Comments and Issue Summary Matrix for Legislative File: GLUA 24-013 / LEG-24-01 – Park Place Concept Plan Code Amendments

Commenter Date	Testimony Format	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
Harlan Borow ICON 10/21/2024	Letter	Additional comment letter summarizing and expanding on prior comments about the proposed amendments, including: • Needed housing • Alleys (16.12.026) • Garage orientation standards (17.21.090) • Two-Car Garages • Parkland Trail Dedication The letter references and includes the prior comments from Garrett Stephenson of Schwabe, and Jennifer Arnold of Emerio Design from 9/23/2024.	See Staff Memorandum “Response to development related comments on GLUA24-013/LEG-24-01”	See Staff Memorandum “Response to development related comments on GLUA24-013/LEG-24-01”

Public Comments and Issue Summary Matrix for Legislative File: GLUA 24-013 / LEG-24-01 – Park Place Concept Plan Code Amendments

Commenter Date	Testimony Format	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
Lee G. McCarty 9/28/2024	Letter/Verbal	Incongruity of Zoning Designations Fire Safety and Egress Concerns Population Density and Quality of Life Request for Action: • Re-Evaluation of Zoning Density • Fire Safety and Egress Study • Infrastructure Feasibility Assessment • Community Impact Study	This proposal is not intended to change existing zoning designations. City zoning within city limits / Urban Growth Boundary (UGB) is required to allow for higher densities than County zoning per Oregon and Metro land use planning requirements. City zoning is the basis of efficient use of finite urban land resources and to preserve lower density resource land from residential sprawl outside of city limits and UGBs. The future Holly Lane North Extension, adopted in the TSP (Project D48), is identified as a Residential Minor Arterial road to serve the North Village area of the PPCP and will provide an additional point of egress in the event of emergencies that require evacuation.	Yes. The items listed in the comment letter under “Request for Action” were already done through the adoption of the Park Place Concept Plan. See https://www.orcity.org/674/Park-Place-Concept-Plan. Adequacy of public infrastructure is further evaluated at the time of review of new development by City and County public works staff, emergency service providers and agencies for compliance with applicable development standards.

Public Comments and Issue Summary Matrix for Legislative File: GLUA 24-013 / LEG-24-01 – Park Place Concept Plan Code Amendments

Commenter Date	Testimony Format	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
Tom Geil 9/23/2024	Verbal	- Complaint about the order of the items of the Planning Commission agenda limiting public testimony. - Concerned about wildfire evacuation. - Threatened legal action against the city if evacuations resulted in loss of life - Made several statements about a housing developer.	Did not address any specific code amendments or criteria.	Planning Commission continued the public hearing to Oct. 28, affording additional opportunities for public comment. There will also be at least two public hearings with the City Commission. See prior entries responding to egress concerns and needed road connections. Residents can sign up for emergency alerts including evacuation maps and orders at https://www.clackamas.us/dm/publicalerts
Preston Korst, Homebuilders Association of Greater Portland 9/23/2024	Letter	- Requested continuation to allow HBA to fully review impact of standards - Park and trail dedication standards are “disproportionate”. - Parkland dedication requirements will increase cost of housing - Design standards will increase cost of housing	See Staff Memorandum “Response to development related comments on GLUA24-013/LEG-24-01”	See Staff Memorandum “Response to development related comments on GLUA24-013/LEG-24-01”

Public Comments and Issue Summary Matrix for Legislative File: GLUA 24-013 / LEG-24-01 – Park Place Concept Plan Code Amendments

Garrett Stephenson, Attorney for ICON 9/23/2024	Letter / Verbal, w/ attachments	• The Amendments must ensure that a General Development Plan is not required for development within the PPCP area, citing ORS 197A.400. • The Planning Commission should modify certain proposed design standards to ensure that the homes in the PPCP area will be marketable. • 16.12.026—Alleys should not be required. • 17.21.090—The garage orientation and location limitations should be removed. • 17.14.030.C—the maximum 50% of the façade that may be garage should be increased to 60%. • 17.14.030.B—The maximum 12-foot garage limitation for townhomes should be eliminated. This greatly reduces marketability and likely restricts accessibility for handicapped citizens as there is no room for wheelchair access, resulting in reduced access to more affordable housing options. • 17.21.105—The housing diversity standards are too prescriptive. • Design standards for the NC zone would likely increase costs and make actual establishment	See Staff Memorandum “Response to development related comments on GLUA24-013/LEG-24-01”	See Staff Memorandum “Response to development related comments on GLUA24-013/LEG-24-01”
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Public Comments and Issue Summary Matrix for Legislative File: GLUA 24-013 / LEG-24-01 – Park Place Concept Plan Code Amendments

Commenter Date	Testimony Format	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
		of supportive commercial uses in Park Place less feasible. • 17.62.061 and 16.08.043—Commercial development should not be required to pay a fee-in-lieu for parks. • Required dedication of parks and trails is not supported by an adequate evidentiary base and would constitute unconstitutional takings as currently proposed.		
Jennifer Arnold, Emerio Design 9/23/2024	Letter / Verbal w/ attachments	Alley requirements in PPCP will: • Increase housing costs • Increase construction costs 25-50% • Increase impervious surfaces 20-25% • Add additional road design, engineering, grading, drainage and construction challenges • Reduce “lot yield”	See Staff Memorandum “Response to development related comments on GLUA24-013/LEG-24-01”	See Staff Memorandum “Response to development related comments on GLUA24-013/LEG-24-01”
Harlan Borow, ICON Construction 9/23/2024	Verbal, notes	• Park and trail dedication and fee-in-lieu payments • Referenced 2019 arguments on alley loading that are attached to record • Garage orientation standards • Prohibiting front-loaded development	See Staff Memorandum “Response to development related comments on GLUA24-013/LEG-24-01”	See Staff Memorandum “Response to development related comments on GLUA24-013/LEG-24-01”

Public Comments and Issue Summary Matrix for Legislative File: GLUA 24-013 / LEG-24-01 – Park Place Concept Plan Code Amendments

Commenter Date	Testimony Format	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
Dolores Rund 9/23/2024	No longer had question		N/A	N/A
Roya Mansouri	Verbal, 9/23/2024	• Lives on adjacent property • Likes direction of amendments concerning greenspace, parks, trails, transition zones • Likes mixed lot size idea to promote housing diversity • Question on through roads • Prefers rear loaded design	OCMC 16.12 Public Improvement standards require connectivity of roads to connect to adjacent redevelopable land. This includes land designated as Urban Reserve areas outside the current UGB that may eventually be brought into the UGB.	Yes. OCMC 16.12.015 - <i>Street design—Generally</i>. This code section is not proposed to be amended.

Public Comments and Issue Summary Matrix for Legislative File: GLUA 24-013 / LEG-24-01 – Park Place Concept Plan Code Amendments

Commenter Date	Testimony Format	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
Enoch Huang 9/23/2024	Letter/Verbal	- Did not know about prior meetings until legislative public notice - Pleased with some of the recommendations - Would like to learn more about transition zone 40' setbacks, especially how they work when adjacent zone is outside UGB (County FU-10)? - Concern for “wetlands in NE corner”		City provided notice per OCMC 17.50 and as required by state law. Yes. Language added to code amendments to clarify that the transition zone requirements are applicable only to where new development abuts existing zoned residential areas within Oregon City limits and not to areas with County zoning that are outside the city. In other words, the intent of the transition area was not to try to match existing County zoning. There are no wetland impacts proposed as this is not a development application. Verification of wetland locations occurs at the time of development review per OCMC 17.49.
Michael Doran	Verbal, 9/23/2024	Concerns about development	This is not a development application	See staff comment
Mark Hutt-Bennett	Verbal, 9/23/2024	Concerns about development	This is not a development application	See staff comment
Megan Keough	Verbal, 9/23/2024	Concerns about development	This is not a development application	See staff comment

Public Comments and Issue Summary Matrix for Legislative File: GLUA 24-013 / LEG-24-01 – Park Place Concept Plan Code Amendments

Commenter Date	Testimony Format	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
Janice and Ron VanDomelen 9/12/2024	Website	No comment. Receive future updates.		Included in all PC and CC agenda distributions.

Public Comments and Issue Summary Matrix for Legislative File: GLUA 24-013 / LEG-24-01 – Park Place Concept Plan Code Amendments

Commenter Date	Testimony Format	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
Barbara Cox 9/6/2024	Email	I have received notice about the Sept. 23rd Planning Commission meeting. It appears to me that the Swan Rd exit from the North Village will be connected to the east end of Beemer Way. I'm writing to find out if this is the case, and if so, to express concerns about routing more traffic along this road that is heavily used by children. Also, there are parts of the road that are quite narrow, allowing only one lane of traffic including the stretch closest to Holcomb.	Swan Avenue connection is part of the adopted Transportation System Plan (Project D49). It will be a Residential Collector road built by developers following annexation, zoning, and if development occurs. The timing of this road connection is unknown, but it be needed for buildout of the area west of the North Village. It will be challenging to engineer and construct due to cost and environmental constraints.	Oregon City Transportation System Plan https://www.oregoncity.org/854/Transportation-System-Plan
9/23/2024	Verbal	I am also looking for the appropriate person for me to ask about the Clackamas Heights redevelopment, I am concerned about the projected loss of tree cover and how that will affect the entire neighborhood. If you can address that also, it would be great, if not, can you point me to someone who would be able to. Safety of Swan Avenue connection to Beemer Way	There is currently no application for the redevelopment of the Clackamas County Housing Authority property known as Clackamas Heights, which is outside of the PPCP boundary.	<i>Minimum Public Improvement and Design Standards – Street Standards OCMC 16.12</i> Planning Commission recommended making projects D48 and D49 a higher priority in the next TSP update. Questions regarding Clackamas Heights redevelopment may be directed to the CCHA at hacc@clackamas.us . See also the County webpage: https://www.clackamas.us/housingauthority/clackamas-heights

Public Comments and Issue Summary Matrix for Legislative File: GLUA 24-013 / LEG-24-01 – Park Place Concept Plan Code Amendments

Tammy Stevens, Hamlet of Beavercreek 9/12/2024		Landslides, Transportation	The hamlet’s comments do not address the proposal or any of the proposed code amendments. No development is proposed with this legislative code update. No changes to the city’s approval criteria for transportation impact analysis or the Geologic Hazards Overlay District code are proposed.	Guidelines for Transportation Impact Analysis https://www.orcity.org/1164/Guidelines-for-Transportation-Impact-Ana Oregon City Transportation System Plan https://www.orcity.org/854/Ttransportation-System-Plan <i>Minimum Public Improvement and Design Standards – Street Standards</i> OCMC 16.12 <i>Geologic Hazards Overlay District</i> was amended through a legislative code update process in 2021 and adopted by Ord. No. 21-1012, § 1(Exh. A), 7-21-2021), acknowledged by DLCD to be compliance with Statewide Planning Goal 5 – Natural Hazards. OCMC 17.44 https://www.orcity.org/1093/Geologic-Hazards Traffic Engineering FAQs https://www.orcity.org/DocumentCenter/View/3657/Traffic-Engineering---Frequently-Asked-Questions-PDF
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Public Comments and Issue Summary Matrix for Legislative File: GLUA 24-013 / LEG-24-01 – Park Place Concept Plan Code Amendments

Commenter Date	Testimony Format	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
Bobby Youngren 9/5/2024	Website	How would this affect Holly Lane	These code amendments have no effect on the transportation system. No development is proposed.	Yes, see staff comment. Oregon City Transportation System Plan https://www.oregoncity.org/854/Transportation-System-Plan <i>Minimum Public Improvement and Design Standards – Street Standards</i> OCMC 16.12
Woody Youngren 9/5/2024	Website	No comment. Sign up only.		Included in all PC and CC agenda distributions.
Juanita Whitaker 9/4/2024	Website	No comment. Sign up only.		Included in all PC and CC agenda distributions.
Mark Lewis 9/3/2024	Website	No comment. Sign up only.		Included in all PC and CC agenda distributions.

Public Comments and Issue Summary Matrix for Legislative File: GLUA 24-013 / LEG-24-01 – Park Place Concept Plan Code Amendments

Commenter Date	Testimony Format	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
Jerald Carlson 9/3/2024	Website	Proposing a trail that trespasses right through the backyard of private properties is ludicrous! Apparently, you are welcoming lawsuits over this plan; after all, a public trail through one's back yard will lead to homeless tents, a rise in property crimes, and myriad lawsuits, not to mention the unstable ground that exists in this area, which I personally witnessed in the 1950s and 1960s. Who is the tyrant who is running this show? Maybe we should put a public trail through their garden, and see how they like it. Yes, keep me updated on this crazy plan. Thank you.	Trail locations are conceptual based on existing adopted parks and trails plans. Exact trail locations will be determined if willing property owners apply for development approval per standard process. Trail dedication or fee-in-lieu of dedication shall be a proportional exaction based on the number of housing units proposed. Trails will not “trespass” across private property since their construction would be only feasible following development approval with owner consent. Trails are not anticipated to cause problems within the geologic hazard overlay district since they do not require significant excavation depending on their impact. Non-exempt project impacts within the Geologic Hazard Overlay District and/or Natural Resources Overlay District shall comply with OCMC 17.44 & 17.49 if applicable.	See staff comment. New standards for trail dedication in OCMC 17.62.061 and 16.08.043. Existing standards in OCMC 17.44 and 17.49.
Lois Allen 9/4/2024	Website	Roads Redland and Holly will there be a (Round-About or Red Light) ?? we are on Redland second house to Holly	These code amendments have no effect on the transportation system. No development is proposed. The TSP calls for an Operational Enhancement <i>Project D36 – Long Term Phase 4</i> consisting of a single-lane roundabout, however, the design could change due to cost, timing and environmental constraints.	Planning Commission recommended making this project a higher priority in the next TSP update.

Public Comments and Issue Summary Matrix for Legislative File: GLUA 24-013 / LEG-24-01 – Park Place Concept Plan Code Amendments

Commenter Date	Testimony Format	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
Thomas Funk 8/26/2024	Website	No comment. Sign up only.		Included in all PC and CC agenda distributions.
Jackie Hammond Williams 5/13/2024	Letter to Planning Commission	History of neighbor involvement with the PPCP Connectivity Support for clear and objective standards to implement the vision of the PPCP	Existing and proposed amendments should achieve the vision of the PPCP. Proportional exactions, clear and objective zoning and development standards, SDC credits and/or other financing tools will achieve what is needed to implement the PPCP vision.	These comments will be addressed through the legislative process.
James Nicita 5/12/2024 for PC meeting on 5/13/2024	Email with Attachments: Excerpt Park Place LUBA Decision.pdf; 2024-05-07 Nicita CC Public Comment ParkPlace.pdf	Text amendments should be made to the Park Place Concept Plan and the Oregon City Comprehensive Plan to assure compliance with clear and objective criteria requirements. City should precisely delineate the extent of the conceptual locations of the big park, the Holly Connector, and the Main Street Village through metes and bounds descriptions	Describing a specific area for these features could be grounds for takings claims. It is better to determine exact locations at the time of development and use proportional exactions, clear and objective zoning and development standards, SDC credits and/or other financing tools to achieve what is needed to implement the PPCP.	Oregon City Transportation System Plan https://www.orcity.org/854/Transportation-System-Plan <i>Minimum Public Improvement and Design Standards – Street Standards OCMC 16.12</i> Planning Commission recommended making Holly Lane connection to Redland Rd a higher priority in the next TSP update

Public Comments and Issue Summary Matrix for Legislative File: GLUA 24-013 / LEG-24-01 – Park Place Concept Plan Code Amendments

Commenter Date	Testimony Format	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
James Nicita 5/07/2024 CC Worksession	Email	City can take the position that "clear and objective" standards apply only to residential zones, and not to other elements of development such as parks, commercial, office, transportation and stormwater facilities etc. Residential and park uses should not be permitted in NC zone. Only office and commercial uses should be permitted in NC zone. City should institute quantitative water quality standards City should mandate green streets even in sloped areas City should adopt "main street" standards to implement vision of PPCP	Staff and PC recommended limitations on residential, park and storm ponds in the NC zone. The City Commission discussed Neighborhood Commercial uses at their Sept 4 2024 meeting. Consensus to see a limited set of uses in the NC district intended to serve the neighborhoods nearby, would attract businesses and patrons alike, and did not want to see uses that might dissuade visitors and businesses from the NC district.	A new more limited set of uses is proposed for the NC zone. Residential use on the ground floor is prohibited unless set back a minimum of one hundred feet from the property line along Livesay Road / Main Street.

Public Comments and Issue Summary Matrix for Legislative File: GLUA 24-013 / LEG-24-01 – Park Place Concept Plan Code Amendments

Commenter Date	Testimony Format	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
Bob LaSalle 5/6/2024 5/10/2024	Two emails	Comments on Planning Commission options for PPCP Key Elements presented in the Implementation Memorandum Key Elements #1, #2, #3, #4, #5, #6, #9, #10, #11	Staff addressed all of Mr. LaSalle's comments in the implementation memorandum to the Planning Commission and City Commission which was used to frame the subsequent code amendments.	Yes.
Linda Smith 5/7/2024	Email	Requested that planning staff meet with Park Place Neighborhood Association (PPNA) prior to legislative hearings. "The CIC has not been a principal party during the development or refinement of the PPCP. PPNA has been deeply vested in the PPCP for over two decades and should be included when proposing any code refinement to the PPCP."	Agree	Staff presented to PPNA 8/19/2024, prior to legislative process.



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October 21, 2024

Greg Stoll, Chair
City of Oregon City Planning Commission
625 Center Street
Oregon City, OR 97045

RE: Oregon City Park Place Concept Plan Code Amendments (Legislative File GLUA 24-013/LEG-24-01)

Dear Chair Stoll:

As I previously presented in brief public comment at the prior Planning Commission meeting on September 23, 2024, Icon and its affiliated entities are one of the larger land owners in the North Village of the Park Place Concept Plan Area. We are therefore very invested in the proposed code amendment process, and we commend the staff on their hard work and for the Planning Commission working through this difficult and detailed process since May.

We are actively engaged in working with the city to find mutually agreeable pathways and processes to achieve many of the most important goals and objectives of the Park Place Concept Plan, and other city infrastructure master plans, especially the much-needed north-south Holly Lane arterial connection between Holcomb Blvd and Redland Rd

Several of the proposed changes have material practical and financial implications for development within the Park Place Concept Plan area. We provided written testimony at the prior meeting, and I have attached them again here as reference. This testimony included:

1. Letter from Garrett Stephenson of Schwabe dated September 23, 2024
2. Letter from Jennifer Arnold of Emerio Design dated September 23, 2024

Due to the amount of material to review and the associated potential impacts, we requested, and the Planning Commission granted, an extension of the public comment period to the upcoming meeting on October 28, 2024. We are grateful and very appreciative of the extension to allow both the Planning Commission and us the opportunity to conduct additional review and analysis of the proposed code amendments. The following summarizes and expands upon our prior comments.

1. **Needed Housing** – We live in a different social, economic and legislative world now compared to when the Park Place Concept Plan was formulated. The clear need for housing affordability is reflected in recent new housing directives by the Governor and

in associated new state laws, including ORS 197A.400(1)(b) which prohibit discouraging needed housing through unreasonable cost increases. Mr. Stephenson's letter details the implications of the new laws.

2. **Alleys (16.12.026)** – Both Mr. Stephenson's and Ms. Arnold's letters provide detailed data on the significant cost increases alleys impose on developments, including:
- Increases in the amount of land dedicated to non-residential use, thereby increasing the per-unit expense of housing with an estimated 30% reduction in otherwise allowable housing density.
 - The additional pavement adds 20%-25% more impervious area which increases storm water management facility sizes and costs.
 - Topographic constraints, which are very prevalent throughout the Park Place Concept Plan area, add additional cost implications and loss of lot yield.
 - Overall, alley loaded construction will add 25% to 50% to the cost of overall development.
 - Long-term costs also increase as alley maintenance and replacement costs are imposed on homeowners' associations (HOA), who pass these costs onto homeowners in the form of HOA dues. Even worse, if an HOA is underfunded or dissolves, the homeowners may be forced to bear the costs through special assessments or direct funding.
 - The aesthetics and safety of alleys are also of concern. Alleys result in little to no rear yards, which is something most homeowners want – fenced yards for kids, pets and private outdoor enjoyment.

For all these reasons, we recommend this section of code be eliminated.

3. **Garage Orientation Standards (17.21.090)** – Both Mr. Stephenson's and Ms. Arnold's letters (and the prior letters from Icon included in their letters) provide detailed rationale and data on the significant cost increases the garage orientation standards impose on developments, including:
- There is **no** requirement prohibiting front-load garages in the Park Place Concept Plan for single-family housing, with only reference to multi-family housing where alleys are required.
 - Detached or non-corner lot side loaded garages require significantly larger lots, which decreases lot yield by as much as 50%, driving up the per-unit cost.
 - The larger lots are also challenging in the R-5 zone due to other dimensional standards. More importantly, middle housing is permitted and expected to be placed on smaller lots
 - Detached garages increase construction costs by an estimated 20% due to the duplication of a multitude of construction costs (i.e., foundations, roofs, etc.).
 - There are no other areas in Oregon City with such requirements.
 - There are no other jurisdictions with such requirements.
 - The marketability of homes with detached garages is questionable, especially here in the northwest. This is just not what most homeowners want.
 - Larger production homebuilders, if interested at all in building with these and the many other constraints in existing and proposed residential standards for the Park Place Concept Plan area, would likely be forced to use rear-loaded alley

products. This reduces housing production, and as summarized above, significantly increases costs.

For all these reasons, we recommend this section of code be eliminated.

4. **Two-Car Garages** – There are several additional sections of code that we believe should be amended to provide for more 2-car garages, notably OCMC 17.14 and 17.16.
 - a. There are many reasons why 2-car garages are more desirable, including:
 - i. Homeowners want 2-car garages for parking multiple vehicles, storage, shop space and other uses including more off-street parking in driveways for visitors.
 - ii. The current code methodology for measuring and restricting garage widths ends up forcing 1-car garages.
 1. A 1-car garage is too narrow to easily maneuver things like baby strollers and other bulky items and provides no room for storage.
 2. A 1-car garage is also an impediment to handicap access, thereby reducing availability of new housing to this group of prospective homeowners.
 3. Many larger production builders prefer not to build 1-car plans.
 - b. For these reasons, we recommend the following code modifications:
 - i. Change the measurement methodology to use garage door width not interior wall width. With all the architectural design elements that can be selected as mitigation, house plans can accommodate 2-car garages without having “garage centric” façades.
 - ii. Review and revise other code sections (i.e., 17,14.030) to remove impediments to 2-car garage implementation.
5. **Parkland and Trail Dedication** – As described in Mr. Stephenson’s letter, as currently contemplated, the code provisions are likely unconstitutional takings and unfairly put the burden on early developers. We strongly urge the Planning Commission to evaluate the arguments presented and revise the proposed code accordingly. Changing to a proper remuneration procedure with SDC credits for market-value reimbursement will bring the desired procedure in line with many other jurisdictions.

We appreciate the opportunity to provide this summary and look forward to further discussions.

Thank you.



Harlan Borow
Land Development and Acquisitions Manager

September 23, 2024

Garrett H. Stephenson
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VIA E-MAIL

Mr. Greg Stoll, Chair
Oregon City Planning Commission
695 Warner Parrott Rd,
Oregon City, OR 97045

RE: Legislative File GLUA 24-013/LEG-24-01

Dear Chair Stoll and Planning Commissioners:

This office represents ICON Construction and Development (ICON). We are in receipt of and have preliminarily reviewed the proposed code amendments intended to implement the Park Place Concept Plan (the “PPCP”) (the “Amendments”), City casefiles GLUA 24-013/LEG-24-01. We respectfully offer the following comments. We also request that the Planning Commission hearing be continued to the next scheduled Planning Commission meeting to allow time for ICON to determine the likely cost/market impacts of the Amendments.

1. The Amendments must ensure that a General Development Plan is not required for development within the PPCP area.

Under ORS 197A.400, a local government may not adopt or apply standards, conditions, and procedures that are not “clear and objective.”

“(1) Except as provided in subsection (3) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing, on land within an urban growth boundary. The standards, conditions and procedures:

(a) May include, but are not limited to, one or more provisions regulating the density or height of a development.

(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.”

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As relevant here, the sole exception to this is ORS 197A.400(3), which provides as follows:

“(3) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (1) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (1) of this section;

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (1) of this section.”

In *East Park v. City of Salem East Park, LLC v. City of Salem*, __ Or LUBA __, __ (LUBA No. 2022-050, Aug 30, 2022), the Oregon Land Use Board of Appeals (“LUBA”) held that there was no “clear and objective” path to approval for an applicant. LUBA reasoned that:

“ORS 197.307(6) provides that a local government may provide a discretionary approval path for housing only in addition to an existing clear and objective path. * * * ORS 197.307(6) authorizes local governments to adopt an alternative process for approving housing under standards that are not clear and objective, so long as the applicant retains the option of proceeding under an approval process that complies with ORS 197.307(4)” *Id.* (slip op at 11) (emphasis added). Much like *Icon*, the applicant in *East Park v. City of Salem* was not provided with an option to proceed under a clear and objective path.”

Thus, a local government must give an applicant for the development of housing the option to apply for a clear and objective approval process. The City may only impose standards that are not clear and objective if that approval process is open to that applicant, and the applicant nonetheless chooses to subject itself to a subjective approval process. In *ICON v. City of Oregon City*, LUBA confirmed the above principles and held that the City may not require an applicant to file a General Development Plan for development within the PPCP area. __ Or LUBA ____ (LUBA No. 2022-100, May 19, 2023).

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The City's General Development Plan is an expressly discretionary, subjective process. It appears that the Amendments clarify that a GDP *is not required* for development within the PPCP area, and we support such a clarification. To the extent that any provision of the Amendment would require a GDP, or that the Amendments attempt to make the GDP standards or criteria "clear and objective," ICON would strongly oppose any such change.

2. The Planning Commission should modify certain proposed design standards in the Amendments to ensure that the homes in the PPCP area will be marketable.

a. 16.12.026—Alleys should not be required.

Alleys increase the amount of land area dedicated to non-residential uses and increase the per-unit expense of developing housing. They also increase the grading and erosion control needs for a given project over a project that does not have alleys. Therefore, without an offsetting incentive (such as a by-right increase in density), alleys should not be required because they "have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay." ORS 197A.400(1)(b). See also **Exhibit 1**, which explains the problems with alley requirements in more detail.

b. 17.21.090—The garage orientation and location limitations should be removed.

The proposed code amendments retain the prior requirement that "garages shall be detached, side entry or rear entry." Requiring alley-loaded garages creates the same cost increases that pertain to alleys themselves, discussed above, and would also discourage needed housing through unreasonable cost increases. ORS 197A.400(1)(b). Forcing garages to be detached require the construction of two separate buildings, with attendant cost duplication for roofs, foundations, and increased costs for extending wiring and other utility services to the garage. Such garages also result in a more expensive homes, violating ORS 197A.400(1)(b). This is summarized in the attached email from Darren Gusdorf, ICON's Commercial and Residential Division Manager, who estimates that these sorts of garage size, location, and orientation regulations increase the costs of a given home by 20%. **Exhibit 2**. Side-entry garages are only possible on street corners and can remain an option.

Too, the housing market often prefers front-loaded, attached garages, and both alley-loaded and detached garages significantly increase the cost of homes. In 2018 and 2019, ICON staff explained why prohibitions on attached, street-facing garages should be eliminated. **Exhibit 3** and **4**. We respectfully request that the Planning Commission review this testimony and consider these arguments anew.

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In view of the market preference for attached garages, ICON also recommends the following changes to both the existing code and the proposed Amendments.

- 17.14.030.C—the maximum 50% of the façade that may be garage should be increased to 60%.
- 17.14.030.B—The maximum 12-foot garage limitation for townhomes should be eliminated. This greatly reduces marketability and likely restricts accessibility for handicapped citizens as there is no room for wheelchair access, resulting in reduced access to more affordable housing options.

c. 17.21.105—The housing diversity standards are too prescriptive.

The proposed housing diversity standards, while well-intentioned, are too prescriptive and could have unintended negative consequences.

First, ICON does not see how the City has the authority under ORS 197A.400 et. seq., to *require* a certain amount of middle-housing. HB 2001 was intended to provide developers more options and to offset the cost impacts of those options with tax incentives. 197A.420. We do not believe that it is reasonable, nor does it help the cause of increasing the supply of housing, to *mandate* a certain amount of middle-housing. This is because different properties have different development costs which may or may not allow for the construction of middle-housing, and ICON needs the flexibility to develop a unit mix that best facilitates the production of housing, be they middle-housing or single-family units.

Second, the middle-housing units should not have to be shown in the tentative or final plat, simply because not all developers actually build homes on the lots they plat. By restricting certain lots to middle-housing, the Amendments will likely make these and other lots less attractive to builders, who may need the flexibility to decide which lots should be used for middle-housing based on market factors at the time.

Finally, the Commission should not impose the proposed prohibition on more than three middle-housing lots abutting one another. This would preclude longer townhouse blocks because it is very difficult to construct an odd number of abutting townhomes. This would also make such townhomes look odd and out of place, whereas townhome blocks are traditionally uniform and far longer than two units. This is especially true of homes fronting collectors, against which a uniform streetscape is desirable, and other areas where such townhouse blocks are alley-loaded.

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All three of the Amendments discussed above would increase the expense of a project and likely reduce a developer or builder's ability to flexibly market housing product, which will certainly result in unreasonable costs and delay. ORS 197A.400(1)(b). The Planning Commission should therefore eliminate the proposed housing diversity standards and replace those standards with an incentive package.

d. Design standards for the NC zone would likely increase costs and make actual establishment of supportive commercial uses in Park Place less feasible.

ICON appreciates the acknowledgment that viable neighborhood-scale commercial uses are difficult to achieve in Park Place. ICON believes that the Planning Commission should focus on the goal of obtaining viable commercial uses in the NC, which goal is at odds with some of the NC design standards in the Amendments. These include the following:

- 17.24.040.I—This section adds considerable landscape requirements that restrict developable area and greatly increase cost, thereby diminishing marketability.
- 17.24.060.C.2—While it is commendable to add stormwater facilities serving adjoining residential zones as additional permitted uses, restricting to 0.5 square acres in size may be problematic for larger developments given the topographic requirements/constraints of the area and the need for larger facilities.
- 17.24.060.C.3—While it is commendable to add park land improvements as additional permitted uses, restricting to 0.75 acres in size is too restrictive.
- 17.24.060.F. – These design standards will make commercial development more expensive.

The Planning Commission should consider that each additional development standard it imposes comes with a cost, a cost that the owners of commercial spaces will pass onto tenants. Given the difficulty of so many businesses to maintain brick-and-mortar locations, even in buildings that are fully depreciated, it seems counterproductive to impose a host of new costly design standards that will make new, expensive commercial product even more expensive. This will reduce the chances that neighborhood commercial businesses will actually be able to use these commercial spaces.

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e. 17.62.061 and 16.08.043—Commercial development should not be required to pay a fee-in-lieu for parks.

Like all exactions, requirements to dedicate parkland or make a payment-in-lieu are subject to the taking clause of the 5th Amendment of the US Constitution. First, the City has the burden to show that there is an “essential nexus,” between the exaction and the impact of the associated project on the public infrastructure. *Nollan v. California Coastal Com.*, 483 US 825, 836-37 (1987). Second, the amount of exaction must be “roughly proportional” to that impact. *Dolan v. City of Tigard*, 512 US 374, 391-395 (1994). The U.S. Supreme Court has recently clarified that development fees, even if set forth in legislation, are subject to this analysis. *Sheetz v. El Dorado County*, 601 US ___, S. Ct. No. 22–1074, slip op at 7-20 (2024). It is the City’s burden to make an “individualized determination” of nexus and rough proportionality in the first instance, and it may not justify exactions as a constitutional matter simply because they have been legislated into existence.

The City has not demonstrated how commercial uses create a demand for parkland that would support a fee-in-lieu or dedication requirement. In particular, the City has not demonstrated a nexus between the construction of commercial uses and an impact on the City’s parkland. Therefore, any requirement to dedicate parkland for non-residential uses would be a taking and would entitle the property owner and/or developer to just compensation.

f. Required dedication of parks and trails is not supported by an adequate evidentiary base and would constitute unconstitutional takings as currently proposed.

As with the requirement for dedication of parkland as part of a non-residential project, the proposed requirements to dedicate parkland and trails lack an adequate factual base. That is, while it may be reasonable to assume that local residents will demand a certain amount of parkland, the proposed amendments do not appear to be supported by data proving the “rough proportionality” of development on the City’s parklands. Rather, the formula proposed by the City appears to be reverse-engineered to obtain the parkland and trails desired in the PPCP, which is not the same analysis needed for such a requirement to pass constitutional muster.

More troubling, though, is the proposed double-dipping of park and trail dedication/fee-in-lieu on the one hand, and parks SDCs on the other. Assuming that the parks SDCs are roughly proportional to the impact of the development of various types of residential units, adding onto that an area-specific dedication/fee-in-lieu requirement fails the rough-proportionality on its face. As noted above, while the Amendments would purport to adopt specific ratios for park and trail

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dedication requirements in Park Place, there is no evidence in the record to support those impact assumptions, which is a burden the City must bear prior to adopting the Amendments.

Finally, allowing SDC credits against dedication of parkland or trails for Park Place does not cure the constitutional problems with the proposed parks funding methodology. As a constitutional matter the City has the burden to show that the proposed requirements meet the *Nollan/Dolan* tests in the first instance; a developer or builder is not required to prove otherwise, which is exactly what the SDC credit system requires. In summary, ICON does not believe that the City can assess both a dedication/fee-in-lieu requirement and parks SDCs in Park Place; it must choose one or the other, and whichever it chooses must be constitutional.

3. Conclusion

ICON sincerely appreciates the Planning Commission's consideration of the above comments in this matter. As noted above, ICON needs additional time to review the particular zoning amendments to determine their potential takings, cost, and market impact, which are crucial to the success of Park Place. We hope that the Planning Commission will allow the requested one-month continuance to allow ICON to conduct that analysis.

Best regards,



Garrett H. Stephenson

GST:jmhi

cc: Ms. Carrie Richter (via email)
Mr. Peter J. Walter (via email)
Mr. Mark Handris (via email)
Mr. Harlan S. Borow, P.E. (via email)
Mr. Darren Gusdorf (via email)



CCB#150499

1980 Willamette Falls Dr. #200, West Linn OR 97068 503-657-0406

March 29th, 2019

Alley Load Development in Oregon City Concept Plan Areas – Chapter 16.12.026

Mayor Holladay and City Commissioners,

In an effort to demonstrate the adverse impacts of alley load development here in Oregon City, I visited all (9) existing alley load development projects here in town, and have included photographs and observations for you to review. If time allows before the upcoming April 3rd hearing, I ask that each of you to please visit these sites so you can see first-hand the design challenges and the end result of alley load development. These (9) existing alley load projects in Oregon City are:

- Sequoia Landing - Glen Oak Road and Coast Redwood Avenue.
- Sequoia Crossing - Glen Oak Road and Berge View Avenue.
- Meriwether - Thayer Road and Wynton Drive.
- Caufield Place - Caufield Road and Voyage Road.
- Dawn Meadows - Rose Road and Sprite Way.
- Filbert Run - Central Point Road and Hazelnut Avenue.
- Douglas Grove - Thayer Road and Blue Blossom Way.
- Maple Lane - Sugarpine Street and Whitehorse Court.
- Glen Oak Meadows - Mossy Meadow Drive Avenue and Brittany Terrace

As outlined in prior testimony, alley load development will drive up home prices. Building twice as many streets will impact the overall cost of development, it will increase lot costs accordingly, and the end user will see higher priced homes as a result. Beyond that, it is our firm belief that alley load development creates an inferior and less desirable product to the end user, when compared to standard/typical front load garages with functional rear yards. I'm hopeful the attached pictures and details will assist with you coming to the same conclusion.

In addition, the city is now proposing to place all future ownership and maintenance responsibilities affiliated with future alleys, directly in the hands of the future property owners and communities that adjoin alleys. This is in response to recent discussions between planning and public works, after public works voiced their concerns affiliated with alley load development within this city (constrained streets, more expense, more burden on the city requiring more streets to maintain, more burden to city storm, etc.). If this comes to fruition,

this will put the burden on the future homeowners to pay for all future maintenance of these "extra" streets. That forces HOA's, which is another deterrent of future homebuyers, and adds more cost that they must bear. Salt on the wound if you will. Not only will alley load drive up finished home prices, this newly proposed "solution" to who's going to pay for and maintain the alleys, just got worse. Let's create an inferior product, that costs more to the consumer, and then tax them on the alley load streets via an HOA. How does this help promote equitable housing? It achieves the opposite. Even more concerning is what condition these alleys will be in when maintenance is needed and necessary repairs are taken out of the hands of the city. Making an HOA the decision maker on when/if street maintenance is needed will be problematic. And what happens when an HOA dissolves or is disbanded, which is not uncommon after developers establish them and turn them over to the community?

This example is not intended to discredit any members of city staff in anyway. We greatly appreciate ALL members of OC's staff, in all departments. I'm just pointing out what we're experiencing more and more of lately, in nearly all of the jurisdictions that we work in. "Solutions" that don't solve the problem, and directly conflict with the goals and objectives of the equitable housing program. It's a pattern that we're seeing regularly, in which the proverbial can gets kicked down the road, through development, and onto the end user. This is a major factor that has led us to where we are today, with home prices continuing to rise. Increased development fees and costs, more construction standards, more development requirements, more planning restrictions, are ALL factors that drive up housing prices. Then we're asked why homes are so expensive to construct??? We're never going to achieve a realistic and obtainable approach to equitable housing until these issues are dealt with head on. Alley load development does not align with the demands of the consumer, nor will it in anyway, create opportunities to bring home prices down. The end result is what it is, home prices will continue to rise.

Again, we greatly appreciate your time and effort spent on reviewing the current code revisions and ensuring the final code adoptions align with the goals and objectives of the equitable housing program. We're hopeful you can see the negative impacts affiliated with alley load development. Not just from members of the development community, but from the views and prospective of the community in full, including the desires of neighboring property owners and future homebuyers in whole.

Sincerely,



Darren Gusdorf

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Stephenson, Garrett H.

From: Stephenson, Garrett H.
Sent: Monday, September 23, 2024 12:55 PM
To: Stephenson, Garrett H.
Subject: FW: OC Park Place Code

From: Darren Gusdorf <darren@iconconstruction.net>
Sent: Monday, September 23, 2024 11:00 AM
To: Harlan Borow <harlan@iconconstruction.net>; Stephenson, Garrett H. <GStephenson@SCHWABE.com>; Jennifer Arnold <jarnold@emeriodesign.com>
Cc: Mark Handris <mark@iconconstruction.net>
Subject: RE: OC Park Place Code

As discussed, I'm sending some bullet points regarding the cost implementations related to detached garage construction and alley development construction.

Detached Garages:

At a minimum, detached garages will add 20% to the build cost of a SFD. Anytime you separate the structure independently from the home, the cost climbs up substantially. Detaching structures away from the building envelope, triggers additional:

- Excavation
- Subgrade infrastructure (gas, power...)
- All shell construction, that would normally be built within the building envelope, are all triggered:
 - o Foundations
 - o Framing
 - o Trusses
 - o Insulation
 - o Windows
 - o Siding
 - o Roofing
- Extension of driveways
- More impervious area needing to treat

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January 23rd, 2019

Mayor Holladay and City Commissioners:

I'm writing to you in response to staff and city commission discussions that took place at the January 16th hearing, related to the removal of OCMC chapters 17.21 and 17.22, that outline the Park Place and South End design requirements. I'm reaching out to you in hopes to shed some perspective directly from a local home building company, that has had a strong presence in Oregon City for the past 20 years. Icon is heavily vested in Oregon City; past, present and future, and shares the same goals outlined in the current code reform currently before you today.

As you know, the main emphasis of revamping the development sections within the OCMC, is to inject a variety of different affordable housing products into Oregon City's market. We applaud the work performed by city staff, the appointed task force, the planning commission, and others who have vested many hours into bringing their ideas, goals, and objectives forward. We see good opportunities to come, and are excited and eager to venture together with the city, as partners, to implement this vision. I use the word partnership, because it's a critical component, needed to achieve the goals set forth within this equitable housing program. Without the community, city staff, planning commission, city council, land developers, home builders and future home buyers working together cohesively to create a platform suitable and obtainable by all parties, this program will not thrive, nor will it ever come to fruition. Without fairness and balance, it goes nowhere.

The current adopted design standards, defined in chapter 17.14, already require an abundant amount of design requirements for ALL residential construction in Oregon City. Oregon City planning and city staff, have already done a fantastic job of injecting historical design requirements for new construction in this city that all builders must adhere to. As written within chapter 17.14, builders must include a minimum of 5 and as many as 14 design standards into their building design. These standards require selecting from the list below:

- *Dormers, which are projecting structures built out from a sloping roof housing a vertical window.*
- *The roof design must utilize either a gable or hip roof system.*
- *The building facade includes two or more offsets of 16-inches or greater.*

- *A roof overhang of 16-inches or greater.*
- *A recessed entry that is at least 2-feet behind the furthest forward living space on the ground floor, and a minimum of 8-feet wide.*
- *A minimum sixty 60 square-foot covered front porch that is at least five 5 feet deep OR a minimum forty 40 square-foot covered porch with railings that is at least five 5 feet deep AND be elevated entirely a minimum of eighteen 18-inches.*
- *A bay window that extends a minimum of twelve 12-inches outward from the main wall of a building and forming a bay or alcove in a room within.*
- *Windows and main entrance doors that occupy a minimum of fifteen 15 percent of the lineal length of the front facade (not including the roof and excluding any windows in a garage door).*
- *Window trim (minimum four 4-inches).*
- *Window grids on all street facing windows (excluding any windows in the garage door or front door).*
- *Windows on all elevations include a minimum of four 4-inch trim.*
- *Windows on all of the elevations are wood, clad wood, or fiberglass.*
- *Windows on all of the elevations are recessed a minimum of two 2 inches from the facade.*
- *A balcony that projects a minimum of one foot from the wall of the building and is enclosed by a railing or parapet.*
- *Shakes, shingles, brick, stone or other similar decorative materials shall occupy a minimum of sixty 60 square feet of the street facade.*
- *All garage doors are a maximum nine 9-feet wide.*
- *All garage doors wider than nine 9-feet are designed to resemble two 2 smaller garage doors.*
- *There are a minimum of two 2 windows in each garage door.*
- *A third garage door is recessed a minimum of two 2 feet.*
- *A window over the garage door that is a minimum of twelve 12 square feet with window trim (minimum four 4-inches).*
- *There is no attached garage onsite.*
- *The living space of the dwelling is within five 5 feet of the front yard setback; or the driveway is composed entirely of pervious pavers or porous pavement.*

We're not refuting or objecting to any of these existing design requirements. Although it did take some time for our building team to learn these, and implement them correctly within our building product, we worked with the city to understand them and have designed our homes to ensure they conform. We understand the significance and respect the goals and objectives set forth within these standards that are required in Oregon City. As written, they heavily target the implementation of historic elements and they also reduce garage massing by requiring more elements when street facing garage facades increase in size. The objectives set forth in the Park Place and South End concepts plans are already easily met by adhering to the current code criteria set forth in chapter 17.14.

Chapters 17.21 and 17.22 reach far beyond the standards set forth in chapter 17.14 by requiring very rigid and specific requirements that dictate a single style of architectural design; historic only. Not only do these standards drive up the costs of construction, they

drastically limit what type/style of product can be built. This code forces a style of architecture that is desired by very few, which will have a HUGE impact on the marketability of these homes. We are mindful and respectful of the historic significance and influence within Oregon City's architecture, and we understand the importance of it when it is applicable. We are very proud of the work that we did to fully restore the Mathew McCarver house, in which we preserved all of the historic construction elements (roofing, siding, structure/bones, windows, doors, hardwoods, hardware, etc.), in conjunction with a full renovation and restoration of this home. Bringing this boarded up and forgotten about treasure back to life in 2007 was very challenging, but also extremely rewarding (I've included some before and after pictures reflecting the work that was done, for your interest only). The point being, We DO appreciate and respect the history and true era architecture in this city, but it needs to make sense and be appropriate and proportionate to the overall goals of the city, community, home builders and future homeowners. Rick Givens provided testimony in his January 14th letter to the city commission that referenced our McCarver Landing development and the requirement that the newly constructed homes, surrounding the McCarver house, had to be constructed in a Vernacular architecture form, to match that of the McCarver home. We didn't object to this requirement, as we understood the significance of these homes abutting the McCarver home. We understood the concept of blending historic construction with new construction in this development, and we followed the guidelines set forth within the conditions of this development that we agreed to. During the 1-16-19 hearing, one of the commissioners stated that we should understand and respect the significance of these requirements. I want to state clearly that we did then and still do today.

Unfortunately, our point that was highlighted in Rick Given's letter, was misconstrued. We were merely trying to emphasize that we've gone down this road before, following specific historical home architecture designs as dictated on just a few of our homes in McCarver Landing, and this was received very poorly by the general public. We learned very quickly, that mimicking historical era construction, is not in high demand. The absorption rate was extremely low, and the homes had to be discounted drastically to instigate sales. One commissioner at the 1-16-19 hearing stated, "look at these homes now, they are occupied, eventually they sold." This is not a model that any builder should be burdened to follow nor does it offer Oregon City home buyers any variety or flexibility with the architecture designs and styles that they desire and can chose from. Forcing builders and home owners to construct homes that don't appease the majority of the public, directly conflicts with the spirit of this equitable housing program. These two code sections offer no flexibility of any kind, and they blanket two very large areas in Oregon City, that will soon house thousands of single-family dwelling units. Requiring "historic only" design and architecture into these areas is a recipe for disaster, and the McCarver Landing example was only used to illustrate our experience with this before, and at a much smaller scale. The required style of architecture completely prohibits home builders any opportunity to conform to market demand. Dictating historical homes throughout ALL development in these planned areas, prohibits any ability to conform to the community's wants and needs. Historical era construction only, is simply far too much to require in these two very large concept areas. I've included the sample pictures (inserted directly from the code sections themselves) that reflect the required styles of

architecture per sections 17.21 and 17.22, as well as a picture of a vernacular home that was required and constructed in McCarver Landing for you to reference.

In addition, and what was discussed very little at the 1-16-19 hearing, are the garage requirements found within the Park Place concept chapter 17.21. This chapter requires **NO** front load garages. Only side load, rear load, detached, or NO garages are allowed. Not only do these standards drive up costs of development and home construction, they are not practical or even obtainable within the diverse zoning districts in these two concept areas. I'll explain each of these garage options below in hopes to provide some insight as to why these standards would be extremely problematic:

Side entry garages, unless on a corner lot, require a minimum of 40' side yard for driveway access and vehicle maneuverability. This width is needed alongside a home so that vehicles can appropriately enter the garage. That's not feasible on any lots that aren't corner oriented. Taking 40' of width out of a lot for driveway/access, leaves no room for a home to fit within the remaining buildable envelope. Unless you have a lot width of at least 90'+, this simply does not work. The comp plan for Park Place consists of a variety of different blended zonings. Sideload garage orientations will not be feasible in high, medium, and most low-density zones. These simply do not work.

For similar reasons above, detached garages are not feasible in most zones, simply because there is not enough room on building lots to get them to work. It's very challenging to create lots that will conform to what is needed to make rear load garages possible. This configuration requires a minimum of 20' clear space for a driveway along the home and property line, which again diminishes the remaining buildable area for homes to fit. This configuration also requires a much deeper lot to create room in the back of the property for a garage, within the setbacks, and with ample clearance and separation between it and the home. This requires deeper lots which reduces widths to meet lot size area. This absolutely does not work in medium, high, and most low density zoning districts. Beyond that, and even if this configuration could work, this requirement still creates another hardship on the property, builder and home owner, as the general public does not want a garage detached from their home. We live in a rainy climate here in Oregon. Homeowners do not want to walk through the elements from their garage to their home. Detached garages are not sought after by the general public.

We've had experience with rear entry garages in Oregon City. These require alleys, which doubles the quantity of roads within a development, further driving up development and final lot costs. Beyond being more expensive to develop, alley projects create more impervious area, which create further hardships pertaining to storm water management, and they are a poor use of land as a resource (by creating more roads and hardscapes vs. planted green areas). In the end, homeowners are left with little to no rear yards. Oregon City homebuyers want rear yards. They often have kids, pets, or simply want to enjoy privacy within their fenced-in rear property. What little room that is left from rear yard loaded garages, can't be fenced and adhere to vision requirements, and these homes are left with little to no usable yard area. This is another product, that we have had experience constructing, that is not sought after by the consumer.

So, after the above configurations are explored and deemed not physically or economically feasible by the developer and home builder, and not desired by the general public, the last option is to construct a home with NO garage. That's a non-starter. People want garages. They drive cars. They store things. Garages are an amenity and staple in today's homes that homeowners are not willing to give up. So, the "no garage" option, is simply not an option in a single-family residential district. Apartments, sure, but not when constructing single family detached residential homes. If a builder is forced to build a home without a garage, he/she better plan on using it for a rental. It will never sell as there is little to no market for homes without garages.

We are very hopeful that you will see the magnitude of development challenges, added costs, diminished home values, and the burden and hardship that these two chapters will place on developers, builders and future homeowners in these two concept areas, if chapters 17.21 and 17.22 aren't removed from the OCMC. I say again, successful development requires a collective partnership with all parties involved. If it becomes unbalanced, the equitable housing program will be unsuccessful in these concept areas. Chapters 17.21 and 17.22 completely conflict with the objectives and goals outlined within this program, and the impact is severe when blanketing these two areas and thousands of future home sites with these very strict and specific requirements.

I appreciate your time and consideration to all parties impacted, while you and city staff continue discussing the removal of chapters 17.21 and 17.22. Other members from the building and development community will continue attending and speaking at each of the upcoming hearings. I will be attending all upcoming hearings, and would be more than happy answering any questions related to this letter and the current round of code reform if asked to come forward for further testimony.

Sincerely,



Darren Gusdorf

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Required styles of architecture per OCMC chapters 17.21 and 17.22



Western Farmhouse/Vernacular



Bungalow (Craftsman)



Foursquare



Queen Anne Vernacular

**SAMPLES ABOVE ARE CUT & PASTED
FROM CODE SECTIONS 17.21 AND 17.22**

*****Note Historic Era Architecture with
no garages.**

Vernacular Style as Required and Constructed in McCarver Landing





CCB#150499

1980 Willamette Falls Dr. #200, West Linn OR 97068 503-657-0406

March 20th, 2019

Park Place and South End Concept Plans

Mayor Holladay and City Commissioners,

After reading through the final adopted Park Place concept plan, it's very clear that there are significant deviations between it and the correlating chapters of code that were derived from it. OCMC 17.21 (Existing Code Implementation of the Park Place Concept Plan) and OCMC 16.12.026 (Proposed code section that would require ALL alley load development in medium zones within both Park Place and South End concept areas), do not correctly implement the goals, objectives, and directives outlined in the final/adopted Park Place concept plan. These chapters of code, and the sole purpose of these code sections themselves, must adhere and align with the goals and objectives outlined and defined within the adopted concept plan, and they do not. The "historic only" home construction requirements found in section 17.21, the alley load requirement found in section 16.12.026, and the NO front load garage requirement found in chapter 17.21, directly conflict, and would achieve the opposite of what was approved and adopted in the Park Place concept plan. For the reasons explained below, we urge the City Commission to modify Chapters 17.21, 17.22, and 16.12.026, to align with the goals and objectives outlined within the Park Place and South End concept plans. This can be accomplished by leaving the existing concept plans intact, with minor modifications to each of these applicable sections of code.

Park Place Concept Plan - Goals, Objectives, and Implementation, as outlined within:

The concept planning process for Park Place began in 2006 and was adopted by the City Commission in 2007. The plan objectives, core values, and community design, was written very clearly and these visions were highlighted and repeated consistently throughout this final adopted plan. Quoting multiple sections from the Park Place concept plan, this is what is written within:

"We value a choice of housing types, densities, and price ranges" – page 8

“We value a transportation system that limits congestion without overbuilding roads” – page 9

“Create a mix of housing types that include ranges of affordability, developing a variety of housing types and sizes” – page 23

“A variety of housing sizes and types attract a mixture of ages, incomes, family structures and lifestyles to help create a richer, more diverse community.” – page 27

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“In general, it is recommended that the City incorporate Best Management Practices including reducing paved, impermeable surfaces.” – page 56

“Concept plans must address the following elements: Housing (density, diversity, affordability). – page 59

“The Park Place Concept Plan strives to provide the Park Place plan area with development flexibility, and housing choices...” – page 59

“Support architectural integrity and variety in residential and mixed-use neighborhoods.” – page 62

“Create design standards for Park Place in order to ensure diverse, compact, attractive, and community-oriented residential development.” – page 62

“Consider developing and adopting architectural variety requirements for subdivision development.” – page 63

“Create flexibility in development standards to allow for alternative housing types.” – page 63

Chapter 17.21 – Park Place Code Adopted and Implemented:

“Historic Only” Requirement – Sub sections 17.21.010 and 17.21.020

Chapter 17.21 must adhere and align with the goals and objectives outlined within the adopted concept plan, and as currently written, it does not. In NO portion of the adopted concept plan, is there any mention of homes needing to be, or desired to be “historic only.” This is not a goal/objective listed anywhere within this document, nor is there any historic significance in this area, being the majority of homes surrounding Park Place were constructed between the 1960’s and 1980’s (data found on page 11 of the Park Place concept plan). The contrary is stated repeatedly and throughout the concept plan, outlining the desires, goals, and objectives that seek and require a variety of housing

types, styles, and a mix of architectural design, as demonstrated in the quoted sections above. Sub sections 17.21.010 and 17.21.020 clearly require “historic only” design and architecture. As written, builders and homeowners can only construct Queen Anne, Bungalow, Foursquare, or Vernacular Farmhouses. This code requirement, as outlined in these sections of 17.21, directly conflicts with the goals and objectives adopted in the concept plan, by restricting home design and architecture to a specific type of construction. The “historic only” requirement, written in chapter 17.21, needs to be removed completely in order to align with the final adopted Park Place concept plan.

“No Front Load Garage” Requirement – Sub section 17.21.090

In NO portion of the final adopted Park Place concept plan is there any mention that single-family detached residences will be required or desired to adhere to “NO front load garages OR alley load only.” As demonstrated in the quoted sections above, the contrary is stated repeatedly throughout the concept plan, outlining the desires, goals, and objectives that seek green street design, minimal impervious streets, and the desire NOT to overbuild roads. The only reference to alley load development, in the entire Park Place concept plan, is listed on page 27, which states, “*Multi-family housing: Vehicle access is provided in the rear and with alleys*” which is affiliated with multi-family only, and not applicable to single-family detached homes. Again, there is a direct conflict and huge disconnect between the final adopted concept plan and Chapter 17.21, as written. In respect to single-family detached development, the “NO front load garage” requirement, as written in chapter 17.21, needs to be removed completely in order to align with the final adopted Park Place concept plan. In addition, and for the same reasons explained above, newly proposed Chapter 16.12.026, requiring alley load development throughout ALL medium zones in the Park Place area, needs to be removed completely in order to align with the final adopted Park Place Concept plan.

“Raised and skirted” front porch requirement – Sub section 17.21.050

Subsection 17.21.050, requires elevated and skirted front porches. Like above, this requirement is not listed or mentioned in the Park Place Concept Plan as a goal, objective or directive. In addition, and most importantly, this current required design standard will result in unnecessary steps at the main entry points of all homes that would be burdened with this requirement, making ADA access at all front entries impossible to meet. For these reasons, we urge the City Commission to remove this requirement from chapter 17.21

South End Concept Plan - Goals, Objectives, and Implementation, as outlined within:

The concept planning process for South End began in 2013 and was adopted by the City Commission in 2015. Code section 17.22 (Existing Code Implementation of the South End Concept Plan) does appear to align closely to the adopted concept plan. In it, and unlike the Park Place Concept plan, there is mention of a desire for some alley load development, and the implementation of historic influenced design standards. Chapter 17.22 does NOT require “historic only” architecture, nor does it require NO front load garages. Unlike chapter 17.21 (implementation of Park Place concept plan), the

requirements in Chapter 17.22 DO appear to align with the goals and objectives of the South End concept plan.

“Raised and skirted” front porch requirement – Sub section 17.22.050

Subsection 17.22.050, requires elevated and skirted front porches. Like above, this requirement is not listed or mentioned in the South End concept plan as a goal, objective or directive. As mentioned above, and for the same reasons affiliated with ADA compatibility, we urge the City Commission to remove this requirement from chapter 17.22.

For the reasons outlined above, we ask the City Commission amend Chapters 17.21, 17.22 and 16.12.026 to:

- Remove the “historic only” requirement from Park Place chapter 17.21
- Remove the “NO front load garage” requirement from Park Place chapter 17.21
- Remove the “alley load” requirement, affiliated with single-family detached in Park Place from chapter 16.12.026
- Remove the “raised and skirted” front porch requirement from chapters 17.21 and 17.22

If for any reason the City Commission is not comfortable making these code amendments, we ask that you please remand both Park Place and South End concept plans back to city staff and the Oregon City Planning Commission so they can revise the affiliated chapters of code to adhere and align with the goals and objectives set forth in both of these final adopted concept plans, AND to ensure they align with the goals and objectives outlined within the equitable housing platform.

We greatly appreciate your help in ensuring chapters 17.21, 17.22 and 16.12.026 are correctly written and implemented, so they align with what was adopted in the final concept plans. It is clear that the current and proposed code amendments, in the above referenced chapters, do not align with the goals, objectives, directives, and spirit of the equitable housing program nor do they adhere to what was clearly defined in the final adopted concept plans.

Sincerely,



Darren Gusdorf

General Manager - Commercial & Residential Division
ICON Construction & Development, LLC #150499
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503.657.0406 office | 503.655.5991 fax
darren@iconconstruction.net

September 23, 2024

VIA E-MAIL

Greg Stohl, Chair
Planning Commission
City of Oregon City
625 Center Street
Oregon City, OR 97045
cc: Aquilla Hurd-Ravich, Community Development Director

RE: Oregon City Park Place Concept Plan Code Amendments (Legislative File GLUA 24-013/LEG-24-01)

Dear Chair Greg Stohl,

Emerio Design works with Icon Construction and Development (ICON) for land use and civil engineering needs. I am writing in response to the proposed code amendments proposed in the Park Place Concept Area as ICON is directly impacted by these proposed amendments.

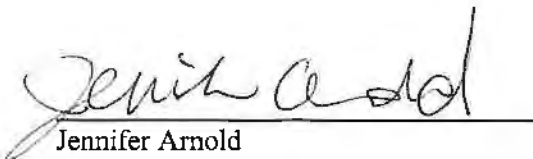
ICON has previously testified to express concerns regarding proposed code amendments in this area but were told it was not the proper venue for such testimony. I believe now is the time to formally introduce the 2019 testimony submitted by ICON for the record as the comments and concerns are still relevant. You will find this testimony in Exhibit A attached to this letter.

The proposed amendments to the design standards are concerning as the cost of development is significantly increased and ultimately passed down to the homebuyer. Exhibit B attached to this testimony is a stamped letter from an engineer providing an overview of the development costs specifically related to alley load requirements and garage orientation. Additionally, these changes for alley loading or detached garages will significantly impact the overall stormwater design. The increased impervious surface created will necessitate the need for larger and more water quality facilities. This appears to conflict with the intent of proposed design changes.

Due to the amount of information submitted from the community and published by the City, I respectfully request the Planning Commission continue this hearing to a date certain.

If you have any questions, please feel free to contact our office at 503-746-8812.

Respectfully,
Emerio Design LLC



Jennifer Arnold
Project Manager/Planning Department Manager & Director of Operations (Eugene)

Exhibit A



CCB#150499

1980 Willamette Falls Dr. #200, West Linn OR 97068 503-657-0406

January 23rd, 2019

Mayor Holladay and City Commissioners:

I'm writing to you in response to staff and city commission discussions that took place at the January 16th hearing, related to the removal of OCMC chapters 17.21 and 17.22, that outline the Park Place and South End design requirements. I'm reaching out to you in hopes to shed some perspective directly from a local home building company, that has had a strong presence in Oregon City for the past 20 years. Icon is heavily vested in Oregon City; past, present and future, and shares the same goals outlined in the current code reform currently before you today.

As you know, the main emphasis of revamping the development sections within the OCMC, is to inject a variety of different affordable housing products into Oregon City's market. We applaud the work performed by city staff, the appointed task force, the planning commission, and others who have vested many hours into bringing their ideas, goals, and objectives forward. We see good opportunities to come, and are excited and eager to venture together with the city, as partners, to implement this vision. I use the word partnership, because it's a critical component, needed to achieve the goals set forth within this equitable housing program. Without the community, city staff, planning commission, city council, land developers, home builders and future home buyers working together cohesively to create a platform suitable and obtainable by all parties, this program will not thrive, nor will it ever come to fruition. Without fairness and balance, it goes nowhere.

The current adopted design standards, defined in chapter 17.14, already require an abundant amount of design requirements for ALL residential construction in Oregon City. Oregon City planning and city staff, have already done a fantastic job of injecting historical design requirements for new construction in this city that all builders must adhere to. As written within chapter 17.14, builders must include a minimum of 5 and as many as 14 design standards into their building design. These standards require selecting from the list below:

- *Dormers, which are projecting structures built out from a sloping roof housing a vertical window.*
- *The roof design must utilize either a gable or hip roof system.*
- *The building facade includes two or more offsets of 16-inches or greater.*

- *A roof overhang of 16-inches or greater.*
- *A recessed entry that is at least 2-feet behind the furthest forward living space on the ground floor, and a minimum of 8-feet wide.*
- *A minimum sixty 60 square-foot covered front porch that is at least five 5 feet deep OR a minimum forty 40 square-foot covered porch with railings that is at least five 5 feet deep AND be elevated entirely a minimum of eighteen 18-inches.*
- *A bay window that extends a minimum of twelve 12-inches outward from the main wall of a building and forming a bay or alcove in a room within.*
- *Windows and main entrance doors that occupy a minimum of fifteen 15 percent of the lineal length of the front facade (not including the roof and excluding any windows in a garage door).*
- *Window trim (minimum four 4-inches).*
- *Window grids on all street facing windows (excluding any windows in the garage door or front door).*
- *Windows on all elevations include a minimum of four 4-inch trim.*
- *Windows on all of the elevations are wood, clad wood, or fiberglass.*
- *Windows on all of the elevations are recessed a minimum of two 2 inches from the facade.*
- *A balcony that projects a minimum of one foot from the wall of the building and is enclosed by a railing or parapet.*
- *Shakes, shingles, brick, stone or other similar decorative materials shall occupy a minimum of sixty 60 square feet of the street facade.*
- *All garage doors are a maximum nine 9-feet wide.*
- *All garage doors wider than nine 9-feet are designed to resemble two 2 smaller garage doors.*
- *There are a minimum of two 2 windows in each garage door.*
- *A third garage door is recessed a minimum of two 2 feet.*
- *A window over the garage door that is a minimum of twelve 12 square feet with window trim (minimum four 4-inches).*
- *There is no attached garage onsite.*
- *The living space of the dwelling is within five 5 feet of the front yard setback; or the driveway is composed entirely of pervious pavers or porous pavement.*

We're not refuting or objecting to any of these existing design requirements. Although it did take some time for our building team to learn these, and implement them correctly within our building product, we worked with the city to understand them and have designed our homes to ensure they conform. We understand the significance and respect the goals and objectives set forth within these standards that are required in Oregon City. As written, they heavily target the implementation of historic elements and they also reduce garage massing by requiring more elements when street facing garage facades increase in size. The objectives set forth in the Park Place and South End concepts plans are already easily met by adhering to the current code criteria set forth in chapter 17.14.

Chapters 17.21 and 17.22 reach far beyond the standards set forth in chapter 17.14 by requiring very rigid and specific requirements that dictate a single style of architectural design; historic only. Not only do these standards drive up the costs of construction, they

drastically limit what type/style of product can be built. This code forces a style of architecture that is desired by very few, which will have a HUGE impact on the marketability of these homes. We are mindful and respectful of the historic significance and influence within Oregon City's architecture, and we understand the importance of it when it is applicable. We are very proud of the work that we did to fully restore the Mathew McCarver house, in which we preserved all of the historic construction elements (roofing, siding, structure/bones, windows, doors, hardwoods, hardware, etc.), in conjunction with a full renovation and restoration of this home. Bringing this boarded up and forgotten about treasure back to life in 2007 was very challenging, but also extremely rewarding (I've included some before and after pictures reflecting the work that was done, for your interest only). The point being, We DO appreciate and respect the history and true era architecture in this city, but it needs to make sense and be appropriate and proportionate to the overall goals of the city, community, home builders and future homeowners. Rick Givens provided testimony in his January 14th letter to the city commission that referenced our McCarver Landing development and the requirement that the newly constructed homes, surrounding the McCarver house, had to be constructed in a Vernacular architecture form, to match that of the McCarver home. We didn't object to this requirement, as we understood the significance of these homes abutting the McCarver home. We understood the concept of blending historic construction with new construction in this development, and we followed the guidelines set forth within the conditions of this development that we agreed to. During the 1-16-19 hearing, one of the commissioners stated that we should understand and respect the significance of these requirements. I want to state clearly that we did then and still do today.

Unfortunately, our point that was highlighted in Rick Given's letter, was misconstrued. We were merely trying to emphasize that we've gone down this road before, following specific historical home architecture designs as dictated on just a few of our homes in McCarver Landing, and this was received very poorly by the general public. We learned very quickly, that mimicking historical era construction, is not in high demand. The absorption rate was extremely low, and the homes had to be discounted drastically to instigate sales. One commissioner at the 1-16-19 hearing stated, "look at these homes now, they are occupied, eventually they sold." This is not a model that any builder should be burdened to follow nor does it offer Oregon City home buyers any variety or flexibility with the architecture designs and styles that they desire and can chose from. Forcing builders and home owners to construct homes that don't appease the majority of the public, directly conflicts with the spirit of this equitable housing program. These two code sections offer no flexibility of any kind, and they blanket two very large areas in Oregon City, that will soon house thousands of single-family dwelling units. Requiring "historic only" design and architecture into these areas is a recipe for disaster, and the McCarver Landing example was only used to illustrate our experience with this before, and at a much smaller scale. The required style of architecture completely prohibits home builders any opportunity to conform to market demand. Dictating historical homes throughout ALL development in these planned areas, prohibits any ability to conform to the community's wants and needs. Historical era construction only, is simply far too much to require in these two very large concept areas. I've included the sample pictures (inserted directly from the code sections themselves) that reflect the required styles of

architecture per sections 17.21 and 17.22, as well as a picture of a vernacular home that was required and constructed in McCarver Landing for you to reference.

In addition, and what was discussed very little at the 1-16-19 hearing, are the garage requirements found within the Park Place concept chapter 17.21. This chapter requires **NO** front load garages. Only side load, rear load, detached, or NO garages are allowed. Not only do these standards drive up costs of development and home construction, they are not practical or even obtainable within the diverse zoning districts in these two concept areas. I'll explain each of these garage options below in hopes to provide some insight as to why these standards would be extremely problematic:

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***Note Historic Era Architecture with
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Vernacular Style as Required and Constructed in McCarver Landing





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March 20th, 2019

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“Historic Only” Requirement – Sub sections 17.21.010 and 17.21.020

Chapter 17.21 must adhere and align with the goals and objectives outlined within the adopted concept plan, and as currently written, it does not. In NO portion of the adopted concept plan, is there any mention of homes needing to be, or desired to be “historic only.” This is not a goal/objective listed anywhere within this document, nor is there any historic significance in this area, being the majority of homes surrounding Park Place were constructed between the 1960’s and 1980’s (data found on page 11 of the Park Place concept plan). The contrary is stated repeatedly and throughout the concept plan, outlining the desires, goals, and objectives that seek and require a variety of housing

types, styles, and a mix of architectural design, as demonstrated in the quoted sections above. Sub sections 17.21.010 and 17.21.020 clearly require “historic only” design and architecture. As written, builders and homeowners can only construct Queen Anne, Bungalow, Foursquare, or Vernacular Farmhouses. This code requirement, as outlined in these sections of 17.21, directly conflicts with the goals and objectives adopted in the concept plan, by restricting home design and architecture to a specific type of construction. The “historic only” requirement, written in chapter 17.21, needs to be removed completely in order to align with the final adopted Park Place concept plan.

“No Front Load Garage” Requirement – Sub section 17.21.090

In NO portion of the final adopted Park Place concept plan is there any mention that single-family detached residences will be required or desired to adhere to “NO front load garages OR alley load only.” As demonstrated in the quoted sections above, the contrary is stated repeatedly throughout the concept plan, outlining the desires, goals, and objectives that seek green street design, minimal impervious streets, and the desire NOT to overbuild roads. The only reference to alley load development, in the entire Park Place concept plan, is listed on page 27, which states, “*Multi-family housing: Vehicle access is provided in the rear and with alleys*” which is affiliated with multi-family only, and not applicable to single-family detached homes. Again, there is a direct conflict and huge disconnect between the final adopted concept plan and Chapter 17.21, as written. In respect to single-family detached development, the “NO front load garage” requirement, as written in chapter 17.21, needs to be removed completely in order to align with the final adopted Park Place concept plan. In addition, and for the same reasons explained above, newly proposed Chapter 16.12.026, requiring alley load development throughout ALL medium zones in the Park Place area, needs to be removed completely in order to align with the final adopted Park Place Concept plan.

“Raised and skirted” front porch requirement – Sub section 17.21.050

Subsection 17.21.050, requires elevated and skirted front porches. Like above, this requirement is not listed or mentioned in the Park Place Concept Plan as a goal, objective or directive. In addition, and most importantly, this current required design standard will result in unnecessary steps at the main entry points of all homes that would be burdened with this requirement, making ADA access at all front entries impossible to meet. For these reasons, we urge the City Commission to remove this requirement from chapter 17.21

South End Concept Plan - Goals, Objectives, and Implementation, as outlined within:

The concept planning process for South End began in 2013 and was adopted by the City Commission in 2015. Code section 17.22 (Existing Code Implementation of the South End Concept Plan) does appear to align closely to the adopted concept plan. In it, and unlike the Park Place Concept plan, there is mention of a desire for some alley load development, and the implementation of historic influenced design standards. Chapter 17.22 does NOT require “historic only” architecture, nor does it require NO front load garages. Unlike chapter 17.21 (implementation of Park Place concept plan), the

requirements in Chapter 17.22 DO appear to align with the goals and objectives of the South End concept plan.

“Raised and skirted” front porch requirement – Sub section 17.22.050

Subsection 17.22.050, requires elevated and skirted front porches. Like above, this requirement is not listed or mentioned in the South End concept plan as a goal, objective or directive. As mentioned above, and for the same reasons affiliated with ADA compatibility, we urge the City Commission to remove this requirement from chapter 17.22.

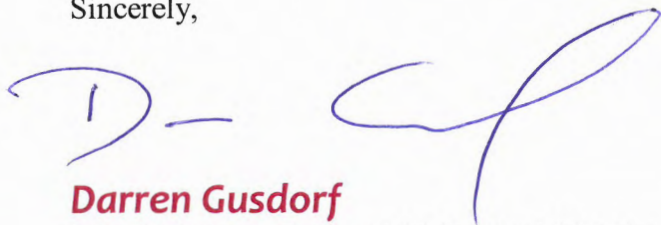
For the reasons outlined above, we ask the City Commission amend Chapters 17.21, 17.22 and 16.12.026 to:

- Remove the “historic only” requirement from Park Place chapter 17.21
- Remove the “NO front load garage” requirement from Park Place chapter 17.21
- Remove the “alley load” requirement, affiliated with single-family detached in Park Place from chapter 16.12.026
- Remove the “raised and skirted” front porch requirement from chapters 17.21 and 17.22

If for any reason the City Commission is not comfortable making these code amendments, we ask that you please remand both Park Place and South End concept plans back to city staff and the Oregon City Planning Commission so they can revise the affiliated chapters of code to adhere and align with the goals and objectives set forth in both of these final adopted concept plans, AND to ensure they align with the goals and objectives outlined within the equitable housing platform.

We greatly appreciate your help in ensuring chapters 17.21, 17.22 and 16.12.026 are correctly written and implemented, so they align with what was adopted in the final concept plans. It is clear that the current and proposed code amendments, in the above referenced chapters, do not align with the goals, objectives, directives, and spirit of the equitable housing program nor do they adhere to what was clearly defined in the final adopted concept plans.

Sincerely,



Darren Gusdorf

General Manager - Commercial & Residential Division
ICON Construction & Development, LLC #150499
1980 Willamette Falls Drive, Suite 200 | West Linn, OR 97068
503.657.0406 office | 503.655.5991 fax
darren@iconconstruction.net



CCB#150499

1980 Willamette Falls Dr. #200, West Linn OR 97068 503-657-0406

March 29th, 2019

Alley Load Development in Oregon City Concept Plan Areas – Chapter 16.12.026

Mayor Holladay and City Commissioners, --

In an effort to demonstrate the adverse impacts of alley load development here in Oregon City, I visited all (9) existing alley load development projects here in town, and have included photographs and observations for you to review. If time allows before the upcoming April 3rd hearing, I ask that each of you to please visit these sites so you can see first-hand the design challenges and the end result of alley load development. These (9) existing alley load projects in Oregon City are:

- Sequoia Landing - Glen Oak Road and Coast Redwood Avenue.
- Sequoia Crossing - Glen Oak Road and Berge View Avenue.
- Meriwether - Thayer Road and Wynton Drive.
- Caufield Place - Caufield Road and Voyage Road.
- Dawn Meadows - Rose Road and Sprite Way.
- Filbert Run - Central Point Road and Hazelnut Avenue.
- Douglas Grove - Thayer Road and Blue Blossom Way.
- Maple Lane - Sugarpine Street and Whitehorse Court.
- Glen Oak Meadows - Mossy Meadow Drive Avenue and Brittany Terrace

As outlined in prior testimony, alley load development will drive up home prices. Building twice as many streets will impact the overall cost of development, it will increase lot costs accordingly, and the end user will see higher priced homes as a result. Beyond that, it is our firm belief that alley load development creates an inferior and less desirable product to the end user, when compared to standard/typical front load garages with functional rear yards. I'm hopeful the attached pictures and details will assist with you coming to the same conclusion.

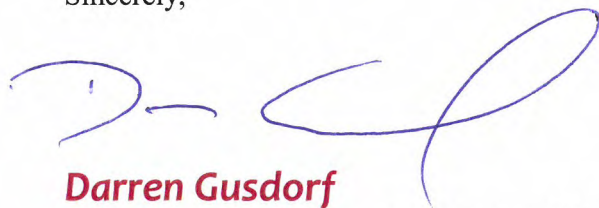
In addition, the city is now proposing to place all future ownership and maintenance responsibilities affiliated with future alleys, directly in the hands of the future property owners and communities that adjoin alleys. This is in response to recent discussions between planning and public works, after public works voiced their concerns affiliated with alley load development within this city (constrained streets, more expense, more burden on the city requiring more streets to maintain, more burden to city storm, etc.). If this comes to fruition,

this will put the burden on the future homeowners to pay for all future maintenance of these “extra” streets. That forces HOA’s, which is another deterrent of future homebuyers, and adds more cost that they must bear. Salt on the wound if you will. Not only will alley load drive up finished home prices, this newly proposed “solution” to who’s going to pay for and maintain the alleys, just got worse. Let’s create an inferior product, that costs more to the consumer, and then tax them on the alley load streets via an HOA. How does this help promote equitable housing? It achieves the opposite. Even more concerning is what condition these alleys will be in when maintenance is needed and necessary repairs are taken out of the hands of the city. Making an HOA the decision maker on when/if street maintenance is needed will be problematic. And what happens when an HOA dissolves or is disbanded, which is not uncommon after developers establish them and turn them over to the community?

This example is not intended to discredit any members of city staff in anyway. We greatly appreciate ALL members of OC’s staff, in all departments. I’m just pointing out what we’re experiencing more and more of lately, in nearly all of the jurisdictions that we work in. “Solutions” that don’t solve the problem, and directly conflict with the goals and objectives of the equitable housing program. It’s a pattern that we’re seeing regularly, in which the proverbial can gets kicked down the road, through development, and onto the end user. This is a major factor that has led us to where we are today, with home prices continuing to rise. Increased development fees and costs, more construction standards, more development requirements, more planning restrictions, are ALL factors that drive up housing prices. Then we’re asked why homes are so expensive to construct??? We’re never going to achieve a realistic and obtainable approach to equitable housing until these issues are dealt with head on. Alley load development does not align with the demands of the consumer, nor will it in anyway, create opportunities to bring home prices down. The end result is what it is, home prices will continue to rise.

Again, we greatly appreciate your time and effort spent on reviewing the current code revisions and ensuring the final code adoptions align with the goals and objectives of the equitable housing program. We’re hopeful you can see the negative impacts affiliated with alley load development. Not just from members of the development community, but from the views and prospective of the community in full, including the desires of neighboring property owners and future homebuyers in whole.

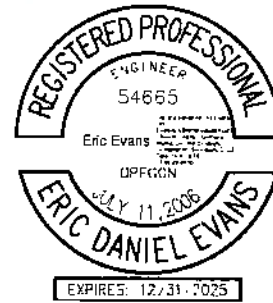
Sincerely,



Darren Gusdorf

General Manager - Commercial & Residential Division
ICON Construction & Development, LLC #150499
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503.657.0406 office | 503.655.5991 fax
darren@iconconstruction.net

Exhibit B



September 23, 2024

Harlan Borow
ICON Construction & Development, LLC
1969 Willamette Falls Drive, Suite 260

RE: Alley Load and Side Load Development and Cost Impacts

Dear Harlan,

Based on our conversation I have reviewed your request to analyze the impact of the proposal to require detached garages on typical subdivision developments.

Using a typical subdivision layout with 50x100 lots as an example, we can see the following impacts. An alley loaded home layout would require an additional roadway for every bank of lots. A standard lot pattern uses one ~54' wide ROW to access 100' wide lots on either side. This equates to roughly 254' of width for two homes and one ROW. Introducing an alley to the equation would require an additional 30' of tract for every two rows of homes.

ALLEY LOAD ANALYSIS

Impervious Area:

For every 50' of street frontage with no alleys one could expect ~2200 SF of impervious area from sidewalks, curbs, and pavements. Then each lot might produce ~2500 SF of impervious for two lots or a total of 7200 SF of impervious per 50' of frontage. When an alley is added to the layout, ~25'x50' of additional impervious area is added to this theoretical length of development. The result is roughly 15 to 20% more impervious area needed for the added roadway. Furthermore, most of the developable land available for new housing does not allow for endless grids of roadways, therefore the end conditions related to subdivision development must be considered. End conditions dictate 50% to 100% of all lots will be forced to have a single loaded alley. This would increase the added impervious to 20% to 25% on average. The result of this increased impervious area would yield larger storm water management tracts somewhat proportional to the added impervious area. Additionally, storm drainage pipe diameter would need to be increased to convey the added design flow.

Road Design and Construction Challenges:

New alleys require curbs, pavement drainage and other associated road building items. Grade transitions between lots often are addressed in the rear yards will now require driveways to rear load garages. Placing a road in the rear of each lot will remove the flexibility of the builders on even the most modest of sloping sites. Roadways generally require a flat cross section. Adding another "flat area" on a sloping site will result in cumbersome grading challenges and expensive walls. Adding alley roads along the boundary of proposed development will require giving up land for slope, road geometry or areas for walls.

Lot yield will be decreased with the added land required for alleys, end condition grading, and added storm water management facilities. The added impervious area, plus additional pond size, plus grading on the project limits would generally result in a loss of lot yield of one third.

Construction Cost Implications:

Added roadways, larger storm facilities and cumbersome site boundary upgrades would yield additional construction costs in the range of 30%. However, note that the costs would increase as the size of the site decreases.

Construction Costs:

Alley loaded construction will add 25% to 50% to the cost of the overall development.

SIDE LOAD ANALYSIS

The side load analysis would require the bulk of the improvements to be deferred to the home builder rather than during the construction of the greater subdivision. Similar to the analysis above, added impervious area and storm water management facilities would be required, proportional to each lot, as each lot would require longer driveway. We would anticipate each formerly 50' wide lot would now need to be roughly 75' in width to accommodate the side load garage. This could result in a lot yield loss of a proportional 50%.

We look forward to hearing from you. If you have any questions, please feel free to contact our office at 503-746-8812.

Respectfully,
Emerio Design, LLC

Eric Evans, PE
Civil Engineer

Pete Walter

From: Lee & Valerie McCarty <mccarty1984@gmail.com>
Sent: Saturday, September 28, 2024 8:37 AM
To: Adam Marl; Mike Mitchell; Frank O'Donnell; Rocky Smith, Jr.
Cc: Pete Walter; Christina Robertson-Gardiner; Ron Best; Linda Fields; Brandon Fliflet
Subject: FW: Park Place Concept Plan - Concerns Regarding Zoning of 32-Acres Adjacent to Meadow Ridge Estates
Attachments: Meadow Ridge Estates - City Planning Commisioners .docx

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

On behalf of the residents of Meadow Ridge Estates, and as a homeowner in this community, I am writing to formally voice concerns regarding aspects of the proposed zoning of the Park Place Concept Plan, which will negatively impact our community.

Attached you will find a letter, a copy of which was also sent to members of the Planning Department outlining these concerns. Please feel free to forward to your staff as you deem appropriate. In anticipation of the Hearing scheduled for Monday October 28th, we would appreciate it if you could ensure I have a 3-minute block of time to publicly voice our concerns.

If you have any questions, or if I need to take additional steps to secure a time slot to speak at the October 28th hearing, please let me know.

Regards,

Lee McCarty
16817 S. Kraeft Rd.
Oregon City, OR

734-904-6442

Lee G. McCarty
16817 S. Kraeft Rd.
Oregon City, OR
Email: mccarty1984@gmail.com
Cell: 734-904-6442

Oregon City Planning Commission
695 Warner Parrott Road
Oregon City, OR 97045

**Subject: Park Place Concept Plan
Concerns Regarding Zoning of 32-Acres Adjacent to Meadow Ridge Estates**

September 28, 2024

Dear Members of the Oregon City Planning Commission,

I am writing to formally express significant concerns on behalf of my family and the homeowners of Meadow Ridge Estates regarding the proposed zoning of the 32-acre parcel located to the south and west of our community. This land, included in the Park Place Concept Plan and within the Urban Growth Boundary (UGB), is slated for low to medium density residential development. We believe this proposed zoning is incompatible with the existing character of Meadow Ridge Estates, and it raises serious concerns for the safety, accessibility, and aesthetic integrity of our neighborhood.

Incongruity of Zoning Designations

Meadow Ridge Estates is a private, gated community consisting of single-family homes on 2-to-5-acre tracts. This large-lot, low-density zoning is under the RRFF5 designation and currently governs the 32-acres adjacent to our subdivision. However, the proposed low to medium density zoning under the Park Place Concept Plan (R-3.5 to R-10) could introduce up to nine dwelling units per acre, including duplexes, townhomes, and multifamily housing. This higher density zoning would be sandwiched between Meadow Ridge Estates and Redland Rd. This zoning is starkly incongruous with the current estate-like character of Meadow Ridge Estates, and it contradicts the core values of the Park Place Concept Plan, which emphasize maintaining aesthetic quality and ensuring harmonious transitions between different zoning types throughout the community.

The concept plan's vision promotes the seamless integration of developments to preserve neighborhood context. However, shifting from 2-to-5-acre tracts to potentially dense developments of up to nine units per acre disrupts this objective and undermines the existing character of our community. We ask the Commission to reconsider the density levels proposed for this parcel to be commensurate with the current zoning of Meadow Ridge Estates and to ensure they align with the broader goals of preserving neighborhood safety, integrity, and aesthetic appeal of the current RRFF5 zoning. This would maintain the continuity, aesthetic appeal and safety of Meadow Ridge Estates down to Redland Rd., less than 4-tenths of one mile.

Fire Safety and Egress Concerns

One of the most pressing concerns is the limited access and egress from Meadow Ridge Estates, which is currently confined to Kraeft Rd accessing Redland Road to our South. Given the existing rural and natural landscape surrounding much of our community, this restricted access poses significant fire safety risks which were exemplified during the 2020 fire season when much of our community fell under Level 2 and Level 3 fire evacuations, resulting in one-way gridlock traffic on Redland Road. This rendered access to Redland Rd virtually impossible as panicked evacuees on Redland Rd. (both lanes headed West) would not allow residents to enter Redland Rd. This scenario made clear that the evacuation route on Redland Rd is presently a danger and woefully lacking sufficient capacity to support existing population during an emergency, not to mention future population growth. The proposed increased development density on the 32-acre parcel would further exacerbate this issue by introducing higher population density to an area with only one evacuation route from Redland Rd.

In the event of a wildfire or other emergency, the addition of dozens of homes or worse yet, hundreds of multi-family tenants with no additional safe egress routes, and Redland Rd under capacity, would place both current and future residents at substantial risk. This problem is magnified by the topography and terrain in the area, which already limits potential access points. We urge the Commission to prioritize public safety by conducting a comprehensive assessment of egress options, and road capacity beginning with Redland Rd., before advancing any zoning changes that would increase population density in this area.

Infrastructure and Service Limitations

The current zoning of the 32-acres reflects the limitations of existing infrastructure. Meadow Ridge Estates and the adjacent land have limited or no access to roads and city services such as sewer, water and road infrastructure. Any attempt to annex and rezone this land for higher density would require significant investment in extending these services. These tax dollars could be better utilized by developing the interior of the city or providing city residents much needed tax relief through tax abatements.

The lack of immediate city services and road infrastructure suggests the proposed zoning may be established to help offset cost prohibitive infrastructure that would be otherwise unmanageable without more dense population to offset these expenses, which again further exacerbates the safety and integrity of our community. It could also mean the current owner of the 32-acres, Icon, is working hard to influence the City Commissioner's to push a proposal that better serves the developer's financial interests rather than the community at large. Irrespective of the business driver, the impact on the community does not appear to be a strong consideration in this instance.

We request the Commission evaluate and assess the implications of your zoning recommendations for this 32-acres relative to infrastructure capacity, roads, services and density of neighboring developments and not employ zoning changes to otherwise mitigate infrastructure costs or appease a developer.

Population Density and Quality of Life

The introduction of low to medium-density housing adjacent to Meadow Ridge Estates will significantly alter the quality of life for the current residents. With the proposed zoning, the 32-acre parcel could accommodate up to 192 new dwelling units if every acre were developed. The increased traffic, noise, and strain on shared resources would diminish the quiet, rural environment that attracted the Meadow Ridge homeowners to the area. Additionally, this population increase would place greater pressure on local schools, parks, and public services, which are not currently scaled to handle such rapid growth in a concentrated area.

Adjacent to Meadow Ridge Estates to the north, Icon is pushing a 500-600 phased unit development. Icon is also pushing high density zoning in the 32-acres adjacent to our South, and this is in addition to recent the 171unit complex on 4.5 acres on Maple Lane immediately to our South. Instead, the zoning recommendations should promote and foster a seamless transition throughout the community and balance the level of population density already planned.

We ask the Commission to carefully weigh the long-term impacts of high-density development on the 32-acre parcel South of Meadow Ridge Estates in addition to recently approved and developed high density projects adjacent to our North, and near the South, to ensure that any zoning changes are in line with preserving the quality of life for both current and future residents of Meadow Ridge Estates.

Conclusion and Request for Action

Considering the concerns outlined above, we respectfully request that the Oregon City Planning Commission reconsider the proposed zoning for the 32-acre parcel adjacent to Meadow Ridge Estates. Specifically, we ask for the following actions:

1. **Reevaluation of Zoning Density:** We request the Commission maintain zoning that aligns with the current RRFF5 designation or adopt a zoning parameter that is congruous to the existing zoning of Meadow Ridge Estates to preserve the character of the community on a continuous basis down to Redland Rd.
2. **Fire Safety and Egress Study:** We ask that a formal study be conducted to assess the fire and emergency safety risks associated with increased density on this 32-acre parcel and to further consider options to reduce the density to levels consistent with Meadow Ridge Estates to further protect current and future residents.
3. **Infrastructure Feasibility Assessment:** We request that the Commission defer zoning recommendations until city services (e.g., water, sewer, roads), roads and infrastructure are financially reviewed and impacts quantified, so zoning recommendations can be aligned with community values, not unrealistic density requirements which may otherwise benefit the developer.
4. **Community Impact Study:** We request an evaluation of the potential impacts on local resources, public services, and the quality of life for current residents before finalizing zoning decisions.

We appreciate the opportunity to share our concerns and hope the Planning Commission will seriously consider the potential negative impacts on the residents of Meadow Ridge Estates and the surrounding community. Representatives from Meadow Ridge Estates, including myself, Linda Fields, Brandon Fliflet, and several of our community residents plan to attend the Planning Commission session on Monday, October 28th to formally express our concerns.

Thank you for your time and attention to this important matter.

Sincerely,

Lee McCarty
Homeowner, Meadow Ridge Estates



September 23rd, 2024

Greg Stohl, Chair
Planning Commission of Oregon City
625 Center Street
Oregon City, OR 97045
[cc: Aquilla Hurd-Ravich, Community Development Director]

RE: Oregon City Park Place Concept Plan Code Amendments 9-23-2024

Dear Mr. Stohl,

My name is Preston Korst and I'm the Director of Government Affairs at the Home Building Association of Greater Portland. HBA is dedicated to maximizing housing choice for all who reside in our region by shaping an environment in which industry professionals can meet the diverse needs of all communities.

We are writing in response to the City's proposed code amendments to the implementation of the Park Place Concept Plan. While we understand the intent of some of the proposed changes, we have serious concerns about several important proposals that would drastically increase the cost to build and buy a home in Oregon City. **For the reasons articulated below, we urge Planning Commission to continue this discussion item to a later hearing(s) in order to allow the City and local homebuilders to fully vet the impact that these proposed changes would have on homebuilding and housing affordability.**

Parkland Dedication Requirements

The city's proposed mechanism for a parks and trails dedication not only disproportionately impacts early development, but also effectively double-charges developers by neglecting to incorporate a commensurate SDC-crediting system or reimbursement district. We feel that the city needs to reassess its proposed dedication strategy in favor of one that will actually result in complete communities and functioning parks and trails. By mandating the contribution of oversized and overly prescriptive park dedications (without remuneration or credit) the city not only decreases the likelihood of needed development, but would also be increasing the cost of housing for its existing and future residents.

Design Standards Amendments

Several of the proposed design standard amendments will add tremendously to the cost to build homes and live in them in the long run. Several design standard requests are unneeded or counterintuitive to the city's stated housing affordability goals. In particular, the city's requirements for alleyways, garage orientations, and design diversities are unneeded, and will only add to the cost to housing in the area. Alley-loaded garages only add to the impervious surfaces in new neighborhoods, and come with their own set of unique livability challenges. In each case, the balance of cost falls on homebuyers, either at the point of sale or in long-term maintenance and HOA responsibilities.

We ask that the Planning Commission allow more time to review these amendments and the impact they will have on housing affordability. By creating more space and time for this review, the city can more effectively engage with builders to craft planning policies which reflect greater long-term livability and affordability for its residents. HBA and our 1,200 members working across the region know that the most successful (and affordable) communities start with early and thoughtful dialogue between cities and the development community.

Thank you for your consideration of our testimony,

A handwritten signature in black ink, appearing to read "Preston Korst". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Preston Korst

Director of Public Policy and Government Affairs
Home Building Association of Greater Portland

September 23, 2024

Garrett H. Stephenson
Admitted in Oregon
D: 503-796-2893
C: 503-320-3715
gstephenson@schwabe.com

VIA E-MAIL

Mr. Greg Stoll, Chair
Oregon City Planning Commission
695 Warner Parrott Rd,
Oregon City, OR 97045

RE: Legislative File GLUA 24-013/LEG-24-01

Dear Chair Stoll and Planning Commissioners:

This office represents ICON Construction and Development (ICON). We are in receipt of and have preliminarily reviewed the proposed code amendments intended to implement the Park Place Concept Plan (the “PPCP”) (the “Amendments”), City casefiles GLUA 24-013/LEG-24-01. We respectfully offer the following comments. We also request that the Planning Commission hearing be continued to the next scheduled Planning Commission meeting to allow time for ICON to determine the likely cost/market impacts of the Amendments.

1. The Amendments must ensure that a General Development Plan is not required for development within the PPCP area.

Under ORS 197A.400, a local government may not adopt or apply standards, conditions, and procedures that are not “clear and objective.”

“(1) Except as provided in subsection (3) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing, on land within an urban growth boundary. The standards, conditions and procedures:

(a) May include, but are not limited to, one or more provisions regulating the density or height of a development.

(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.”

Mr. Greg Stoll
September 23, 2024

As relevant here, the sole exception to this is ORS 197A.400(3), which provides as follows:

“(3) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (1) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (1) of this section;

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (1) of this section.”

In *East Park v. City of Salem East Park, LLC v. City of Salem*, __ Or LUBA __, __ (LUBA No. 2022-050, Aug 30, 2022), the Oregon Land Use Board of Appeals (“LUBA”) held that there was no “clear and objective” path to approval for an applicant. LUBA reasoned that:

“ORS 197.307(6) provides that a local government may provide a discretionary approval path for housing only in addition to an existing clear and objective path. * * * ORS 197.307(6) authorizes local governments to adopt an alternative process for approving housing under standards that are not clear and objective, so long as the applicant retains the option of proceeding under an approval process that complies with ORS 197.307(4)” *Id.* (slip op at 11) (emphasis added). Much like *Icon*, the applicant in *East Park v. City of Salem* was not provided with an option to proceed under a clear and objective path.”

Thus, a local government must give an applicant for the development of housing the option to apply for a clear and objective approval process. The City may only impose standards that are not clear and objective if that approval process is open to that applicant, and the applicant nonetheless chooses to subject itself to a subjective approval process. In *ICON v. City of Oregon City*, LUBA confirmed the above principles and held that the City may not require an applicant to file a General Development Plan for development within the PPCP area. __ Or LUBA ____ (LUBA No. 2022-100, May 19, 2023).

Mr. Greg Stoll
September 23, 2024

The City's General Development Plan is an expressly discretionary, subjective process. It appears that the Amendments clarify that a GDP *is not required* for development within the PPCP area, and we support such a clarification. To the extent that any provision of the Amendment would require a GDP, or that the Amendments attempt to make the GDP standards or criteria "clear and objective," ICON would strongly oppose any such change.

2. The Planning Commission should modify certain proposed design standards in the Amendments to ensure that the homes in the PPCP area will be marketable.

a. 16.12.026—Alleys should not be required.

Alleys increase the amount of land area dedicated to non-residential uses and increase the per-unit expense of developing housing. They also increase the grading and erosion control needs for a given project over a project that does not have alleys. Therefore, without an offsetting incentive (such as a by-right increase in density), alleys should not be required because they "have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay." ORS 197A.400(1)(b). See also **Exhibit 1**, which explains the problems with alley requirements in more detail.

b. 17.21.090—The garage orientation and location limitations should be removed.

The proposed code amendments retain the prior requirement that "garages shall be detached, side entry or rear entry." Requiring alley-loaded garages creates the same cost increases that pertain to alleys themselves, discussed above, and would also discourage needed housing through unreasonable cost increases. ORS 197A.400(1)(b). Forcing garages to be detached require the construction of two separate buildings, with attendant cost duplication for roofs, foundations, and increased costs for extending wiring and other utility services to the garage. Such garages also result in a more expensive homes, violating ORS 197A.400(1)(b). This is summarized in the attached email from Darren Gusdorf, ICON's Commercial and Residential Division Manager, who estimates that these sorts of garage size, location, and orientation regulations increase the costs of a given home by 20%. **Exhibit 2**. Side-entry garages are only possible on street corners and can remain an option.

Too, the housing market often prefers front-loaded, attached garages, and both alley-loaded and detached garages significantly increase the cost of homes. In 2018 and 2019, ICON staff explained why prohibitions on attached, street-facing garages should be eliminated. **Exhibit 3** and **4**. We respectfully request that the Planning Commission review this testimony and consider these arguments anew.

Mr. Greg Stoll
September 23, 2024

In view of the market preference for attached garages, ICON also recommends the following changes to both the existing code and the proposed Amendments.

- 17.14.030.C—the maximum 50% of the façade that may be garage should be increased to 60%.
- 17.14.030.B—The maximum 12-foot garage limitation for townhomes should be eliminated. This greatly reduces marketability and likely restricts accessibility for handicapped citizens as there is no room for wheelchair access, resulting in reduced access to more affordable housing options.

c. 17.21.105—The housing diversity standards are too prescriptive.

The proposed housing diversity standards, while well-intentioned, are too prescriptive and could have unintended negative consequences.

First, ICON does not see how the City has the authority under ORS 197A.400 et. seq., to *require* a certain amount of middle-housing. HB 2001 was intended to provide developers more options and to offset the cost impacts of those options with tax incentives. 197A.420. We do not believe that it is reasonable, nor does it help the cause of increasing the supply of housing, to *mandate* a certain amount of middle-housing. This is because different properties have different development costs which may or may not allow for the construction of middle-housing, and ICON needs the flexibility to develop a unit mix that best facilitates the production of housing, be they middle-housing or single-family units.

Second, the middle-housing units should not have to be shown in the tentative or final plat, simply because not all developers actually build homes on the lots they plat. By restricting certain lots to middle-housing, the Amendments will likely make these and other lots less attractive to builders, who may need the flexibility to decide which lots should be used for middle-housing based on market factors at the time.

Finally, the Commission should not impose the proposed prohibition on more than three middle-housing lots abutting one another. This would preclude longer townhouse blocks because it is very difficult to construct an odd number of abutting townhomes. This would also make such townhomes look odd and out of place, whereas townhome blocks are traditionally uniform and far longer than two units. This is especially true of homes fronting collectors, against which a uniform streetscape is desirable, and other areas where such townhouse blocks are alley-loaded.

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All three of the Amendments discussed above would increase the expense of a project and likely reduce a developer or builder's ability to flexibly market housing product, which will certainly result in unreasonable costs and delay. ORS 197A.400(1)(b). The Planning Commission should therefore eliminate the proposed housing diversity standards and replace those standards with an incentive package.

d. Design standards for the NC zone would likely increase costs and make actual establishment of supportive commercial uses in Park Place less feasible.

ICON appreciates the acknowledgment that viable neighborhood-scale commercial uses are difficult to achieve in Park Place. ICON believes that the Planning Commission should focus on the goal of obtaining viable commercial uses in the NC, which goal is at odds with some of the NC design standards in the Amendments. These include the following:

- 17.24.040.I—This section adds considerable landscape requirements that restrict developable area and greatly increase cost, thereby diminishing marketability.
- 17.24.060.C.2—While it is commendable to add stormwater facilities serving adjoining residential zones as additional permitted uses, restricting to 0.5 square acres in size may be problematic for larger developments given the topographic requirements/constraints of the area and the need for larger facilities.
- 17.24.060.C.3—While it is commendable to add park land improvements as additional permitted uses, restricting to 0.75 acres in size is too restrictive.
- 17.24.060.F. – These design standards will make commercial development more expensive.

The Planning Commission should consider that each additional development standard it imposes comes with a cost, a cost that the owners of commercial spaces will pass onto tenants. Given the difficulty of so many businesses to maintain brick-and-mortar locations, even in buildings that are fully depreciated, it seems counterproductive to impose a host of new costly design standards that will make new, expensive commercial product even more expensive. This will reduce the chances that neighborhood commercial businesses will actually be able to use these commercial spaces.

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e. 17.62.061 and 16.08.043—Commercial development should not be required to pay a fee-in-lieu for parks.

Like all exactions, requirements to dedicate parkland or make a payment-in-lieu are subject to the taking clause of the 5th Amendment of the US Constitution. First, the City has the burden to show that there is an “essential nexus,” between the exaction and the impact of the associated project on the public infrastructure. *Nollan v. California Coastal Com.*, 483 US 825, 836-37 (1987). Second, the amount of exaction must be “roughly proportional” to that impact. *Dolan v. City of Tigard*, 512 US 374, 391-395 (1994). The U.S. Supreme Court has recently clarified that development fees, even if set forth in legislation, are subject to this analysis. *Sheetz v. El Dorado County*, 601 US ___, S. Ct. No. 22–1074, slip op at 7-20 (2024). It is the City’s burden to make an “individualized determination” of nexus and rough proportionality in the first instance, and it may not justify exactions as a constitutional matter simply because they have been legislated into existence.

The City has not demonstrated how commercial uses create a demand for parkland that would support a fee-in-lieu or dedication requirement. In particular, the City has not demonstrated a nexus between the construction of commercial uses and an impact on the City’s parkland. Therefore, any requirement to dedicate parkland for non-residential uses would be a taking and would entitle the property owner and/or developer to just compensation.

f. Required dedication of parks and trails is not supported by an adequate evidentiary base and would constitute unconstitutional takings as currently proposed.

As with the requirement for dedication of parkland as part of a non-residential project, the proposed requirements to dedicate parkland and trails lack an adequate factual base. That is, while it may be reasonable to assume that local residents will demand a certain amount of parkland, the proposed amendments do not appear to be supported by data proving the “rough proportionality” of development on the City’s parklands. Rather, the formula proposed by the City appears to be reverse-engineered to obtain the parkland and trails desired in the PPCP, which is not the same analysis needed for such a requirement to pass constitutional muster.

More troubling, though, is the proposed double-dipping of park and trail dedication/fee-in-lieu on the one hand, and parks SDCs on the other. Assuming that the parks SDCs are roughly proportional to the impact of the development of various types of residential units, adding onto that an area-specific dedication/fee-in-lieu requirement fails the rough-proportionality on its face. As noted above, while the Amendments would purport to adopt specific ratios for park and trail

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dedication requirements in Park Place, there is no evidence in the record to support those impact assumptions, which is a burden the City must bear prior to adopting the Amendments.

Finally, allowing SDC credits against dedication of parkland or trails for Park Place does not cure the constitutional problems with the proposed parks funding methodology. As a constitutional matter the City has the burden to show that the proposed requirements meet the *Nollan/Dolan* tests in the first instance; a developer or builder is not required to prove otherwise, which is exactly what the SDC credit system requires. In summary, ICON does not believe that the City can assess both a dedication/fee-in-lieu requirement and parks SDCs in Park Place; it must choose one or the other, and whichever it chooses must be constitutional.

3. Conclusion

ICON sincerely appreciates the Planning Commission's consideration of the above comments in this matter. As noted above, ICON needs additional time to review the particular zoning amendments to determine their potential takings, cost, and market impact, which are crucial to the success of Park Place. We hope that the Planning Commission will allow the requested one-month continuance to allow ICON to conduct that analysis.

Best regards,



Garrett H. Stephenson

GST:jmhi

cc: Ms. Carrie Richter (via email)
Mr. Peter J. Walter (via email)
Mr. Mark Handris (via email)
Mr. Harlan S. Borow, P.E. (via email)
Mr. Darren Gusdorf (via email)



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March 29th, 2019

Alley Load Development in Oregon City Concept Plan Areas – Chapter 16.12.026

Mayor Holladay and City Commissioners,

In an effort to demonstrate the adverse impacts of alley load development here in Oregon City, I visited all (9) existing alley load development projects here in town, and have included photographs and observations for you to review. If time allows before the upcoming April 3rd hearing, I ask that each of you to please visit these sites so you can see first-hand the design challenges and the end result of alley load development. These (9) existing alley load projects in Oregon City are:

- Sequoia Landing - Glen Oak Road and Coast Redwood Avenue.
- Sequoia Crossing - Glen Oak Road and Berge View Avenue.
- Meriwether - Thayer Road and Wynton Drive.
- Caufield Place - Caufield Road and Voyage Road.
- Dawn Meadows - Rose Road and Sprite Way.
- Filbert Run - Central Point Road and Hazelnut Avenue.
- Douglas Grove - Thayer Road and Blue Blossom Way.
- Maple Lane - Sugarpine Street and Whitehorse Court.
- Glen Oak Meadows - Mossy Meadow Drive Avenue and Brittany Terrace

As outlined in prior testimony, alley load development will drive up home prices. Building twice as many streets will impact the overall cost of development, it will increase lot costs accordingly, and the end user will see higher priced homes as a result. Beyond that, it is our firm belief that alley load development creates an inferior and less desirable product to the end user, when compared to standard/typical front load garages with functional rear yards. I'm hopeful the attached pictures and details will assist with you coming to the same conclusion.

In addition, the city is now proposing to place all future ownership and maintenance responsibilities affiliated with future alleys, directly in the hands of the future property owners and communities that adjoin alleys. This is in response to recent discussions between planning and public works, after public works voiced their concerns affiliated with alley load development within this city (constrained streets, more expense, more burden on the city requiring more streets to maintain, more burden to city storm, etc.). If this comes to fruition,

this will put the burden on the future homeowners to pay for all future maintenance of these "extra" streets. That forces HOA's, which is another deterrent of future homebuyers, and adds more cost that they must bear. Salt on the wound if you will. Not only will alley load drive up finished home prices, this newly proposed "solution" to who's going to pay for and maintain the alleys, just got worse. Let's create an inferior product, that costs more to the consumer, and then tax them on the alley load streets via an HOA. How does this help promote equitable housing? It achieves the opposite. Even more concerning is what condition these alleys will be in when maintenance is needed and necessary repairs are taken out of the hands of the city. Making an HOA the decision maker on when/if street maintenance is needed will be problematic. And what happens when an HOA dissolves or is disbanded, which is not uncommon after developers establish them and turn them over to the community?

This example is not intended to discredit any members of city staff in anyway. We greatly appreciate ALL members of OC's staff, in all departments. I'm just pointing out what we're experiencing more and more of lately, in nearly all of the jurisdictions that we work in. "Solutions" that don't solve the problem, and directly conflict with the goals and objectives of the equitable housing program. It's a pattern that we're seeing regularly, in which the proverbial can gets kicked down the road, through development, and onto the end user. This is a major factor that has led us to where we are today, with home prices continuing to rise. Increased development fees and costs, more construction standards, more development requirements, more planning restrictions, are ALL factors that drive up housing prices. Then we're asked why homes are so expensive to construct??? We're never going to achieve a realistic and obtainable approach to equitable housing until these issues are dealt with head on. Alley load development does not align with the demands of the consumer, nor will it in anyway, create opportunities to bring home prices down. The end result is what it is, home prices will continue to rise.

Again, we greatly appreciate your time and effort spent on reviewing the current code revisions and ensuring the final code adoptions align with the goals and objectives of the equitable housing program. We're hopeful you can see the negative impacts affiliated with alley load development. Not just from members of the development community, but from the views and prospective of the community in full, including the desires of neighboring property owners and future homebuyers in whole.

Sincerely,



Darren Gusdorf

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Stephenson, Garrett H.

From: Stephenson, Garrett H.
Sent: Monday, September 23, 2024 12:55 PM
To: Stephenson, Garrett H.
Subject: FW: OC Park Place Code

From: Darren Gusdorf <darren@iconconstruction.net>
Sent: Monday, September 23, 2024 11:00 AM
To: Harlan Borow <harlan@iconconstruction.net>; Stephenson, Garrett H. <GStephenson@SCHWABE.com>; Jennifer Arnold <jarnold@emeriodesign.com>
Cc: Mark Handris <mark@iconconstruction.net>
Subject: RE: OC Park Place Code

As discussed, I'm sending some bullet points regarding the cost implementations related to detached garage construction and alley development construction.

Detached Garages:

At a minimum, detached garages will add 20% to the build cost of a SFD. Anytime you separate the structure independently from the home, the cost climbs up substantially. Detaching structures away from the building envelope, triggers additional:

- Excavation
- Subgrade infrastructure (gas, power...)
- All shell construction, that would normally be built within the building envelope, are all triggered:
 - o Foundations
 - o Framing
 - o Trusses
 - o Insulation
 - o Windows
 - o Siding
 - o Roofing
- Extension of driveways
- More impervious area needing to treat

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January 23rd, 2019

Mayor Holladay and City Commissioners:

I'm writing to you in response to staff and city commission discussions that took place at the January 16th hearing, related to the removal of OCMC chapters 17.21 and 17.22, that outline the Park Place and South End design requirements. I'm reaching out to you in hopes to shed some perspective directly from a local home building company, that has had a strong presence in Oregon City for the past 20 years. Icon is heavily vested in Oregon City; past, present and future, and shares the same goals outlined in the current code reform currently before you today.

As you know, the main emphasis of revamping the development sections within the OCMC, is to inject a variety of different affordable housing products into Oregon City's market. We applaud the work performed by city staff, the appointed task force, the planning commission, and others who have vested many hours into bringing their ideas, goals, and objectives forward. We see good opportunities to come, and are excited and eager to venture together with the city, as partners, to implement this vision. I use the word partnership, because it's a critical component, needed to achieve the goals set forth within this equitable housing program. Without the community, city staff, planning commission, city council, land developers, home builders and future home buyers working together cohesively to create a platform suitable and obtainable by all parties, this program will not thrive, nor will it ever come to fruition. Without fairness and balance, it goes nowhere.

The current adopted design standards, defined in chapter 17.14, already require an abundant amount of design requirements for ALL residential construction in Oregon City. Oregon City planning and city staff, have already done a fantastic job of injecting historical design requirements for new construction in this city that all builders must adhere to. As written within chapter 17.14, builders must include a minimum of 5 and as many as 14 design standards into their building design. These standards require selecting from the list below:

- *Dormers, which are projecting structures built out from a sloping roof housing a vertical window.*
- *The roof design must utilize either a gable or hip roof system.*
- *The building facade includes two or more offsets of 16-inches or greater.*

- *A roof overhang of 16-inches or greater.*
- *A recessed entry that is at least 2-feet behind the furthest forward living space on the ground floor, and a minimum of 8-feet wide.*
- *A minimum sixty 60 square-foot covered front porch that is at least five 5 feet deep OR a minimum forty 40 square-foot covered porch with railings that is at least five 5 feet deep AND be elevated entirely a minimum of eighteen 18-inches.*
- *A bay window that extends a minimum of twelve 12-inches outward from the main wall of a building and forming a bay or alcove in a room within.*
- *Windows and main entrance doors that occupy a minimum of fifteen 15 percent of the lineal length of the front facade (not including the roof and excluding any windows in a garage door).*
- *Window trim (minimum four 4-inches).*
- *Window grids on all street facing windows (excluding any windows in the garage door or front door).*
- *Windows on all elevations include a minimum of four 4-inch trim.*
- *Windows on all of the elevations are wood, clad wood, or fiberglass.*
- *Windows on all of the elevations are recessed a minimum of two 2 inches from the facade.*
- *A balcony that projects a minimum of one foot from the wall of the building and is enclosed by a railing or parapet.*
- *Shakes, shingles, brick, stone or other similar decorative materials shall occupy a minimum of sixty 60 square feet of the street facade.*
- *All garage doors are a maximum nine 9-feet wide.*
- *All garage doors wider than nine 9-feet are designed to resemble two 2 smaller garage doors.*
- *There are a minimum of two 2 windows in each garage door.*
- *A third garage door is recessed a minimum of two 2 feet.*
- *A window over the garage door that is a minimum of twelve 12 square feet with window trim (minimum four 4-inches).*
- *There is no attached garage onsite.*
- *The living space of the dwelling is within five 5 feet of the front yard setback; or the driveway is composed entirely of pervious pavers or porous pavement.*

We're not refuting or objecting to any of these existing design requirements. Although it did take some time for our building team to learn these, and implement them correctly within our building product, we worked with the city to understand them and have designed our homes to ensure they conform. We understand the significance and respect the goals and objectives set forth within these standards that are required in Oregon City. As written, they heavily target the implementation of historic elements and they also reduce garage massing by requiring more elements when street facing garage facades increase in size. The objectives set forth in the Park Place and South End concepts plans are already easily met by adhering to the current code criteria set forth in chapter 17.14.

Chapters 17.21 and 17.22 reach far beyond the standards set forth in chapter 17.14 by requiring very rigid and specific requirements that dictate a single style of architectural design; historic only. Not only do these standards drive up the costs of construction, they

drastically limit what type/style of product can be built. This code forces a style of architecture that is desired by very few, which will have a HUGE impact on the marketability of these homes. We are mindful and respectful of the historic significance and influence within Oregon City's architecture, and we understand the importance of it when it is applicable. We are very proud of the work that we did to fully restore the Mathew McCarver house, in which we preserved all of the historic construction elements (roofing, siding, structure/bones, windows, doors, hardwoods, hardware, etc.), in conjunction with a full renovation and restoration of this home. Bringing this boarded up and forgotten about treasure back to life in 2007 was very challenging, but also extremely rewarding (I've included some before and after pictures reflecting the work that was done, for your interest only). The point being, We DO appreciate and respect the history and true era architecture in this city, but it needs to make sense and be appropriate and proportionate to the overall goals of the city, community, home builders and future homeowners. Rick Givens provided testimony in his January 14th letter to the city commission that referenced our McCarver Landing development and the requirement that the newly constructed homes, surrounding the McCarver house, had to be constructed in a Vernacular architecture form, to match that of the McCarver home. We didn't object to this requirement, as we understood the significance of these homes abutting the McCarver home. We understood the concept of blending historic construction with new construction in this development, and we followed the guidelines set forth within the conditions of this development that we agreed to. During the 1-16-19 hearing, one of the commissioners stated that we should understand and respect the significance of these requirements. I want to state clearly that we did then and still do today.

Unfortunately, our point that was highlighted in Rick Given's letter, was misconstrued. We were merely trying to emphasize that we've gone down this road before, following specific historical home architecture designs as dictated on just a few of our homes in McCarver Landing, and this was received very poorly by the general public. We learned very quickly, that mimicking historical era construction, is not in high demand. The absorption rate was extremely low, and the homes had to be discounted drastically to instigate sales. One commissioner at the 1-16-19 hearing stated, "look at these homes now, they are occupied, eventually they sold." This is not a model that any builder should be burdened to follow nor does it offer Oregon City home buyers any variety or flexibility with the architecture designs and styles that they desire and can chose from. Forcing builders and home owners to construct homes that don't appease the majority of the public, directly conflicts with the spirit of this equitable housing program. These two code sections offer no flexibility of any kind, and they blanket two very large areas in Oregon City, that will soon house thousands of single-family dwelling units. Requiring "historic only" design and architecture into these areas is a recipe for disaster, and the McCarver Landing example was only used to illustrate our experience with this before, and at a much smaller scale. The required style of architecture completely prohibits home builders any opportunity to conform to market demand. Dictating historical homes throughout ALL development in these planned areas, prohibits any ability to conform to the community's wants and needs. Historical era construction only, is simply far too much to require in these two very large concept areas. I've included the sample pictures (inserted directly from the code sections themselves) that reflect the required styles of

architecture per sections 17.21 and 17.22, as well as a picture of a vernacular home that was required and constructed in McCarver Landing for you to reference.

In addition, and what was discussed very little at the 1-16-19 hearing, are the garage requirements found within the Park Place concept chapter 17.21. This chapter requires **NO** front load garages. Only side load, rear load, detached, or NO garages are allowed. Not only do these standards drive up costs of development and home construction, they are not practical or even obtainable within the diverse zoning districts in these two concept areas. I'll explain each of these garage options below in hopes to provide some insight as to why these standards would be extremely problematic:

Side entry garages, unless on a corner lot, require a minimum of 40' side yard for driveway access and vehicle maneuverability. This width is needed alongside a home so that vehicles can appropriately enter the garage. That's not feasible on any lots that aren't corner oriented. Taking 40' of width out of a lot for driveway/access, leaves no room for a home to fit within the remaining buildable envelope. Unless you have a lot width of at least 90'+, this simply does not work. The comp plan for Park Place consists of a variety of different blended zonings. Sideload garage orientations will not be feasible in high, medium, and most low-density zones. These simply do not work.

For similar reasons above, detached garages are not feasible in most zones, simply because there is not enough room on building lots to get them to work. It's very challenging to create lots that will conform to what is needed to make rear load garages possible. This configuration requires a minimum of 20' clear space for a driveway along the home and property line, which again diminishes the remaining buildable area for homes to fit. This configuration also requires a much deeper lot to create room in the back of the property for a garage, within the setbacks, and with ample clearance and separation between it and the home. This requires deeper lots which reduces widths to meet lot size area. This absolutely does not work in medium, high, and most low density zoning districts. Beyond that, and even if this configuration could work, this requirement still creates another hardship on the property, builder and home owner, as the general public does not want a garage detached from their home. We live in a rainy climate here in Oregon. Homeowners do not want to walk through the elements from their garage to their home. Detached garages are not sought after by the general public.

We've had experience with rear entry garages in Oregon City. These require alleys, which doubles the quantity of roads within a development, further driving up development and final lot costs. Beyond being more expensive to develop, alley projects create more impervious area, which create further hardships pertaining to storm water management, and they are a poor use of land as a resource (by creating more roads and hardscapes vs. planted green areas). In the end, homeowners are left with little to no rear yards. Oregon City homebuyers want rear yards. They often have kids, pets, or simply want to enjoy privacy within their fenced-in rear property. What little room that is left from rear yard loaded garages, can't be fenced and adhere to vision requirements, and these homes are left with little to no usable yard area. This is another product, that we have had experience constructing, that is not sought after by the consumer.

So, after the above configurations are explored and deemed not physically or economically feasible by the developer and home builder, and not desired by the general public, the last option is to construct a home with NO garage. That's a non-starter. People want garages. They drive cars. They store things. Garages are an amenity and staple in today's homes that homeowners are not willing to give up. So, the "no garage" option, is simply not an option in a single-family residential district. Apartments, sure, but not when constructing single family detached residential homes. If a builder is forced to build a home without a garage, he/she better plan on using it for a rental. It will never sell as there is little to no market for homes without garages.

We are very hopeful that you will see the magnitude of development challenges, added costs, diminished home values, and the burden and hardship that these two chapters will place on developers, builders and future homeowners in these two concept areas, if chapters 17.21 and 17.22 aren't removed from the OCMC. I say again, successful development requires a collective partnership with all parties involved. If it becomes unbalanced, the equitable housing program will be unsuccessful in these concept areas. Chapters 17.21 and 17.22 completely conflict with the objectives and goals outlined within this program, and the impact is severe when blanketing these two areas and thousands of future home sites with these very strict and specific requirements.

I appreciate your time and consideration to all parties impacted, while you and city staff continue discussing the removal of chapters 17.21 and 17.22. Other members from the building and development community will continue attending and speaking at each of the upcoming hearings. I will be attending all upcoming hearings, and would be more than happy answering any questions related to this letter and the current round of code reform if asked to come forward for further testimony.

Sincerely,



Darren Gusdorf

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Required styles of architecture per OCMC chapters 17.21 and 17.22



Western Farmhouse/Vernacular



Bungalow (Craftsman)



Foursquare



Queen Anne Vernacular

**SAMPLES ABOVE ARE CUT & PASTED
FROM CODE SECTIONS 17.21 AND 17.22**

*****Note Historic Era Architecture with
no garages.**

Vernacular Style as Required and Constructed in McCarver Landing





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March 20th, 2019

Park Place and South End Concept Plans

Mayor Holladay and City Commissioners,

After reading through the final adopted Park Place concept plan, it's very clear that there are significant deviations between it and the correlating chapters of code that were derived from it. OCMC 17.21 (Existing Code Implementation of the Park Place Concept Plan) and OCMC 16.12.026 (Proposed code section that would require ALL alley load development in medium zones within both Park Place and South End concept areas), do not correctly implement the goals, objectives, and directives outlined in the final/adopted Park Place concept plan. These chapters of code, and the sole purpose of these code sections themselves, must adhere and align with the goals and objectives outlined and defined within the adopted concept plan, and they do not. The "historic only" home construction requirements found in section 17.21, the alley load requirement found in section 16.12.026, and the NO front load garage requirement found in chapter 17.21, directly conflict, and would achieve the opposite of what was approved and adopted in the Park Place concept plan. For the reasons explained below, we urge the City Commission to modify Chapters 17.21, 17.22, and 16.12.026, to align with the goals and objectives outlined within the Park Place and South End concept plans. This can be accomplished by leaving the existing concept plans intact, with minor modifications to each of these applicable sections of code.

Park Place Concept Plan - Goals, Objectives, and Implementation, as outlined within:

The concept planning process for Park Place began in 2006 and was adopted by the City Commission in 2007. The plan objectives, core values, and community design, was written very clearly and these visions were highlighted and repeated consistently throughout this final adopted plan. Quoting multiple sections from the Park Place concept plan, this is what is written within:

"We value a choice of housing types, densities, and price ranges" – page 8

“We value a transportation system that limits congestion without overbuilding roads” – page 9

“Create a mix of housing types that include ranges of affordability, developing a variety of housing types and sizes” – page 23

“A variety of housing sizes and types attract a mixture of ages, incomes, family structures and lifestyles to help create a richer, more diverse community.” – page 27

“Single family houses can be a range of sizes, styles, and colors.” – page 27

“Each street is carefully sized to carry the expected travel demand it is intended to serve while minimizing the impact of unnecessary impervious surface.” – page 36

“In general, it is recommended that the City incorporate Best Management Practices including reducing paved, impermeable surfaces.” – page 56

“Concept plans must address the following elements: Housing (density, diversity, affordability). – page 59

“The Park Place Concept Plan strives to provide the Park Place plan area with development flexibility, and housing choices...” – page 59

“Support architectural integrity and variety in residential and mixed-use neighborhoods.” – page 62

“Create design standards for Park Place in order to ensure diverse, compact, attractive, and community-oriented residential development.” – page 62

“Consider developing and adopting architectural variety requirements for subdivision development.” – page 63

“Create flexibility in development standards to allow for alternative housing types.” – page 63

Chapter 17.21 – Park Place Code Adopted and Implemented:

“Historic Only” Requirement – Sub sections 17.21.010 and 17.21.020

Chapter 17.21 must adhere and align with the goals and objectives outlined within the adopted concept plan, and as currently written, it does not. In NO portion of the adopted concept plan, is there any mention of homes needing to be, or desired to be “historic only.” This is not a goal/objective listed anywhere within this document, nor is there any historic significance in this area, being the majority of homes surrounding Park Place were constructed between the 1960’s and 1980’s (data found on page 11 of the Park Place concept plan). The contrary is stated repeatedly and throughout the concept plan, outlining the desires, goals, and objectives that seek and require a variety of housing

types, styles, and a mix of architectural design, as demonstrated in the quoted sections above. Sub sections 17.21.010 and 17.21.020 clearly require “historic only” design and architecture. As written, builders and homeowners can only construct Queen Anne, Bungalow, Foursquare, or Vernacular Farmhouses. This code requirement, as outlined in these sections of 17.21, directly conflicts with the goals and objectives adopted in the concept plan, by restricting home design and architecture to a specific type of construction. The “historic only” requirement, written in chapter 17.21, needs to be removed completely in order to align with the final adopted Park Place concept plan.

“No Front Load Garage” Requirement – Sub section 17.21.090

In NO portion of the final adopted Park Place concept plan is there any mention that single-family detached residences will be required or desired to adhere to “NO front load garages OR alley load only.” As demonstrated in the quoted sections above, the contrary is stated repeatedly throughout the concept plan, outlining the desires, goals, and objectives that seek green street design, minimal impervious streets, and the desire NOT to overbuild roads. The only reference to alley load development, in the entire Park Place concept plan, is listed on page 27, which states, “*Multi-family housing: Vehicle access is provided in the rear and with alleys*” which is affiliated with multi-family only, and not applicable to single-family detached homes. Again, there is a direct conflict and huge disconnect between the final adopted concept plan and Chapter 17.21, as written. In respect to single-family detached development, the “NO front load garage” requirement, as written in chapter 17.21, needs to be removed completely in order to align with the final adopted Park Place concept plan. In addition, and for the same reasons explained above, newly proposed Chapter 16.12.026, requiring alley load development throughout ALL medium zones in the Park Place area, needs to be removed completely in order to align with the final adopted Park Place Concept plan.

“Raised and skirted” front porch requirement – Sub section 17.21.050

Subsection 17.21.050, requires elevated and skirted front porches. Like above, this requirement is not listed or mentioned in the Park Place Concept Plan as a goal, objective or directive. In addition, and most importantly, this current required design standard will result in unnecessary steps at the main entry points of all homes that would be burdened with this requirement, making ADA access at all front entries impossible to meet. For these reasons, we urge the City Commission to remove this requirement from chapter 17.21

South End Concept Plan - Goals, Objectives, and Implementation, as outlined within:

The concept planning process for South End began in 2013 and was adopted by the City Commission in 2015. Code section 17.22 (Existing Code Implementation of the South End Concept Plan) does appear to align closely to the adopted concept plan. In it, and unlike the Park Place Concept plan, there is mention of a desire for some alley load development, and the implementation of historic influenced design standards. Chapter 17.22 does NOT require “historic only” architecture, nor does it require NO front load garages. Unlike chapter 17.21 (implementation of Park Place concept plan), the

requirements in Chapter 17.22 DO appear to align with the goals and objectives of the South End concept plan.

“Raised and skirted” front porch requirement – Sub section 17.22.050

Subsection 17.22.050, requires elevated and skirted front porches. Like above, this requirement is not listed or mentioned in the South End concept plan as a goal, objective or directive. As mentioned above, and for the same reasons affiliated with ADA compatibility, we urge the City Commission to remove this requirement from chapter 17.22.

For the reasons outlined above, we ask the City Commission amend Chapters 17.21, 17.22 and 16.12.026 to:

- Remove the “historic only” requirement from Park Place chapter 17.21
- Remove the “NO front load garage” requirement from Park Place chapter 17.21
- Remove the “alley load” requirement, affiliated with single-family detached in Park Place from chapter 16.12.026
- Remove the “raised and skirted” front porch requirement from chapters 17.21 and 17.22

If for any reason the City Commission is not comfortable making these code amendments, we ask that you please remand both Park Place and South End concept plans back to city staff and the Oregon City Planning Commission so they can revise the affiliated chapters of code to adhere and align with the goals and objectives set forth in both of these final adopted concept plans, AND to ensure they align with the goals and objectives outlined within the equitable housing platform.

We greatly appreciate your help in ensuring chapters 17.21, 17.22 and 16.12.026 are correctly written and implemented, so they align with what was adopted in the final concept plans. It is clear that the current and proposed code amendments, in the above referenced chapters, do not align with the goals, objectives, directives, and spirit of the equitable housing program nor do they adhere to what was clearly defined in the final adopted concept plans.

Sincerely,



Darren Gusdorf

General Manager - Commercial & Residential Division
ICON Construction & Development, LLC #150499
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503.657.0406 office | 503.655.5991 fax
darren@iconconstruction.net

September 23, 2024

VIA E-MAIL

Greg Stohl, Chair
Planning Commission
City of Oregon City
625 Center Street
Oregon City, OR 97045
cc: Aquilla Hurd-Ravich, Community Development Director

RE: Oregon City Park Place Concept Plan Code Amendments (Legislative File GLUA 24-013/LEG-24-01)

Dear Chair Greg Stohl,

Emerio Design works with Icon Construction and Development (ICON) for land use and civil engineering needs. I am writing in response to the proposed code amendments proposed in the Park Place Concept Area as ICON is directly impacted by these proposed amendments.

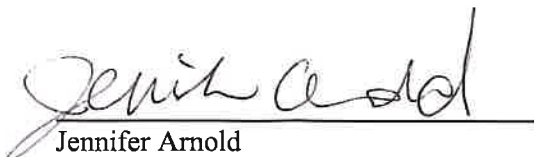
ICON has previously testified to express concerns regarding proposed code amendments in this area but were told it was not the proper venue for such testimony. I believe now is the time to formally introduce the 2019 testimony submitted by ICON for the record as the comments and concerns are still relevant. You will find this testimony in Exhibit A attached to this letter.

The proposed amendments to the design standards are concerning as the cost of development is significantly increased and ultimately passed down to the homebuyer. Exhibit B attached to this testimony is a stamped letter from an engineer providing an overview of the development costs specifically related to alley load requirements and garage orientation. Additionally, these changes for alley loading or detached garages will significantly impact the overall stormwater design. The increased impervious surface created will necessitate the need for larger and more water quality facilities. This appears to conflict with the intent of proposed design changes.

Due to the amount of information submitted from the community and published by the City, I respectfully request the Planning Commission continue this hearing to a date certain.

If you have any questions, please feel free to contact our office at 503-746-8812.

Respectfully,
Emerio Design LLC



Jennifer Arnold
Project Manager/Planning Department Manager & Director of Operations (Eugene)

Exhibit A



CCB#150499

1980 Willamette Falls Dr. #200, West Linn OR 97068 503-657-0406

January 23rd, 2019

Mayor Holladay and City Commissioners:

I'm writing to you in response to staff and city commission discussions that took place at the January 16th hearing, related to the removal of OCMC chapters 17.21 and 17.22, that outline the Park Place and South End design requirements. I'm reaching out to you in hopes to shed some perspective directly from a local home building company, that has had a strong presence in Oregon City for the past 20 years. Icon is heavily vested in Oregon City; past, present and future, and shares the same goals outlined in the current code reform currently before you today.

As you know, the main emphasis of revamping the development sections within the OCMC, is to inject a variety of different affordable housing products into Oregon City's market. We applaud the work performed by city staff, the appointed task force, the planning commission, and others who have vested many hours into bringing their ideas, goals, and objectives forward. We see good opportunities to come, and are excited and eager to venture together with the city, as partners, to implement this vision. I use the word partnership, because it's a critical component, needed to achieve the goals set forth within this equitable housing program. Without the community, city staff, planning commission, city council, land developers, home builders and future home buyers working together cohesively to create a platform suitable and obtainable by all parties, this program will not thrive, nor will it ever come to fruition. Without fairness and balance, it goes nowhere.

The current adopted design standards, defined in chapter 17.14, already require an abundant amount of design requirements for ALL residential construction in Oregon City. Oregon City planning and city staff, have already done a fantastic job of injecting historical design requirements for new construction in this city that all builders must adhere to. As written within chapter 17.14, builders must include a minimum of 5 and as many as 14 design standards into their building design. These standards require selecting from the list below:

- *Dormers, which are projecting structures built out from a sloping roof housing a vertical window.*
- *The roof design must utilize either a gable or hip roof system.*
- *The building facade includes two or more offsets of 16-inches or greater.*

- *A roof overhang of 16-inches or greater.*
- *A recessed entry that is at least 2-feet behind the furthest forward living space on the ground floor, and a minimum of 8-feet wide.*
- *A minimum sixty 60 square-foot covered front porch that is at least five 5 feet deep OR a minimum forty 40 square-foot covered porch with railings that is at least five 5 feet deep AND be elevated entirely a minimum of eighteen 18-inches.*
- *A bay window that extends a minimum of twelve 12-inches outward from the main wall of a building and forming a bay or alcove in a room within.*
- *Windows and main entrance doors that occupy a minimum of fifteen 15 percent of the lineal length of the front facade (not including the roof and excluding any windows in a garage door).*
- *Window trim (minimum four 4-inches).*
- *Window grids on all street facing windows (excluding any windows in the garage door or front door).*
- *Windows on all elevations include a minimum of four 4-inch trim.*
- *Windows on all of the elevations are wood, clad wood, or fiberglass.*
- *Windows on all of the elevations are recessed a minimum of two 2 inches from the facade.*
- *A balcony that projects a minimum of one foot from the wall of the building and is enclosed by a railing or parapet.*
- *Shakes, shingles, brick, stone or other similar decorative materials shall occupy a minimum of sixty 60 square feet of the street facade.*
- *All garage doors are a maximum nine 9-feet wide.*
- *All garage doors wider than nine 9-feet are designed to resemble two 2 smaller garage doors.*
- *There are a minimum of two 2 windows in each garage door.*
- *A third garage door is recessed a minimum of two 2 feet.*
- *A window over the garage door that is a minimum of twelve 12 square feet with window trim (minimum four 4-inches).*
- *There is no attached garage onsite.*
- *The living space of the dwelling is within five 5 feet of the front yard setback; or the driveway is composed entirely of pervious pavers or porous pavement.*

We're not refuting or objecting to any of these existing design requirements. Although it did take some time for our building team to learn these, and implement them correctly within our building product, we worked with the city to understand them and have designed our homes to ensure they conform. We understand the significance and respect the goals and objectives set forth within these standards that are required in Oregon City. As written, they heavily target the implementation of historic elements and they also reduce garage massing by requiring more elements when street facing garage facades increase in size. The objectives set forth in the Park Place and South End concepts plans are already easily met by adhering to the current code criteria set forth in chapter 17.14.

Chapters 17.21 and 17.22 reach far beyond the standards set forth in chapter 17.14 by requiring very rigid and specific requirements that dictate a single style of architectural design; historic only. Not only do these standards drive up the costs of construction, they

drastically limit what type/style of product can be built. This code forces a style of architecture that is desired by very few, which will have a HUGE impact on the marketability of these homes. We are mindful and respectful of the historic significance and influence within Oregon City's architecture, and we understand the importance of it when it is applicable. We are very proud of the work that we did to fully restore the Mathew McCarver house, in which we preserved all of the historic construction elements (roofing, siding, structure/bones, windows, doors, hardwoods, hardware, etc.), in conjunction with a full renovation and restoration of this home. Bringing this boarded up and forgotten about treasure back to life in 2007 was very challenging, but also extremely rewarding (I've included some before and after pictures reflecting the work that was done, for your interest only). The point being, We DO appreciate and respect the history and true era architecture in this city, but it needs to make sense and be appropriate and proportionate to the overall goals of the city, community, home builders and future homeowners. Rick Givens provided testimony in his January 14th letter to the city commission that referenced our McCarver Landing development and the requirement that the newly constructed homes, surrounding the McCarver house, had to be constructed in a Vernacular architecture form, to match that of the McCarver home. We didn't object to this requirement, as we understood the significance of these homes abutting the McCarver home. We understood the concept of blending historic construction with new construction in this development, and we followed the guidelines set forth within the conditions of this development that we agreed to. During the 1-16-19 hearing, one of the commissioners stated that we should understand and respect the significance of these requirements. I want to state clearly that we did then and still do today.

Unfortunately, our point that was highlighted in Rick Given's letter, was misconstrued. We were merely trying to emphasize that we've gone down this road before, following specific historical home architecture designs as dictated on just a few of our homes in McCarver Landing, and this was received very poorly by the general public. We learned very quickly, that mimicking historical era construction, is not in high demand. The absorption rate was extremely low, and the homes had to be discounted drastically to instigate sales. One commissioner at the 1-16-19 hearing stated, "look at these homes now, they are occupied, eventually they sold." This is not a model that any builder should be burdened to follow nor does it offer Oregon City home buyers any variety or flexibility with the architecture designs and styles that they desire and can chose from. Forcing builders and home owners to construct homes that don't appease the majority of the public, directly conflicts with the spirit of this equitable housing program. These two code sections offer no flexibility of any kind, and they blanket two very large areas in Oregon City, that will soon house thousands of single-family dwelling units. Requiring "historic only" design and architecture into these areas is a recipe for disaster, and the McCarver Landing example was only used to illustrate our experience with this before, and at a much smaller scale. The required style of architecture completely prohibits home builders any opportunity to conform to market demand. Dictating historical homes throughout ALL development in these planned areas, prohibits any ability to conform to the community's wants and needs. Historical era construction only, is simply far too much to require in these two very large concept areas. I've included the sample pictures (inserted directly from the code sections themselves) that reflect the required styles of

architecture per sections 17.21 and 17.22, as well as a picture of a vernacular home that was required and constructed in McCarver Landing for you to reference.

In addition, and what was discussed very little at the 1-16-19 hearing, are the garage requirements found within the Park Place concept chapter 17.21. This chapter requires **NO** front load garages. Only side load, rear load, detached, or NO garages are allowed. Not only do these standards drive up costs of development and home construction, they are not practical or even obtainable within the diverse zoning districts in these two concept areas. I'll explain each of these garage options below in hopes to provide some insight as to why these standards would be extremely problematic:

Side entry garages, unless on a corner lot, require a minimum of 40' side yard for driveway access and vehicle maneuverability. This width is needed alongside a home so that vehicles can appropriately enter the garage. That's not feasible on any lots that aren't corner oriented. Taking 40' of width out of a lot for driveway/access, leaves no room for a home to fit within the remaining buildable envelope. Unless you have a lot width of at least 90'+, this simply does not work. The comp plan for Park Place consists of a variety of different blended zonings. Sideload garage orientations will not be feasible in high, medium, and most low-density zones. These simply do not work.

For similar reasons above, detached garages are not feasible in most zones, simply because there is not enough room on building lots to get them to work. It's very challenging to create lots that will conform to what is needed to make rear load garages possible. This configuration requires a minimum of 20' clear space for a driveway along the home and property line, which again diminishes the remaining buildable area for homes to fit. This configuration also requires a much deeper lot to create room in the back of the property for a garage, within the setbacks, and with ample clearance and separation between it and the home. This requires deeper lots which reduces widths to meet lot size area. This absolutely does not work in medium, high, and most low density zoning districts. Beyond that, and even if this configuration could work, this requirement still creates another hardship on the property, builder and home owner, as the general public does not want a garage detached from their home. We live in a rainy climate here in Oregon. Homeowners do not want to walk through the elements from their garage to their home. Detached garages are not sought after by the general public.

We've had experience with rear entry garages in Oregon City. These require alleys, which doubles the quantity of roads within a development, further driving up development and final lot costs. Beyond being more expensive to develop, alley projects create more impervious area, which create further hardships pertaining to storm water management, and they are a poor use of land as a resource (by creating more roads and hardscapes vs. planted green areas). In the end, homeowners are left with little to no rear yards. Oregon City homebuyers want rear yards. They often have kids, pets, or simply want to enjoy privacy within their fenced-in rear property. What little room that is left from rear yard loaded garages, can't be fenced and adhere to vision requirements, and these homes are left with little to no usable yard area. This is another product, that we have had experience constructing, that is not sought after by the consumer.

So, after the above configurations are explored and deemed not physically or economically feasible by the developer and home builder, and not desired by the general public, the last option is to construct a home with NO garage. That's a non-starter. People want garages. They drive cars. They store things. Garages are an amenity and staple in today's homes that homeowners are not willing to give up. So, the "no garage" option, is simply not an option in a single-family residential district. Apartments, sure, but not when constructing single family detached residential homes. If a builder is forced to build a home without a garage, he/she better plan on using it for a rental. It will never sell as there is little to no market for homes without garages.

We are very hopeful that you will see the magnitude of development challenges, added costs, diminished home values, and the burden and hardship that these two chapters will place on developers, builders and future homeowners in these two concept areas, if chapters 17.21 and 17.22 aren't removed from the OCMC. I say again, successful development requires a collective partnership with all parties involved. If it becomes unbalanced, the equitable housing program will be unsuccessful in these concept areas. Chapters 17.21 and 17.22 completely conflict with the objectives and goals outlined within this program, and the impact is severe when blanketing these two areas and thousands of future home sites with these very strict and specific requirements.

I appreciate your time and consideration to all parties impacted, while you and city staff continue discussing the removal of chapters 17.21 and 17.22. Other members from the building and development community will continue attending and speaking at each of the upcoming hearings. I will be attending all upcoming hearings, and would be more than happy answering any questions related to this letter and the current round of code reform if asked to come forward for further testimony.

Sincerely,



Darren Gusdorf

General Manager - Commercial & Residential Division
ICON Construction & Development, LLC #150499
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503.657.0406 office | 503.655.5991 fax
darren@iconconstruction.net

Required styles of architecture per OCMC chapters 17.21 and 17.22



Western Farmhouse/Vernacular



Bungalow (Craftsman)



Foursquare



Queen Anne Vernacular

SAMPLES ABOVE ARE CUT & PASTED
FROM CODE SECTIONS 17.21 AND 17.22

***Note Historic Era Architecture with
no garages.

Vernacular Style as Required and Constructed in McCarver Landing





CCB#150499

1980 Willamette Falls Dr. #200, West Linn OR 97068 503-657-0406

March 20th, 2019

Park Place and South End Concept Plans

Mayor Holladay and City Commissioners,

After reading through the final adopted Park Place concept plan, it's very clear that there are significant deviations between it and the correlating chapters of code that were derived from it. OCMC 17.21 (Existing Code Implementation of the Park Place Concept Plan) and OCMC 16.12.026 (Proposed code section that would require ALL alley load development in medium zones within both Park Place and South End concept areas), do not correctly implement the goals, objectives, and directives outlined in the final/adopted Park Place concept plan. These chapters of code, and the sole purpose of these code sections themselves, must adhere and align with the goals and objectives outlined and defined within the adopted concept plan, and they do not. The "historic only" home construction requirements found in section 17.21, the alley load requirement found in section 16.12.026, and the NO front load garage requirement found in chapter 17.21, directly conflict, and would achieve the opposite of what was approved and adopted in the Park Place concept plan. For the reasons explained below, we urge the City Commission to modify Chapters 17.21, 17.22, and 16.12.026, to align with the goals and objectives outlined within the Park Place and South End concept plans. This can be accomplished by leaving the existing concept plans intact, with minor modifications to each of these applicable sections of code.

Park Place Concept Plan - Goals, Objectives, and Implementation, as outlined within:

The concept planning process for Park Place began in 2006 and was adopted by the City Commission in 2007. The plan objectives, core values, and community design, was written very clearly and these visions were highlighted and repeated consistently throughout this final adopted plan. Quoting multiple sections from the Park Place concept plan, this is what is written within:

"We value a choice of housing types, densities, and price ranges" – page 8

“We value a transportation system that limits congestion without overbuilding roads” – page 9

“Create a mix of housing types that include ranges of affordability, developing a variety of housing types and sizes” – page 23

“A variety of housing sizes and types attract a mixture of ages, incomes, family structures and lifestyles to help create a richer, more diverse community.” – page 27

“Single family houses can be a range of sizes, styles, and colors.” – page 27

“Each street is carefully sized to carry the expected travel demand it is intended to serve while minimizing the impact of unnecessary impervious surface.” – page 36

“In general, it is recommended that the City incorporate Best Management Practices including reducing paved, impermeable surfaces.” – page 56

“Concept plans must address the following elements: Housing (density, diversity, affordability). – page 59

“The Park Place Concept Plan strives to provide the Park Place plan area with development flexibility, and housing choices...” – page 59

“Support architectural integrity and variety in residential and mixed-use neighborhoods.” – page 62

“Create design standards for Park Place in order to ensure diverse, compact, attractive, and community-oriented residential development.” – page 62

“Consider developing and adopting architectural variety requirements for subdivision development.” – page 63

“Create flexibility in development standards to allow for alternative housing types.” – page 63

Chapter 17.21 – Park Place Code Adopted and Implemented:

“Historic Only” Requirement – Sub sections 17.21.010 and 17.21.020

Chapter 17.21 must adhere and align with the goals and objectives outlined within the adopted concept plan, and as currently written, it does not. In NO portion of the adopted concept plan, is there any mention of homes needing to be, or desired to be “historic only.” This is not a goal/objective listed anywhere within this document, nor is there any historic significance in this area, being the majority of homes surrounding Park Place were constructed between the 1960’s and 1980’s (data found on page 11 of the Park Place concept plan). The contrary is stated repeatedly and throughout the concept plan, outlining the desires, goals, and objectives that seek and require a variety of housing

types, styles, and a mix of architectural design, as demonstrated in the quoted sections above. Sub sections 17.21.010 and 17.21.020 clearly require “historic only” design and architecture. As written, builders and homeowners can only construct Queen Anne, Bungalow, Foursquare, or Vernacular Farmhouses. This code requirement, as outlined in these sections of 17.21, directly conflicts with the goals and objectives adopted in the concept plan, by restricting home design and architecture to a specific type of construction. The “historic only” requirement, written in chapter 17.21, needs to be removed completely in order to align with the final adopted Park Place concept plan.

“No Front Load Garage” Requirement – Sub section 17.21.090

In NO portion of the final adopted Park Place concept plan is there any mention that single-family detached residences will be required or desired to adhere to “NO front load garages OR alley load only.” As demonstrated in the quoted sections above, the contrary is stated repeatedly throughout the concept plan, outlining the desires, goals, and objectives that seek green street design, minimal impervious streets, and the desire NOT to overbuild roads. The only reference to alley load development, in the entire Park Place concept plan, is listed on page 27, which states, “*Multi-family housing: Vehicle access is provided in the rear and with alleys*” which is affiliated with multi-family only, and not applicable to single-family detached homes. Again, there is a direct conflict and huge disconnect between the final adopted concept plan and Chapter 17.21, as written. In respect to single-family detached development, the “NO front load garage” requirement, as written in chapter 17.21, needs to be removed completely in order to align with the final adopted Park Place concept plan. In addition, and for the same reasons explained above, newly proposed Chapter 16.12.026, requiring alley load development throughout ALL medium zones in the Park Place area, needs to be removed completely in order to align with the final adopted Park Place Concept plan.

“Raised and skirted” front porch requirement – Sub section 17.21.050

Subsection 17.21.050, requires elevated and skirted front porches. Like above, this requirement is not listed or mentioned in the Park Place Concept Plan as a goal, objective or directive. In addition, and most importantly, this current required design standard will result in unnecessary steps at the main entry points of all homes that would be burdened with this requirement, making ADA access at all front entries impossible to meet. For these reasons, we urge the City Commission to remove this requirement from chapter 17.21

South End Concept Plan - Goals, Objectives, and Implementation, as outlined within:

The concept planning process for South End began in 2013 and was adopted by the City Commission in 2015. Code section 17.22 (Existing Code Implementation of the South End Concept Plan) does appear to align closely to the adopted concept plan. In it, and unlike the Park Place Concept plan, there is mention of a desire for some alley load development, and the implementation of historic influenced design standards. Chapter 17.22 does NOT require “historic only” architecture, nor does it require NO front load garages. Unlike chapter 17.21 (implementation of Park Place concept plan), the

requirements in Chapter 17.22 DO appear to align with the goals and objectives of the South End concept plan.

“Raised and skirted” front porch requirement – Sub section 17.22.050

Subsection 17.22.050, requires elevated and skirted front porches. Like above, this requirement is not listed or mentioned in the South End concept plan as a goal, objective or directive. As mentioned above, and for the same reasons affiliated with ADA compatibility, we urge the City Commission to remove this requirement from chapter 17.22.

For the reasons outlined above, we ask the City Commission amend Chapters 17.21, 17.22 and 16.12.026 to:

- Remove the “historic only” requirement from Park Place chapter 17.21
- Remove the “NO front load garage” requirement from Park Place chapter 17.21
- Remove the “alley load” requirement, affiliated with single-family detached in Park Place from chapter 16.12.026
- Remove the “raised and skirted” front porch requirement from chapters 17.21 and 17.22

If for any reason the City Commission is not comfortable making these code amendments, we ask that you please remand both Park Place and South End concept plans back to city staff and the Oregon City Planning Commission so they can revise the affiliated chapters of code to adhere and align with the goals and objectives set forth in both of these final adopted concept plans, AND to ensure they align with the goals and objectives outlined within the equitable housing platform.

We greatly appreciate your help in ensuring chapters 17.21, 17.22 and 16.12.026 are correctly written and implemented, so they align with what was adopted in the final concept plans. It is clear that the current and proposed code amendments, in the above referenced chapters, do not align with the goals, objectives, directives, and spirit of the equitable housing program nor do they adhere to what was clearly defined in the final adopted concept plans.

Sincerely,



Darren Gusdorf

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March 29th, 2019

Alley Load Development in Oregon City Concept Plan Areas – Chapter 16.12.026

Mayor Holladay and City Commissioners,

In an effort to demonstrate the adverse impacts of alley load development here in Oregon City, I visited all (9) existing alley load development projects here in town, and have included photographs and observations for you to review. If time allows before the upcoming April 3rd hearing, I ask that each of you to please visit these sites so you can see first-hand the design challenges and the end result of alley load development. These (9) existing alley load projects in Oregon City are:

- Sequoia Landing - Glen Oak Road and Coast Redwood Avenue.
- Sequoia Crossing - Glen Oak Road and Berge View Avenue.
- Meriwether - Thayer Road and Wynton Drive.
- Caufield Place - Caufield Road and Voyage Road.
- Dawn Meadows - Rose Road and Sprite Way.
- Filbert Run - Central Point Road and Hazelnut Avenue.
- Douglas Grove - Thayer Road and Blue Blossom Way.
- Maple Lane - Sugarpine Street and Whitehorse Court.
- Glen Oak Meadows - Mossy Meadow Drive Avenue and Brittany Terrace

As outlined in prior testimony, alley load development will drive up home prices. Building twice as many streets will impact the overall cost of development, it will increase lot costs accordingly, and the end user will see higher priced homes as a result. Beyond that, it is our firm belief that alley load development creates an inferior and less desirable product to the end user, when compared to standard/typical front load garages with functional rear yards. I'm hopeful the attached pictures and details will assist with you coming to the same conclusion.

In addition, the city is now proposing to place all future ownership and maintenance responsibilities affiliated with future alleys, directly in the hands of the future property owners and communities that adjoin alleys. This is in response to recent discussions between planning and public works, after public works voiced their concerns affiliated with alley load development within this city (constrained streets, more expense, more burden on the city requiring more streets to maintain, more burden to city storm, etc.). If this comes to fruition,

this will put the burden on the future homeowners to pay for all future maintenance of these “extra” streets. That forces HOA’s, which is another deterrent of future homebuyers, and adds more cost that they must bear. Salt on the wound if you will. Not only will alley load drive up finished home prices, this newly proposed “solution” to who’s going to pay for and maintain the alleys, just got worse. Let’s create an inferior product, that costs more to the consumer, and then tax them on the alley load streets via an HOA. How does this help promote equitable housing? It achieves the opposite. Even more concerning is what condition these alleys will be in when maintenance is needed and necessary repairs are taken out of the hands of the city. Making an HOA the decision maker on when/if street maintenance is needed will be problematic. And what happens when an HOA dissolves or is disbanded, which is not uncommon after developers establish them and turn them over to the community?

This example is not intended to discredit any members of city staff in anyway. We greatly appreciate ALL members of OC’s staff, in all departments. I’m just pointing out what we’re experiencing more and more of lately, in nearly all of the jurisdictions that we work in. “Solutions” that don’t solve the problem, and directly conflict with the goals and objectives of the equitable housing program. It’s a pattern that we’re seeing regularly, in which the proverbial can gets kicked down the road, through development, and onto the end user. This is a major factor that has led us to where we are today, with home prices continuing to rise. Increased development fees and costs, more construction standards, more development requirements, more planning restrictions, are ALL factors that drive up housing prices. Then we’re asked why homes are so expensive to construct??? We’re never going to achieve a realistic and obtainable approach to equitable housing until these issues are dealt with head on. Alley load development does not align with the demands of the consumer, nor will it in anyway, create opportunities to bring home prices down. The end result is what it is, home prices will continue to rise.

Again, we greatly appreciate your time and effort spent on reviewing the current code revisions and ensuring the final code adoptions align with the goals and objectives of the equitable housing program. We’re hopeful you can see the negative impacts affiliated with alley load development. Not just from members of the development community, but from the views and prospective of the community in full, including the desires of neighboring property owners and future homebuyers in whole.

Sincerely,



Darren Gusdorf

General Manager - Commercial & Residential Division
ICON Construction & Development, LLC #150499
1980 Willamette Falls Drive, Suite 200 | West Linn, OR 97068
503.657.0406 office | 503.655.5991 fax
darren@iconconstruction.net

Exhibit B



September 23, 2024

Harlan Borow
ICON Construction & Development, LLC
1969 Willamette Falls Drive, Suite 260

RE: Alley Load and Side Load Development and Cost Impacts

Dear Harlan,

Based on our conversation I have reviewed your request to analyze the impact of the proposal to require detached garages on typical subdivision developments.

Using a typical subdivision layout with 50x100 lots as an example, we can see the following impacts. An alley loaded home layout would require an additional roadway for every bank of lots. A standard lot pattern uses one ~54' wide ROW to access 100' wide lots on either side. This equates to roughly 254' of width for two homes and one ROW. Introducing an alley to the equation would require an additional 30' of tract for every two rows of homes.

ALLEY LOAD ANALYSIS

Impervious Area:

For every 50' of street frontage with no alleys one could expect ~2200 SF of impervious area from sidewalks, curbs, and pavements. Then each lot might produce ~2500 SF of impervious for two lots or a total of 7200 SF of impervious per 50' of frontage. When an alley is added to the layout, ~25'x50' of additional impervious area is added to this theoretical length of development. The result is roughly 15 to 20% more impervious area needed for the added roadway. Furthermore, most of the developable land available for new housing does not allow for endless grids of roadways, therefore the end conditions related to subdivision development must be considered. End conditions dictate 50% to 100% of all lots will be forced to have a single loaded alley. This would increase the added impervious to 20% to 25% on average. The result of this increased impervious area would yield larger storm water management tracts somewhat proportional to the added impervious area. Additionally, storm drainage pipe diameter would need to be increased to convey the added design flow.

Road Design and Construction Challenges:

New alleys require curbs, pavement drainage and other associated road building items. Grade transitions between lots often are addressed in the rear yards will now require driveways to rear load garages. Placing a road in the rear of each lot will remove the flexibility of the builders on even the most modest of sloping sites. Roadways generally require a flat cross section. Adding another "flat area" on a sloping site will result in cumbersome grading challenges and expensive walls. Adding alley roads along the boundary of proposed development will require giving up land for slope, road geometry or areas for walls.

Lot yield will be decreased with the added land required for alleys, end condition grading, and added storm water management facilities. The added impervious area, plus additional pond size, plus grading on the project limits would generally result in a loss of lot yield of one third.

Construction Cost Implications:

Added roadways, larger storm facilities and cumbersome site boundary upgrades would yield additional construction costs in the range of 30%. However, note that the costs would increase as the size of the site decreases.

Construction Costs:

Alley loaded construction will add 25% to 50% to the cost of the overall development.

SIDE LOAD ANALYSIS

The side load analysis would require the bulk of the improvements to be deferred to the home builder rather than during the construction of the greater subdivision. Similar to the analysis above, added impervious area and storm water management facilities would be required, proportional to each lot, as each lot would require longer driveway. We would anticipate each formerly 50' wide lot would now need to be roughly 75' in width to accommodate the side load garage. This could result in a lot yield loss of a proportional 50%.

We look forward to hearing from you. If you have any questions, please feel free to contact our office at 503-746-8812.

Respectfully,
Emerio Design, LLC

Eric Evans, PE
Civil Engineer

Good evening, Chair Stoll and members of the Planning Commission and City Staff

My name is Harlan Borow and I am the Land Development and Acquisitions Manager at Icon Construction and Development. We are based in West Linn and have been a developer and home builder in Oregon City for many years.

As you may know, Icon and its affiliated entities are one of the larger land owners in the North Village of the Park Place Concept Plan Area.

We are **actively** engaged in working with the city to find mutually agreeable pathways and processes to achieve many of the most important goals and objectives of the Park Place Concept Plan, and other city infrastructure master plans, **especially** the much-needed north-south Holly Lane arterial connection between Holcomb Blvd and Redland Rd.

We commend the staff on the **hard work** they have put in and for the Planning Commission working through this difficult and detailed process since May.

A number of the proposed changes have material financial implications to development within the Park Place Concept Plan area. Although we followed the prior meetings, until released last week, we did not know what the final version looked like and there is a **significant** amount of material to digest. As such, we respectfully request the Planning Commission keep the comment period open and accept additional public comment at the next regular Planning Commission meeting.

While there are many areas that we support, there are a number of topics where we disagree with the proposed changes. More detailed testimony ^{written} will follow from ^{was provided by} our land use attorney Garrett Stevenson of Schwabe, and our planner, Jennifer Arnold of Emerio Design.

At a high level, the major areas where we have disagreement are:

- Park and Trail Dedication or Fee-in-lieu payments:
 - Garrett will detail why we believe **proper remuneration** for dedicating or paying fee-in-lieu for otherwise developable land is necessary.
 - Assuming that issue is resolved, the process of putting the burden on the earlier developers until the desired park land and trails are

acquired, while later developers reap the benefits but do not have to participate in the costs, seems unfair and should be reconsidered.

- The second issue is with Garage Orientation Standards:

- ~~Both Garrett and Jennifer~~ ^{Provided} will speak to these issues.
- Icon presented letters and testimony back in 2018-2019 explaining in great detail why it made no sense to prohibit front-loaded garages while requiring only side, rear, detached or alley-loaded garages, because:

- The requirement is **not** contemplated in the Park Place Concept Plan
- It **Greatly** increases the cost of development and house construction, both of which run counter to the goals of affordability
- Such garages are **Not** what the market wants. In fact, it would be surprising to learn that any of the commissioners, ^{will limit the number of builders.} staff ~~or~~ ^{or} ~~audience members~~ have such a garage.

Thank you again for the opportunity to provide these comments and we look forward to working with the city to craft meaningful and economically viable code amendments.

Print

Sign up to receive project updates for the upcoming code revisions - Submission #1010

Date Submitted: 9/12/2024

First Name*	Last Name*
Janice & Ron	VanDomelen
Email Address*	
vandomelen6966@comcast.net	
Comments	

Do you want to share anything with the Planning and City Commissions about the upcoming work to implement the Park Place Concept Plan with clear and objective standards?

Pete Walter

From: Barbara (Bea) Cox <bacox.do@gmail.com>
Sent: Friday, September 6, 2024 4:27 PM
To: Pete Walter
Subject: Beemer Way connection

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Walter,

I have received notice about the Sept. 23rd Planning Commission meeting.

It appears to me that the Swan Rd exit from the North Village will be connected to the east end of Beemer Way.

I'm writing to find out if this is the case, and if so, to express concerns about routing more traffic along this road that is heavily used by children.

Also, there are parts of the road that are quite narrow, allowing only one lane of traffic including the stretch closest to Holcomb.

I am also looking for the appropriate person for me to ask about the Clackamas Heights redevelopment, I am concerned about the projected loss of tree cover and how that will affect the entire neighborhood. If you can address that also, it would be great, if not, can you point me to someone who would be able to.

Thanks very much,

Bea Cox

14120 Beemer Way



To Pete Walter, Planning Manager
City of Oregon City

RE: Park Place Concept Plan Code Amendments: GLUA-24-013 / LEG-24-01

The Board of The Hamlet/CPO of Beavercreek has received and reviewed the above listed Park Place Concept Plan Code Amendments. We have two topics we'd like to bring forward:

- Landslides – please see the two attached DOGAMI SLIDO maps. The first, a map of historic landslides in the proposed development area. The second, a map of landslide susceptibility. There are historic landslides in this proposed development area and a VERY high susceptibility of future landslides. These facts are denied in the application and coupled with the fact that you CANNOT purchase landslide insurance for your home, should give the City, the Applicant, the Representative, and the citizens of the City pause before irresponsible and dangerous development.

The City of Oregon City signed a contract with FEMA in 2019 committing to the Natural Hazards Mitigation Plan. This contract requires the restriction of development in areas of known hazards.

Development causes more and more land to be covered by impervious surfaces, not allowing water to penetrate into soils. This along with allowing development in historic and susceptible landslide areas can result in devastating losses such as the multimillion dollar homes in Rancho Palos Verdes in Southern California. We do not have to go too far back in our own memories to recall the homes that slid into the canyon off the south western end of Holly Lane and certainly the devastation from the 2005 landslides along Forest Edge forcing the evacuation of the Newell Creek Apartments.

- Transportation – Redland Road, Holcomb Boulevard, and Holly Lane, and the two intersections of these roads, and the intersection of Redland Road and Highway 213 are all at a “failing” level; meaning, unacceptable and unsafe congestion. Please see page 5 of 48 item number 11 of your Lancaster Mobley Park Place Crossing Master Plan Transportation Impact Study. Three of these roads are NOT the responsibility of Oregon City, but the County of Clackamas and the State of Oregon. Adding this type of development without the planning and funding of adequate improvements is irresponsible development.

In addition, with the recent approval of Accessory Dwelling Units on County zoned Rural Residential lots, transportation service needs will increase from the east, south, and west of this proposed development.



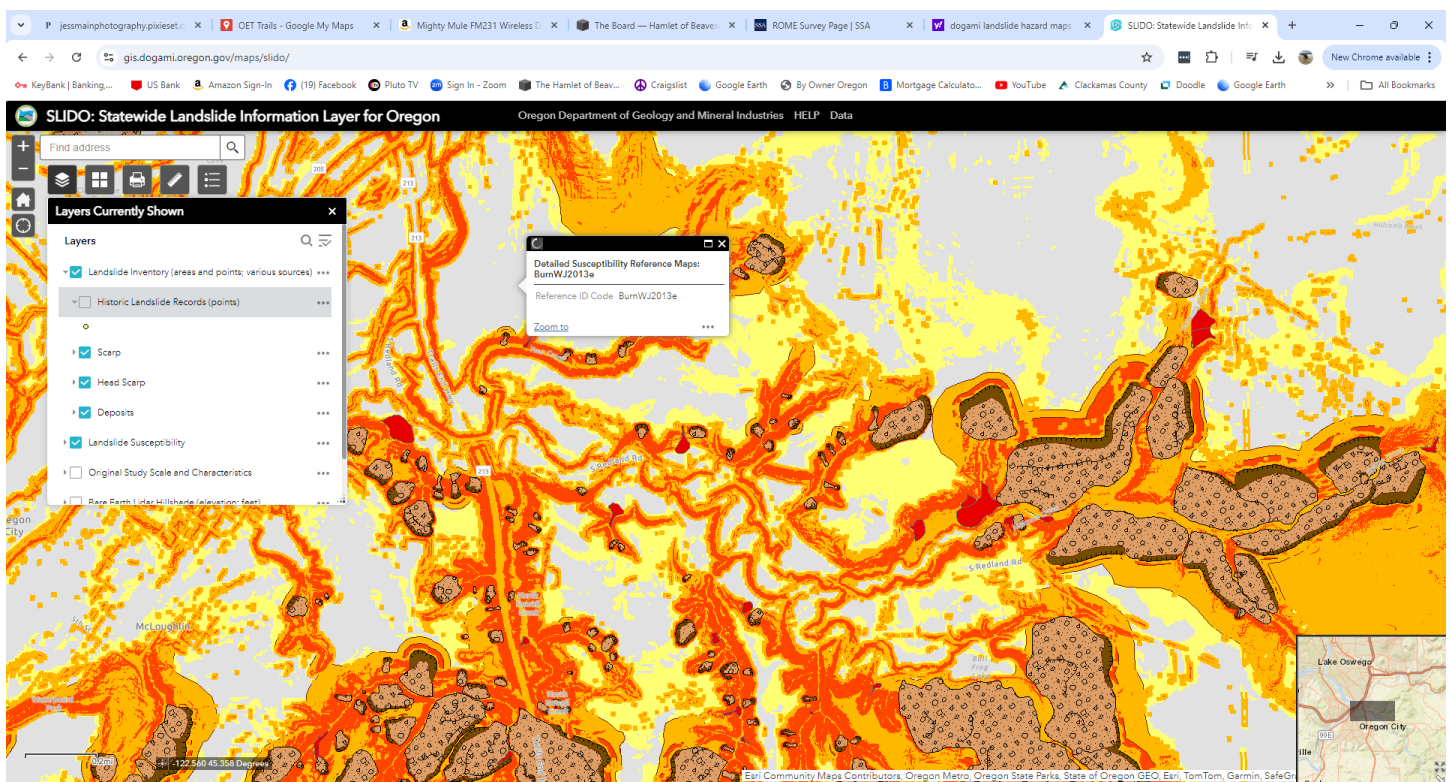
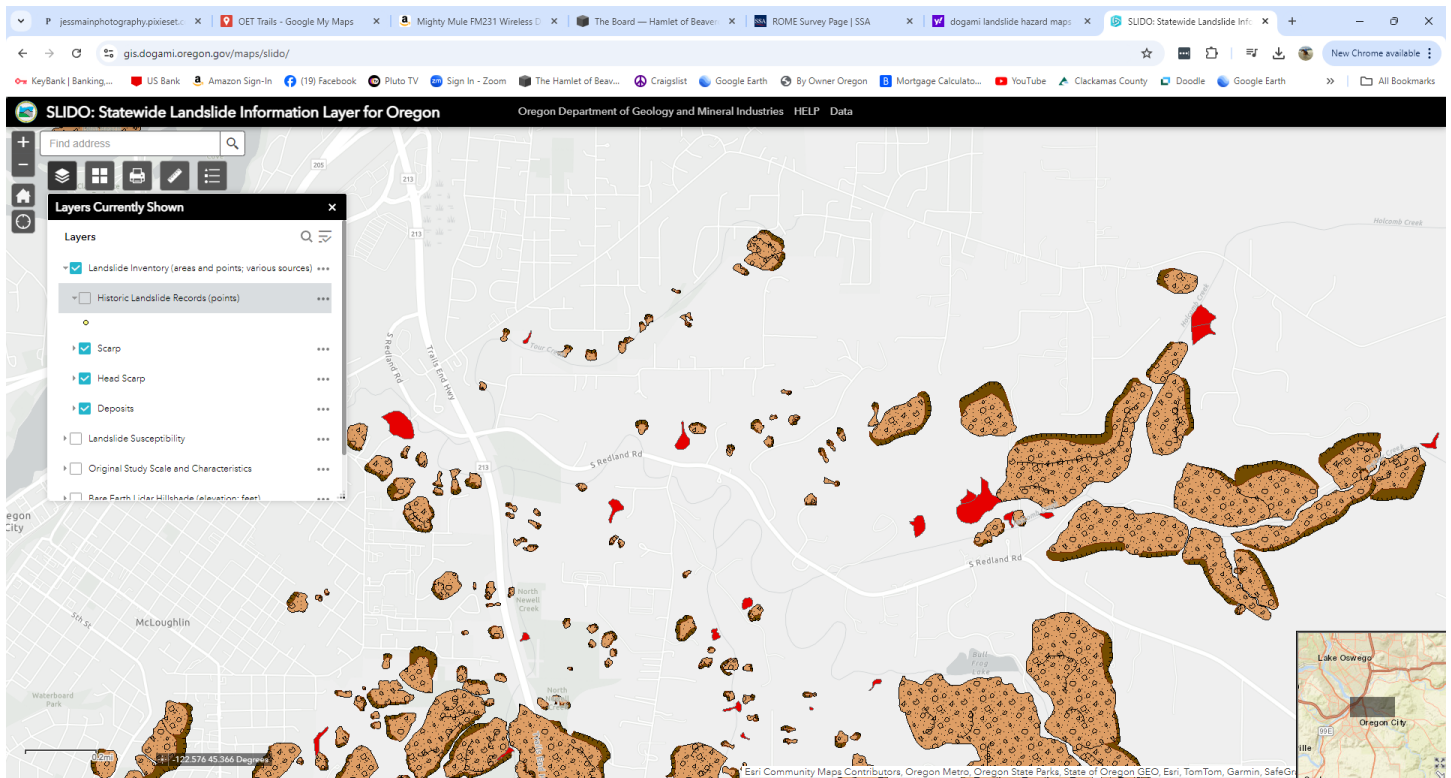
Please understand that The Hamlet/CPO of Beavercreek is not against development, only **irresponsible development** that seriously impacts the safety and quality of our citizens' lives that has no regard for "what happens after my home slides down the hill?"

We are certainly happy to provide additional information or answer questions. Thank you for this opportunity to provide input to your land use process.

Sincerely,

Tammy Stevens, Chair
The Hamlet of Beavercreek
503.939.3552

Enclosures



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SAVE CHANGES

CANCEL

First Name *

Bobby

Last Name *

Youngren

Email Address *

a1mstrkr@centurylink.net

Comments

how would this affect HollyLn Oregon city Oregon

Do you want to share anything with the Planning and City Commissions about the upcoming work to implement the Park Place Concept Plan with clear and objective standards?

Form Details

Submitted By:
Submitted On:
September 5, 2024 12:54 PM
IP Address:
63.155.101.111
Referrer:
<https://www.orcity.org/1452/Park-Place-Concept-Plan-Code-Revisions>
Answered 4 of 4 (100.0%)



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PETE W

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Sign up to receive project updates for the upcoming code revisions - Submission #996

Date Submitted: 9/5/2024

First Name*	Last Name*
woody	youngren
Email Address*	
mayoungren1@gmail.com	
Comments	
Do you want to share anything with the Planning and City Commissions about the upcoming work to implement the Park Place Concept Plan with clear and objective standards?	

Print

Sign up to receive project updates for the upcoming code revisions - Submission #992

Date Submitted: 9/4/2024

First Name*	Last Name*
juanita	Whitaker
Email Address*	
whitaker_jp@comcast.net	
Comments	
Do you want to share anything with the Planning and City Commissions about the upcoming work to implement the Park Place Concept Plan with clear and objective standards?	

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Sign up to receive project updates for the upcoming code revisions - Submission #986

Date Submitted: 9/3/2024

First Name*	Last Name*
Mark	Lewis
Email Address*	
mfl655@comcast.net	
Comments	
Do you want to share anything with the Planning and City Commissions about the upcoming work to implement the Park Place Concept Plan with clear and objective standards?	

Sign up to receive project updates for the upcoming code revisions - Submission #987

Date Submitted: 9/3/2024

First Name*	Last Name*
Jerald	Carlson
Email Address*	
jkcarlbel@gmail.com	
Comments	
Proposing a trail that trespasses right through the backyard of private properties is ludicrous! Apparently, you are welcoming lawsuits over this plan; after all, a public trail through one's back yard will lead to homeless tents, a rise in property crimes, and myriad lawsuits, not to mention the unstable ground that exists in this area, which I personally witnessed in the 1950s and 1960s. Who is the tyrant who is running this show? Maybe we should put a public trail through their garden, and see how they like it. Yes, keep me updated on this crazy plan. Thank you.	
Do you want to share anything with the Planning and City Commissions about the upcoming work to implement the Park Place Concept Plan with clear and objective standards?	

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SAVE CHANGES

CANCEL

First Name *

Lois

Last Name *

Allen

Email Address *

lynnandlois@comcast.net

Comments

Roads Redland and Holly will there be a (Round-About or Red Light) ?? we are on Redland second house to Holly

Do you want to share anything with the Planning and City Commissions about the upcoming work to implement the Park Place Concept Plan with clear and objective standards?

Form Details

Submitted By:
Submitted On:
September 4, 2024 6:15 PM
IP Address:
71.238.30.175
Referrer:
<https://www.orcity.org/1452/Park-Place-Concept-Plan-Code-Revisions>
Answered 4 of 4 (100.0%)



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Dashboard



Modules



2

PETE W

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Sign up to receive project updates for the upcoming code revisions - Submission #965

Date Submitted: 8/26/2024

First Name*	Last Name*
Thomas	Funk
Email Address*	
tomf0305@yahoo.com	
Comments	
Do you want to share anything with the Planning and City Commissions about the upcoming work to implement the Park Place Concept Plan with clear and objective standards?	

Oregon City Planning Commission
May 13th 2024

Dear Commissioners, you have been tasked with discussing ‘Clear and Objective Standards’ that can be applied to a General Development Plan (GDP).

As you are aware an ICON GDP came before the City Commission and was denied as it didn’t adhere closely enough to the Park Place Concept Plan. LUBA and the State Court of Appeals sided with ICON due to a lack of Clear and Objective Standards and now you are here to rectify this along with city staff.

The original Concept Plan was titled the Park Place Village Concept Plan and I bring this up as it speaks to the intention behind it. The Concept Plan drafted decades ago provides our neighborhood with increased connectivity both within the neighborhood and to the rest of the City, provides a decent-sized neighborhood commercial district and a large park as well as housing. The goal was to reduce vehicle trips out of the immediate neighborhood and surrounding area via Holcomb by creating a “village” with services and recreation options hence its original title. It was a good plan, forward-thinking for its time with front-facing housing with porches, alleyways and garages behind to encourage face to face community building. The ‘green street’ designs, trails, park and commercial district with a community center increased sustainable livability.

The crucial transportation aspect of the plan was the north/south connector from Holcomb to Holly Lane which would take traffic from our neighborhood (not just the concept plan development) up to Beaver Creek Rd and the Hill Top area thus reducing traffic on Holcomb Blvd and congestion at Redland and 213. It would also provide an emergency exit/entrance from/into our neighborhood if Holcomb was blocked, which city staff at the time touted as very important. It is now even more important as climate change has heralded the age of wildfires.

Along with many others residents, I spent untold hours in meetings helping to draft this concept plan and I implore you to incorporate Clear and Objective Standards into both the OCMC and the PPCP (indeed into all concept plans going forward) that would uphold the intention of the PPCP.

Volunteers give up much of their time to help draft concept plans and in addition the City spends a fortune on staff time and consultants to help with the process.

If the City has few Clear and Objective Standards drafted into code then all this is wasted effort.

We’ve had a reprieve as ICON has withdrawn their GDP, so now is the time to make sure we have smart development that adheres to concept plans and the will of the residents to keep our neighborhood and City livable and safer.

Jackie Hammond-Williams
PPNA Treasurer
503-753-5321
Jackiespins@gmail.com

Pete Walter

From: James Nicita <james.nicita@gmail.com>
Sent: Sunday, May 12, 2024 2:43 PM
To: Dirk Schlagenhauer; Karla Laws; Daphne Wuest; Gregory Stoll; Paul Espe; Brandon Dole; Bob La Salle
Cc: Oregon City Planning; Barbara Renken; Jackie Hammond-Williams; Tom Geil
Subject: Public Comments Planning Commission Meeting May 13, 2024 Agenda Item #3 Park Place Code Refinement
Attachments: Excerpt Park Place LUBA Decision.pdf; 2024-05-07 Nicita CC Public Comment Park Place.pdf
Categories: Pete, Kay

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Planning Commissioners:

First, Happy Mother's Day, and I hope everyone is enjoying the spring weather.

I write respectfully with the following comments regarding the above-referenced matter.

The point of departure for my comments is the LUBA remand decision on the ICON Development's Park Place Crossing land use application for approval of a General Development Plan under OCMC 17.65.050.

I am attaching the pertinent excerpt from that decision, which remanded the City Commission's denial of the Park Place Crossing application because the denial ran afoul of the "clear and objective standards" rule. In turn, the denial ran afoul of that rule because OCMC 17.65.050 ran afoul of that rule.

I draw your attention to the following sentence from the opinion, which I have highlighted in yellow in the excerpt:

"OCMC 17.65.050(C)(6) and (7) are ambiguous because they do not, on the face of the ordinance, identify the provisions of the PPCP and comprehensive plan that a general development plan must be consistent with."

Those provisions read:

"OCMC 17.65.050 - General development plan.

(...)

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:

(...)

*6. The proposed general development plan is consistent with the Oregon City **Comprehensive Plan**.*

7. *The proposed general development plan is consistent with the underlying zoning district(s) and any applicable overlay zone or **concept plans**.*"

The hopeful part of LUBA's statement is that it seems to imply that if that Oregon City did in fact amend OCMC 17.65.050(6) and (7) to "identify the provisions of the PPCP and comprehensive plan that a general development plan must be consistent with," then these two code provisions would in fact comply with the "clear and objective standards" rule.

I think that is crucial, because the integrity and livability of Park Place depends on ensuring that both the Park Place Concept Plan and the Oregon City Comprehensive Plan are in fact legally applicable to land use decisions in the Park Place concept plan area.

However, amending OCMC 17.65.050 would not completely solve the problem, because even if this code, as amended, did direct an applicant to specific provisions of the PPCP and OCCP, if those plan provisions are in turn ambiguous, they will still fail under the "clear and objective standards" test.

Therefore, it seems essential to review as well the text of both the PPCP and the OCCP for amendments that would make these documents more "clear and objective". In order to stay faithful to the idea of "comprehensive planning," I believe that such a review should take place simultaneously with the code review.

The city manager, through his employees, planning staff and the city attorney, has presented drafts of specific textual amendments to certain municipal code provisions, but not, at least yet, any proposed necessary textual amendments to the PPCP and the OCCP. I hope the Planning Commission will ensure that such amendments will occur.

In my recent comments to the city commission, I provided some ideas for both plan and code amendments to address the "clear and objective standards" issue. I am attaching those comments.

In addition, during oral public comment I additionally recommended that elements of the PPCP like the big park, the Holly Connector, and the Main Street Village be protected by a precise delineation of their location through metes and bounds surveys. That would certainly be "clear and objective."

Thank you for considering these comments.

James Nicita
Oregon City

1 The planning commission made no findings concerning whether applicable
2 criteria were limited by the needed housing statute. As in *Olstedt*, it would have
3 been strange for petitioner to file an appeal of the planning commission's decision
4 since petitioner prevailed before the planning commission, and the planning
5 commission's decision included no determination regarding the needed housing
6 statute that petitioner could appeal. In that circumstance, petitioner was not
7 required to file a precautionary local appeal in order satisfy the exhaustion
8 requirement in ORS 197.825(2)(a). It was sufficient for petitioner to raise the
9 issue before the planning commission to satisfy any exhaustion requirement.

10 Intervenor PPNA and Hammond-Williams join in the city's response and
11 additionally argue that this assignment of error is waived under ORS 197.797(1),
12 because petitioner did not raise the needed housing argument until three days
13 before the final planning commission hearing and close of the evidentiary
14 hearing. These intervenors argue that the purpose of the notice statutes is to
15 provide participants in the land use process *adequate* time to respond to issues.

16 ORS 197.797(1) provides that issues must be raised before the close of the
17 first evidentiary hearing. Petitioner did so, and we do not address this response
18 further. The issue was preserved for our review and we resolve it below.

19 **2. Clear and Objective Standards**

20 The Court of Appeals discussed the clear and objective standard in *Roberts*
21 *v. City of Cannon Beach*, explaining:

22 "LUBA, and, to a lesser extent, this court, have articulated and

1 refined the ‘clear and objective’ standard under ORS 197.307 over
2 many years. We agree with petitioners that, fundamentally, the
3 standard has two parts: First, a standard, condition, or procedure
4 must be objective. As LUBA has explained, ‘objective’ means
5 ‘existing independent of mind.’ *Nieto [v. City of Talent]*, ___ Or
6 LUBA ___, ___ [(LUBA No 2020-100, Mar 10, 2021)] (slip op at 9
7 n 6). Standards are not objective ‘if they impose “subjective, value-
8 laden analyses that are designed to balance or mitigate impacts of
9 the development on (1) the property to be developed or (2) the
10 adjoining properties or community.”’ 316 Or App 305, 311, 504
11 P3d 1249 (2021), *rev den*, 370 Or 56 (2022).

12 The court discussed the “clear” requirement in *Roberts*, explaining that
13 clear means easily understood and without obscurity or ambiguity and that “a
14 condition that could be construed ‘to support either of two diametrically opposed
15 conclusions’ is not a ‘clear and objective’ standard or condition within the
16 meaning of ORS 197.307(4)).” *Roberts* at 312 (citing *Group B LLC*, 72 Or LUBA
17 at 82).

18 “Ultimately, in the context of ORS 197.307(4), the degree of clarity
19 required for standards, conditions, and procedures for housing
20 development represents a balance between the need of applicants for
21 an understandable route to approval of the applied-for development
22 and the need of local governments for code-drafting requirements
23 that are realistically achievable.” *Roberts*, 316 Or App at 312.

24 We will reverse or remand a land use decision if the local government
25 improperly construed the applicable law. ORS 197.835(9)(a)(D). ORS
26 227.173(2) provides that “[w]hen an ordinance establishing approval standards
27 is required under ORS 197.307 to provide only clear and objective standards, the
28 standards must be clear and objective on the face of the ordinance.” In addition,

1 ORS 197.831 places the burden on the local government to demonstrate that the
2 criteria are clear and objective.

3 OCMC 17.65.050(C)(6) and (7) require that “[t]he proposed general
4 development plan is consistent with the Oregon City Comprehensive Plan” and
5 “underlying zoning district(s) and any applicable overlay zone or concept plans.”

6 We agree with petitioner that “there are no ‘objective benchmarks’ for measuring
7 the compliance” with elements of the OCCP. Petition for Review 17. OCMC
8 17.65.050(C)(6) and (7) are ambiguous because they do not, on the face of the
9 ordinance, identify the provisions of the PPCP and comprehensive plan that a
10 general development plan must be consistent with. Moreover, the city concedes
11 that it applied criteria that were not clear and objective. Respondent’s Brief 14.

12 The second subassignment of error is sustained.

13 The first assignment of error is sustained in part.

14 **THIRD AND FOURTH ASSIGNMENTS OF ERROR**

15 Petitioner’s third assignment of error alleges that the city failed to adopt
16 adequate findings addressing OCMC 17.65.050(C)(3) and (5).¹² Petitioner’s

¹² OCMC 17.65.050(C) sets out the city’s criteria for approval of a general development plan and includes:

“3. Public services for transportation * * * are capable of serving the proposed development, or will be made capable by the time each phase of the development is completed.

“* * * * *



James Nicita <james.nicita@gmail.com>

May 7 2024 Work Session Agenda Item #3 Park Plan Code Refinement3 messages

James Nicita <james.nicita@gmail.com>

Tue, May 7, 2024 at 1:57 PM

To: Denyse McGriff <dmcgriff@orcite.org>, Adam Marl <amarl@orcite.org>, mmitchell@orcite.org, Frank O'Donnell <fodonnell@orcite.org>, "Rocky Smith, Jr." <rsmith@orcite.org>, Tony Konkol <tkonkol@orcite.org>, Aquilla Hurd-Ravich <ahurdravich@orcite.org>, Bill Kabeiseman <billkab@batemanseidel.com>, Carrie Richter <crichter@batemanseidel.com>, Jakob Wiley <jwiley@orcite.org>

Cc: Jackie Hammond-Williams <Jackiespins@gmail.com>, Barbara Renken <miniflower@comcast.net>, Tom Geil <Qmunicator@yahoo.com>, Jesse Buss <jessebuss@gmail.com>

Bcc: Frank O'Donnell <coachfranko@comcast.net>, Mike Mitchell <mike.k.mitchell@gmail.com>, rocky smith <rockylsmith2@gmail.com>, adam.j.marl12@gmail.com

City Commission:

Regarding the above-referenced agenda item, I am appending below the email I sent the City Commission this past February. I continue to believe that the City can take the position that "clear and objective" standards apply only to residential zones, and not to other elements of development such as parks, commercial, office, transportation and stormwater facilities etc.

With the foregoing in mind, I would like to offer the following thoughts on the "Implementation Narrative" in the packet.

Item #3) Neighborhood Commercial. At least within the Park Place Concept Plan Area specifically, I think both residential and park uses should be completely REMOVED from 17.24.060 as permitted uses.

Within the Park Place Concept area, this zone should permit office and commercial as principal uses. If only these uses are permitted, then there is no need to worry about the "clear and objective standards" rule, and that rule cannot be used to destroy the "traditional main street" concept of the Park Place Concept Plan. The City can still adopt "main street design standards" as called for in the concept plan.

As for parks, the Park Place Concept Plan already has both a) an enormous park, and b) ample open space on unbuildable lands. There is no reason to permit additional parkland in the little traditional Main Street area.

Furthermore, I remind the Commission that ICON attempted to wipe out the traditional little Main Street area by shifting the enormous park on the PPCP map over and down to the north side of the Livesay Road traditional main street area. They argued that they could do this because, notwithstanding what the concept plan called for, the NC zone allowed parks. Removing parks as a permitted use within the NC zone would prevent any such attempts in the future.

Item #7 Green Streets. Generally I disagree that green streets cannot be implemented in the PPCP area.

But as to water quality more broadly, statewide planning Goal 6 requires compliance with water quality standards.

Some state water quality standards are "qualitative," and I think might run afoul of the "clear and objective" rule. On the other hand, other state water quality standards are very precise, quantitative numeric standards, and would not run afoul of the "clear and objective standards" rule. I think the City could maintain its water quality objectives that the PPCP tries to achieve via "green streets" if it requires compliance with numeric state water quality standards. The City's Stormwater & Grading Design Standards currently do not do so; at least not for all

pollution parameters.

Thank you,

James Nicita
Oregon City

On Wed, Feb 7, 2024 at 4:02 PM James Nicita <james.nicita@gmail.com> wrote:

Mayor and Commissioners:

I write with the following comments regarding the above-referenced agenda item.

First, I am curious why this is being presented to the City Commission as a city manager communication rather than a regular agenda item at the tail end of a packed meeting that will likely run up against the 10 pm time limitations. Perhaps the Commission might consider moving this item up earlier in the agenda, and allow for full public comment.

The importance of what is going on here cannot be underestimated. The staff memo posted with this agenda appears to be setting the "rules of the game" for the remand hearing on the Park Place Crossing proposal. It purports to establish what review criteria will or will not be applied to the remanded Park Place Crossing proposal.

The principal message that the memo appears to want to convey to the Commission is this: that only "clear and objective" standards can be applied to the Park Place Crossing proposal, in its entirety.

There might be grounds for an alternative interpretation. ORS 197A.400(1) (formerly ORS 197.307(4)) states that only clear and objective standards may be applied to the "development of housing."

The original Park Place Crossing proposal included much more than housing. It included retail, per the Park Place Concept Plan "neighborhood village" Main Street, parks and open space that will serve citizens well beyond those in the Park Place Crossing Development, and a major connector in the Holly Lane extension that will also serve citizens well beyond the Park Place Crossing residents.

I have spent this afternoon on Westlaw trying to find a case that applies the "clear and objective" standards rule to non-housing elements of a development that includes both housing and other components of a development. I have not found one, but I will certainly concede error if there is a case out there that is directly on point that I have not found.

In the City Commission's original Park Place Crossing decision, the Commission gave full support to the neighborhood village component of the Park Place concept plan. I do not see anything that disturbs this aspect of the Commission's decision in the LUBA case that remanded the Commission's final decision: the LUBA decision, in my opinion, is solely directed to the general development plan for Park Place Crossing as that proposal relates to "housing."

Therefore, I hope the Commission will make abundantly clear tonight that the language in the memo that has been stricken in the review criteria as not applying to a general development plan only applies to the "housing" component of the Park Place Crossing general development plan proposal, and that the Park Place concept plan and the comprehensive plan fully apply to the non-housing components such as the retail and commercial in the concept plan's Main Street Village.

Finally, I hope the Commission might request clarification on the memo's use of the term "application" to describe what staff is or will be requesting from Icon in February. It seems to me that the LUBA remand indicated that the City was required to allow Icon to propose "amendments" to the existing application, not a new application. It seems that a new "application" would require a completely new hearing, beginning with

Planning Commission review.

Thank you for your consideration of these comments.

James Nicita
Oregon City

James Nicita <james.nicita@gmail.com> Tue, May 7, 2024 at 4:15 PM
To: Adam Marl <amarl@orcity.org>, Aquilla Hurd-Ravich <ahurdravich@orcity.org>, Bill Kabeiseman <billkab@batemanseidel.com>, Carrie Richter <crichter@batemanseidel.com>, Denyse McGriff <dmcgriff@orcity.org>, Frank O'Donnell <fodonnell@orcity.org>, Jakob Wiley <jwiley@orcity.org>, "Rocky Smith, Jr." <rsmith@orcity.org>, Tony Konkol <tkonkol@orcity.org>, mmitchell@orcity.org
Cc: Barbara Renken <miniflower@comcast.net>, Jackie Hammond-Williams <Jackiespins@gmail.com>, Jesse Buss <jessebuss@gmail.com>, Tom Geil <Qmunicator@yahoo.com>

City Commission:

I notice an error in what I wrote below.

I said that "clear and objective standards" apply only to "residential zones."

I should have said that such standards apply only to "housing."

I think that even within residential zones, clear and objective standards do not apply to non-housing uses such as roads, parks, etc.

[Quoted text hidden]

Barbara Renken <miniflower@comcast.net> Tue, May 7, 2024 at 7:00 PM
To: James Nicita <james.nicita@gmail.com>

Jim, Ray and I just read your email. Thank you for following up with all the work that has been done in the past and especially your efforts to remind citizens working currently of what has already been established. We appreciate all you do.

Ray and Barbara Renken
[Quoted text hidden]

From: [James Nicita](#)
Sent: Tuesday, May 7, 2024 1:58 PM
To: [Denyse McGriff](#); [Adam Marl](#); [Mike Mitchell](#); [Frank O'Donnell](#); [Rocky Smith, Jr.](#); [Tony Konkol](#); [Aquila Hurd-Ravich](#); [Bill Kabeiseman](#); [Carrie Richter](#); [Jakob Wiley](#)
Cc: [Jackie Hammond-Williams](#); [Barbara Renken](#); [Tom Geil](#); Jesse Buss
Subject: May 7 2024 Work Session Agenda Item #3 Park Plan Code Refinement

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

City Commission:

Regarding the above-referenced agenda item, I am appending below the email I sent the City Commission this past February. I continue to believe that the City can take the position that "clear and objective" standards apply only to residential zones, and not to other elements of development such as parks, commercial, office, transportation and stormwater facilities etc.

With the foregoing in mind, I would like to offer the following thoughts on the "Implementation Narrative" in the packet.

Item #3) Neighborhood Commercial. At least within the Park Place Concept Plan Area specifically, I think both residential and park uses should be completely REMOVED from 17.24.060 as permitted uses.

Within the Park Place Concept area, this zone should permit office and commercial as principal uses. If only these uses are permitted, then there is no need to worry about the "clear and objective standards" rule, and that rule cannot be used to destroy the "traditional main street" concept of the Park Place Concept Plan. The City can still adopt "main street design standards" as called for in the concept plan.

As for parks, the Park Place Concept Plan already has both a) an enormous park, and b) ample open space on unbuildable lands. There is no reason to permit additional parkland in the little traditional Main Street area.

Furthermore, I remind the Commission that ICON attempted to wipe out the traditional little Main Street area by shifting the enormous park on the PPCP map over and down to the north side of the Livesay Road traditional main street area. They argued that they could do this because, notwithstanding what the concept plan called for, the NC zone allowed parks. Removing parks as a permitted use within the NC zone would prevent any such attempts in the future.

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But as to water quality more broadly, statewide planning Goal 6 requires compliance with water quality standards.

Some state water quality standards are "qualitative," and I think might run afoul of the "clear and objective" rule. On the other hand, other state water quality standards are very precise, quantitative numeric standards, and would not run afoul of the "clear and objective standards" rule. I think the City could maintain its water quality objectives that the PPCP tries to achieve via "green streets" if it requires compliance with numeric state water quality standards. The City's Stormwater & Grading Design Standards currently do not do so; at least not for all pollution parameters.

Thank you,

James Nicita
Oregon City

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be applied to the "development of housing."

The original Park Place Crossing proposal included much more than housing. It included retail, per the Park Place Concept Plan "neighborhood village" Main Street, parks and open space that will serve citizens well beyond those in the Park Place Crossing Development, and a major connector in the Holly Lane extension that will also serve citizens well beyond the Park Place Crossing residents.

I have spent this afternoon on Westlaw trying to find a case that applies the "clear and objective" standards rule to non-housing elements of a development that includes both housing and other components of a development. I have not found one, but I will certainly concede error if there is a case out there that is directly on point that I have not found.

In the City Commission's original Park Place Crossing decision, the Commission gave full support to the neighborhood village component of the Park Place concept plan. I do not see anything that disturbs this aspect of the Commission's decision in the LUBA case that remanded the Commission's final decision: the LUBA decision, in my opinion, is solely directed to the general development plan for Park Place Crossing as that proposal relates to "housing."

Therefore, I hope the Commission will make abundantly clear tonight that the language in the memo that has been stricken in the review criteria as not applying to a general development plan only applies to the "housing" component of the Park Place Crossing general development plan proposal, and that the Park Place concept plan and the comprehensive plan fully apply to the non-housing components such as the retail and commercial in the concept plan's Main Street Village.

Finally, I hope the Commission might request clarification on the memo's use of the term "application" to describe what staff is or will be requesting from Icon in February. It seems to me that the LUBA remand indicated that the City was required to allow Icon to propose "amendments" to the existing application, not a new application. It seems that a new "application" would require a completely new hearing, beginning with Planning Commission review.

Thank you for your consideration of these comments.

James Nicita
Oregon City

From: [Aquila Hurd-Ravich](#)
Sent: Friday, May 10, 2024 2:39 PM
To: [Pete Walter](#)
Subject: FW: Park Place Concept Plan

Fyi...

From: Bob La Salle <jeanbob06@comcast.net>
Sent: Friday, May 10, 2024 2:34 PM
To: Aquilla Hurd-Ravich <ahurdravich@orccity.org>
Subject: Park Place Concept Plan

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Aquilla;

Following are mu thoughts on the Park Place Concept Plan information in our packets for the Planning Commission meeting of May 13, 2024. The page numbers referenced are the packet page numbers. If you think it would help, forward these thoughts to the other Commissioners.

Thanks;

Bob La Salle

Key Element #1, page 13

Choose Option #2. This is a vital part of the Concept Plan and relieves transportation problems in the Park Place Neighborhood.

Key Element #2, page 14

Use the plan described in "Notes".

Key Element #3, page 14

This is a difficult part of the Concept Plan. The proposed "commercial" area is not in an area of high traffic and thus would not attract business to locate there. A better area would be nearer to Holcomb Blvd, if a commercial area is to be considered at all. Another thought would be to place the commercial area near Redland Road and the Holly Lane extension. I have my doubts that any kind of commercial area would work in the "North Village".

Key Element #4, page 15

See my recommendations for Key Element #3

Key Element #5, page 17

Option #1 states lot averaging was removed from the Code. Lot averaging should not be reconsidered.

Option #2. If developers propose affordable housing to get bonuses there needs to be a verification system in place to be sure the housing is "affordable". What is the definition of

affordable?

Key Element #6, page 17

Approve Option #1. Use the present TSP. No need to hire expensive consultant. It's already all there.

Key Element #9, page 19

Orienting buildings for solar design is not practical for an entire subdivision. Leave this section "removed" as stated on page 19.

Key Element #10 , page 21

This could be a "slippery slope" and deserves detailed study.

Key Element #11, page 21

Use Option #1 to add a new code section.

Page 27 The minimum front yard setback for R-5 and R-3.5 of 5 feet seems awfully small to me.

Page 29 Item 5 Affordable housing density bonus. We need a definition of affordable housing to make it "clear and objective." It states "Affordable units shall be affordable to households earning equal to or less than eighty percent of the area median income---- ." This doesn't give a percentage of their income that would be acceptable for housing costs. All it gives is a "minimum term of 30 years-----."

Page 30 17.10.080

Item C2 changes minimum lot size abutting existing subdivision to as small as 1,500 sq. Ft. I think abutting lot size should match the existing abutted lot size, or maybe one lot size smaller.

Page 32 17.21.010

B. Define "character". Is this clear and objective?

Why delete the description of architectural styles?

Page 34 17.21.025 Review Process

B. I disagree with this paragraph. It allows a developer to build outside of specific design standards that are well defined. The developer knows going in what the standards are. Why permit deviation?

17.21.030 Roof design.

B. Flat roofs should not be allowed.

Page 37 17.21.100 Solar Access Standards.

Seems a little restrictive to me. Not practical for an entire subdivision.

That's it for me. See you Monday.

Bob La Salle

Sent from [Mail](#) for Windows

From: [Bob La Salle](#)
Sent: Monday, May 6, 2024 10:22 AM
To: [Denyse McGriff](#); [Adam Marl](#); mike.k.michell@gmail.com; [Frank O'Donnell](#); rockysmith2@gmail.com; [Tony Konkol](#); [Aquila Hurd-Ravich](#)
Subject: Work Session 7 May, 2024

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Mayor and Commissioners;

I would like you to consider the following when discussing the Park Place Concept Plan. All page numbers are in reference to you packet pages.

Key Element #1, page 411

Choose Option #2. This is a vital part of the concept plan and relieves transportation problems in the Park Place Neighborhood.

Key Element #2, page 412

Use the plan described in "Notes".

Key Element #3, page 413

This is a difficult part of the Concept Plan. The proposed "commercial" area is not in an area of high traffic and thus would not attract business to locate there. A better area would be nearer to Holcomb Blvd, if a commercial area is to be considered at all. I have my doubts that any kind of commercial area would work in the "North Village."

Key Element #4, page 414

See my recommendation for Key Element #3.

Key Element #5, page 415

Option #1 states lot averaging was removed from the Code. Lot averaging should not be reconsidered.

Option #2. If developers propose affordable housing to get bonuses there needs to be a verification system in place to be sure the housing is "affordable". What is the definition of affordable?

Key Element #6, page 415

Approve Option #1. Use the present TSP. No need to hire expensive consultants. It's already all there.

Key Element #9, page 417

Orienting buildings for solar design is not practical for an entire subdivision. Leave this section "removed" as stated on page 417.

Key Element #10, page 419

This could be a “slippery slope” and deserves detailed study.

Key Element #11, page 420

Usde Option #1 to add a new code section.

Sent from [Mail](#) for Windows

From: [Jakob Wiley](#)
Sent: Tuesday, May 7, 2024 9:07 AM
To: [Commission](#)
Cc: [Recorder Team](#); [Tony Konkol](#); [Alex Rains](#); [Aquilla Hurd-Ravich](#); [Hannah Schmidt](#)
Subject: FW: Public Comment for City Commission Work Session 05-07-2024

Dear City Commissioners,

Please see the below public comment.

Thank you,
Jakob



Jakob Wiley, JD, MS
City Recorder
City of Oregon City
503-496-1509 Direct phone
503-657-0891 City Hall

Website: www.orcity.org | [Recorder's Page](#) | [Facebook](#) | [Twitter](#)
PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: Linda Smith <ocgal5700@gmail.com>
Sent: Tuesday, May 7, 2024 1:07 AM
To: Recorder Team <recorderteam@orcite.org>
Subject: Public Comment for City Commission Work Session 05-07-2024

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To The City Commision,

RE: Park Place Concept Plan Code Refinement

The Staff Report states on page 3:
"Additionally, we will make a presentation to the Citizen Involvement Committee prior to the legislative hearings."

I propose a change to say that a presentation to the Park Place Neighborhood Association will be made prior to the legislative hearings. The CIC has not been a principal party during the development or refinement of the PPCP. PPNA has been

deeply vested in the PPCP for over two decades and should be included when proposing any code refinement to the PPCP.

Regards,
Linda Smith
13944 Cleveland St., Oregon City, OR 97045
503-819-7099
Resident of the Park Place neighborhood for 48 years

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to 3 MINUTES.
- Give to the Clerk in Chambers prior to the meeting.

Date of Meeting 9/23/24

Item Number From Agenda 3

NAME: Didi Dahlsrud
ADDRESS: Street: 415 Dewey St
City, State, Zip: O.C. 97045
PHONE NUMBER: 503 502-0610
E-MAIL ADDRESS: _____
SIGNATURE: [Signature]

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to 3 MINUTES.
- Give to the Clerk in Chambers prior to the meeting.

Date of Meeting 9/23/24

Item Number From Agenda 3

NAME: Jed Peterson
ADDRESS: Street: 16586 S Edinwald Ln
City, State, Zip: Oregon City, OR 97045
PHONE NUMBER: _____
E-MAIL ADDRESS: jed.peterson.MD@gmail.com
SIGNATURE: [Signature]

COMMENT FORM



*****PLEASE PRINT CLEARLY*****

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to **3 MINUTES**.
- Give to the City staff in the Chambers **prior** to the meeting.

Date of Meeting 9-23-24

Item Number From Agenda 3

NAME:

Lee McCarty

ADDRESS:

Street:

16877 S. Knaef RD

City, State, Zip:

Oregon City OR

PHONE NUMBER:

734 904-6442

SIGNATURE:

[Signature]

COMMENT FORM



*****PLEASE PRINT CLEARLY*****

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to **3 MINUTES**.
- Give to the City staff in the Chambers **prior** to the meeting.

Date of Meeting

Sept 23 2024

Item Number From Agenda

5A

NAME:

Larry W. Morton

ADDRESS:

Street:

108 6th St 514 McLaughlin 50304

City, State, Zip:

OC

PHONE NUMBER:

503 701 5070

SIGNATURE:

[Signature]

I am also requesting a written transcript of meeting. I am mostly deaf.

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to 3 MINUTES.
- Give to the Clerk in Chambers prior to the meeting.

Date of Meeting 9/22/21

Item Number From Agenda Relocation Project #5

NAME: Paul Fedor

ADDRESS: Street: _____
City, State, Zip: OC

PHONE NUMBER: _____

E-MAIL ADDRESS: _____

SIGNATURE: _____

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to 3 MINUTES.
- Give to the Clerk in Chambers prior to the meeting.

Date of Meeting 9/23/2021

Item Number From Agenda 5

NAME: Paul Geil

ADDRESS: Street: _____
City, State, Zip: _____

PHONE NUMBER: _____

E-MAIL ADDRESS: _____

SIGNATURE: Paul Geil

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to 3 MINUTES.
- Give to the City staff in the Chambers prior to the meeting.

Date of Meeting 9-23-24

Item Number From Agenda 4A

NAME: Garrett Stephenson

ADDRESS: Street: 1211 SW 5th Ave Ste 1900

City, State, Zip: Portland, OR

PHONE NUMBER: 503-796-2893

SIGNATURE: email

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to 3 MINUTES.
- Give to the City staff in the Chambers prior to the meeting.

Date of Meeting 9-23-24

Item Number From Agenda 4a

NAME: Jennifer ~~Arnold~~ Arnold

ADDRESS: Street: 1500 Valley River Dr, Ste 100 Eugene 97401

City, State, Zip: _____

PHONE NUMBER: 503-746-8812

SIGNATURE: email

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
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- Give to the City staff in the Chambers **prior** to the meeting.

Date of Meeting

9/23/24

Item Number From Agenda

4

NAME:

Harlan Borow - Icon Construction

ADDRESS:

Street: 1969 Willamette Falls Dr, Suite 260

City, State, Zip: West Linn, OR 97068

PHONE NUMBER:

503-713-8627

SIGNATURE:

Harlan Borow

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
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Date of Meeting

9/23/2024

Item Number From Agenda

4A

No Longer
Had Question

NAME:

Dolores Rued

ADDRESS:

Street: 14150 S Donovan Rd

City, State, Zip: Oregon City OR 97045

PHONE NUMBER:

503-720-1873

SIGNATURE:

Dolores Rued

COMMENT FORM



PLEASE PRINT CLEARLY

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Date of Meeting

9/23/24

Item Number From Agenda

4

NAME:

ENOCH HUANG

ADDRESS:

Street:

16509 S EDENWILD LANE

City, State, Zip:

OREGON CITY, OR

PHONE NUMBER:

503-288-2600

SIGNATURE:

[Signature]

COMMENT FORM



PLEASE PRINT CLEARLY

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Date of Meeting

9/23/24

Item Number From Agenda

4

NAME:

ROYA MANSOURI

ADDRESS:

Street:

16509 S EDENWILD LANE

City, State, Zip:

OREGON CITY, OR 97045

PHONE NUMBER:

503 483 2600

SIGNATURE:

[Signature]

COMMENT FORM



PLEASE PRINT CLEARLY

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Date of Meeting

9/23/24

Item Number From Agenda

#4 Park Place Master Plan

NAME:

BARBARA A Cox

ADDRESS:

Street: 14120 BEEMER WAY

City, State, Zip: OREGON OR 97045

PHONE NUMBER:

SIGNATURE:

COMMENT FORM



PLEASE PRINT CLEARLY

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Date of Meeting

9-23-24

Gone

Item Number From Agenda

Agenda 1 (4) Park Place Master Plan Code Amendment

NAME:

Sam Wolf

ADDRESS:

Street: 703 Barclay Hills Dr

City, State, Zip: Oregon City, OR 97045

PHONE NUMBER:

734-249-9734

SIGNATURE:

Sam Wolf

COMMENT FORM



PLEASE PRINT CLEARLY

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Date of Meeting

9/23/2024

Item Number From Agenda

#4

NAME:

Tom Gerik

ADDRESS:

Street:

KNOW

City, State, Zip:

PHONE NUMBER:

SIGNATURE:

Tom Gerik

COMMENT FORM



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Date of Meeting

9/23/24

Item Number From Agenda

4

NAME:

Joyce Carlson

ADDRESS:

Street:

14100 Beemer Way

City, State, Zip:

Oregon City, OR 97045

PHONE NUMBER:

971 645 9384

E-MAIL ADDRESS:

joybells31@hotmail.com

SIGNATURE:

Joyce Carlson

COMMENT FORM



*****PLEASE PRINT CLEARLY*****

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- Give to the City staff in the Chambers **prior** to the meeting.

Date of Meeting 09/23/24

Item Number From Agenda (4)

NAME:

Michael Doran

ADDRESS:

Street: 16262 Oak Valley Dr.

City, State, Zip: Oregon city, OR 97045

PHONE NUMBER:

503-203-3745

SIGNATURE:

Michael Doran

COMMENT FORM



*****PLEASE PRINT CLEARLY*****

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Date of Meeting

9/23/24

Item Number From Agenda

4 - P.P. Concept Plan Code Amendments

NAME:

Mark-Hutt Bennett

ADDRESS:

Street: 15025 Smithfield Dr

City, State, Zip: Oregon City OR 97045

PHONE NUMBER:

(503) 1307-0791

E-MAIL ADDRESS:

thesundancekid59@gmail.com

SIGNATURE:

Mark-Hutt Bennett

COMMENT FORM



PLEASE PRINT CLEARLY

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Date of Meeting

9/23/24

Item Number From Agenda

14

NAME:

Megan Keough

ADDRESS:

Street:

143166 Holly Crest Ln

City, State, Zip:

Oregon City, OR 97045

PHONE NUMBER:

503 744 1642

SIGNATURE:

MK



CITY OF OREGON CITY

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

Staff Report

To:	Planning Commission	Agenda Date:	October 28, 2024
From:	Christina Robertson-Gardiner, Senior Planner Dayna Webb, Public Works Director		

SUBJECT:

GLUA 24-000023:LEG-24-00002 Legislative. *McLoughlin Blvd Enhancements*: an update to the Transportation System Plan

STAFF RECOMMENDATION:

Staff recommends the Planning Commission recommend approval of GLUA 24-000023:LEG-24-00002 to the City Commission

EXECUTIVE SUMMARY:

The City of Oregon and its Commission have spent the past year exploring the best options to improve pedestrian and bike access along McLoughlin Blvd/99E. This long-term project involved a conceptual-level feasibility and alternative analysis to determine the best approach for the final Phase 3 stretch of the McLoughlin Blvd Enhancement Plan, which was initially adopted in 2005. Phases 1 and 2 were previously approved and constructed.

A 1940s viaduct and an s-curve have constrained this area, creating a significant gap for non-vehicle travel along the Willamette River shoreline. Only one option emerged as both constructible and potentially permissible, a long-span structure parallel to the viaduct.

- If the community agrees that a parallel structure (long span) should be added to the Transportation System Plan as the preferred approach, the Planning Commission should recommend adoption to the City Commission.
- If the community does not desire to add this concept to the Transportation System Plan, the Planning Commission should recommend that a parallel structure (long span) not be added, recommend a plan to direct pedestrians and bicycles to Main Street, and only adopt the portion of the streetscape plan that are independent of the viaduct structure.

Additional grants to refine the conceptual long-span design and potentially build portions of the non-viaduct streetscape will be submitted, contingent on its adoption into the Transportation System Plan.

At the Planning Commission hearing on September 23, 2024, comments were made regarding the environmental stewardship of the Willamette River in any design refinement process and the protection of existing driveway and access bay entrances of Larry Morton's Transmission Services. Staff has followed up on both of these topics.

The Natural Resources Committee (NRC) and Parks and Recreation Advisory Committee (PRAC) met to discuss the project at a joint meeting on October 9, 2024. They emphasized the protection of existing trees and designs that support the riparian habitat and angler access. Their comments have been added to page 50 of the revised report (Exhibit 1). Staff met with representatives of Larry

Morton's Transmission Services on September 30 to better understand their site circulation needs and provided updated notes on Page 36 of the revised report (Exhibit 1) to ensure that the version that retains parking on the S curve does not close any existing access points.

BACKGROUND:

The City of Oregon City and the Oregon Department of Transportation (ODOT) are partnering to evaluate options for a shared-use pedestrian and bicycle path and streetscape enhancements on both sides of McLoughlin Boulevard between 10th Street and [tumwata village](#). This project is the last and most complex phase of Oregon City's McLoughlin Boulevard Enhancement Plan, which has been in progress for the past 20 years.

Project Benefits and Needs

Reconnect Downtown Oregon City with the Willamette River

- The project aims to provide safe access to people who walk, access transit, bike and roll on McLoughlin Boulevard. Currently, it lacks dedicated on-street bike lanes, proper and sufficient sidewalks and railings, and a barrier to fast-moving traffic.
- Improved infrastructure for pedestrians, cyclists, and public transit users will close a substandard and unsightly transportation gap.
- Support Oregon City's tourism, economic, and community development goals by improving walking and biking facilities to better integrate and re-orientate downtown's relationship with the Willamette River.

The project is located on OR 99E, also known as McLoughlin Boulevard, an Oregon Department of Transportation facility. The corridor is designated as a Regional Bikeway and Pedestrian Parkway, with frequent transit service running parallel to the corridor. However, the final phase of the [McLoughlin Boulevard Enhancement Plan](#) has proven to be the most challenging, as it is intertwined with the OR 99E viaducts and crosses the Highway 43 bridge alignment. Transit users and pedestrians often feel unsafe due to inadequate lighting, narrow sidewalks, and deteriorating railings that fail to provide a barrier from adjacent fast-moving traffic.

The McLoughlin Boulevard Enhancement Plan was adopted in 2005. Phases 1 and 2 of the plan have been completed. Unfortunately, the viaducts, located between 8th and 10th Streets, are not expected to be replaced with an expanded structure supporting a widened sidewalk, which is necessary to provide the needed width for safe bicycle and pedestrian access. Attaching a new path to the existing viaduct is also not feasible due to its age and structural design.

To address this critical gap in our active transportation network, the City needs to update the options within this section of the corridor. These options could include a separate structure that runs parallel to the viaduct at the same or different grade. The project has two main goals that address barriers to investing and revitalizing properties that front McLoughlin Boulevard in Oregon City:

- Close the gap and provide safe pedestrian and bicycle access by identifying the best location for a shared-use path adjacent to the viaduct.
- Provide a conceptual complete street design for McLoughlin Boulevard (both sides) from 10th Street to the 99E tunnel/Railroad Avenue.

This conceptual project will enable the City to complete the Alternatives Identification and Evaluation phase to determine how to address this gap. Once a preferred alternative is identified, the City will proceed with a more detailed design and apply for grants to build all or portions of the section.

NEXT STEPS:

OPTIONS:

1. Recommend approval of GLUA 24-000023:LEG-24-00002 to the City Commission
2. Recommend denial of GLUA24-000023: LEG24-00002 to the City Commission
3. Request additional information from staff and continue to the November 18, 2024 Planning Commission meeting if necessary

LEGISLATIVE STAFF REPORT AND RECOMMENDATION

A preliminary analysis of the applicable approval criteria for a legislative proposal is enclosed within the following report.
October 21, 2024

HEARING DATE: October 28, 2024 - Planning Commission

FILE NUMBER: GLUA 24-000023: LEG-24-00002

APPLICATION TYPE: Legislative (OCMC 17.50.170)

APPLICANT: City of Oregon City, c/o Public Works Department,
PO Box 3040, Oregon City, OR 97045
Dayna Webb Public Works Director

REQUEST: Legislative. *McLoughlin Blvd Enhancements (Phase 3)*: The Public Works Department proposes an update to the Transportation System Plan, an Ancillary Document to the Oregon City Transportation System Plan, and the OC2040 Comprehensive Plan.

LOCATION(S): City Wide/ Two Rivers

17.50.170 - Legislative hearing process.

A. Purpose. Legislative actions involve the adoption or amendment of the city's land-use regulations, comprehensive plan, maps, inventories and other policy documents that affect the entire city or large portions of it. Legislative actions which affect land use must begin with a public hearing before the planning commission.

B. Planning Commission Review.

1. Hearing Required. The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The community development director shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.

2. The community development director's Report. Once the planning commission hearing has been scheduled and noticed in accordance with Section 17.50.090(C) and any other applicable laws, the community development director shall prepare and make available a report on the legislative proposal at least seven days prior to the hearing.

3. Planning Commission Recommendation. At the conclusion of the hearing, the planning commission shall adopt a recommendation on the proposal to the city commission. The planning commission shall make a report and recommendation to the city commission on all legislative proposals. If the planning commission recommends adoption of some form of the proposal, the planning commission shall prepare and forward to the city commission a report and recommendation to that effect.

C. City Commission Review.

1. City Commission Action. Upon a recommendation from the planning commission on a legislative action, the city commission shall hold at least one public hearing on the proposal. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the city commission may adopt, modify or reject the legislative proposal, or it may remand the matter to the planning commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the city's land-use regulations, comprehensive plan, official zoning maps or some component of any of these documents, the city commission decision shall be enacted as an ordinance.

2. Notice of Final Decision. Not later than five days following the city commission final decision, the community development director shall mail notice of the decision to DLCD in accordance with ORS 197.615(2).

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

EXECUTIVE SUMMARY

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Submittal of additional grants to refine the conceptual long span design and to potentially build portions of the non-viaduct streetscape will move forward, contingent on its adoption into the Transportation System Plan.

I. BACKGROUND:

The City of Oregon City and the Oregon Department of Transportation (ODOT) are partnering to evaluate options for a shared-use pedestrian and bicycle path and streetscape enhancements on both sides of McLoughlin Boulevard between 10th Street and [tumwata village](#). This project is the last and most complex phase of Oregon City's McLoughlin Boulevard Enhancement Plan, which has been in progress for the past 20 years.

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To address this critical gap in our active transportation network, the City needs to update the options within this section of the corridor. These options could include a separate structure that runs parallel to the viaduct at the same or different grade. The project has two main goals that address barriers to investing and revitalizing properties that front McLoughlin Boulevard in Oregon City:

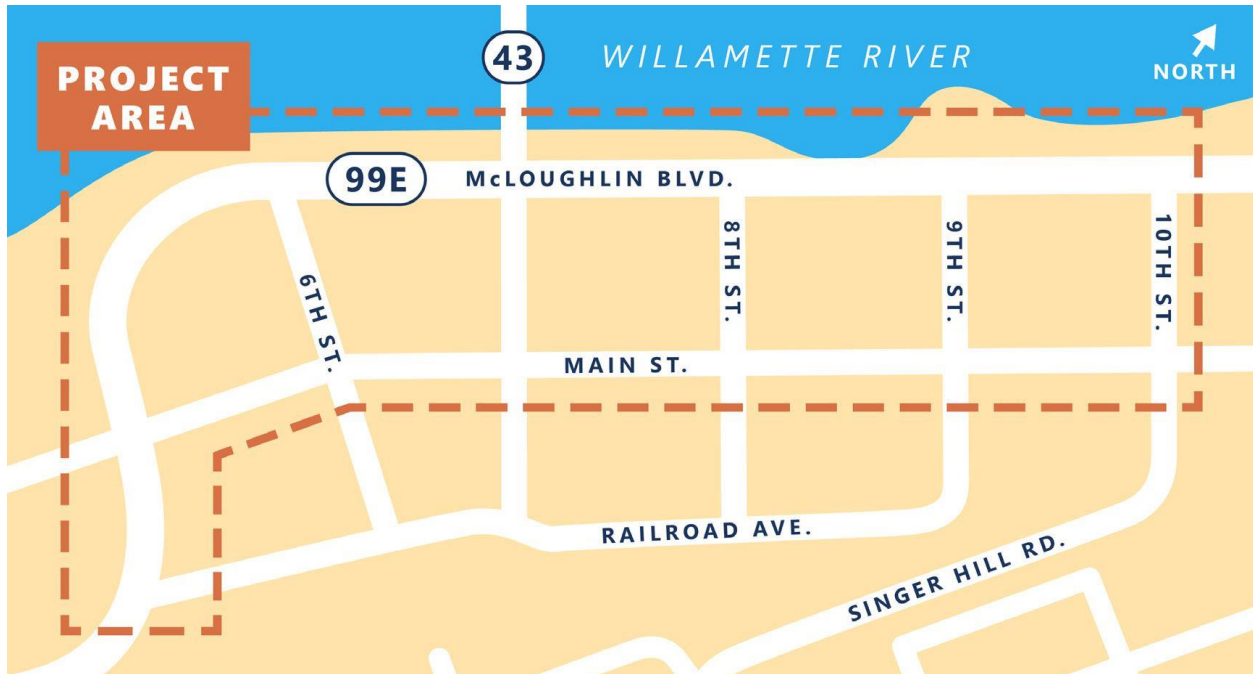
- Close the gap and provide safe pedestrian and bicycle access by identifying the best location for a shared-use path adjacent to the viaduct.
- Provide a conceptual complete street design for McLoughlin Boulevard (both sides) from 10th Street to the 99E tunnel/Railroad Avenue.

This conceptual project will enable the City to complete the Alternatives Identification and Evaluation phase to determine how to address this gap. Once a preferred alternative is identified, the City will proceed with a more detailed design and apply for grants to build all or portions of the section.

Active Transportation

Active transportation is human-powered transportation that engages people in healthy physical activity while they travel from place to place. People walking, bicycling, using strollers, wheelchairs, and mobility devices, skateboarding, and rollerblading are all active transportation.

Active transportation supports transit. These modes are effective at reducing vehicle emissions, bridging the first- and last-mile gap, conserving fuel, supporting downtown economic development and improving individual and public health.



No-Build Alternative

As part of alternative development and evaluation, the project team also examined a reroute, or no-build, Main Street alternative. The No-Build alternative provides a parallel alignment through downtown Oregon City via 10th Street and Main Street. Main Street has a right-of-way that is approximately 60 feet and includes two travel lanes, two parking lanes (totaling about 40 feet), and 10-foot sidewalks on each side abutting 0-foot building setbacks. There are currently curb extensions at most intersections and shared-lane markings, or “sharrows.”

The project team explored and evaluated two primary options for improving bicycle access on Main Street as part of the No-Build Main Street alternative. Based on this evaluation, conversations with Oregon City staff, and a review of background documents, the team it was determined that the No-Build Main Street alternative does not adequately address the Project’s Purpose and Need.

Design Process and Commission Direction

After the December 2023 virtual open house, the design team began the hard work of ground-truthing the most promising shared-use path alignments along McLoughlin Blvd. What they found was an overlapping of complexity at the existing river's edge. This was not a complete surprise, but it definitely necessitates a nonstandard approach to designing a solution.

None of the designs from the open house were able to move forward due to the complexity of the area. At the April 9 City Commission Worksession, the design team outlined two promising alternatives that met the City's Commission goals: 1. Conventional Viaduct + 2 Signature Spans and 2. Long Span. While both options provide a path along the river, only the long-span approach significantly minimized foundation excavation, reduced/removed in-water work, and provided a more compatible design with the historic arch bridge.

If there was no desire to move forward on a riverside shared-use path, the most likely approach will be to design streetscape improvements (trees, landscaping, sidewalks) on the non-viaduct portions of 99E and use wayfinding to send bicycles and pedestrians over to Main Street. Bicycles would share the road via painted [sharrows](#).

At the [May 15 City Commission work session](#), the Commission reviewed the work date, including public comments. They directed staff and the consultant team to continue their technical investigations on the long-span approach, begin the design work for streetscape improvements, and return in August for an update.

At the [August 13, 2024, City Commission Work session](#), the City Commission directed staff to continue the work needed to complete the conceptual study, including the long-span approach, and prepare for its adoption into the Transportation System Plan (TSP) in the fall. The Commission chose to move forward with both open space and parking options in the three areas discussed at the meeting (along the viaduct, under the arch bridge, and inside the elbow). Adopting the concept into the TSP will allow the city to apply for additional grants for the long-span and street improvements, separately or together. Click on the [work session presentation](#) for more details.



Long Span Option

OVERVIEW OF FINDINGS TO SUPPORT ADOPTION OF PLAN

There is a gap in safe, comfortable, and accessible facilities for people of all ages and abilities who are walking and biking on McLoughlin Boulevard. The cross-section along McLoughlin Boulevard between 10th Street and the proposed tumwata village and riverwalk consists of curb-tight sidewalks and four vehicle lanes. This cross-section does not meet the current ODOT Highway Design Manual or City of Oregon City design standards. It creates an imbalance between how the needs of nonmotorized and motorized users are being addressed in the corridor. The Project location has been determined to result in a Level of Traffic Stress of 4.1. People of most ages and abilities do not feel comfortable and/or able to walk, bike, or roll along this segment, creating a barrier in the regional active transportation link between Oregon City and Portland.

Oregon City's waterfront is currently disjointed and not seen as a contiguous amenity. Locally, active transportation facilities along McLoughlin Boulevard are needed to provide connections to the planned tumwata village and riverwalk, historic downtown Oregon City, envisioned pedestrian and bicycle bridge, and recreation opportunities along the Willamette River. The Willamette River is a culturally significant site, and the Historic Arch Bridge is a historically significant structure. This active transportation connection will create additional opportunities for people to access, experience, and visually imagine the historic significance of the river, falls, and adjacent lands, while honoring the indigenous connections to the land and acknowledging traditional ways of movement along waterways.

The chosen design will support Oregon City's tourism, economic, and community development goals by improving walking and biking facilities to better integrate and reorient the downtown area's relationship with the Willamette River. Active transportation facilities are shown to improve economic conditions by creating attractive and walkable business districts and providing access to various destinations adjacent to residential areas, and supporting the Oregon City 2040 Comprehensive Plan policies related to multimodal connectivity and transportation demand management.

Vehicular congestion impacts the site's historical, cultural, and environmental aspects. Vehicular congestion creates noise and emissions that detract from the historic, cultural, and environmental aspects of the site. A continuous shared use path connection is needed to create an opportunity for transportation mode shifts consistent with the region's climate goals, and ensure that historical, cultural, and environmental resources are preserved for future generations. The physical design of the shared-use path needs to address the function of the facility in a way that minimizes or eliminates local environmental impacts and does not inflict harm on the river or nearby communities. Any work done in the study area needs to recognize the special role and voice of tribes in the Willamette Falls area of both land and water and emphasize tribal and community involvement in decision-making.

PROCESS

Adoption of the code amendments is a legislative action that requires review and recommendation from the Planning Commission before being adopted by the City Commission following public hearings.

Public Involvement and Public Comment

The creation of the McLoughlin Boulevard Enhancement Plan provided opportunities for public involvement in the Legislative decision-making process through community outreach, online surveys, public hearing process, project mailings, newspaper noticing, social media postings, meetings with the Transportation Advisory Committee, Parks and Recreation Advisory Committee, Historic Review Board and Citizen Involvement Committee. A full description of the public engagement process is included in the Public Outreach Memo and the full McLoughlin Boulevard Enhancement Plan.

This Project will enable the City to complete the Alternatives Identification and Evaluation phase to determine how to address the infrastructure gap along McLoughlin Boulevard. Once a preferred

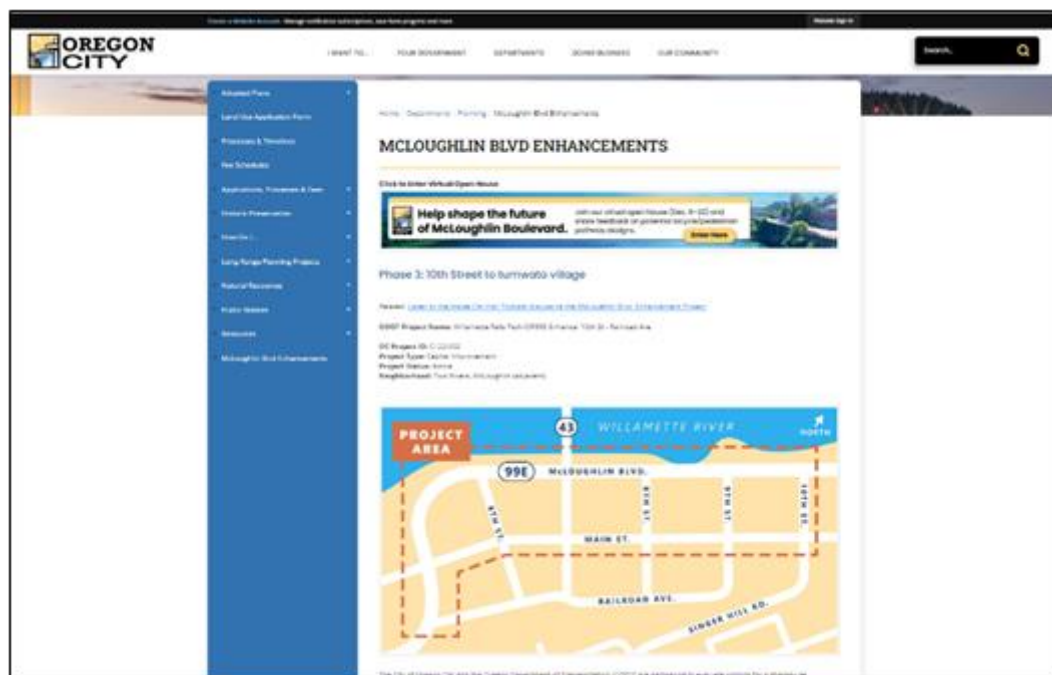
alternative is identified, the City will proceed with a more detailed design and apply for grants to build all or portions of the alignment.

One round of outreach was conducted during the Alternatives Identification and Evaluation phase to bring awareness and gather community feedback on the alternatives being considered.

The first opportunity for the public to provide input on the plan began in December 2023. The primary purpose of this initial outreach was to create awareness about the Project, its benefits, and potential burdens or impacts, as well as solicit public input on the initial alignment alternatives.

Overarching Materials and Notifications: Tools used to convey Project information and publicize outreach opportunities.

- Website: A Project website (bit.ly/McLoughlinBlvd3) was developed with new graphics, maps, and approved content. City staff updated the page to promote key milestones and engagement events, including the December 2023 virtual open house. Below is an example of website content.



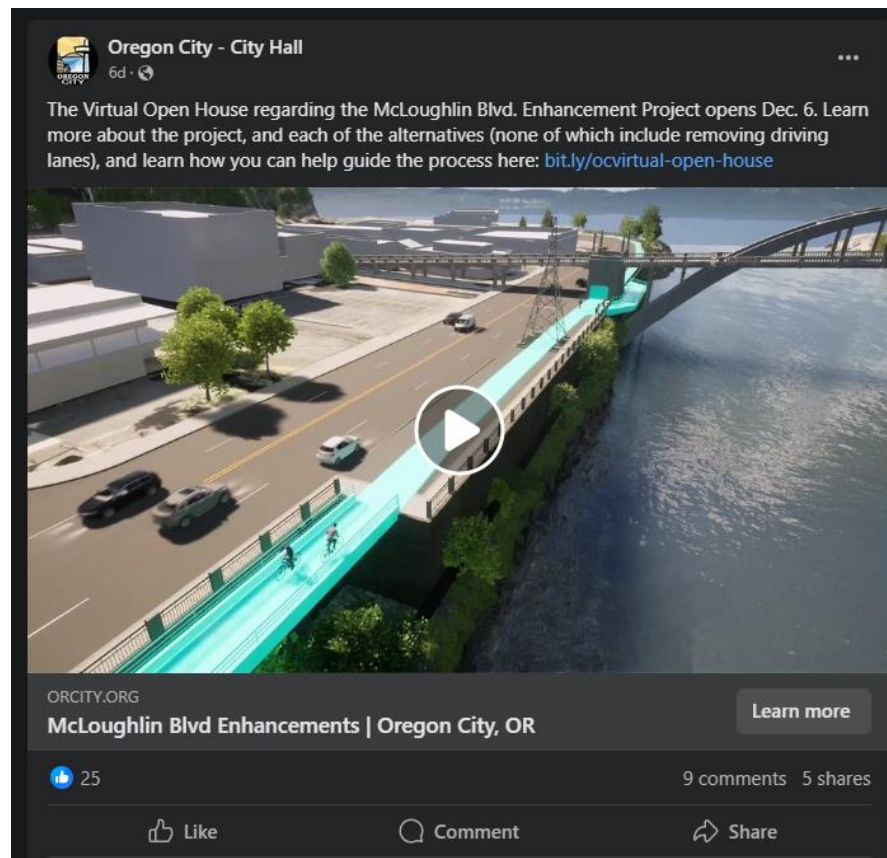
- Community Database and Comment Log: A community database and comment log were used to track comments, responses, constituent, and interested party contacts.
- Project Fact Sheet: a Project Fact Sheet was developed in late 2023, it included information about the Project, benefits and needs, anticipated timelines, and public engagement opportunities. The fact sheet was also translated into Spanish. Below is the fact sheet.



- **Direct Mail:** Project staff designed a postcard (Figure 2) to notify neighboring residents about the online open house. The postcard was mailed to approximately 345 residents on November 27, 2023. City staff printed and distributed 300 additional postcards to downtown Oregon City businesses and residents.



- Social Media: Staff shared the December 2023 open house link and a City-produced Project video on Facebook and X. The posts directed visitors to the website to learn more about the Project and the virtual open house event.



- Advertising: The City purchased a digital ad campaign on Oregon City News (oregoncitynews online.com), with 30,000 impressions to publicize the December 2023 virtual open house. Ads were produced in several formats to accommodate mobile, desktop, and tablet devices.



- Email Newsletters: City staff sent three email notifications about the December 2023 open house to the projects interested party list.

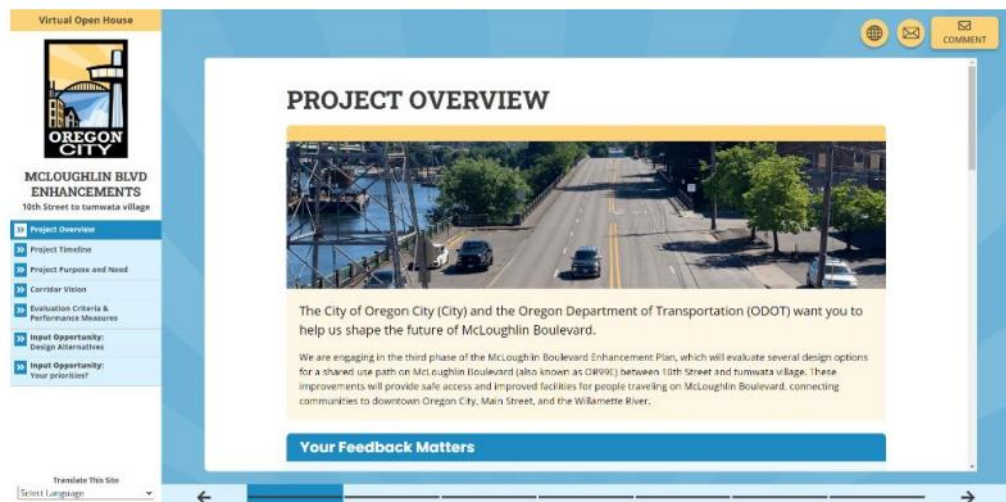


- Interested Party Interviews and Briefings: The project team held three interviews in early November 2023 to collect feedback on the corridor’s issues and potential alignments. These interested parties represent transportation, education and housing sectors in Clackamas County and Oregon City.
 - Each interview included the following questions:
 - What are the most critical issues you believe the Project should address? What do you believe others in your organization or community will see as the most critical issues?
 - Of the potential alignments shown, which do you believe is the most promising and why? Is there another alignment you believe is better than the ones shown or another that should be assessed?
 - Do you see pros or cons to having a new shared-use pedestrian and bicycle path within the study area? If so, please describe them.
 - What are your/your community’s priorities that should be used to evaluate the different potential alignments?
 - Do the people you know in the area feel comfortable biking or walking to get around? If not, can you share specific safety concerns for people biking or walking in the study area?
 - As we look at the Project corridor, are there areas on either side of the highway that are important to address or call out in the conceptual design phase? What should decision makers understand about this section of McLoughlin Boulevard as they work to design a solution?

Affiliation	Organization Details	Interview Date
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The Street Trust	The Street Trust advocates for multimodal transportation options in Oregon that prioritize safety, accessibility, equity, and climate justice.	Nov. 2, 2023
Oregon City School District	Oregon City School District is the 16th largest district in the state of Oregon, serving nearly 8,000 students and employing 927 professionals.	Nov. 2, 2023
Housing Authority of Clackamas County	The Housing Authority provides affordable, safe, and sanitary housing opportunities for Clackamas County residents.	Nov. 6, 2023

- **Online Open House:** The Project’s online open house was launched on the Project website on Dec. 6, 2023. The online platform provided informational stations to learn about the Project and provide feedback via the embedded survey, which closed on Dec. 22, 2023. Users were invited to provide feedback on the proposed design alternatives and priorities for the McLoughlin Boulevard corridor. The webpage also included a general comment form where users could submit other feedback regarding the Project.



- The Virtual Open House webpage included the following stations:
 - **Project Overview:** This slide included general information about the Project, including background details about the McLoughlin Boulevard Enhancement Plan, the identified study area, and Project benefits.
 - **Project Timeline:** A general Project schedule was shared on this slide, including relevant public engagement, planning, and design milestones. Community members were informed about the public engagement process and participation opportunities. This slide detailed the alternative development phase and the timeline for selecting a preferred alternative.

- **Project Purpose and Need:** The Purpose and Need Statement describes the transportation problems in the corridor and provides context for decision makers as they consider the best design options. Community members were invited to share their thoughts regarding this statement.
- **Corridor Vision:** The Corridor Vision includes several statements regarding the proposed Willamette Falls Path extension and streetscape enhancements. Community members were invited to share their thoughts regarding this Project topic.
- **Evaluation Criteria & Performance Measures:** This station informed visitors about the selected evaluation criteria and performance measures. The evaluation criteria were developed based on the Project's Purpose and Need Statement and the goals of Oregon City's Transportation System Plan. The Project team developed a set of performance measures to assess and differentiate between the design alternatives. These measures will provide a framework for selecting a preferred alternative.

Input Opportunity

- **Design Alternatives:** Visitors were invited to provide input on several design alternatives as part of the Project.
- **Your Priorities:** The City collected feedback from community members about community transportation priorities along McLoughlin Boulevard.

Overall, 169 users accessed the virtual open house, and 154 comments were received through the virtual open house, Project website, and emails. 47% of users (81 users) were identified using a device to access the virtual open house from Oregon City or Portland.

Overall, the majority of community members voted for Alternative 1B: High Route, a design with a new pathway structure at street level next to McLoughlin Boulevard. This path would connect to McLoughlin Boulevard near 10th Street and reconnect near the future tumwata village development. Participants also voted for a pathway design through the Historic Arch Bridge columns, as shown in Alternatives 1B and 1C.

- **City Conducted Outreach Meetings & Briefings:** The City conducted targeted outreach to promote the open house and collect feedback during various phases of the project.

City staff attended the following outreach meetings and briefings with various committees and organizations.

Committee/Organization	Date
Planning Commission	Sep. 25, 2023
Transportation Advisory Committee	Oct. 24, 2023
Parks and Recreation Advisory Committee	Oct. 26, 2023
Citizen Involvement Committee	Nov. 6, 2023
Clackamas County Pedestrian and Bikeway Advisory Committee	Nov. 7, 2023
Rotary Club	Feb 7, 2024
Planning Commission	May 13, 2024

DOCA- Happy Hour White Rabbit	May 1, 2024
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City staff also briefed the Oregon City Commission during key decision points and project milestones.

Briefing Date	Topic
Sep. 6, 2023	<i>Project overview</i>
Nov. 7, 2023	<i>Review approval criteria, corridor vision, list of alternatives</i>
Dec. 12, 2023	<i>Alternatives analysis update</i>
Apr. 9, 2024	<i>Alternatives analysis update</i>
May 15, 2024	<i>Direction to move forward on the long-span approach</i>
Aug. 13, 2024	<i>Long-span technical review and streetscape design update</i>
September 4, 2024	<i>Resolution 24-24 to support 2028-2030 Regional Flexible Fund Allocation Program – Step 1A.1 New Project Bond Program</i>

- City Communications: City staff leveraged several communication channels to share information about the project. These channels include social media posts, a monthly e-trail news update in the City's Winter Trail News publication, and coordination for a Dec. 2023 earned media article in Oregon City News.



EPISODE 10: MCLOUGHLIN BLVD ENHANCEMENT PR

Inside City Hall starts its second season, with Episode 10 focusing on an exciting new project that is in the very early stage McLoughlin Blvd. Enhancement Project. This is the third phase of the endeavor, and the most expansive. Listen to Public John Lewis and consultant Marc Butoric as they describe just what the project is, and what the current visions are.



Between Nov. 3, 2024, and Aug. 8, 2024, the City also sent six (6) emails to 215 recipients comprised of interested parties and subscribed users. The emails included project updates and opportunities to provide input. One thousand two hundred sixty-three (1,263) emails were sent, with a 65% open rate.

Additionally, staff have completed Fall 2024 Outreach Events, as noted below:

Citizen Involvement Committee (CIC)	October 7, 2024
Downtown Oregon City Association (DOCA)	November 12, 2024
Planning Commission Work Session	September 23, 2024
Natural Resources Committee (NRC) Parks and Recreation Advisory Committee (PRAC) JOINT MEETING	October 9, 2024
Transportation Advisory Committee (TAC)	September 17, 2024
Canemah Neighborhood Association (CNA)	September 19, 2024
Two Rivers Neighborhood Association	October 23, 2024

The NRC and PRAC provided additional direction on the need to prioritize tree retention over mitigation in the design refinement and construction process, as well as supporting birds, bats, and other animals nesting in the design long-span design process. This language has been added the draft document. PRAC and NRC members also encouraged coordination to allow for and not impede existing shoreline access to anglers.

Riparian Shoreline and Habitat Considerations

This section of the Willamette River is characterized by a rocky shoreline with patches of riparian vegetation. It features mature trees such as big-leaf maple and various shrub varieties along the shoreline, providing habitat for supporting species. It is important to prioritize the preservation of trees over mitigation as the design is developed around the location of bridge foundations and structures. Make use of the bridge's habitat features to support nesting bats, birds, and other animals. The final design should also consider supporting existing and planned angler access when possible.

The Legislative Process as it relates to the Oregon City Comprehensive Plan

The applicable approval criteria for Legislative action are the guidance provided in the Oregon City Comprehensive Plan, the goals and policies of the Oregon City Comprehensive Plan, and any applicable statewide planning goals.

Plan implementation process;

At the September 4, 2024 meeting, the City Commission directed staff to continue the work needed to complete the conceptual approach and start the Legislative adoption process.

The first evidentiary public hearing for the proposed amendments will be held with the Planning Commission, following the notice procedures for legislative action per OCMC 17.50. The City Commission public hearing will be scheduled once the Planning Commission has completed its review and provided a recommendation on the proposed amendments.

The Department of Land Conservation and Development was notified as required by ORS 197.610 – 197.625. The Staff Report will be made available at least seven days prior to the public hearing and the application was processed according to the Legislative Hearing Process as required under Oregon City Municipal Code 17.50.170. Implementation of the Plan is discussed further in the staff report.

Background on the purpose of plan adoption

The Plan reflects community needs, desires, attitudes and conditions

As stated in the corridor vision: The proposed Willamette Falls Path extension and streetscape enhancements contribute to the sense of place and community identity as an urban corridor and community gateway. The chosen design will promote safety through context-sensitive design that discourages speeding and improves the walking and biking experience along the corridor. The path provides a regional link accessible to users of all ages and abilities, filling a key active transportation gap and providing a continuous link to existing and planned open spaces along the Willamette and Clackamas Rivers, including the tumwata village development, and connections to other transportation links such as a future recreational/commuter river ferry and the Oregon City–West Linn pedestrian–bicycle bridge. The proposed path is representative of the local needs and priorities of the Oregon City community and has been developed as an implementable and fundable alternative.

The Plan helps to guide land use actions, including an examination of trends

The adoption of the revised corridor plan for Phase 3 will allow staff to provide direction on a frontage improvement required as part of an abutting land use approval that proportionally triggers improvements along the corridor.

Public Notice and Comments

This is a legislative action that requires public notice pursuant to OCMC 17.50.090.C. - *Notice of Public Hearing on a Legislative Proposal*. The Community Development Director provided the required Post Acknowledgement Plan Amendment (PAPA) notice to the Oregon Department of Land Conservation and Development on September 17, 2024. Notice of the October 28, 2024, Planning Commission public hearing was also provided to the Citizen Involvement Committee,

Natural Resources Committee, Neighborhood Associations, and affected service districts, agencies, and parties by email on October 3, 2024

II. DECISION-MAKING CRITERIA

The remainder of this staff report provides additional findings to demonstrate that the proposed amendments are consistent with applicable approval criteria.

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.

Response: The proposal qualifies as initiated as a legislative request by the Public Works Department at the direction of the City Commission.

17.68.015 –Procedures.

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

17.50.170 - Legislative hearing process.

A. Purpose. Legislative actions involve the adoption or amendment of the city's land use regulations, comprehensive plan, maps, inventories and other policy documents that affect the entire city or large portions of it. Legislative actions which affect land use shall begin with a public hearing before the planning commission.

B. Planning Commission Review.

1. Hearing Required. The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The community development director shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.

C. City Commission Review.

1. City Commission Action. Upon a recommendation from the planning commission on a legislative action, the city commission shall hold at least one public hearing on the proposal. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the city commission may adopt, modify or reject the legislative proposal, or it may remand the matter to the planning commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the city's land use regulations,

comprehensive plan, official zoning maps or some component of any of these documents, the city commission decision shall be enacted as an ordinance.

2. Notice of Final Decision. Not later than five days following the city commission final decision, the community development director shall mail notice of the decision to DLCD in accordance with ORS 197.615(2).

Finding: Complies This legislative action followed the procedures found in OCMC 17.50.170 including meetings with the Citizen Involvement Committee, Natural Resource Committee, Planning Commission, Transportation Advisory Committee and City Commission where applicable.

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: Complies This legislative action is consistent with the applicable goals and policies of the comprehensive plan as detailed in the responses below. Therefore, the proposed amendments are consistent with Criterion (A).

OC2040 Oregon City Comprehensive Plan

According to the OC2040 Comprehensive Plan (Appendix 3): “Ancillary plans are adopted by the City Commission for such things as parks and recreation, transportation systems, water facilities, and sewer facilities. Usually prepared by City departments through a public process, ancillary plans are approved by the City Planning Commission and adopted by the City Commission to provide operational guidance to city departments in planning for and carrying out city services. These plans are updated more frequently than the comprehensive plan.”

The conceptual refinement of the McLoughlin Blvd Enhancement Plan- Phase 3 TSP Project S3 (OR 99E Shared-Use Path) will be updated in the Transportation System Plan (TSP) an ancillary document to the Oregon City Comprehensive Plan.

options.

Conformity of the proposal with the city's comprehensive plan;

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 1.2 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.

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

Finding: Complies: As mentioned in the Public Involvement and Public Comment section staff report and Exhibit B of the staff report, the city used a wide variety of outreach methods, noticed City Commission briefings, online surveys, mailed flyers, earned media articles, purchased ads, social media, meetings with property owners, boards, committees, and neighborhood associations, email updates to interested parties, and reaching out to individuals who are not typically asked for their opinions on how they use the corridor, such as the Housing Authority of Clackamas County and active transportation advocacy groups like Oregon Walks.

GOAL 2

Acknowledge, protect, enhance, and commemorate Oregon City's historic, artistic, and cultural resources.

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 2.4 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.

POLICY 2.5 Provide activities and programs for residents and visitors that weave together historic, artistic, and cultural resources, education, and recreation.

Finding: Complies This active transportation connection will create additional opportunities for people to access, experience, and visually imagine the historic significance of the river, falls and adjacent lands, while honoring the indigenous connections to the land and acknowledging traditional ways of movement along waterways. Future work to design and construct the corridor would continue to build on this with placemaking along the corridor.

Oregon City's waterfront is currently disjointed and not seen as a contiguous amenity. Locally, active transportation facilities along McLoughlin Boulevard are needed to connect the planned tumwata village and riverwalk, historic downtown Oregon City, envisioned pedestrian and bicycle bridge, and recreation opportunities along the Willamette River. The Willamette River is a culturally significant site, and the Historic Arch Bridge is a historically significant structure. This active transportation connection will create additional opportunities for people to access, experience, and visually imagine the historic significance of the river, falls, and adjacent lands while honoring the indigenous connections to the land and acknowledging traditional ways of movement along waterways. The alternative analysis demonstrated that the only feasible connection for this section of McLoughlin Blvd would intersect the historic Arch Bridge, which, if deemed an adverse effect in

later design refinements- would be consistent with Sec 106 and 4F alternatives analysis process to determine approval with proportional mitigation.

Roy Watters, archaeologist, and ODOT Tribal Liaison coordinated the review and provided feedback to ODOT staff and the design team throughout the alternative design process. While this is a local conceptual alternative analysis and tribal participation was sought to ensure the design process did not result in a project that could not be permitted - Formal government-to-government consultation will occur at the time of federal permitting, as the project is likely to be considered a government undertaking and subject to the Sec 106 and Historic Preservation Act, as well as Section 4F of the US Department of Transportation Act.

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. 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.

Finding: Complies Active transportation facilities are shown to improve economic conditions by creating attractive and walkable business districts and providing access to various destinations, local businesses, and jobs. Active transportation facilities contribute to redevelopment and other investments along the corridor. Vehicle congestion and parking limitations discourage travel in downtown Oregon City and are a barrier to businesses and expanded economic development. Beyond the proposed OR99E corridor, congestion leads to neighborhood spillback and cut-through traffic and detracts from the sense of place and community identity desired by residents, business and property owners, and visitors to Oregon City. The lack of complete walking and biking facilities, including the gap represented by the termination of the current Willamette Falls path, also discourages travel to downtown Oregon City as a regional destination. A complete connection for people walking, biking, and rolling along OR99E and to historic downtown Oregon City, Oregon City Transit Center, and the municipal elevator is needed to encourage mode shift⁴, support transportation demand management efforts, minimize impacts to adjacent residential areas and support the Oregon City 2040 Comprehensive Plan's policies related to multimodal connectivity and transportation demand management.

CONNECTED INFRASTRUCTURE

GOAL 1

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

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.

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 2.4 Increase resiliency to climate change, natural hazard events, and cyber intrusions in public utility infrastructure.

Finding: Complies There is a gap in safe, comfortable, and accessible facilities for people of all ages and abilities who are walking and biking on McLoughlin Boulevard. The cross-section along OR99E between 10th Street and the proposed tumwata village and riverwalk consists of curb-tight sidewalks and four vehicle lanes. This cross-section does not meet the current ODOT Highway

Design Manual or City of Oregon City design standards. It creates an imbalance between how the needs of non-motorized and motorized users are being addressed in the corridor. The project location has been determined to result in a Level of Traffic Stress 4, in which most ages and abilities do not feel comfortable and/or able to walk, bike or roll along this segment, creating a barrier in the regional active transportation link between Oregon City and Portland.

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 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: Complies Active transportation facilities are shown to improve economic conditions by creating attractive and walkable business districts and providing access to various destinations, local businesses, and jobs. Active transportation facilities contribute to redevelopment and other investments along the corridor. Vehicle congestion and parking limitations discourage travel in downtown Oregon City and are therefore a barrier to businesses and expanded economic development. Beyond the proposed OR99E corridor, congestion leads to neighborhood spillback and cut-through traffic and detracts from the sense of place and community identity desired by residents, business and property owners, and visitors to Oregon City. The lack of complete walking and biking facilities, including the gap represented by the termination of the current Willamette Falls path, also discourages travel to downtown Oregon City as a regional destination. A complete connection for people walking, biking, and rolling along OR99E and to historic downtown Oregon City, Oregon City Transit Center, and the municipal elevator is needed to encourage mode shift⁴, support transportation demand management efforts, minimize impacts to adjacent residential areas and support the Oregon City 2040 Comprehensive Plan's policies related to multimodal connectivity and transportation demand management.

This section of the Willamette River is characterized by a rocky shoreline with patches of riparian vegetation. It features mature trees such as bigleaf maple as well as various shrub varieties along the shoreline, providing habitat for supporting species. It is important to prioritize the preservation of trees over mitigation as the design is developed around the location of bridge foundations and structures. The final design will need to make use of the bridge's habitat features to support nesting bats, birds, and other animals. The final design should also consider supporting existing and planned angler access when possible.

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.

Finding: Complies: This section of the Willamette River is characterized by a rocky shoreline with patches of riparian vegetation. It features mature trees such as big-leaf maple and various shrub varieties along the shoreline, providing habitat for supporting species. It is important to prioritize the preservation of trees over mitigation as the design is developed around the location of bridge foundations and structures. The plan aims to make use of the bridge's habitat features to support nesting bats, birds, and other animals. The final design should also consider supporting existing and planned angler access when possible.

Vehicular congestion creates noise and emissions that detract from the historic, cultural and environmental aspects of the site. A continuous shared-use path connection is needed to create an opportunity for transportation mode shifts consistent with the region's climate goals and ensure that historical, cultural, and environmental resources are preserved for future generations. The physical design of the shared-use path needs to address the function of the facility in a way that minimizes or eliminates local environmental impacts and does not inflict harm on the river or nearby communities. Any work done in the corridor needs to recognize the special role and voice of tribes in the Willamette Falls area, comprising both land and water, and emphasize tribal and community involvement in decision-making.

Statewide Planning Goals

Response: This proposal makes no changes to the Comprehensive Plan, zoning, or land use designations for lands within the Urban Growth Boundary. Since the City's Comprehensive Plan and its ancillary documents are already acknowledged by the Oregon Department of Land Use and Conservation (DLCD), no further analysis for consistency with Statewide Planning Goals is required.

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.*
- 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: Complies Staff held the required pre-application conference meeting (File PA-24-00021), on July 30, 2024. The pre-application conference notes are attached to the application.

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 this is a project of citywide importance, Staff presented the McLoughlin Blvd Enhancements Plan and TSP refinements to the Citizen Involvement Committee on November 6, 2023, and October 7, 2024. The city also met with the Two Rivers Neighborhood Association on October 23, 2024.

17.50.070 - Completeness review and one hundred twenty-day rule.

- 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 time line 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 50% of the residential units will be sold or rented to households with incomes equal to or less than 60% 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 60 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: Complies Legislative actions are not subject to the 120-day deadline.

III. RECOMMENDATION

Based on the findings in this report, staff recommends approval of Planning file GLUA 24-000023: LEG-24-00002. If the Planning Commission recommends approval to the City Commission, staff will prepare an Ordinance for consideration by the City Commission to adopt the proposed plan.

IV. EXHIBITS

1. McLoughlin Boulevard Enhancements 10th Street to tumwata village – DRAFT Rev 10.21.2024
 - a. Revised CIP Project Table
2. Public Outreach Summary Memo
3. Public Comment- ODOT
4. City Commission Briefings
 - a. [September 4, 2024 City Commission Meeting](#)- Resolution to support upcoming grant applications.
 - b. [August 13, 2024, City Commission Worksession](#)- long-span technical review and streetscape design update.
 - c. [May 15, 2024, City Commission Worksession](#)- direction to move forward on the long-span approach.
 - d. [April 9, 2024 City Commission Worksession](#)-alternatives analysis update
 - e. [December 12, 2023 City Commission Worksession](#)- alternatives analysis update
 - f. [November 7, 2023 City Commission Worksession](#)-review approval criteria, corridor vision, list of alternatives
 - g. [September 6, 2023 Commission Worksession](#)- Project overview
5. [Oregon City Comprehensive Plan](#) (onfile at www.orcity.org)
6. [Transportation System Plan](#) (onfile at www.orcity.org)
7. [Project Page](#) (onfile at www.orcity.org)

McLoughlin Boulevard Enhancements

10th Street to tumwata village

(K22142 Willamette Falls Path/OR99E Enhancement: 10th St. to Railroad Ave)



REVISED DRAFT

October 2024



Acknowledgments

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Chapter 1: Background

Connecting downtown Oregon City to the waterfront for people walking and biking is a dream that has been several decades in the making. Two segments of a waterfront path have already been built, connecting downtown Oregon City with the pathway along the Clackamas River. The last critical gap is McLoughlin Boulevard (OR99E) between 10th Street and Railroad Avenue.

The City of Oregon City and the Oregon Department of Transportation (ODOT) have partnered to investigate alternatives for developing a shared-use path along this stretch of McLoughlin Boulevard. This shared-use path would complete the third and final phase of the McLoughlin Boulevard Enhancement Plan.

This shared-use path is intended to contribute to the sense of place and community identity while providing recreational access and closing a critical gap in the region's active transportation network for people walking, biking, and rolling. It will allow people to visit the future Willamette Falls Riverwalk and tumwata village without having to mix with traffic.

The Project also presents an opportunity to enhance the McLoughlin Boulevard streetscape to invite more activity along the waterfront, encourage travel to downtown Oregon City, and complement the shared-use path.

Making Connections

The McLoughlin Boulevard shared-use path will connect to and complement other development efforts on Oregon City's waterfront:

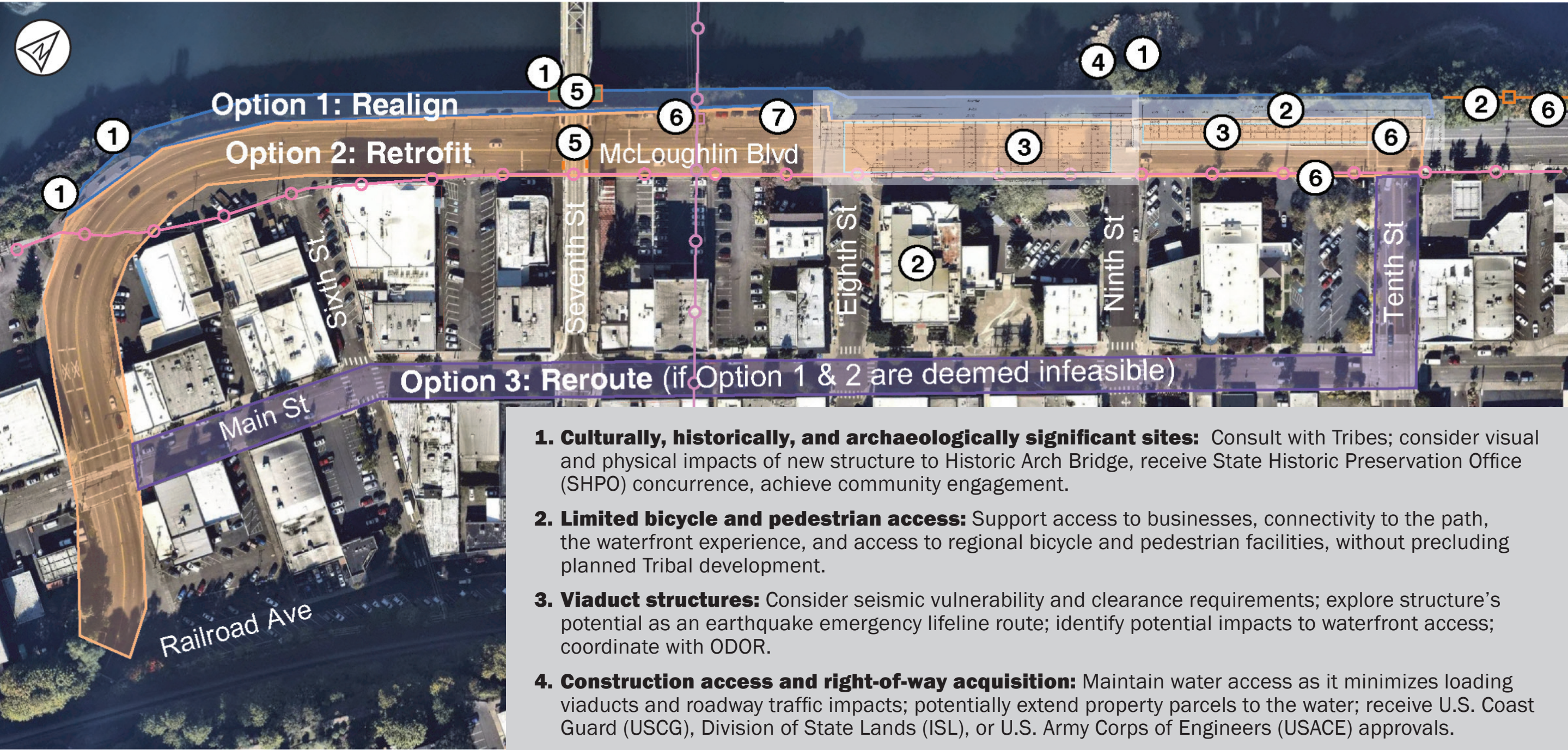
- **tumwata village** is the planned redevelopment of the 23-acre former Blue Heron Paper Mill site at Willamette Falls. The current plans for this property feature a **Willamette Falls Riverwalk**, trails, a public plaza, gathering space, habitat restoration, and redevelopment of industrial uses along the Oregon City waterfront. The proposed shared-use path would connect directly to this development and the riverwalk.
- The unadopted **Oregon City–West Linn Pedestrian–Bicycle Bridge Concept Plan** details potential alignments for a dedicated pedestrian–bicycle bridge across the Willamette River between Willamette Falls and the I-205 Abernethy Bridge.



Study Area

The study area focuses on McLoughlin Boulevard between 10th Street and Railroad Avenue in downtown Oregon City and a parallel route on Main Street between 10th Street and McLoughlin Boulevard. The study area is classified as Mixed-Use-Downtown, according to the Oregon City Comprehensive Plan land use designations. McLoughlin Boulevard runs northeast-southwest along the Willamette River, connecting Oregon City to Portland through Milwaukie and Gladstone to the north and Canby to the south. McLoughlin Boulevard connects to I-205, providing regional connections throughout Oregon. Figure 1 illustrates the study area, critical design considerations, and potential design alternatives.

Figure 1. Critical Elements and Potential Design Option Solution Sets



- 1. Culturally, historically, and archaeologically significant sites:** Consult with Tribes; consider visual and physical impacts of new structure to Historic Arch Bridge, receive State Historic Preservation Office (SHPO) concurrence, achieve community engagement.
- 2. Limited bicycle and pedestrian access:** Support access to businesses, connectivity to the path, the waterfront experience, and access to regional bicycle and pedestrian facilities, without precluding planned Tribal development.
- 3. Viaduct structures:** Consider seismic vulnerability and clearance requirements; explore structure’s potential as an earthquake emergency lifeline route; identify potential impacts to waterfront access; coordinate with ODOR.
- 4. Construction access and right-of-way acquisition:** Maintain water access as it minimizes loading viaducts and roadway traffic impacts; potentially extend property parcels to the water; receive U.S. Coast Guard (USCG), Division of State Lands (ISL), or U.S. Army Corps of Engineers (USACE) approvals.
- 5. Structural challenges:** Limited clearance water and roadway clearance under Historic Arch Bridge; varying water levels.
- 6. Existing utilities, retaining walls, and signals:** Identify cost impacts of impacts to utilities, retaining walls, and signals.
- 7. Existing parking:** Identify potential impacts to existing parking.

Previous Planning Efforts

Planning documents dated as early as 1999 have identified a desire for a shared-use path in this area. These plans highlight some key considerations for the Project.

- The **Oregon City Comprehensive Plan** includes land use and economic development policies that encourage higher density, walkable neighborhoods, infill development and redevelopment, and more mixed-use land use types within neighborhoods that would benefit from greater availability of active transportation facilities.
- The **Oregon City Transportation System Plan (TSP)** includes a project for a shared-use path (Project S3; page 87 of TSP Volume 2-2) on the segment of McLoughlin Boulevard within the study area and various bicycle improvements nearby (Projects B1, B2, B3, and B5; page 56 of TSP Volume 1). It also includes goals and policies related to envisioned modal priorities, which include improving the comfort and convenience of walking, biking, and transit options and ensuring that land development policies support these modes.
- The **McLoughlin Boulevard Enhancement Plan** provides initial recommendations for the cross-section of McLoughlin Boulevard from the railroad underpass to the Clackamas River Bridge, which includes a waterfront promenade.
- The **Oregon City Downtown Circulation Plan** and **Oregon City Downtown Community Plan** provide visions and recommendations for downtown Oregon City, including enhancements to McLoughlin Boulevard.
- The unadopted **Oregon City–West Linn Pedestrian–Bicycle Bridge Concept Plan** highlights alignments for a pedestrian–bicycle bridge and details a vision for pedestrian, bicycle, and transit connectivity to the Willamette Falls Downtown District.

- The **Willamette Falls Riverwalk Master Plan** outlines a long-term vision to guide development of the Willamette Falls Riverwalk, which includes a promenade, trails, public plaza, gathering space, habitat restoration, and redevelopment of industrial uses along the Oregon City waterfront. The shared-use path along the segment of McLoughlin Boulevard within the study area would be a key connector to the Willamette Falls Riverwalk.
- The **Visioning for Blue Heron and Redevelopment Plans** (tumwata village) detail concepts from the Confederated Tribes of Grand Ronde for an enhanced riverbank at the former Blue Heron site, which is directly west of the segment of McLoughlin Boulevard within the study area.
- The **Oregon City Downtown Transportation Demand Management (TDM) Plan** outlines strategies and policies to maximize traveler choices in and around downtown Oregon City.
- The **Oregon City Downtown Transportation Demand Management (TDM) Plan** outlines strategies and policies to maximize traveler choices in and around downtown Oregon City.



Source: ODOT

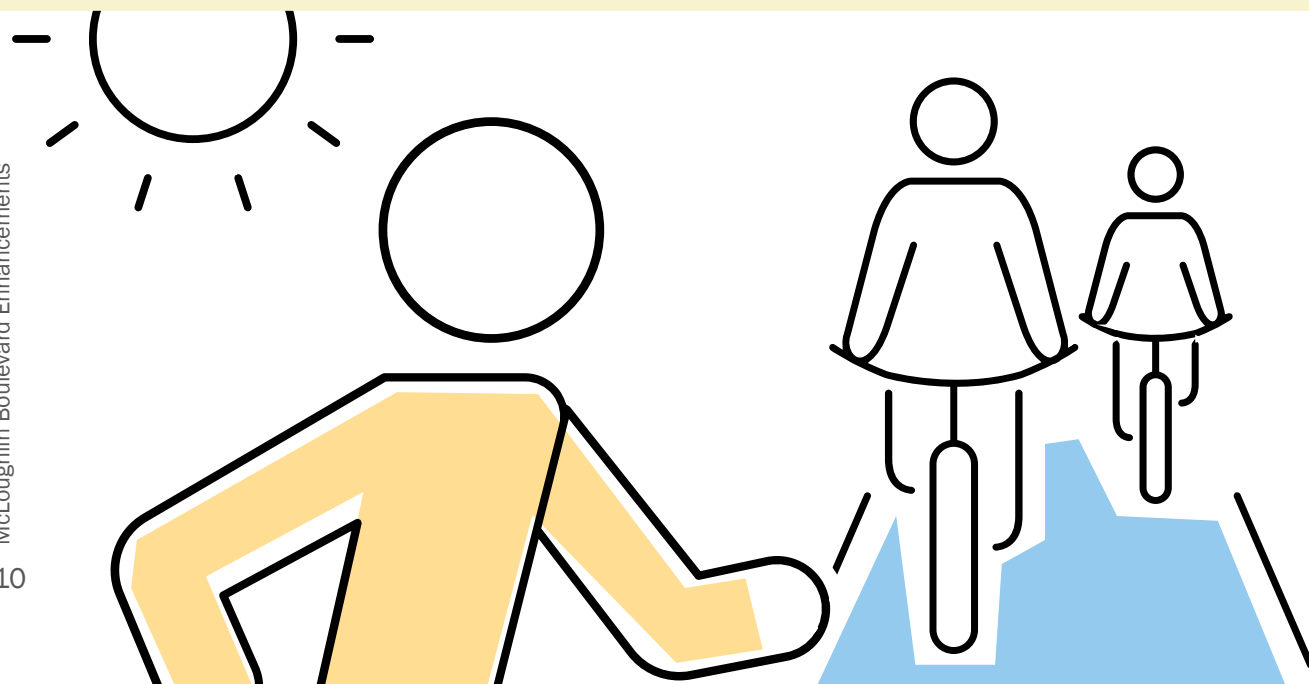
Chapter 2: Purpose, Need, and Vision

Corridor Vision

“The proposed Willamette Falls Path extension and streetscape enhancements contribute to the sense of place and community identity as an urban corridor and community gateway. The chosen design will promote safety through context-sensitive design that discourages speeding and improves the walking and biking experience along the corridor. The path provides a regional link accessible to users of all ages and abilities, filling a key active transportation gap and providing a continuous link to existing and planned open spaces along the Willamette and Clackamas Rivers, including the tumwata village development, and connections to other transportation links such as a future recreational/commuter river ferry and the Oregon City–West Linn pedestrian–bicycle bridge. The proposed path is representative of the local needs and priorities of the Oregon City community and has been developed as an implementable and fundable alternative.”

Purpose and Need Statement

The purpose of the Project is to create a shared-use path and streetscape that enhances safety for all transportation modes and bridges the missing link for pedestrian and cyclists on McLoughlin Boulevard between 10th Street and Railroad Avenue through well-considered design. The Project should also be viewed as a crucial component of the larger community facility and a destination that connects users to various amenities and open spaces along the Willamette River.



Within the Project area, the following transportation needs have been identified in consultation with the City of Oregon City, ODOT, and the Project Development Team to guide the development of an active transportation solution:

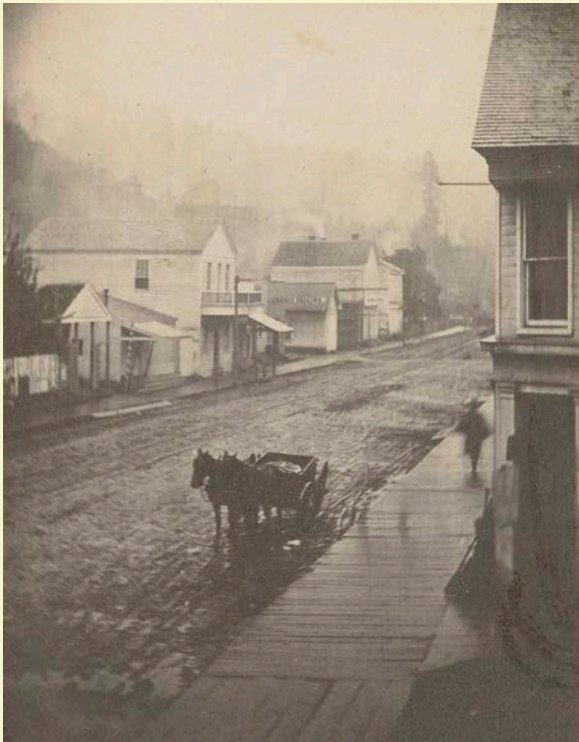
- **There is a gap in safe, comfortable, and accessible facilities for people of all ages and abilities who are walking and biking on McLoughlin Boulevard.** The cross-section along McLoughlin Boulevard between 10th Street and the proposed tumwata village and riverwalk consists of curb-tight sidewalks and four vehicle lanes. This cross-section does not meet the current ODOT Highway Design Manual or City of Oregon City design standards and creates an imbalance between how the needs of non-motorized and motorized users are being addressed in the corridor. The Project location has been determined to result in a Level of Traffic Stress of 4.¹ People of most ages and abilities do not feel comfortable and/or able to walk, bike, or roll along this segment, creating a barrier in the regional active transportation link between Oregon City and Portland.
- **Oregon City’s waterfront is currently disjointed and not seen as a contiguous amenity.** Locally, active transportation facilities along McLoughlin Boulevard are needed to provide connections to the planned tumwata village and riverwalk, historic downtown Oregon City, envisioned pedestrian and bicycle bridge, and recreation opportunities along the Willamette River. The Willamette River is a culturally significant site, and the Historic Arch Bridge is a historically significant structure. This active transportation connection will create additional opportunities for people to access, experience, and visually imagine the historic significance of the river, falls, and adjacent lands, while honoring the indigenous connections to the land and acknowledging traditional ways of movement along waterways.
- **The chosen design will support Oregon City’s tourism, economic, and community development goals by improving walking and biking facilities to better integrate and reorient the downtown area’s relationship with the Willamette River.** Active transportation facilities are shown to improve economic conditions by creating attractive and walkable business districts and providing access to various destinations, local businesses, and jobs.² Active transportation facilities contribute to redevelopment and other investments along the corridor. Vehicle congestion and parking limitations discourage travel in downtown Oregon City and are therefore a barrier to businesses and expanded economic development. Beyond the proposed McLoughlin Boulevard corridor, congestion leads to neighborhood spillback and cut-through traffic and detracts from the sense of place and community identity desired by residents, business and property owners, and visitors to Oregon City. The lack of complete walking and biking facilities, including the gap represented by the termination of the current Willamette Falls path, also discourages travel to downtown Oregon City as a regional destination. A complete connection for people walking, biking, and rolling along McLoughlin Boulevard and to historic downtown Oregon City, Oregon City Transit Center, and the municipal elevator is needed to encourage mode shift,³ support transportation demand management efforts, minimize impacts to adjacent residential areas, and support the Oregon City 2040 Comprehensive Plan policies related to multimodal connectivity and transportation demand management.

1. According to the City of Oregon City’s Downtown Bicycle and Pedestrian Needs Inventory and Action Plan, the segment of OR99E between 12th Street and Railroad Avenue is at an LTS of 4. LTS 4 facilities are high stress routes and are only suitable for experienced and skilled cyclists or able-bodied adults with limited route choices.
2. Source: Portland State University. Metro Active Transportation Return on Investment Study. May 2022.
3. Mode shift is the opportunity to change how people move, particularly the shift from single occupancy vehicles (SOV) to sustainable modes of active transportation (i.e., walking, biking, rolling, or taking transit) to reduce greenhouse gas emissions and improve quality of life.

- **Vehicular congestion impacts the historical, cultural, and environmental aspects of the site.** Vehicular congestion creates noise and emissions that detract from the historic, cultural, and environmental aspects of the site. A continuous shared-use path connection is needed to create an opportunity for transportation mode shifts consistent with the region’s climate goals, and ensure that historical, cultural, and environmental resources are preserved for future generations. The physical design of the shared-use path needs to address the function of the facility in a way that minimizes or eliminates local environmental impacts and does not inflict harm on the river or nearby communities. Any work done in the study area needs to recognize the special role and voice of tribes in the Willamette Falls area of both land and water and emphasize tribal and community involvement in decision-making.

Establishing the Urban Context

The ODOT Highway Design Manual approach to context-sensitive design should be considered when planning and designing state roadways. Identifying the study area’s urban context provides design guidance to inform roadway characteristics, roadway user types, and travel demand expectations. According to this guidance, the selected urban context is Urban Mix. However, based on existing land uses, planning documents, the community vision, desired outcomes for the Project, and the envisioned modal priorities for Oregon City, a Traditional Downtown/Central Business District (CBD) is recommended as the Highway Design Manual context that is most appropriate and best aligns with the community vision.



Traditional Downtown/CBD

A Traditional Downtown/CBD classification according to the ODOT Highway Design Manual includes mixed land uses, shallow building setbacks, and high building coverage. Roadways within this context should have lower vehicles speeds (25 miles per hour [mph] or less), wide and comfortable bicycle and pedestrian facilities, and appropriate landscaping and street trees. The priority users are people walking and biking.

Photo: Downtown Oregon City in 1866.
Source: Oregon Historical Society Library (OrgLot500_A_270)

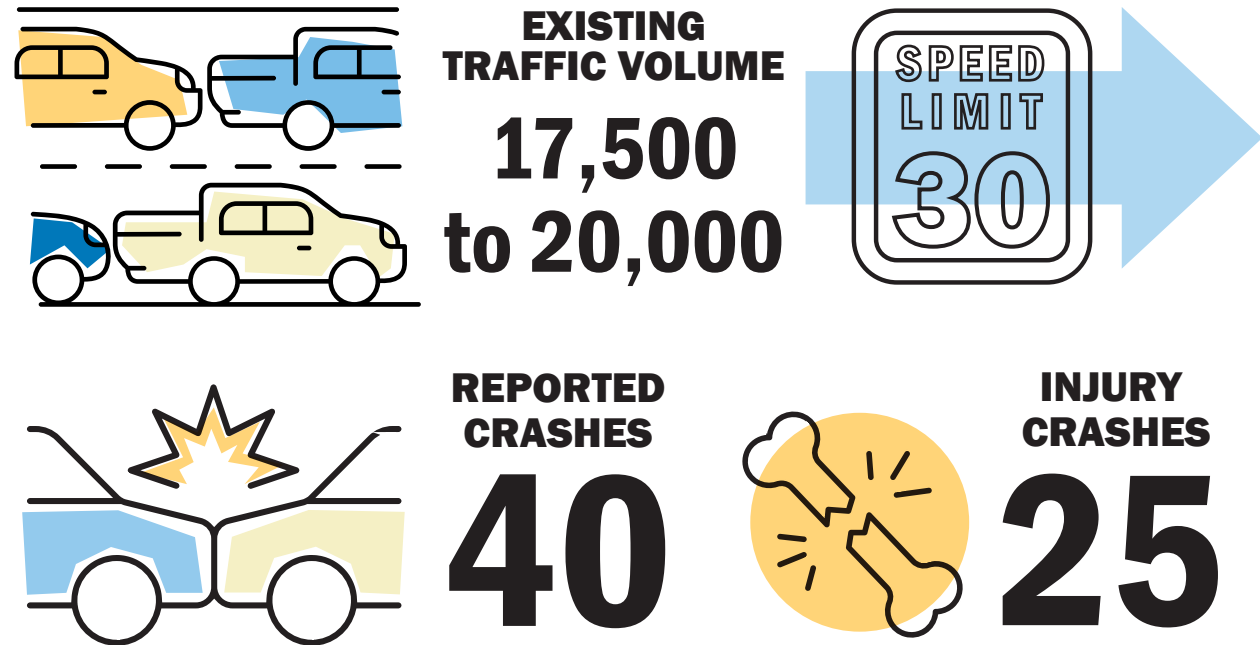
Chapter 3: Existing Conditions

OR99E (McLoughlin Boulevard) is a state highway that runs between Junction City and Portland. Within the study area, McLoughlin Boulevard is a four-lane principal arterial with a posted speed limit of 30 miles per hour (mph). The intersections of 10th Street and Main Street are full signals, while 7th Street includes a pedestrian signal for crossing McLoughlin Boulevard to the Willamette River seawall. All other intersections in the study area are stop-controlled on the minor approach.

McLoughlin Boulevard carries between 17,500 and 20,000 bi-directional daily vehicles. Between 2018 and 2022, there were 40 reported crashes in the study area, with 25 being injury crashes. In this 5-year period, there was one pedestrian-involved crash and no reported fatal crashes.

The section of McLoughlin Boulevard between 10th Street and 8th Street is horizontally constrained by the existing viaduct structure and Historic Arch Bridge (see Figure 2). Neither facility is expected to be replaced with an expanded structure to support streetscape widening, which is necessary to provide the needed width for safe bicycle and pedestrian access.

Attaching a new path to the existing viaduct is also not feasible due to its age and structural design. As described in Chapter 5: Design Alternative Development, a road reorganization on McLoughlin Boulevard is not feasible due to high vehicular volumes. Therefore, an externally supported structure parallel to McLoughlin Boulevard is the only feasible solution for a shared-use path within the study area.



5 Year (2018 - 2022) Crash Statistics

Figure 2. Historic Arch Bridge (top) and Viaduct (bottom) Constraints



Source: Google Maps

Chapter 4: Public Involvement

Public involvement has been included throughout the Project process. Along with general outreach and advertisement, the project team has conducted an online open house and City-led outreach.

The first opportunity for the public to provide input on this plan began in December 2023 with an open house. The primary purpose of this initial outreach was to create awareness about the Project, its benefits, and potential burdens or impacts, as well as to solicit public input on the initial design alternatives.

After this open house, the project team reported that none of the designs presented were feasible due to the complexity of the area. The Oregon City Commission directed the project team to continue investigating an external long-span approach parallel to McLoughlin Boulevard with streetscape improvements. The City continued

outreach with various groups and committees through 2024 to collect feedback on the preferred design.

Details on the public outreach program are summarized in the following sections.

Overarching Materials and Notifications

Tools used to convey Project information and publicize outreach opportunities include the following:

- **Web page:** A Project web page, hosted on the City’s website was launched and updated regularly.
- **Community database and comment log:** Documented public comments, correspondence, and updates to Project mailing list.

Figure 3. Online Open House



- **Project fact sheet:** One-pagers provided updates and opportunities for engagement.
- **Direct mail:** Postcards notified neighboring residents about public engagement opportunities.
- **Social media:** Project announcements shared on the City’s social media channels.
- **Advertising:** Digital advertisements used to promote the Project and public engagement opportunities.
- **Email:** Email newsletters provided Project information and engagement opportunities.

Interested Party Interviews and Briefings

The project team held three interviews with interested parties in early November 2023 to collect feedback on the corridor’s issues and potential alignments. These interested parties represented transportation, education, and housing sectors in Clackamas County and Oregon City, and included The Street Trust, Oregon City School District, and Housing Authority of Clackamas County.

Online Open House

The Project’s online open house was launched on the Project web page on December 6, 2023. The online platform provided informational stations to learn about the Project and provide feedback via the embedded survey, which closed on December 22, 2023. Users were invited to provide feedback on the proposed design

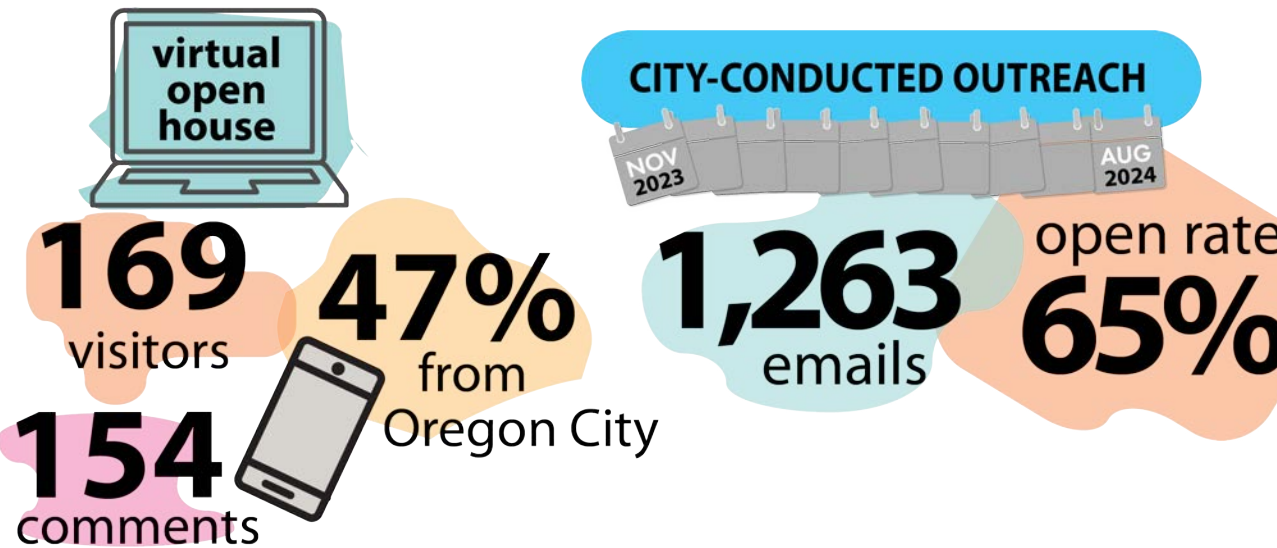
alternatives and priorities for the McLoughlin Boulevard corridor (Figure 3). The web page also included a general comment form where users could submit other feedback regarding the Project.

Overall, the majority of community members preferred Alternative 1B: High Route, a design with a new pathway structure at street level next to McLoughlin Boulevard. Participants also preferred a pathway design that traversed through the Historic Arch Bridge columns.

City-Conducted Outreach

The City conducted targeted outreach to promote the open house and collect feedback during various phases of the Project. City staff attended outreach meetings and briefings with the Planning Commission; Transportation Advisory Committee, Parks and Recreation Advisory Committee, Citizen Involvement Committee, Clackamas County Pedestrian and Bikeway Advisory Committee. City staff also briefed the Oregon City Commission during six key decision points and Project milestones.

City staff leveraged several communication channels to share information about the Project. These channels include social media posts, a monthly “e-trail” news update in the City’s Winter Trail News publication, and coordination for a December 2023 earned media article in Oregon City News.



Chapter 5: Design Alternative Development

Prior to exploring separate shared-use pathway structures paralleling McLoughlin Boulevard, the project team examined a No-Build Alternative and potential McLoughlin Boulevard Lane Reorganization Alternative.

No-Build Alternative

As part of alternative development and evaluation, the project team also examined a reroute, or no-build, Main Street alternative. The No-Build alternative provides a parallel alignment through downtown Oregon City via 10th Street and Main Street, as shown in Figure 4.

Main Street has a right-of-way that is approximately 60 feet and includes two travel lanes, two parking lanes (totaling about 40 feet), and 10-foot sidewalks on each side abutting 0-foot building setbacks. There are currently curb extensions at most intersections and shared-lane markings, or “sharrows.”

The project team explored and evaluated two primary options for improving bicycle access on Main Street as part of the No-Build Main Street alternative. Based on this evaluation, conversations with Oregon City staff, and a review of background documents, the team it was determined that the No-Build Main Street alternative does not adequately address the Project’s Purpose and Need.

Figure 4. No-Build Main Street Alternative Alignment



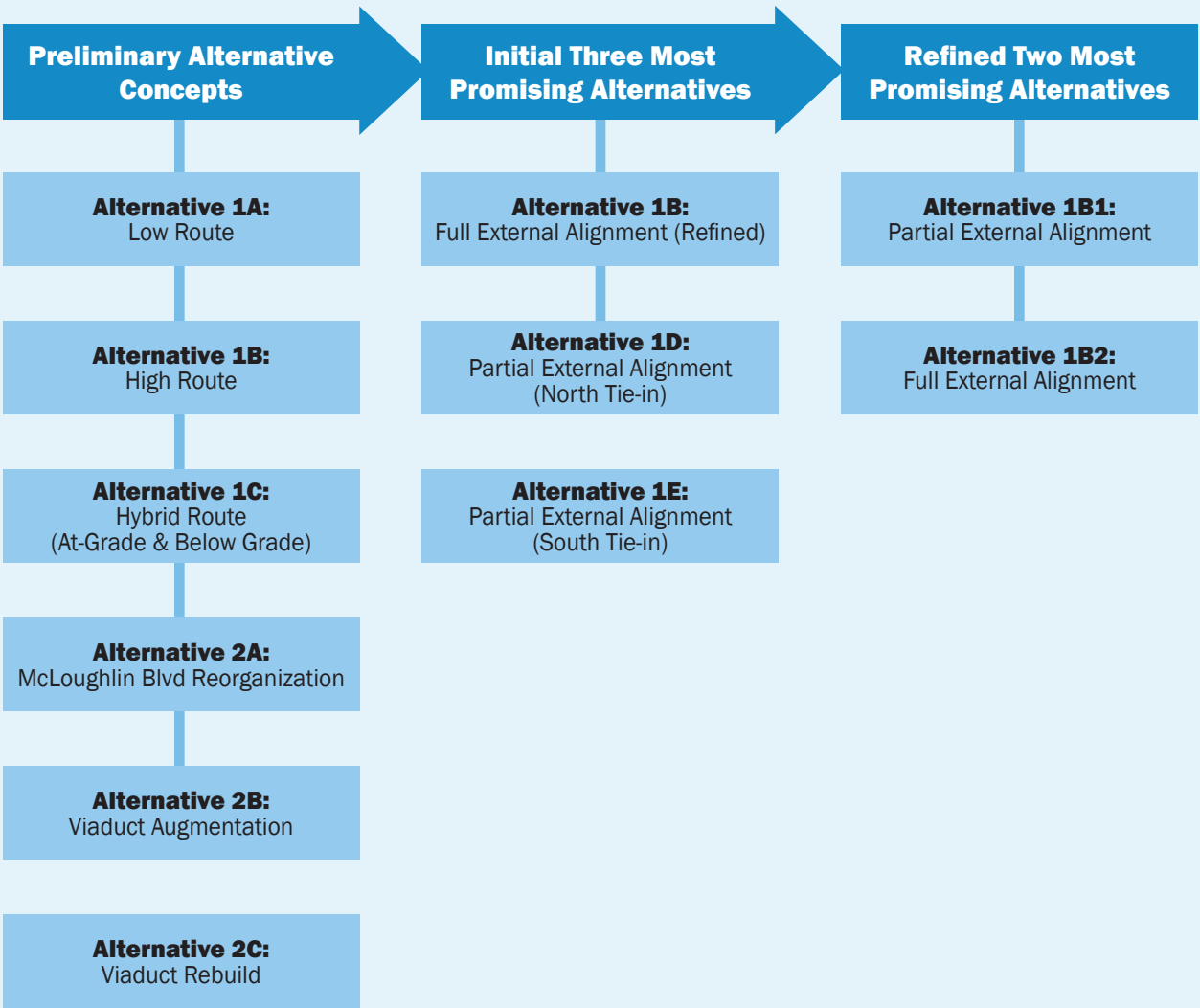
McLoughlin Boulevard Lane Reorganization Alternative

A potential road reorganization (removing one lane southbound or northbound) on McLoughlin Boulevard was considered to potentially create space for a shared-use path. Based on the ODOT Highway Design Manual “Estimating Capacity for Highways” methodology, a road reorganization would not be appropriate based on current or future projected traffic volumes. As such, a reorganization of McLoughlin Boulevard does not meet the Project’s Purpose and Need.

McLoughlin Boulevard Parallel Structure Alternatives

After confirming that the No-Build and McLoughlin Boulevard Roadway Reorganization alternatives did not support the Purpose and Need, the project team developed several parallel structure alternatives to McLoughlin Boulevard. Figures 5A and 5B summarize and illustrate the primary alternatives and most promising refined alternatives.

Figure 5A. McLoughlin Boulevard Shared-Use Path Development Alternatives



Initially, the team developed six alternatives along with a No-Build (Main Street) alternative. Three of the alternatives included a stand-alone, separate structure, and three required structural support from the McLoughlin Boulevard viaduct and/or seawall. Based on coordination with ODOT and further structural analysis, the three viaduct alternatives were deemed infeasible. In addition, Alternative 1A (which ramped the

structure down to water level) was deemed infeasible due to user comfort, water level fluctuation, and constructability concerns.

Initial Three Most Promising Alternatives

Based on this analysis, three initial most promising alternatives were then developed,

all providing a stand-alone, separate structures parallel to McLoughlin Boulevard but with different tie-ins to the seawall near the Historic Arch Bridge. The project team evaluated these alternatives to determine their structural viability by considering aspects ranging from ground support to span options.

First, an analysis of possible foundation locations and geotechnical conditions was performed and indicated that there was little to no opportunity

for external foundation support on the western portion of the alignment (south of the Historic Arch Bridge). There was a practical lack of available ground, steep vertical rock surfaces, and a steep ground drop-off at the base of the seawall extending below water, where depths extend up to 90 feet. Anticipated ground-support constructability challenges and risks associated with most of the 18 potential foundation locations would require complicated structural solutions that may have limited construction timing windows. Therefore, a structure that relies on consistent foundations would be difficult to construct and be high-risk in nature.

Structural requirements for the initial three alternatives were evaluated at a conceptual level to assess feasibility and the viability of structure type and materials. The project team first evaluated a conventional viaduct, consisting of conventional span-length structures as external viaduct elements providing physical separation between the existing viaduct and seawall. The analysis showed numerous risks to the existing seawall, adjacent utilities, and constructability of the foundation in front of or behind the seawall.

In addition, the project team evaluated a long-span cable-supported alternative, which provides a structure that requires only two foundation locations, leveraging the location of better ground conditions at either end of the alignment. The reduced number of foundations significantly reduced the risk, improved opportunities to avoid excavation issues, minimized in-water and permitting risks, and lowered chances of cultural or archaeological impacts.

Given the site constraints and challenges, the project team introduced two structural configurations (i.e., “partial external” and “full external”) as feasible approaches to supporting the alignment. These refined two most promising alternatives are summarized below and conceptually illustrated in Figure 6 and Figure 7.

- **Alternative 1B1:** Partial External Alignment: Conventional beam elements on the northern portion and a long-span superstructure on the southern portion.
- **Alternative 1B2:** Full External Alignment: Long-span, cable-supported structure with two foundations.

Figure 5B. - McLoughlin Boulevard Shared Use Path Alternatives

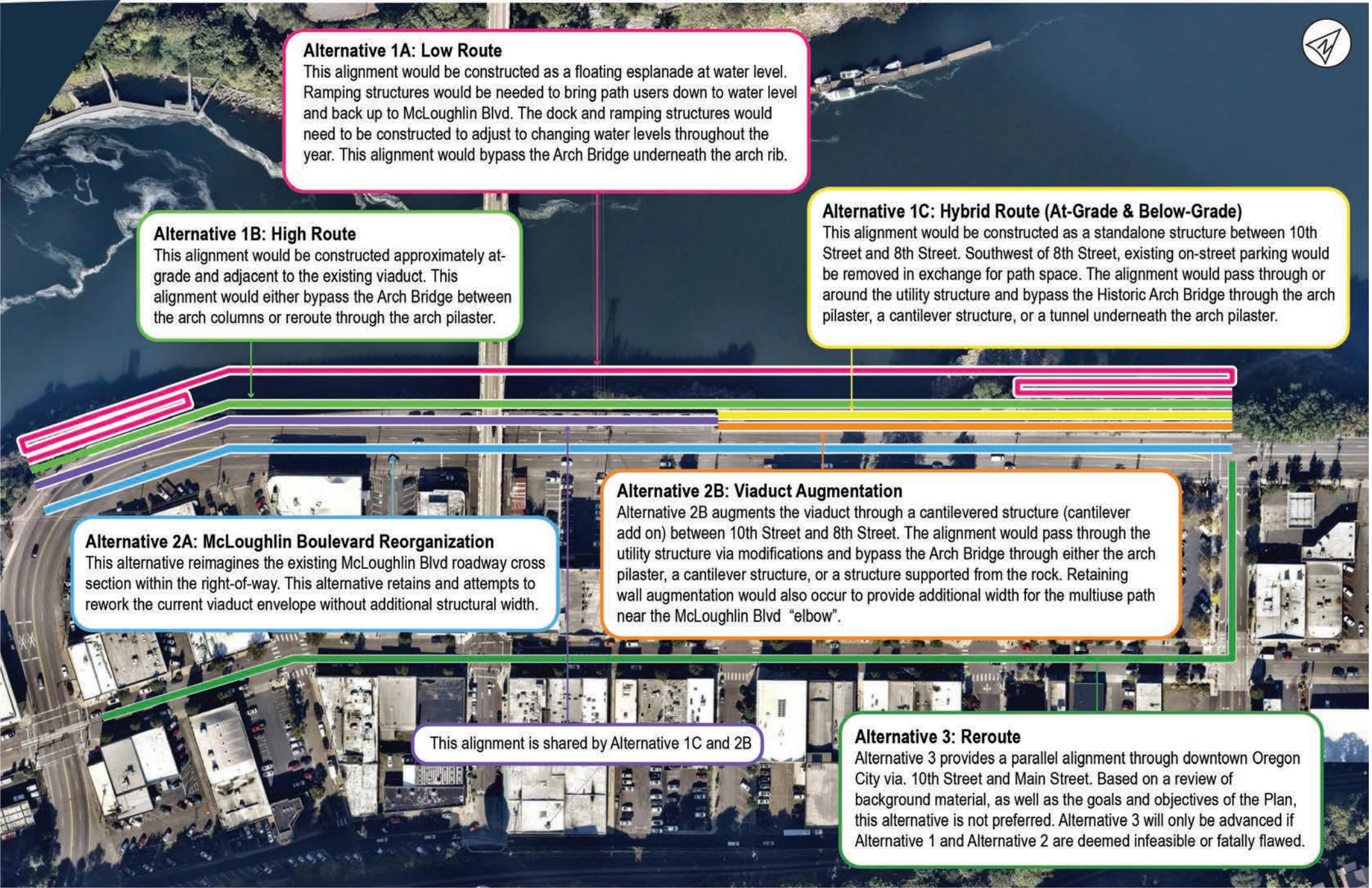


Figure 6. Alternative 1B1: Partial External Alignment



Figure 7. Alternative 1B2: Full External Alignment



Refined Two Most Promising Alternatives

To identify a recommended alternative, the refined two most promising alternatives were further evaluated based on structural feasibility and constructability; geotechnical and archaeological constraints; and cultural and historical criteria. Alternative 1B1: Partial External Alignment raised several challenges, including:

- Creating the need for the maximum number of foundations, which could lead to construction and geotechnical challenges and risks.
- Needing to build foundations in variable topography, requiring wide-ranging specialty footings.
- Requiring temporary access bridge needs.
- Requiring traffic disruption to McLoughlin Boulevard during construction.
- Requiring hydraulic/in-water work.
- Raising potential conflicts with the existing structures and utilities.
- Exposing the Project to numerous subsurface conditions and unknowns.
- Increasing the potential for inadvertent archaeological discoveries.
- Competing visually with the Historic Arch Bridge with a two-arch design.
- Requiring two signature long spans.
- Requiring seismic weight and heights to be perched above foundations.
- Raising constructability concerns.

Due to these challenges, the partial external alignment was eliminated, and the Project Management Team selected **Alternative 1B2: Full External Alignment** as the recommended alternative. This long-span, cable-supported structure avoids deepwater footings and leverages more accessible footing space at either end of the most promising alignment, minimizing risk and increasing constructability of the Project.

Chapter 6: Recommended Shared-Use Path Alternative

A Fully External Alignment

Alternative 1B2: Full External Alignment (see Figure 8) is efficient and effective at connecting the extremities of the Project, staying clear of many challenges and constraints by providing the most direct alignment. This alternative threads through the eastside approach to the Historic Arch Bridge, supported by the most structurally and visually lightweight structure available. The following describes one potential layout and structure type that was used to evaluate the recommended alternative's feasibility. The type, size and location (TS&L) for the recommended alternative will be determined in a future phase of Project work.

As shown in an elevation view (Figure 9), this alignment could be supported by a long-span suspension bridge consisting of a cable-supported structure with its north foundation located north of 9th Street and the south foundation south of 6th Street. This structure, supporting the fully external alignment, could provide maximum clearance below the deck for utilities and river water levels, including the 100-year flood level. This structure would require cable support from above the deck superstructure, which is both a design feature and a benefit for river flood and debris clearance in addition to fewer ground-supported piers. The cable support also provides the ability for the

Figure 9. The Long-Span Concept/Alternative, Elevation of Structure Type



structure to pass through the existing Historic Arch Bridge with minimal visual and construction-related impacts (see Figure 10)

The design of a long-span bridge would require a specialist engineer and contractor. Conceptually, support towers could be inclined, tapered steel sections encased in concrete. These would support the required geometry for the catenary mainlines, which support the deck along the alignment profile and provide the strength to resist structural loading on the towers into the foundations. This form has structural advantages in resisting the applied loads while also providing a symmetrical structural configuration in elevation along with improved alignment features (e.g., a viewing area).

A long-span, cable-supported suspension bridge's segments can be erected "in the dry," as shown in Figure 11 and 12. By utilizing a highline connected to the main towers, this type of structural solution may also reduce construction challenges. Avoiding in-water work eliminates impacts associated with the river, flooding, and other associated hydraulic considerations. Any required in-water work could be scheduled during low water levels or located out of ordinary high-water levels.

Figure 8. Alternative 1B2: Full External Alternative, Plan View

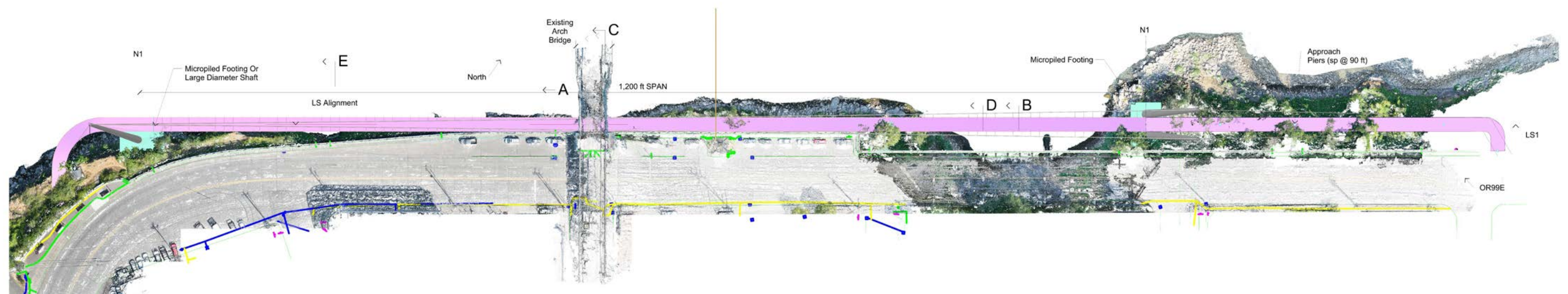


Figure 10. The Fully External Alignment Threading Through the Historic Arch Bridge



Figure 11. Highline Access Example, Columbia Skywalk



Figure 12. Columbia River Skywalk (Source: City of Trail, British Columbia, Canada)



Figure 13. Bulb-Out Viewing Area



Placemaking Opportunities

The full external alignment layout also provides opportunities for significant placemaking and views of both Willamette Falls and the Historic Arch Bridge from the south end. A bulb-out at this location, as shown in Figure 13, could be a landmark with appropriate design elements and enhance views.

Tower foundations to support the full external alignment could be developed with public and tribal input to include community features, such as lookouts. Foundations could also integrate platforms at the tower for fishing and improved waterfall viewing. Instead of minimizing their aesthetic impact, the towers can be designed to be prominent and visible from multiple locations beyond downtown Oregon City. Such designs may enhance tourism and increase economic development on the waterfront path, in tumwata village, and in downtown Oregon City.

Additional waterfront development of the existing seawall parking areas also is available with the recommended alternative. Parking can be transformed into open spaces with landscaping, benches, picnic tables, and bike parking. The parking area flanking the Historic Arch Bridge could also serve as a community space and programming opportunity for summer events or special occasions, such as art markets, concerts, and holiday celebrations. The park would allow people on the shared-use path and from McLoughlin Boulevard and Main Street to easily access and enjoy the space.

Design Elements for Continued Refinement

The recommended alternative will be refined in structural design and development during the TS&L phase. Continued design refinements are identified in Figure 14 and detailed below.

- **A - North approach** – Span configuration, materials selection, ground supports to provide alignment support over available ground and connection to the existing shared-use path.
- **B - North tower** – Geometric configuration that meets materials, structural, and aesthetic goals.
- **C - Underpass** – Span configuration, materials, and ground-support configuration to effectively bridge the gap from 8th Street to a viable tie-in location meeting geometric requirements and structural capabilities. In addition to evaluating geometry that meets acceptable horizontal alignments and vertical grades, design refinements include verifying clearance envelopes can be met, noting the availability for footings, and validating constructability below the viaduct and near major utilities.
- **D - Existing seawall** – Connectivity, materials, and methodology meeting geometric and structural requirements.
- **E - Existing Historic Arch Bridge** – Interaction/pass-through of the historic structure and the development of horizontal and vertical supports providing improved stability and support.
- **F - Deck section** – Development of materials and a system to meet geometrical and structural functionality that considers constructability, operations and maintenance aspects.
- **G - South tower** – Similar to the north tower with additional consideration for physical placement, configuration, and contextual integration of the footing and pylon at a key location.
- **H - South approach** – Configuration to improve waterfront views and pathway tie-ins while meeting structural and geometric requirements.
- **I - Contextual** – Development of the overall structure for local fit and form at the site while meeting programmatic objectives.

Figure 14. Full External Alignment Schematic Identifying Design Elements for Continued Refinement



Preliminary Cost Opinions

The recommended alternative would be supported by a structure designed to meet a minimum service life of 75 years and would incorporate materials durable enough for this anticipated service life. A service life longer than 75 years could be evaluated and addressed during the design phase and applied to an asset management plan, although there may be additional costs associated with materials capable of providing a longer service life.

Proposed materials would be selected for corrosion resistance to metals (i.e., aluminum, stainless steel, and zinc-coated elements) or to improve structural durability, such as reinforced, post-tensioned concrete decking and other materials, such as carbon fiber.

Planning-Level Maintenance

Maintenance would be influenced by how frequently the structure requires upkeep and the availability of stakeholder resources (e.g., City of Oregon City, ODOT) to provide maintenance. Annual costs for maintenance could range between \$10,000 and \$60,000, depending on the structure's age and upkeep levels.

An asset management program consisting of inspections to occasionally evaluate corrosion-resistant coatings on hangers, railings, mainlines, and deck elements would improve service life and ensure that deterioration does not affect safety. Inspection and maintenance of bearings and decking overlays would also be expected at regular intervals.

Planning-Level Cost Opinion

The project team prepared a range of planning-

level cost estimates, shown in Table 1, which reflect the variability and influence of risk present at this early planning phase. The base construction cost opinion range is derived from material quantity and associated bid pricing based on a concept-level design configuration and similar project costs. The project team then applied adjustments for aspects ranging from supply chain availability to an assumed level of architectural input and additional allowances (i.e., contractor mobilization, traffic, and containment) to produce a concept-level construction cost estimate that ranges from \$1,056 to \$2,080 per square foot of deck area, or an estimated range of \$25 million to \$51 million.

The project team further developed these estimate ranges to also include assumed planning-level contingencies along with design engineering, construction, and project management. They included an allowance for a site-specific wind study to assess pedestrian comfort with a long-span structure to ensure that design refinements are aligned with the expectations of the long-span structure type. The cost range after these allowances were added was \$41 million to \$91 million.

Finally, escalation and design refinement cost allowances for a 2030 construction year were added, resulting in a cost range of \$56 million to \$123 million.

To mitigate the wide variability of these cost estimates, we strongly recommend that a Type, Size, and Location study (TS&L, 30% design level) be advanced to address the identified risk factors and reduce the range of potential project costs. The planning-level cost for a TS&L study is estimated to be \$1.6 million.

Table 1. Alternative 1B2 Full External Alignment Planning-Level Cost Opinion

Base construction cost	Total estimate	\$25–\$51 million
	Per square foot	\$1,056–\$2,080
Base construction cost + planning-level contingencies	Total estimate	\$41–\$91 million
Total project cost, including escalation and design refinements	Total estimate	\$56–\$123 million

Key Considerations

The project team identified the following permitting, design, and constructability considerations associated with future development of the recommended shared-use path alternative.

Permitting and Design Considerations

Cultural and historical impacts: The configuration of bridge structure types may physically and aesthetically impact the historic Arch Bridge superstructure and associated foundations/footings. The project will likely have a Section 106 Adverse Effect on the Historic Arch Bridge, which is listed in the National Register of Historic Places.

- **Mitigation:** A Memorandum of Agreement will need to be completed to “resolve” the Adverse Effect with mitigation. The project will also need to address potential impacts to McLoughlin Boulevard, including the seawall and railing, parking areas, and other sensitive areas or structures. In later stages of design, context-sensitive design elements can be integrated into structural support configurations for the recommended alignment to minimize any cultural and historical impacts.

Archeological impacts: Archeological remains or artifacts may be encountered during site preparation or excavation efforts while constructing structure foundation/footing near the existing seawall and Arch Bridge. These remains, which need to be preserved and could impact any ground construction works at this site, have an undetermined value.

- **Mitigation:** Context-sensitive approaches that mitigate impacts to archeological artifacts, remains, and other undocumented subsurface unknowns are high priorities considered in the recommended alignment and help minimize design changes and delays that may result.

Design: Addressing key site challenges for the recommended alignment alternative would require a specialized, context-sensitive structural approach that conventional bridge solutions cannot fully meet. Whereas conventional

approaches pose significant constructability risks at the site, a specialized bridge structure that supports the recommended alignment and addresses key site challenges can add technical challenges and construction risks.

- **Mitigation:** The design risks can be managed through appropriate design expertise and the application of long-span, cable-supported bridge construction expertise in conjunction with a site-specific wind and vibration study if this type of structure is selected through a subsequent TS&L process. A specialist engineer and contractor with sufficient expertise and construction know-how would be required for the structure type that is advanced further.

Foundations: A potential structural configuration to support the recommended alignment alternative proposes significantly fewer foundations, with two major foundations located at favorable locations of ground support availability to significantly minimize risks associated with subsurface unknowns. In addition to simplified locations for structural support foundations to mitigate subsurface conditions, the two major foundations can use footing designs that aim to mitigate subsurface unknowns and balance constructability risks.

- **Mitigation:** Geotechnical and hydraulic risks would be mitigated through expertise and recommendations for the site based on topography and subsurface investigations.

Materials: Structural support for the recommended alignment alternative selected through the TS&L process may require specialty materials for key structural elements such as towers, anchorages, cables, hangers, and deck sections.

- **Mitigation:** These support types require appropriate design and advanced planning to accommodate lead time and supply chain availability challenges.

Constructability Considerations

Historic Arch Bridge: The recommended alignment requires physical passage through the arch (between vertical columns, below the deck level). Verifying that the structure can pass through the available opening with adequate

clearances under operational conditions would be required. Sequencing and methodologies to pass primary load-carrying support elements through the arch would need to be carefully designed and planned to accommodate the associated technical risks to both the existing and proposed structures.

- **Mitigation:** These aspects may be managed through design and construction expertise with specialty cable-supported bridge types.

Deck stability: The stability and operational performance of the deck under wind and user-created vibrations during construction and while in service will require mitigating measures.

- **Mitigation:** Stability can be managed through design, construction expertise, and a site-specific wind and vibration study conducted simultaneously with design development.

Traffic disruption: The construction and placement of a structure parallel to McLoughlin Boulevard would require roadway-based access directly influenced by the structure type and configuration.

- **Mitigation:** One structural configuration considered (and subject to verification in the TS&L phase) that would support the recommended alignment alternative provides an opportunity to minimize construction concerns and reduce traffic disruption to McLoughlin Boulevard by leveraging the benefits of a long-span cable-supported bridge approach. This bridge structure-type configuration leverages inherent efficiencies for the delivery and installation of prefabricated decking elements that are erected above the water (“in the dry”) to avoid in-river works, temporary supports, or access trestles. Additionally, a fitting long-span structure-type solution (validated through the TS&L phase) could utilize a highline connected to the main towers that adds efficiencies and opportunities to reduce construction challenges associated with working in or near a river with variable water levels and streamflow velocities. For instance, the delivery of prefabricated deck segments to key starting point locations to be moved into final locations on a cable-supported

superstructure without temporary supports or in-water work improves the construction process and minimizes traffic disruption on McLoughlin Boulevard. However, construction of the shared-use path may still require some closures of McLoughlin Boulevard at key locations for the delivery and access of construction materials. Key aspects of constructability will be influenced by the structure type and evaluated in the TS&L phase.

Hydraulic impacts: Significant constructability risk is associated with any construction-based activities located near the Willamette River with streamflow and significant water level variations.

- **Mitigation:** Minimizing in-water construction work mitigates hydraulic risks and can eliminate impacts directly associated with the river (i.e., flooding, scour, and permitting), which impact design, budget, and schedule. Construction of the primary foundations for the recommended alignment is intended to minimize in-water work and provides the opportunity to schedule the activities during low water levels. Further, full containment during construction should be provided to prevent materials falling into the river.

Utilities: Overhead catenary cables present geometric and coordination challenges that need to be addressed during design and planning to mitigate risks and determine setback distances.

- **Mitigation:** The inherent structural and geometric form of the proposed configuration provides improved physical setback and buffer distances from utilities to avoid conflicts with overhead utility catenaries and provide safe separations, in addition to supporting utility operation and maintenance activities.

Integration: The southeast landing of the shared-use path will require integration with the tumwata village and riverwalk, which has not yet been fully designed.

- **Mitigation:** Opportunities to integrate structural design aspects of the recommended alignment alternative with adjacent project efforts may identify structural efficiencies not evident in the current project footprint and boundary conditions (i.e., anchorages, towers, and observation and viewpoint locations/interactions).

Chapter 7: Streetscape Enhancements

There is an opportunity to enhance the streetscape along McLoughlin Boulevard to complement the recommended shared-use path alternative, calm vehicular speeds along McLoughlin Boulevard, and better integrate downtown Oregon City with the waterfront. Sidewalk, landscaping, and placemaking improvements can be incorporated to calm traffic and create a sense of place, consistent with the Traditional Downtown/CBD urban context. If the streetscape enhancements are implemented separate from the shared-use path, additional design and phasing considerations will be needed.

The **McLoughlin Boulevard Enhancement Plan**, completed in 2005, recommends streetscape improvements, including wider sidewalks, landscaped medians, and improved signalized intersections and pedestrian crossings between the Clackamas River Bridge and Railroad Avenue

The City has successfully completed the first two phases of the McLoughlin Boulevard Enhancement Plan, including a shared-use path on the river side of the roadway. The segment from 10th Street north to Dunes Drive, completed in 2009 (Phase 1), includes wide sidewalks with tree-lined buffers on the south side of the roadway, landscaped medians with trees where space is available, and additional pedestrian crossing opportunities and signalized intersections.

The McLoughlin Boulevard Enhancement Plan recommends continued treatments and similar streetscape elements for the study segment of

McLoughlin Boulevard between 10th Street and Main Street, including:

- Narrowing travel lane widths consistent with the ODOT Highway Design Manual to calm traffic and increase opportunities for additional modal considerations.
- Installing a median from 8th to 10th Streets.
- Incorporating and increasing the presence of landscaping and vegetation where possible.
- Providing wide sidewalks along the east side of the roadway. The recommended sidewalk width is 10 feet or greater; the minimum sidewalk width is 8 feet.
- Adding bicycle wayfinding signage.
- Retaining and enhancing the existing pedestrian-activated traffic signal at 7th Street.

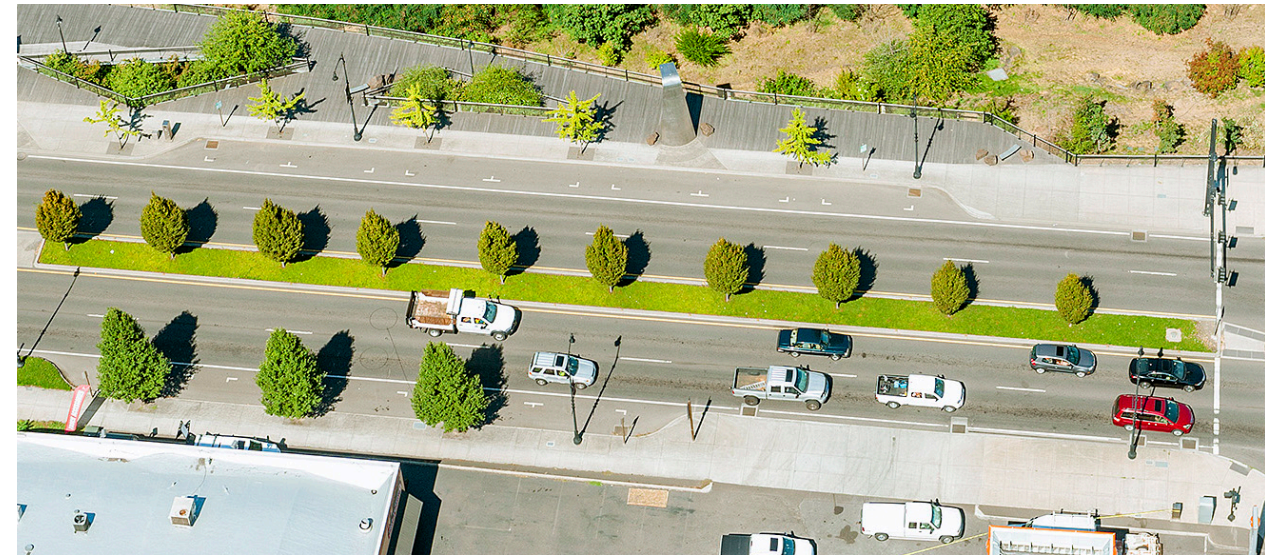
To achieve the corridor vision and desired streetscape enhancements, the project team recommended two primary streetscape enhancement opportunities for consideration:

1. Reconfigure the roadway to provide additional space for sidewalk and landscaping improvements while increasing consistency with ODOT Highway Design Manual recommendations for the travelway realm—the area between the curb lines reserved for automobile traffic—based on the Traditional Downtown/CBD urban context.
2. Provide open spaces in the areas currently used for on-street parking along the river, under the Historic Arch Bridge, and along the curve area of McLoughlin Boulevard.

Recommended Streetscape Enhancement Concept

The recommended streetscape enhancement concept for McLoughlin Boulevard between 10th Street and Main Street is shown in Figure 15 through Figure 20.

Per ODOT HDM guidance, the cross-sections generally include 11-foot travel lanes with a 2-foot shy from the guard rail (river side) and a 1-foot shy from curbs.¹ The provided sidewalk is 10 feet with a 4.5-foot buffer zone and 0.5-foot curb zone. Where space is limited on the viaduct, this width is reduced. Additional shy distance is also provided to meet pinch points per Oregon Revised Statue (ORS) 366.215.



McLoughlin Boulevard Forestry and Habitat Considerations

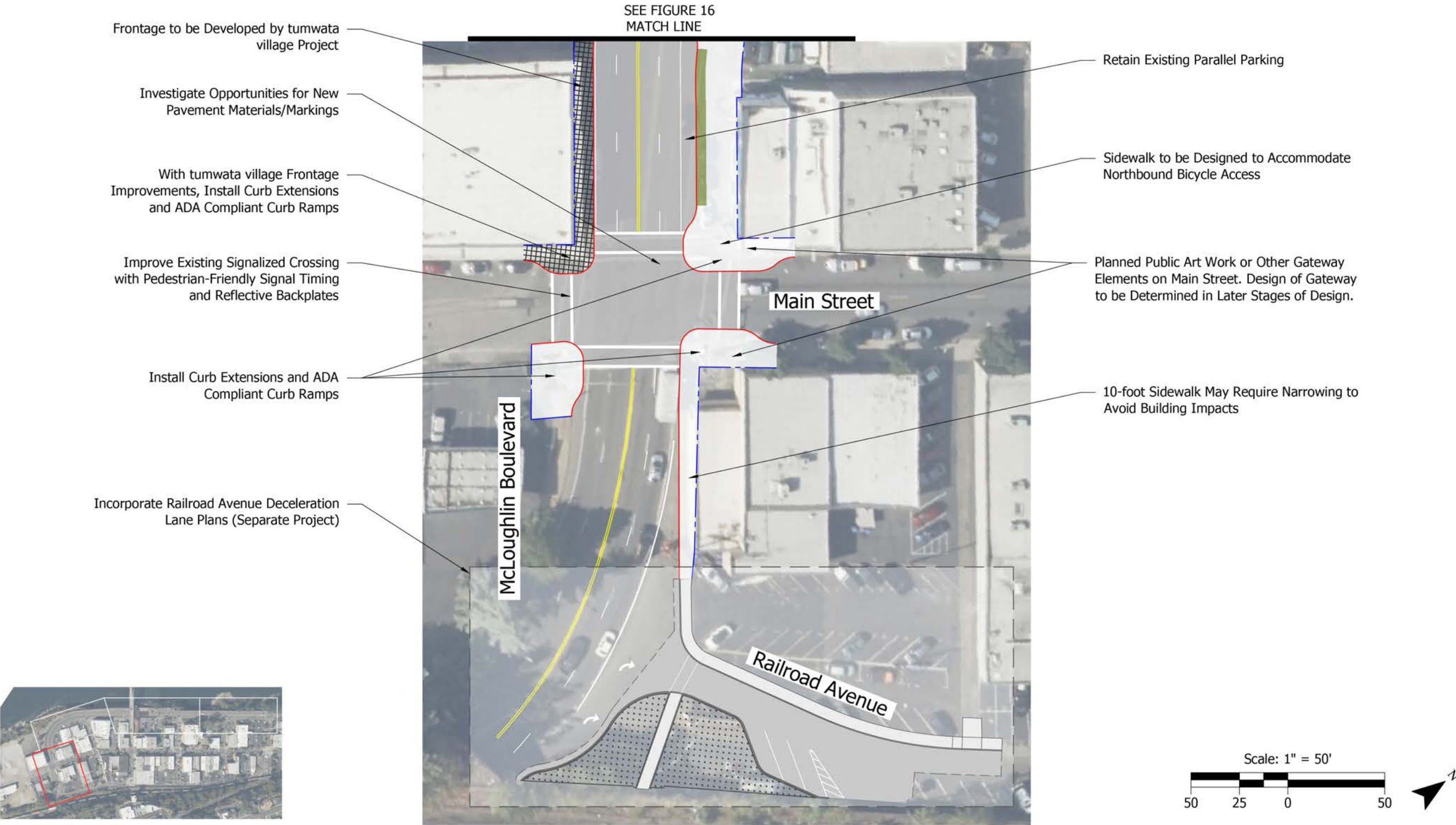
The riverside of McLoughlin Boulevard is home to a riparian forest and ecosystem habitat. The consideration of forest and habitat impacts is vital and will be explored as part of future environmental assessments required under the National Environmental Policy Act (NEPA) federal law. The future design will integrate the shared-use path to the surrounding context while providing increased access to open space.



Kronberg PedBike Bridge Source: City of Milwaukie

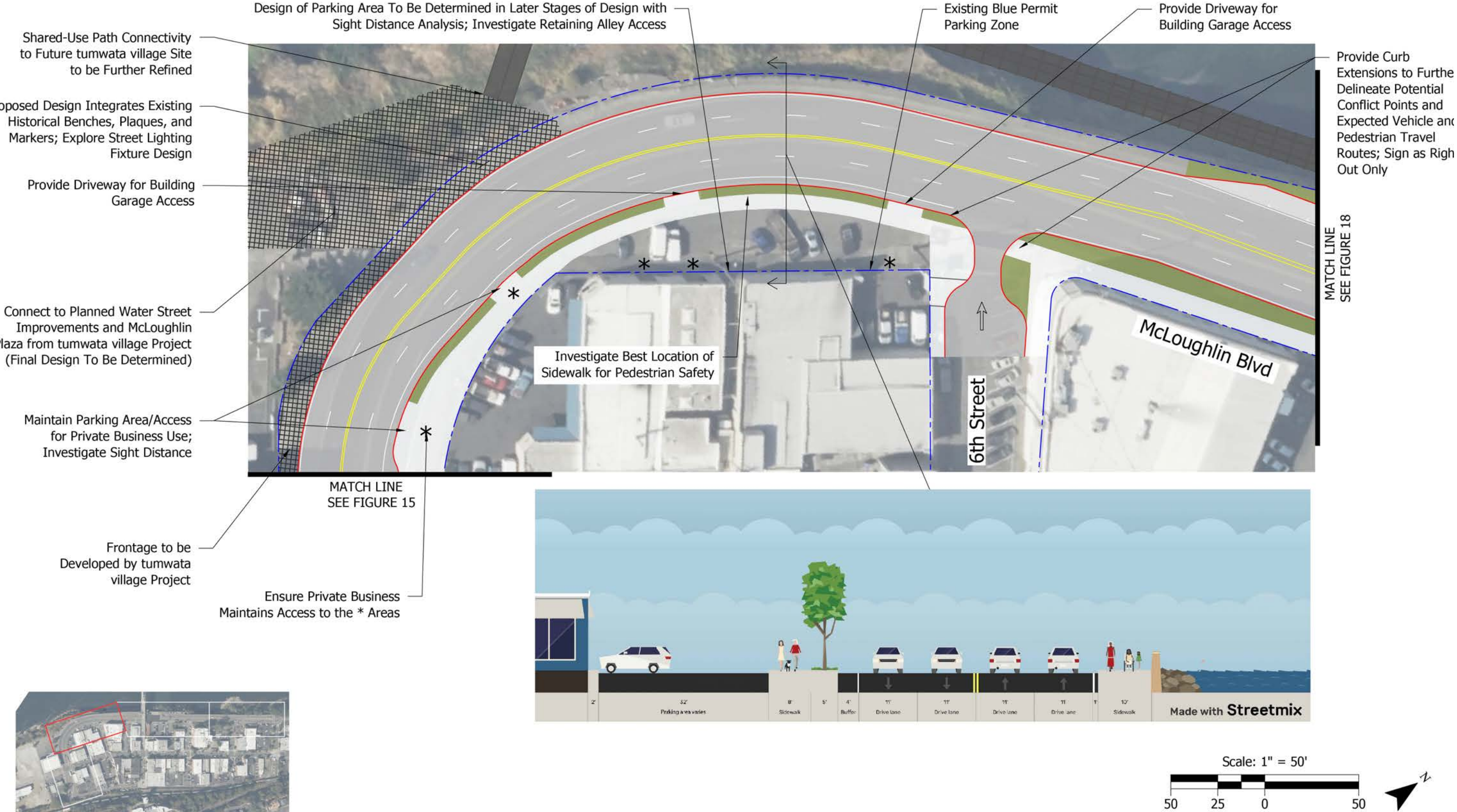
1. A hydro analysis will be conducted during the final design to confirm that 1 foot is an acceptable width.

Figure 15. Streetscape Improvements McLoughlin Blvd: Railroad Avenue to Main Street



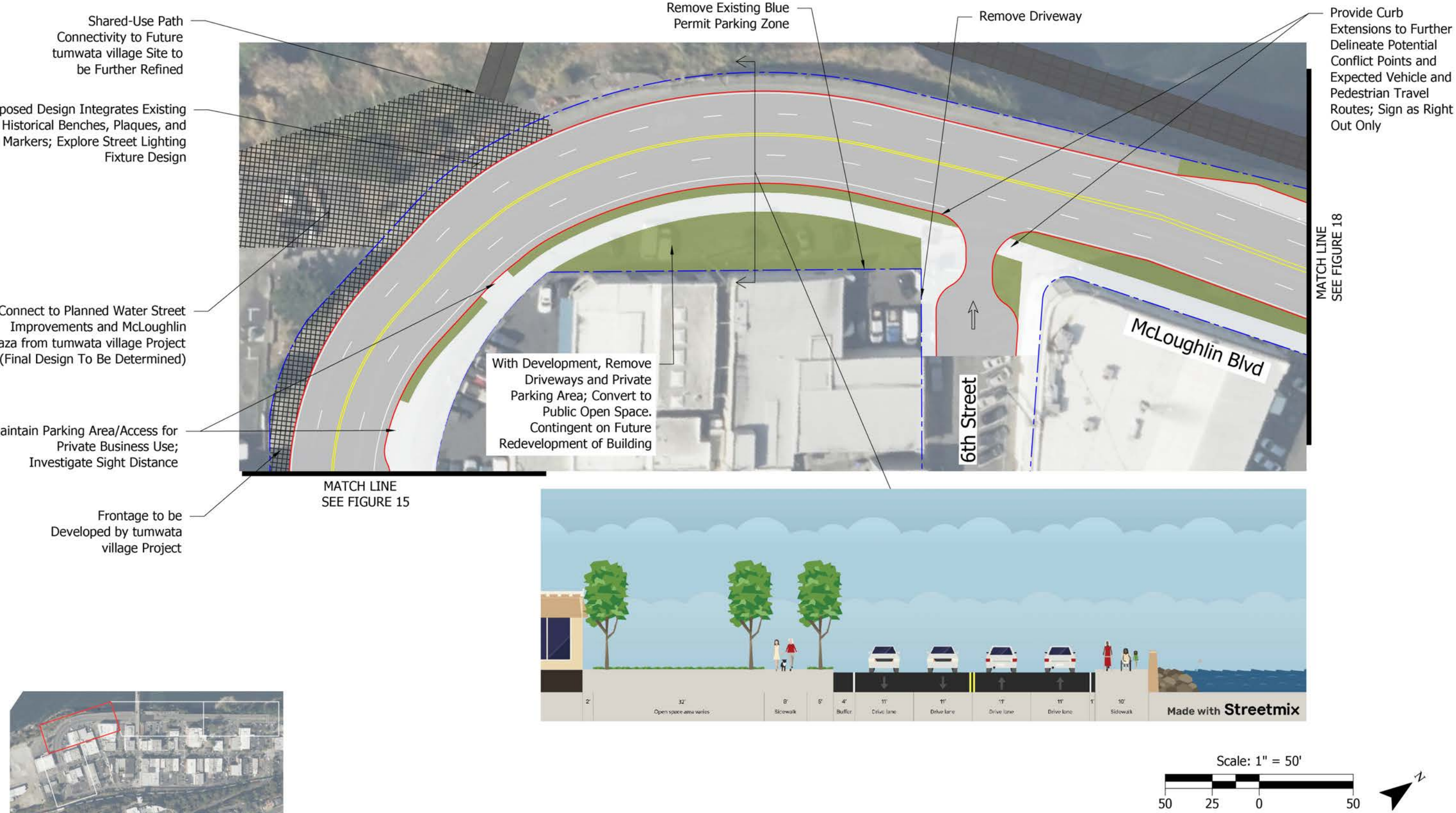
NOTE: Concept design subject to change per future planning, analysis, and design.

Figure 16. Streetscape Improvements (Option A)
McLoughlin Blvd: Main Street to Historic Arch Bridge



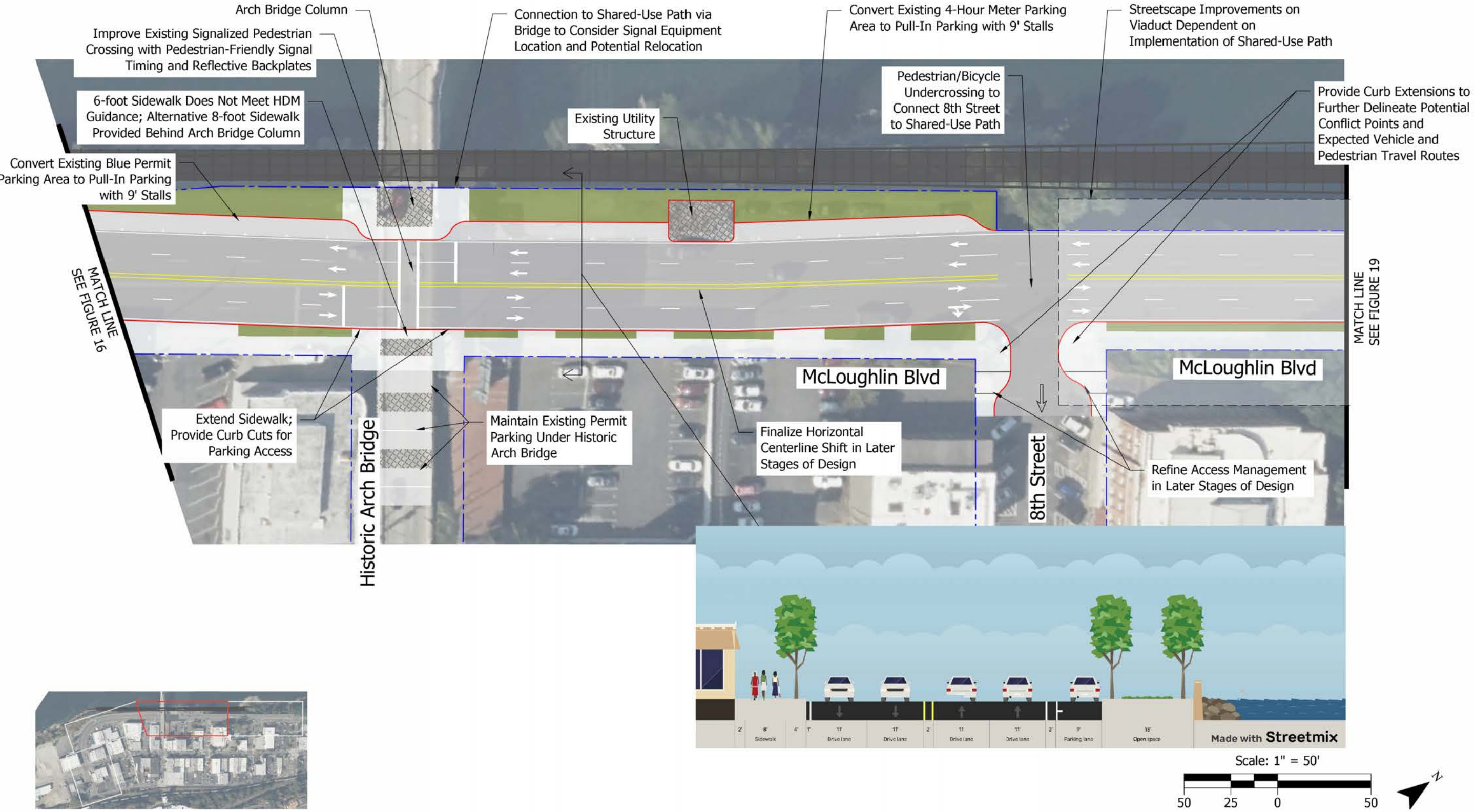
NOTE: Concept design subject to change per future planning, analysis, and design.

Figure 17. Streetscape Improvements (Option B)
McLoughlin Blvd: Main Street to Historic Arch Bridge



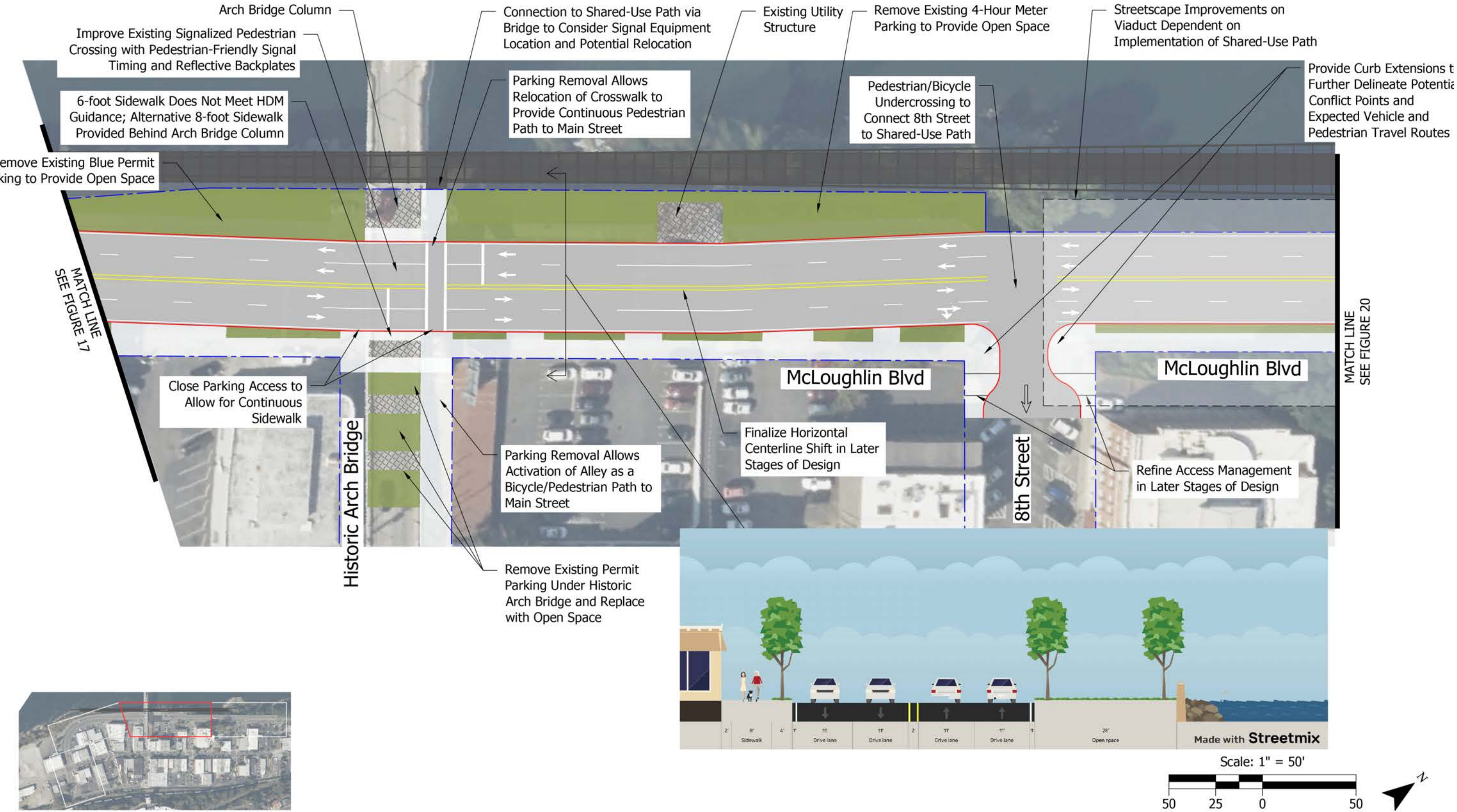
NOTE: Concept design subject to change per future planning, analysis, and design.

Figure 18. Streetscape Improvements (Option A)
McLoughlin Blvd: Historic Arch Bridge to 8th Street



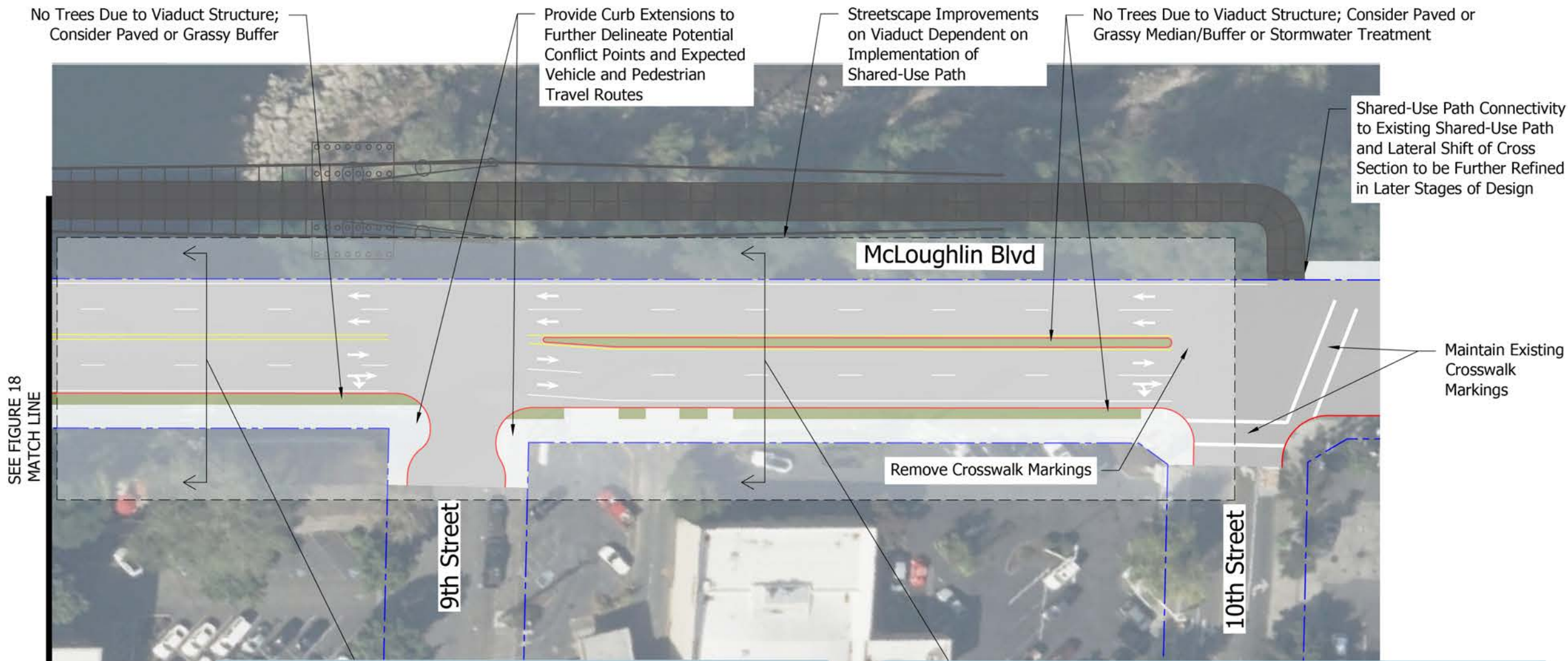
NOTE: Concept design subject to change per future planning, analysis, and design.

Figure 19. Streetscape Improvements (Option B)
McLoughlin Blvd: Historic Arch Bridge to 8th Street

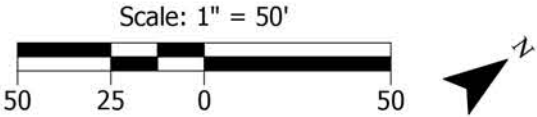
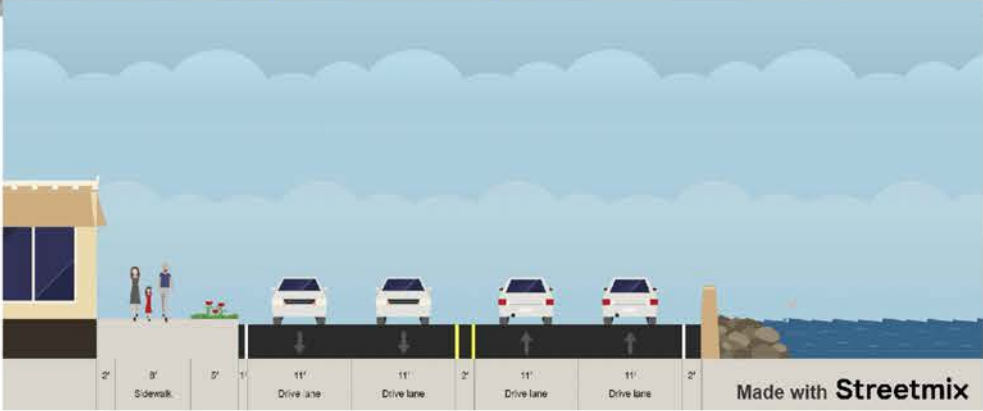


NOTE: Concept design subject to change per future planning, analysis, and design.

**Figure 20. Streetscape Improvements
McLoughlin Blvd: 9th Street to 10th Street**



NOTE: Concept design subject to change per future planning, analysis, and design.



Design Considerations

The following section describes design considerations that the project team has incorporated into the concept layout for McLoughlin Boulevard.

McLoughlin Boulevard “Elbow”

Currently, the area in the McLoughlin Boulevard “elbow”—the curve northeast of Main Street—is used by a private business for parking and access. The existing sidewalk runs in front of the building but has frequent curb cuts due to several garages from the private business. This configuration raises several safety challenges, especially if the sidewalk is widened per ODOT Highway Design Manual guidance to 8 feet with a 2-foot frontage zone and a 5-foot buffer zone. Drivers backing vehicles out of the driveways/garages may not have enough room or sight distance to maneuver and may back into the curve portion of McLoughlin Boulevard. Retaining all the accesses as-is maintains the many conflict points between people walking and vehicles entering and exiting the garages. The existing configuration is shown in Figure 21. The project team developed two alternatives to address safety concerns in this area, described below.

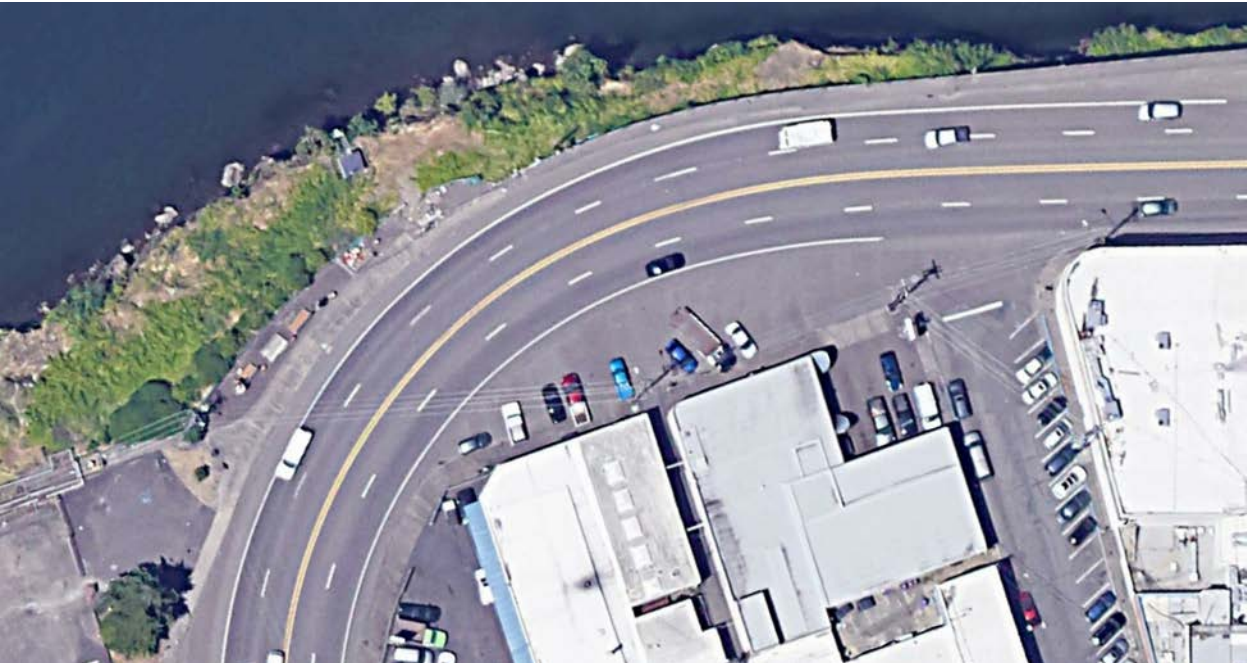
Option A: Retain Accesses

In the first option, an 8-foot sidewalk and 5-foot buffer would be provided along the fog line, continuous with the sidewalks on either side of this section. No frontage zone is provided, as the sidewalk will not be in front of a building. Two driveways are provided to allow access to the existing garages and alley. Additional analysis would be needed in later design stages to determine how to configure driveway accesses to allow for safe maneuvering in and out of the garages. All other accesses to the property (two on McLoughlin Boulevard and one on 6th Street) would remain as shown in Figure 16 (Option A).

Option B: Open Space

Alternatively, with future redevelopment of the existing building, the garage and alley accesses could be closed to provide an open space in the “elbow.” This open space would include a continuous sidewalk and buffer, but would also have space for additional landscaping, seating, street furniture, or public artwork. This option would eliminate any vehicles making turns at this portion of the curve and vehicular conflicts with people walking. The additional two driveway accesses on McLoughlin Boulevard could remain, if desired, but the access on 6th Street should be closed. Note that this is a long-term option and requires redevelopment of the property as shown in Figure 17 (Option B).

Figure 21. Existing “Elbow” Configuration



Design and Implementation Phasing

The implementations of the streetscape enhancements and shared-use path are unlikely to occur in tandem. As a result, elements of the streetscape enhancement project may need to wait for shared-use path implementation to occur, particularly the section of McLoughlin Boulevard along the viaduct between 8th and 10th Streets. Removing the riverside sidewalk on the viaduct without providing pedestrian access via the shared-use path is not a viable option. Streetscape enhancements between 8th and 10th Streets are dependent on the implementation of the shared-use path.

Open Space

There is a parking area on the river side of McLoughlin Boulevard between 6th and 8th Streets with about 20 spaces. Just south of this parking area, there are six additional parking spots under the Historic Arch Bridge, accessed by two alleys. These alleys create curb cuts on McLoughlin Boulevard, which reduce the space available for Americans with Disabilities Act (ADA)-compliant curb ramps and a continuous pedestrian route. The project team developed two alternative options to integrate the streetscape enhancements with the parking areas while ensuring the inclusion of ADA-compliant facilities.

Option A: Retain Parking

In the first option, the parking to the north can be retained, but converted to tuck-in parking to provide more room for open space. The McLoughlin Boulevard crossing would remain as-is at the center of 7th Street, and a connection to the shared-use path would be provided just east of the Historic Arch Bridge column. For the south parking area, alley accesses are recommended to be reconfigured into driveways to provide a more continuous sidewalk. However, due to the need for a curb ramp for the 7th Street crossing, the additional driveways will lead to a “roller coaster” effect, in which sidewalk grading travels downward for curb ramps and driveways. The tuck-in parking includes 9’ wide

stalls and a 2’ shy distance. A sidewalk would be provided under the Historic Arch Bridge, similar to the existing conditions as shown in Figure 18 (Option A).

Option B: Open Space

There is also an opportunity to create an open space in the northern existing parking area with additional landscaping and placemaking opportunities to provide a strong pedestrian and bicycle connection from the shared-use path to Main Street as shown in Figure 19 (Option B). This open space could connect to the recommended shared-use path with a short transition zone just east of the Historic Arch Bridge. The open space could provide a walking path, viewpoints of the shared-use path and river, and opportunities for seating and other street furniture.

In addition, closing the parking spaces underneath the Historic Arch Bridge would allow the two driveway access points to close, providing a continuous sidewalk for people walking along on the south side of McLoughlin Boulevard with no conflicts with vehicles. This arrangement also allows the 7th Street crosswalk to be shifted to the east, providing continuous bicycle and pedestrian travel on the shared-use path, through the open space, across McLoughlin Boulevard, and down the eastern alley to Main Street. This would provide a much-needed active transportation connection between the shared-use path and downtown. Further, the alley could be activated with landscaping, art, lighting, and/or street furniture.

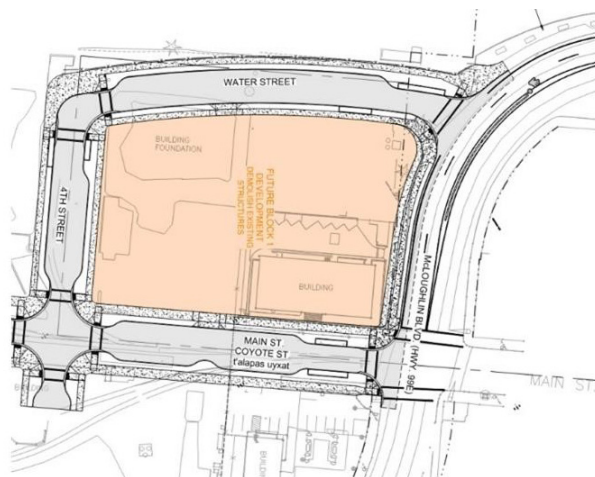
Including these described open spaces would require the removal of approximately 26 on-street parking spaces and necessitates further analysis. Note that the open space adjacent to the shared-use path would be designed around the Historic Arch Bridge column and the existing utility structure, which are both placed within the existing parking area. Furthermore, the sidewalk under the Historic Arch Bridge is retained.

tumwata village

The western frontage of McLoughlin Boulevard north of Main Street will be developed by the tumwata village project. This process is ongoing, and the McLoughlin Boulevard Shared-Use Path project team is coordinating with the tumwata village project team.

The tumwata village team is also developing a project for an improved Water Street connection to McLoughlin Boulevard. While the design is still in progress, any future changes to Water Street should be incorporated with the proposed improvements to McLoughlin Boulevard. Figure 22 provides a schematic of the preliminary proposed improvements.

Figure 22. Water Street Improvements (Preliminary)



McLoughlin Boulevard Crossings

There are three existing signalized crossings along McLoughlin Boulevard in the study area:

- McLoughlin Boulevard/10th Street – Signal
- McLoughlin Boulevard/7th Street – Pedestrian signal
- McLoughlin Boulevard/Main Street – Signal

These signals will be retained. For all signalized crossings, reflective backplates should be considered where not provided, as well as adequate pedestrian-friendly signal timing strategies (such as leading pedestrian intervals).

At 10th Street, the eastern crosswalk should be aligned to the previous shared-use path, while the western crosswalk should be removed as there is no proposed riverside sidewalk on this portion of the roadway.

For Option A at 7th Street, the crosswalk will tie into the proposed open space to the north and the improved sidewalk to the south. No changes are proposed to the crossing, except for ensuring ADA-compliant sidewalks and curb ramps. Note that the 2005 McLoughlin Boulevard Enhancements Plan recommended a raised, textured concrete crosswalk with a special scoring pattern to match the sidewalks at this location.

For Option B at 7th Street, the project team recommends moving the crosswalk to the east to align with the proposed shared-use path connection just east of the Historic Arch Bridge. A continuous sidewalk on the south side will allow for ADA-compliant curb ramps and a pedestrian and bicycle path down the alley. This adjustment should consider signal equipment location and potential relocation in later design stages.

Finally, at Main Street, crosswalks will tie into improved sidewalks on the east side of McLoughlin Boulevard and to the tumwata village frontage. All curb ramps should be updated to be ADA-compliant, and curb extensions should be provided where there is room (i.e., in parking lanes). In addition, the design should incorporate future planned public artwork or other gateway elements on Main Street. The design of this gateway will be determined in later design stages.

Opportunity for New Crossing

The public, City, and other interested parties have expressed a strong desire for a grade-separated pedestrian and bicycle crossing of McLoughlin Boulevard within the study area. This connection would increase connectivity from downtown Oregon City to the riverfront and could provide access to a future Frog Ferry dock and other recreational amenities on the river.

The project team explored a variety of concepts, including an undercrossing in the vicinity of the existing 8th Street stairwell under the McLoughlin viaduct and an overcrossing utilizing the existing alleys adjacent to the Historic Arch Bridge.

Overcrossing Concept

The bridge deck of the Historic Arch Bridge is approximately 20–24 feet above McLoughlin Boulevard. In order to construct an overcrossing that rises up and crosses over McLoughlin Boulevard while staying under the 5% grade limit for ADA compliance, a ramp structure exceeding 400 feet in length is required. As a result, the overcrossing concept was dismissed based on

physical constraints immediately adjacent to the Historic Arch Bridge and the likelihood of a Section 106 impact.

Undercrossing Concept

The project team also explored an undercrossing concept that utilizes the existing 8th Street stairwell under the McLoughlin viaduct. The 8th Street undercrossing concept is not precluded by the recommended alternative (Alternative 1B2: Full External Alignment) nor the streetscape improvements along McLoughlin Boulevard. The 8th Street undercrossing requires further refinement to determine cost and feasibility. Figure 23 illustrates a conceptual rendering of the 8th Street undercrossing.

Curb Extensions

Curb extensions shorten pedestrian crossing distances, reduce vehicular turning radii, and provide more space for landscaping or other placemaking elements. The project team recommends curb extensions at 6th Street, 8th Street, 9th Street, and Main Street. Note that only McLoughlin Boulevard is a truck route in the study area.

Figure 23. Conceptual Rendering of 8th Street Undercrossing



Chapter 8:

Implementation

Implementation procedures for the shared-use path and McLoughlin Boulevard streetscape enhancements will vary. The shared-use path and McLoughlin Boulevard enhancements will likely not be implemented together, requiring additional design and phasing considerations as the projects move forward. The City of Oregon City is primarily responsible for the shared-use path and the McLoughlin Boulevard streetscape enhancements. ODOT is the permitting agency for these improvements and will collaborate on the project efforts as they move forward along with other partners, as shown in Table 2.

Table 2. Responsible Agencies for the Shared-Use Path and McLoughlin Boulevard Streetscape Enhancements

	City of Oregon City	ODOT
Shared-use path	• Design, construction, and maintenance of path • Complete environmental review in conjunction with the Federal Highway Administration	• Coordination on environmental review • Permitting agency responsibilities on design and construction • Coordination on viaduct maintenance
McLoughlin Boulevard enhancements	• Design, construction, and maintenance of most elements • Maintenance of new trees and medians • Maintenance of new open spaces	

In addition, the shared-use path, as a standalone, bridge-like structure, will require a more extensive environmental review and design phase. By adopting this conceptual plan, the Commission is providing direction to continue the conversation.

Riparian Shoreline and Habitat Considerations

This section of the Willamette River is characterized by a rocky shoreline with patches of riparian vegetation. It features mature trees such as bigleaf maple as well as various shrub varieties along the shoreline, providing habitat for supporting species. It is important to prioritize the preservation of trees over mitigation as the design is developed around the location of bridge foundations and structures. Make use of the bridge’s habitat features to support nesting bats, birds, and other animals. The final design should also consider supporting existing and planned angler access when possible.

Shared-Use Path Implementation Plan

The implementation process for the shared-use path is as follows:

- 1. TSP adoption:** Adopt the recommended shared-use path into the Oregon City TSP.

a. Through this action, the community would:

 - i.** Reconfirm the need for a shared-use path connection on McLoughlin Boulevard between 10th Street and tumwata village.
 - ii.** Recognize the complex and integrated benefits, burdens, and unknowns at this time.
 - iii.** Define the alignment design.
 - i.** Demonstrate the public support necessary to seek and secure funding to conduct the design and construct the new shared-use path connection.
- 2. Partner agency coordination and interim actions:** Prior to identifying funding, the partner agencies led by Oregon City would:

 - a.** Identify any specific upfront agency commitments.
 - b.** Emphasize ongoing coordination with associated government entities.
 - c.** Confirm ultimate shared-use path ownership, capital funding responsibilities, and maintenance responsibilities.
- 3. Funding:** Seek funding for the environmental review and permitting process, design, and construction phases of the Project.

a. For some competitive grants, a project team may choose to advance a TS&L or higher design development to improve opportunities to secure construction funding. In these cases, the construction funding could be secured after the TS&L, described in Step 5.
- 4. Environmental review:** The federal nexus resulting from either funding or permits from a federal agency will require a National Environmental Policy Act (NEPA) review to be complete. Partner agencies could initiate coordination with the lead federal action agency to complete NEPA-level scoping and technical resource impact evaluations as the project moves forward. Final NEPA clearance, in addition to Environmental Site Assessments consultation, related permits, and Section 4(f) analysis (if FHWA is the federal nexus) can be completed at the conclusion of the impact evaluation.
- 5. Design:** Improved development for the definition of the type and configuration of a proposed structure supporting the recommended alignment alternative is necessary to confirm and validate conceptual designs, provide content and clarity for grant applications, and improve programmatic construction cost estimates.

The project will need to address Section 4(f) impacts on historic resources and publicly owned parks, recreation areas, or wildlife and waterfowl refuges if federal transportation dollars are part of the project’s funding. Specifically, documentation would be centered primarily on the Oregon City Arch Bridge. The analysis would address whether the setting impacts of the shared-use path structure would adversely affect the activities, features, or attributes of the Oregon City Arch Bridge. Namely, the analysis would determine whether views of the Historic Arch Bridge or views of the Willamette Falls would be significantly obstructed by the structure. Due to the required effort, if this project was awarded federal funding, at least a year would need to be added to the project development timeline.

- a. Project development phase (design acceptance phase, or DAP) including bridge TS&L phase deliverables:
 - i. Provides information required by FHWA for review and approvals and improves grant funding competitiveness.
 - ii. Provides preliminary hydraulic, geotechnical, and environmental recommendations.
 - iii. Documents the structure type alternatives studied and advanced.
 - iv. Rationalizes the geometry and identifies the primary structure type and configuration.
 - v. Improves construction costing estimates and addresses risks identified in earlier planning phases.
- b. Project final plans, specifications, and estimate (PS&E) phase deliverables:
 - i. Provides construction documents and aligns the Project for construction implementation.
 - ii. Provides final hydraulic, geotechnical, and environmental recommendations.
- c. PS&E to award (construction):
 - i. Bid documentation is provided to qualified contractors to bid for the Project and construct the design.

6. Construction: Using PS&E materials, advertise the construction contract for competitive bids. Once the contracting mechanism is determined (e.g., traditional design-bid-build or an alternative delivery method), the Project will be advertised for construction bidding and constructed. If an alternative delivery method is selected, Steps 5 and 6 may be combined.

Shared-Use Path Implementation Plan Environmental Review and Design

Completing an environmental review and design of the shared-use path will require the advancement of conceptual-level designs assumed in the feasibility and preliminary conceptual design phase to validate the designs

and help narrow down practical solutions that achieve Project goals. A wide range of expertise will be necessary to develop the conceptual configuration and validate initial assumptions. The following list summarizes the expertise considered key to advancing the conceptual structural aspects:

- **Structural engineering design**— Development of assumed concepts identified in Phase 1A and reflect the results, findings, and recommendations from other expertise as documentation and data provides.
- **Geotechnical engineering**— Advancement of concept-level approaches and assumptions considered for the foundations/footings.
- **Hydraulic engineering**— Determination of river-based implications on the design, planning, and construction of the proposed structural configuration. This also includes the design of a stormwater conveyance and treatment system.
- **Wind and vibration engineering**— Identification of site-specific and structure-specific mitigation measures following an initial desktop study in the early stages of design development, leading to more refined and detailed efforts as design is progressed.
- **Durability/life cycle engineering**— Site-specific considerations for appropriate corrosion prevention and service life expectations to be met while considering operation and maintenance aspects of the proposed structure.
- **Specialty construction cost estimating**— Structure-specific costing that considers historical and anticipated costs associated with a specialty structure type that can support the recommended alignment in the planning phase and is subsequently verified in the TS&L phase (i.e., a long-span cable-supported bridge).
- **Specialty construction and risk management**— Structure-specific construction expertise to identify, assess, and proposed mitigation for technical risks.
- **Community/cultural/aesthetic**— Development and degree of integration of community goals for the structure in meeting the local site-specific context aesthetics and appeal.

McLoughlin Boulevard Streetscape Enhancements Implementation Plan

The implementation process for the McLoughlin Boulevard streetscape enhancements is as follows:

- 1. TSP adoption:** Adopt the recommended enhancements (Main Street to 10th Street) into the Oregon City TSP. Through this action, the community would:
 - a. Identify the need for cross-section changes along McLoughlin Boulevard for further development.
 - a. Demonstrate the public support necessary to seek and secure funding to design and construct the recommended improvements on McLoughlin Boulevard.
- 2. Partner agency coordination and interim actions:** Prior to identifying funding, the partner agencies led by Oregon City would:
 - a. Identify any specific upfront agency commitments.
 - b. Emphasize ongoing coordination with associated government entities.
- 3. Funding:** Seek funding for the design and construction phases of the Project.
 - a. Explore opportunities for federal, state, and regional grant funding opportunities.
- 4. Design:** Following Steps 1–3, prepare plans, specifications, and cost estimates.
- 5. Construction:** Using the plans, specifications, and estimates, advertise the construction contract for competitive bids. Once the contracting mechanism is determined (e.g., traditional design-bid-build or an alternative delivery method), the Project will be advertised for construction bidding and constructed. If an alternative delivery method is selected, Steps 4 and 5 may be combined.



Supporting Documents

The following memoranda have more information on all the subjects discussed in this report.

Technical Memorandum #1: Corridor Vision	This memorandum presents the Corridor Vision Statement, crafted based on a review of City of Oregon City plans and policy documents.
Purpose & Need Statement	This memorandum describes the Purpose and Need for the Project, serving as the basis for developing methods and criteria for narrowing the range of alternatives.
Technical Memorandum #2: Evaluation Criteria and Performance Measures	This memorandum articulates the evaluation criteria and performance measures developed to fulfill the Corridor Vision Statement and the Purpose and Need Statement for the Project.
Technical Memorandum #3: Plans and Policies Review	This memorandum summarizes the existing plans, regulations and policies that are relevant to the McLoughlin Boulevard Enhancements - 10th Street to tumwata village Project (Project). The summary describes the relevance of each document to the Project, identifying potential issues and considerations that will guide the development and evaluation of the alternative concepts.
Technical Memorandum #4: Alternative Development and Analysis	This memorandum serves as an overview of the preliminary six alternative concepts developed for the Project.
Technical Memorandum #5: Alternative Safety and Active Transportation Analysis	This memorandum provides technical analyses and summarizes key considerations for integrating the design alternatives developed in Technical Memorandum #4 into adjacent active transportation networks.
Technical Memorandum #6: Most Promising Alternatives	This memorandum assesses and identifies three alternatives to further develop through conceptual design and screening.
Technical Memorandum #7: Preferred Shared-Use Path Alternative	This memorandum presents the recommended shared-use path alternative, its alignment, and the streetscape improvements along McLoughlin Boulevard between 10th Street and tumwata village.

Technical Memorandum #8: Implementation Plan	This memorandum presents the implementation plan for the recommended alternative. It identifies potential roles for different agencies and stakeholders; outlines appropriate next steps; and details City and agency responsibilities.
Planning-Level Cost Opinion	This report documents the planning-level cost opinion, including key assumptions and considerations.
Public Involvement Report	This report outlines the public outreach activities conducted as part of the Project.





McLoughlin Blvd Enhancement Phase 3 Corridor Plan (10th Street to Railroad Tunnel) Transportation System Plan (TSP) Amendments

Amend the following projects in the TSP:

Project #	Project Description	Project Extent	Project Elements	Priority	Cost Estimate
S3	OR 99E Shared-Use Path	10 th Street to Railroad Avenue	Add a shared-use path on the west side of the street	Long Term Phase 2	Included with D74 \$74,300,000 \$90,120,000
D74	McLoughlin Boulevard Improvements – Phase 3	10 th Street to Main Street	Widen OR 99E to a five-lane cross-section that includes two travel lanes in each direction and a center two-way left-turn lane and/or a median to improve access management. The project will also improve pedestrian and bicycle facilities.	Long Term Phase 2	\$8,743,000 4,300,000



Public Involvement Summary Report

McLoughlin Boulevard Enhancements:
10th Street to tumwata village

*K22142 Willamette Falls Path/OR99 Enhancements:
10th St. - Railroad Ave*



Oregon City, Oregon

September 16, 2024





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Acronyms and Abbreviations

ODOT	Oregon Department of Transportation
PAC	Project Advisory Committee
PDT	Project Development Team
PMT	Project Management Team

1 Introduction

Figure 1.1.1 Study Area Map



The City of Oregon City (City) and the Oregon Department of Transportation (ODOT) partner to evaluate options for a shared-use pedestrian and bicycle path and streetscape enhancements on both sides of McLoughlin Boulevard between 10th Street and tumwata village, outlined in Figure 1.1.1.

This Project is the last and most complex phase of Oregon City’s McLoughlin Boulevard Enhancement Plan, which has been in progress for the past 20 years.

This Project will enable the City to complete the Alternatives Identification and Evaluation phase to determine how to address the infrastructure gap along McLoughlin Boulevard. Once a preferred alternative is identified, the City will proceed with a more detailed design and apply for grants to build all or portions of the alignment.

One round of outreach was conducted during the Alternatives Identification and Evaluation phase to bring awareness and gather community feedback on the alternatives being considered.

Figure 1.1.2 Project Schedule

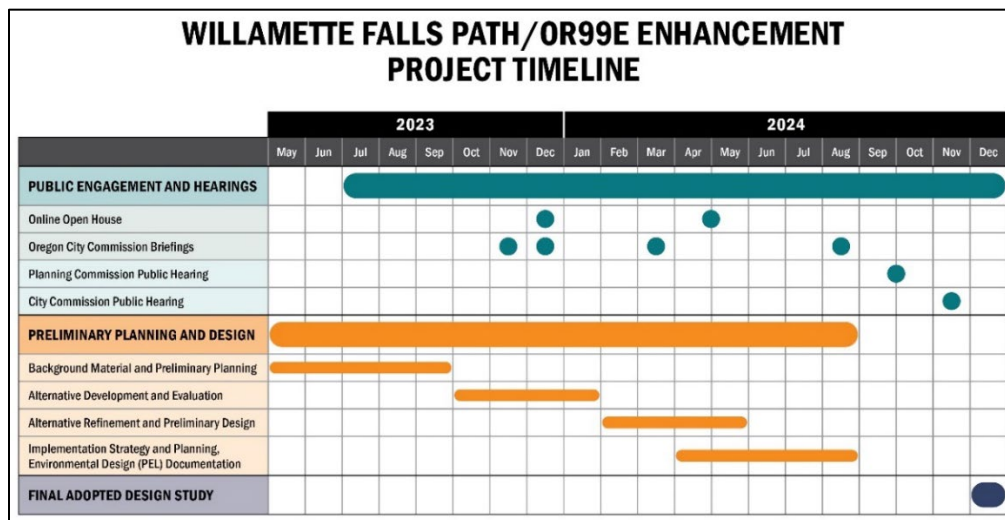


Figure 1.1.2 outlines the Project schedule. The first opportunity for the public to provide input on the plan began in December 2023. The primary purpose of this initial outreach was to create awareness about the Project, its benefits, and potential burdens or impacts, as well as solicit public input on the initial alignment alternatives.

This report summarizes the following outreach activities associated with engagement as described above.

Overarching Materials and Notifications: Tools used to convey Project information and publicize outreach opportunities.

- **Website:** A Project web page, hosted on the City's website, launched and updated regularly
- **Community Database and Comment Log:** Documentation of public comments, correspondence, and updates to Project mailing list
- **Project Fact Sheet:** One-pagers providing updates and opportunities for engagement
- **Direct Mail:** Postcards used to notify neighboring residents about public engagement opportunities
- **Social Media:** Project announcements shared on the City's social media channels
- **Advertising:** Digital advertisements used to promote the Project and public engagement opportunities
- **Email Newsletters:** Email notifications providing Project information and engagement opportunities

Late 2023 Outreach

- **Interested Party Interviews and Briefings:** Interviews and briefings with interested parties in Clackamas County and Oregon City
- **Online Open House:** Virtual platform with corresponding survey questions

1.1 Commitment to Community, Equity, and Engagement

As the Project aims to meet regional and local community needs, the Project team committed to:

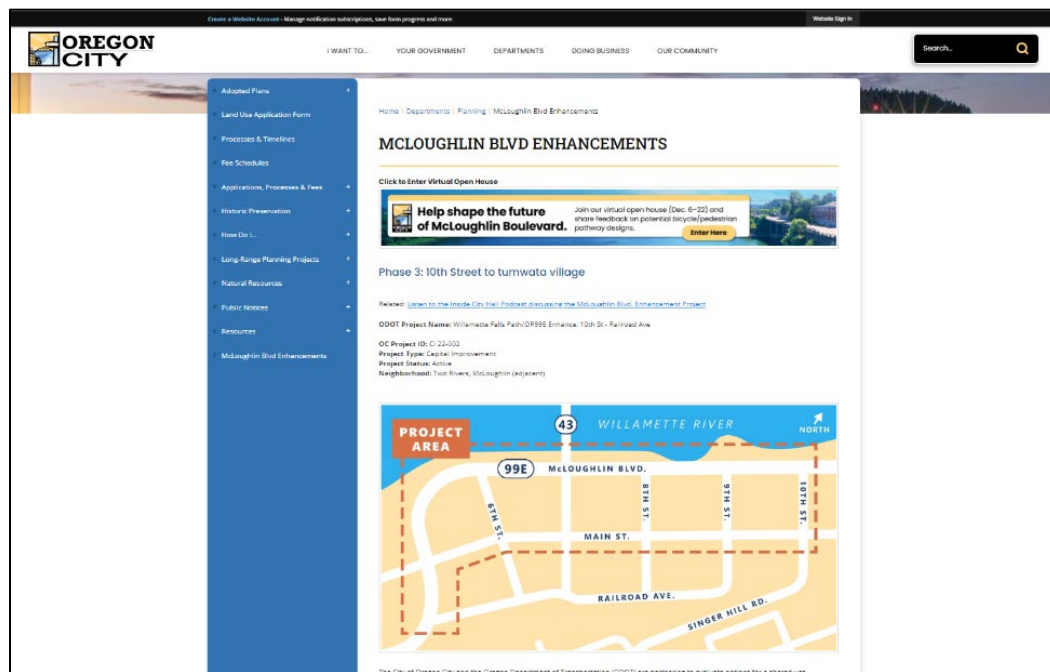
- Make equity a Project priority both in terms of process and outcomes
- Honor and uplift the cultural significance of the study area.
- Provide timely Project information and engagement opportunities that are accessible, approachable, and inclusive.
- Engage with disadvantaged community members (Black, indigenous, persons of color, people with low English proficiency, senior citizens, youth, low-income populations, other high-impact community members, etc.).
- Consult with Native American Tribes who have historical and current ties to Willamette Falls.
- Engage in meaningful conversations with interested parties early in the process to help identify potential issues, barriers, needs, and opportunities as early as possible so that the Project team can integrate ideas or avoid impacts.
- Communicate how input and feedback shape outcomes throughout the Project.
- Provide Spanish translations on the website, fact sheets and online open houses.
- Conduct interviews and community briefings in Spanish with interested parties.

2 Overarching Materials and Notifications

2.1 Website

A Project website (bit.ly/McLoughlinBlvd3) was developed with new graphics, maps, and approved content. City staff updated the page to promote key milestones and engagement events, including the December 2023 virtual open house. Figure 2.1.1 is an example of website content.

Figure 2.1.1 Project Website



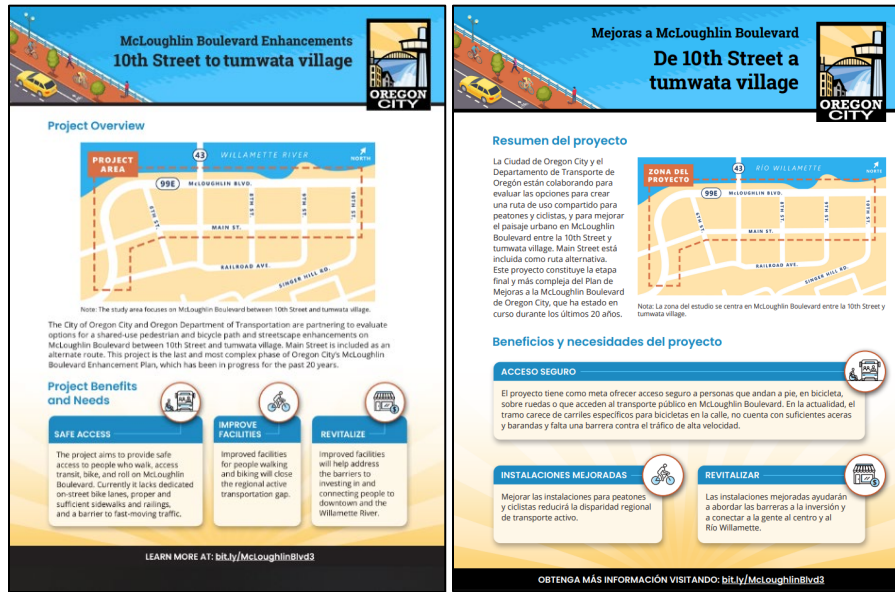
2.2 Community Database and Comment Log

A community database and comment log were used to track comments, responses, constituent, and interested party contacts.

2.3 Project Fact Sheet

A Project fact sheet (Figure 2.3.1), developed in late 2023, included information about the Project, benefits and needs, anticipated timelines, and public engagement opportunities. This sheet was also translated in Spanish.

Figure 2.3.1 Fact Sheet (English and Spanish)



2.4 Direct Mail

Project staff designed a postcard (Figure 2.4.1) to notify neighboring residents about the online open house. The postcard was mailed to approximately 345 residents on November 27, 2023. City staff printed and distributed 300 additional postcards to downtown Oregon City businesses and residents.

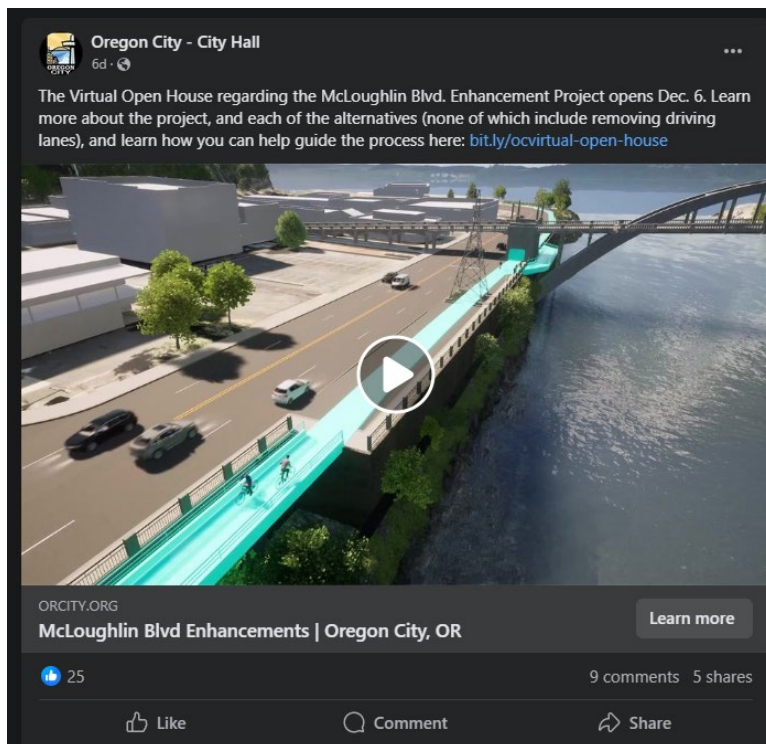
Figure 2.4.1 Postcard



2.5 Social Media

Oregon City staff shared the December 2023 open house link and a City-produced Project video on Facebook and X (Figure 2.5.1). The posts directed visitors to the website to learn more about the Project and the virtual open house event.

Figure 2.5.1 Social Media Post on Facebook



2.6 Advertising

The City purchased a digital ad campaign on Oregon City News (oregoncitynews.com), with 30,000 impressions to publicize the December 2023 virtual open house. Ads were produced in several formats to accommodate mobile, desktop, and tablet devices (Figure 2.6.1).

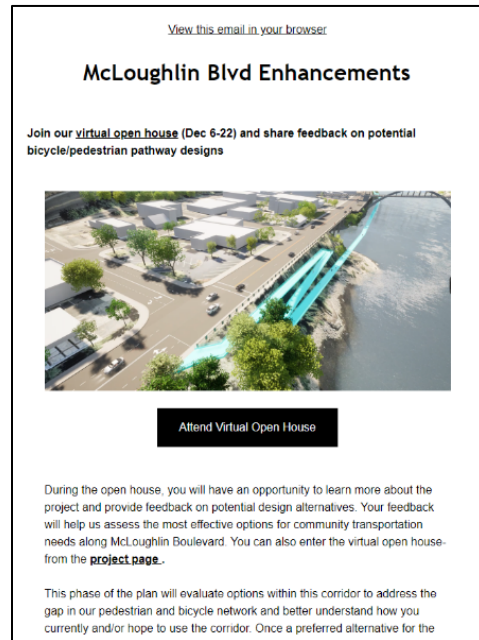
Figure 2.6.1 Digital Ad



2.7 Email Newsletters

City staff sent three email notifications about the December 2023 open house to the City’s notification list subscribers (Figure 2.7.1).

Figure 2.7.1 Email Notification



3 Late 2023 Outreach

3.1 Interested Party Interviews and Briefings

The Project team held three interviews (Table 3.1.1) in early November 2023 to collect feedback on the corridor’s issues and potential alignments. These interested parties represent transportation, education, and housing sectors in Clackamas County and Oregon City:

Table 3.1.1 Interested Party Interview List

Affiliation	Organization Details	Interview Date
The Street Trust	The Street Trust advocates for multimodal transportation options in Oregon that prioritize safety, accessibility, equity, and climate justice.	Nov. 2, 2023
Oregon City School District	Oregon City School District is the 16th largest district in the state of Oregon, serving nearly 8,000 students and employing 927 professionals.	Nov. 2, 2023
Housing Authority of Clackamas County	The Housing Authority provides affordable, safe, and sanitary housing opportunities for Clackamas County residents.	Nov. 6, 2023

Each interview included the following questions:

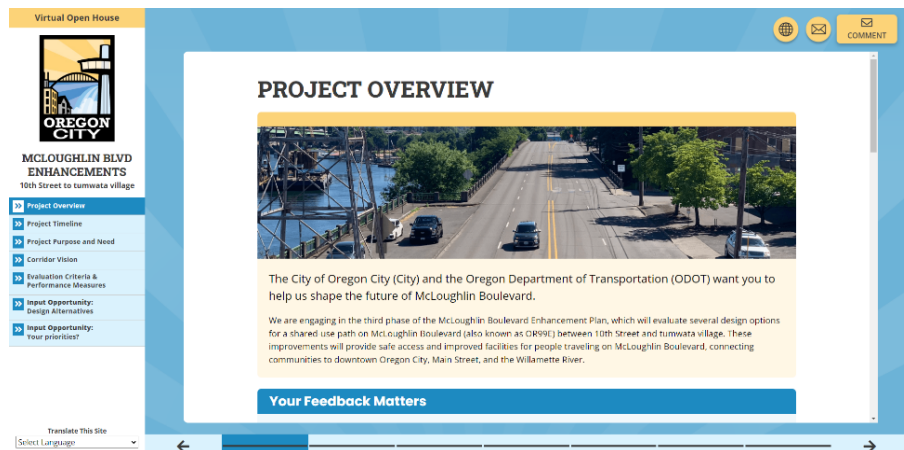
- What are the most critical issues you believe the Project should address? What do you believe others in your organization or community will see as the most critical issues?
- Of the potential alignments shown, which do you believe is the most promising and why? Is there another alignment you believe is better than the ones shown or another that should be assessed?
- Do you see pros or cons to having a new shared-use pedestrian and bicycle path within the study area? If so, please describe them.
- What are your/your community's priorities that should be used to evaluate the different potential alignments?
- Do the people you know in the area feel comfortable biking or walking to get around? If not, can you share specific safety concerns for people biking or walking in the study area?
- As we look at the Project corridor, are there areas on either side of the highway that are important to address or call out in the conceptual design phase? What should decision makers understand about this section of McLoughlin Boulevard as they work to design a solution?

Please see **Appendix A** to read the Fall 2023 Interview Summary.

3.2 Online Open House

The Project's online open house was launched on the Project website on Dec. 6, 2023. The online platform provided informational stations to learn about the Project and provide feedback via the embedded survey, which closed on Dec. 22, 2023. Users were invited to provide feedback on the proposed design alternatives and priorities for the McLoughlin Boulevard corridor (Figure 3.2.1). The webpage also included a general comment form where users could submit other feedback regarding the Project.

Figure 3.2.1 Online Open House



The webpage included the following stations:

- **Project Overview:** This slide included general information about the Project, including background details about the McLoughlin Boulevard Enhancement Plan, the identified study area, and Project benefits.
- **Project Timeline:** A general Project schedule was shared on this slide, including relevant public engagement, planning, and design milestones. Community members were informed about the public engagement process and participation opportunities. This slide detailed the alternative development phase and the timeline for selecting a preferred alternative.
- **Project Purpose and Need:** The Purpose and Need Statement describes the transportation problems in the corridor and provides context for decision makers as they consider the best design options. Community members were invited to share their thoughts regarding this statement.
- **Corridor Vision:** The Corridor Vision includes several statements regarding the proposed Willamette Falls Path extension and streetscape enhancements. Community members were invited to share their thoughts regarding this Project topic.
- **Evaluation Criteria & Performance Measures:** This station informed visitors about the selected evaluation criteria and performance measures. The evaluation criteria were developed based on the Project's Purpose and Need Statement and the goals of Oregon City's Transportation System Plan. The Project team developed a set of performance measures to assess and differentiate between the design alternatives. These measures will provide a framework for selecting a preferred alternative.

Input Opportunity

- **Design Alternatives:** Visitors were invited to provide input on several design alternatives as part of the Project.
- **Your Priorities:** The City collected feedback from community members about community transportation priorities along McLoughlin Boulevard.

Overall, 169 users accessed the virtual open house, and 154 comments were received through the virtual open house, Project website, and emails. 47% of users (81 users) were identified using a device to access the virtual open house from Oregon City or Portland.

Overall, the majority of community members voted for Alternative 1B: High Route, a design with a new pathway structure at street level next to McLoughlin Boulevard. This path would connect to McLoughlin Boulevard near 10th Street and reconnect near the future tumwata village development. Participants also voted for a pathway design through the Historic Arch Bridge columns, as shown in Alternatives 1B and 1C.

Please view **Appendix B** to read the December 2023 Open House Summary.

4 City-Conducted Outreach

4.1 Outreach Meetings and Briefings

The City conducted targeted outreach to promote the open house and collect feedback during various phases of the project through fall 2024.

City staff attended the following outreach meetings and briefings with various committees and organizations. Table 4.1.1 describes these meetings in further detail.

Table 4.1.1 Outreach Meetings and Briefings

Committee/Organization	Date
Planning Commission	Sep. 25, 2023
Transportation Advisory Committee	Oct. 24, 2023
Parks and Recreation Advisory Committee	Oct. 26, 2023
Citizen Involvement Committee	Nov. 6, 2023
Clackamas County Pedestrian and Bikeway Advisory Committee	Nov. 7, 2023
 Rotary Club	•  Feb 7, 2024
Planning Commission	May 13, 2024

City staff also briefed the Oregon City Commission during key decision points and project milestones. Table 4.1.2 describes these briefings in further detail.

Table 4.1.2 Oregon City Commission Work Sessions

Briefing Date	Topic
Sep. 6, 2023	<i>Project overview</i>
Nov. 7, 2023	<i>Review approval criteria, corridor vision, list of alternatives</i>
Dec. 12, 2023	<i>Alternatives analysis update</i>
Apr. 9, 2024	<i>Alternatives analysis update</i>
May 15, 2024	<i>Direction to move forward on the long-span approach</i>
Aug. 13, 2024	<i>Long-span technical review and streetscape design update</i>
September 4, 2024	<i>Resolution 24-24 to support 2028-2030 Regional Flexible Fund Allocation Program – Step 1A.1 New Project Bond Program</i>

4.2 City Communications

City staff leveraged several communication channels to share information about the project. These channels include social media posts, a monthly e-trail news update in the City's Winter Trail News publication, [a podcast appearance](#) (Figure 4.2.1), and coordination for a Dec. 2023 earned media article in Oregon City News (Figure 4.2.2).

Figure 4.2.1 Inside City Hall Podcast

EPISODE 10: MCLOUGHLIN BLVD ENHANCEMENT PR

Inside City Hall starts its second season, with Episode 10 focusing on an exciting new project that is in the very early stage McLoughlin Blvd. Enhancement Project. This is the third phase of the endeavor, and the most expansive. Listen to Public John Lewis and consultant Marc Butoric as they describe just what the project is, and what the current visions are.

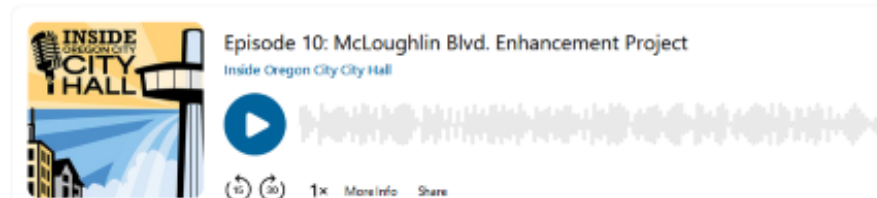


Figure 4.2.2 Dec. 2023 Oregon City News Article



Between Nov. 3, 2024, and Aug. 8, 2024, the City also sent six (6) emails (Figure 4.2.3) to 215 recipients comprised of interested parties and subscribed users. The emails included project updates and opportunities to provide input. One thousand two hundred sixty-three (1,263) emails were sent, with a 65% open rate.

Figure 4.2.3 Aug. 8, 2024 Email Update



The project team also received six (6) submissions about the long-span approach via a comment form on the project website. Additionally, six (6) constituents sent emails with feedback about the project. See **Appendix C** to view these submissions.

5 Next Steps

After the December 2023 open house, the Project team reported that none of the designs presented were feasible due to the complexity of the area. The Oregon City Commission directed the Project team to continue investigations on a long-span approach with streetscape improvements. As a result of this decision, the Project team did not host a spring 2024 online open house. The City will continue outreach with various groups and committees through 2024 to collect feedback on the preferred design.

In the fall of 2024, the project team will attend several community meetings to provide updates and collect input from constituents regarding the proposed open space connections and streetscape enhancements. Table 5.1.1 offers a detailed description of these meetings.



Table 5.1.1 Future Briefings/Meetings

Organization/Committee	Topic	Date
Transportation Advisory Committee	General project overview and discussion about traffic and transportation along the corridor.	Sep.17, 2024
Planning Commission Work Session	Updates from spring 2024 work session.	Sep. 23, 2024
Parks and Recreation Advisory Committee	General project overview and discussion about open space connections.	Sep. 26, 2024
Citizen Involvement Committee	General project overview and opportunity to provide comments.	Oct. 7, 2024
Natural Resources Committee	Update on approach for habitat restoration and permit requirements.	Oct. 9, 2024
Downtown Oregon City Association	Discussion about streetscape enhancements, open space connections, and parking.	TBD

Appendix A – Fall 2023 Interview Summary



Fall 2023 Interview Summary

McLoughlin Boulevard Enhancements:
10th Street to tumwata village



Oregon City, Oregon
January 4, 2024

Interview Summary

Interested Party Interviews

HDR staff held three interviews in early November 2023. Each interview lasted approximately one hour. These interested parties represent the following sectors in Clackamas County and Oregon City:

- Transportation
- Education
- Housing

The participants interviewed are listed in the table below, along with their affiliated sectors and interview dates.

Affiliation	Organization Details	Interview Participants	Interview Date
The Street Trust	<i>The Street Trust advocates for multimodal transportation options in Oregon that prioritize safety, accessibility, equity, and climate justice.</i>	Nicole Perry, Clackamas County Safe Routes to School Coordinator	Nov. 2, 2023
Oregon City School District	<i>Oregon City School District is the 16th largest district in the state of Oregon, serving nearly 8,000 students and employing 927 professionals.</i>	Caitlin Bergstrom, Communications Coordinator Kimberly Davis, Operations Program Coordinator Michael Sweeten, Director of Operations and Capital Projects	Nov. 2, 2023
Housing Authority of Clackamas County	The Housing Authority provides affordable, safe, and sanitary housing opportunities for Clackamas County residents.	Elizabeth Miller, Administrative Services Supervisor	Nov. 6, 2023

Interview Feedback

The following questions were discussed during the three interviews. Below is a summary of feedback received during those conversations.

What are the most critical issues you believe the project should address? What do you believe others in your organization or community will see as the most critical issues?	
Subtheme	Notes
Accessibility	• One participant noted that the corridor needs to provide better options for safely and efficiently parking and walking around. • The corridor does not provide an efficient way for wheelchair or stroller users to get around. • Public transit service is limited along this roadway.

What are the most critical issues you believe the project should address? What do you believe others in your organization or community will see as the most critical issues?	
Subtheme	Notes
	- The potential alignments should be safe and accessible for anyone to use regardless of their travel destination. - Elderly, low-income, or disabled individuals may have trouble accessing the downtown area due to lack of vehicle access or reliance on public transportation.
Safety	- Participants expressed concerns about pedestrian safety, especially families and children that walk along the corridor or cross the street toward downtown Oregon City. - Buses and large vehicles may experience difficulties traveling through the corridor due to limited roadway space. - Houseless populations are present in the downtown area. - Additional traffic and pedestrian signage may be needed in this area.
Congestion	- One individual noted that the Historic Arch Bridge creates some challenges with congestion and traffic during peak-hours. - Some drivers may use Main Street or other side streets as a shortcut away from traffic on McLoughlin Boulevard.

Of the potential alignments shown, which do you believe is the most promising and why? Is there another alignment you believe is better than the ones shown or another that should be assessed?	
Alignment Option	Notes
Floating Dock (Alternative 1A)	- Several participants supported the idea of a floating dock. - This design is separated from the main road, which was appealing to some community members from a safety perspective. - Many supported this option as long as it was accessible for those with mobility issues. - There were concerns regarding the visibility of activities near the ramp and dock. Some houseless populations in this area may gather along the shared-use path. - Additional lighting and signage would be critical for this design. - There were concerns regarding cost and safety enforcement. - Some compared this alignment to Portland's Eastbank Esplanade. - Access to the river was appealing to most participants.
Adjacent Structure (Alternative 1 & Alternative 1C)	- The noise impacts from this alignment weren't a significant concern to interview participants. - Some noted that the floating dock might be safer than the adjacent structure because it is separated from the main roadway. - Most participants suggested using barriers or other structures to separate this shared-use path from the traffic. - One individual noted concerns regarding shrinking the roadway if this alignment was selected.

Of the potential alignments shown, which do you believe is the most promising and why? Is there another alignment you believe is better than the ones shown or another that should be assessed?

Alignment Option	Notes
Other Alignment Ideas	One person suggested exploring the idea of a sky bridge over McLoughlin Boulevard.

Do you see pros or cons to having a new shared-use pedestrian and bicycle path within the study area? If so, please describe them.

Pros	- The path would improve access to tumwata village and downtown Oregon City. - The path could get people closer to the natural aspects of Oregon City, the downtown area, and the river. - The study area is underutilized, so there is potential to improve this area.
Cons	- Some people may not use the path and may use Main Street instead. - Tolling in other areas may change driver habits and how they travel through the corridor. - Population increases may result in more congestion. - Traffic is still a significant concern. Some are hesitant to walk along the sidewalk near a busy road.

What are your/your community's priorities that should be used to evaluate the different potential alignments?

- One participant asked about the project's intent and whether it was focused on overall bicycle and pedestrian functionality versus improving the riverwalk. Most may feel safer on the east side of McLoughlin Boulevard, but the west side has the view.
- The alignments should be safe and accessible for anyone to use regardless of their travel destination.
- The path should be safe and convenient for all users, including families, cycling groups, and houseless populations.
- One member wanted to understand more about where people would be coming from to use this path, especially those who come to use the Oregon City Municipal Elevator.
- The alignment cost was cited as a priority for several participants.

Do the people you know in the area feel comfortable biking or walking to get around? If not, can you share specific safety concerns for people biking or walking in the study area?

- Several participants stated that the crosswalk underneath the Historic Arch Bridge is unsafe due to poor lighting and pedestrian visibility from drivers.
- Additional infrastructure could be installed along the corridor to support low-vision and hard-of-hearing individuals.
- One participant suggested adding a barrier between the roadway and the sidewalk or pathway to protect pedestrians.
- Sidewalks and curbs on the east side of McLoughlin Boulevard are not raised.

As we look at the project corridor, are there areas on either side of the highway that are important to address or call out in the conceptual design phase? What should decision makers understand about this section of McLoughlin Boulevard as they work to design a solution?

Notes

- The east side of McLoughlin Boulevard was mentioned as an area that isn't visually appealing since it serves as a backside to several downtown buildings. One participant suggested beautifying that area or adding trees to encourage people to want to walk through that area.
- One participant highlighted an opportunity to connect this pathway with the Historic Arch Bridge as a pedestrian bridge.
- One individual suggested exploring additional connections beyond the study area, including the tumwata village, 14th Street, Interstate 205, and OR99E.

Future Outreach and Engagement

The communication methods and strategies shown in the table below were discussed during the interviews. The project team will leverage these methods to communicate with interested parties during key project milestones and events.

Stakeholder	Communication Methods	Frequency of Project Updates	Notes
The Street Trust	This organization can share information with constituents via social media.	Monthly	The project team will provide email updates to Nicole. She can share information with her organization.
Oregon City School District	This organization can share information with school staff and families via email newsletters and social media (Facebook and Instagram).	Monthly	The project team will share information via email with Caitlin. She will share updates via the channels mentioned.
Housing Authority of Clackamas County	This organization leverages text messages and flyers to communicate to housing assistance properties. The Housing Authority also holds an annual meeting in January. The organization does not have a Facebook page, but they can partner with Clackamas County's Facebook page to share information.	Monthly	The project team will share information via email with Elizabeth. She will share updates via the channels mentioned.

Appendix B – December 2023 Virtual Open House Summary



December 2023 Virtual Open House Summary

McLoughlin Boulevard Enhancements:
10th Street to tumwata village



Oregon City, Oregon
January 3, 2024

December 2023 Open House Summary

Introduction

The City of Oregon City (City) and the Oregon Department of Transportation (ODOT) are partnering to evaluate options for a shared-use pedestrian and bicycle path and streetscape enhancements on both sides of McLoughlin Boulevard between 10th Street and Tumwata village. This project is the last and most complex phase of Oregon City's McLoughlin Boulevard Enhancement Plan, which has been in progress for the past 20 years.

This project will enable the City to complete the Alternatives Identification and Evaluation phase to determine how to address this gap. Once a preferred alternative is identified, the City will proceed with a more detailed design and apply for grants to build all or portions of the alignment. HDR Engineering, Inc.'s (HDR's) services include strategic-communications support to inform Oregon City residents and the Clackamas County community about the proposed project.

The public outreach process encourages participation from local community members to learn about the project and provide feedback on the proposed design alternatives. Their feedback is critical in the City and ODOT's decision to select a preferred alternative.

This summary provides an overview of the virtual open house event held from December 6–22, 2023.

Virtual Open House Goals

The open house goals are as follows:

- Provide project information and engagement opportunities that are accessible, approachable, and inclusive
- Solicit public input on the initial set of alignment alternatives
- Create awareness about the project and its benefits and potential burdens or impacts
- Communicate how input and feedback shape project outcomes
- Create robust collaboration between agency partners and interested parties to facilitate the selection of a shared-use path preferred alternative

Virtual Open House Overview

From December 6–22, 2023, community members were invited to participate in a virtual open house hosted by HDR and posted on the City's project website. Users were invited to provide feedback on the proposed design alternatives and priorities for the McLoughlin Boulevard corridor.

The following topics were shared on the online platform:

- Project Overview
- Project Timeline
- Project Purpose and Need

- Corridor Vision
- Evaluation Criteria & Performance Measures
- Overview of Design Alternatives and Opportunity for Input
- Opportunity for Input on Shared-Use Path Priorities?

The webpage also included a general comment form where users could submit other feedback regarding the project. **See [Appendix A](#) for screenshots of the virtual open house.**

Overall, 169 users accessed the virtual open house, and 154 comments were received through the virtual open house, project website, and emails. Forty-seven percent of users (81 users) were identified using a device to access the virtual open house from Oregon City or Portland.

Comments were received regarding the following topics:

- Purpose and Need (13 comments)
- Corridor Vision (11 comments)
- Evaluation Criteria (7 comments)
- Input Opportunity: Design Alternatives (21 comments)
- Input Opportunity: Your Priorities (18 comments)
- Comment Form (2 comments)
- Emailed Comments (2 comments)
- Website Comment Form (60 comments)

The following themes were identified from the comment submissions:

- Improving traffic flow on McLoughlin Boulevard
- Upgrading access and safety for pedestrians and cyclists
- Enhancing safety for all users
- Building and improving connections to the future tumwata village development, downtown Oregon City, Willamette River, and nearby cities
- Increasing maintenance, monitoring, and cleanup work along the corridor

Overall, the majority of community members voted for Alternative 1B: High Route, a design with a new pathway structure at street level next to McLoughlin Boulevard. This path would connect to McLoughlin Boulevard near 10th Street and reconnect near the future tumwata village development. Participants also voted for a pathway design through the Historic Arch Bridge columns, as shown in Alternatives 1B and 1C. Please see the [Open House: Results and Comment Themes](#) for a complete summary of these results.

Notifications and Materials

The project team publicized the virtual open house using printed and digital notifications, described below. **See [Appendix B](#) for samples of these materials.**

Fact Sheet: The fact sheet included information about the project, benefits and needs, anticipated timelines, and public engagement opportunities.



Direct Mail: Project staff designed a postcard to notify neighboring residents about the informational session. The postcard was mailed to approximately 345 residents on November 27, 2023. City staff printed and distributed 300 additional postcards to downtown Oregon City businesses and residents.

Web Page: The project website (bit.ly/McLoughlinBlvd3) was updated with new graphics, maps, and approved content. The City also shared the virtual open house link on the website via a website banner.

Email: City staff sent three email notifications about the event to the City's notification list subscribers. This list includes local Oregon City and Clackamas County community groups.

Social Media: Oregon City staff shared the open house link and a City-produced project video on Facebook and Twitter/X. The posts directed visitors to the website to learn more about the project and the virtual open house event.

Digital Advertising: The City purchased a digital ad campaign on Oregon City News (oregoncitynews.com), including 30,000 impressions to publicize the virtual open house. Ads were produced in several formats to accommodate mobile, desktop, and tablet devices.

Project Topics

The following project topics were shared at the virtual open house:

- **Project Overview:** This slide included general information about the project, including background details about the McLoughlin Boulevard Enhancement Plan, the identified study area, and project benefits.
- **Project Timeline:** A general project schedule was shared on this slide, including relevant public engagement, planning, and design milestones. Community members were informed about the public engagement process and participation opportunities. This slide detailed the alternative development phase and the timeline for selecting a preferred alternative.
- **Project Purpose and Need:** The Purpose and Need Statement describes the transportation problems in the corridor and provides context for decision makers as they consider the best design options. Community members were invited to share their thoughts regarding this statement.
- **Corridor Vision:** The Corridor Vision includes several statements regarding the proposed Willamette Falls Path extension and streetscape enhancements. Community members were invited to share their thoughts regarding this project topic.
- **Evaluation Criteria & Performance Measures:** This slide informed visitors about the selected evaluation criteria and performance measures. The evaluation criteria were developed based on the project's Purpose and Need Statement and the goals of Oregon City's Transportation System Plan. The project team developed a set of performance measures to assess and differentiate between the design alternatives. These measures will provide a framework for selecting a preferred alternative.

- **Input Opportunity:**

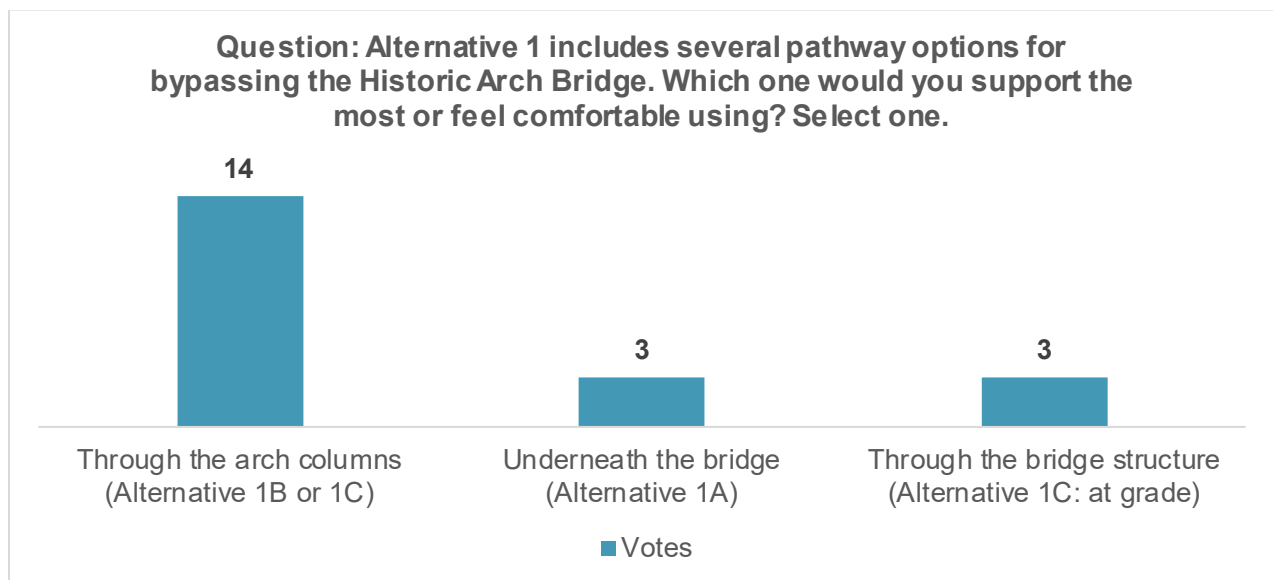
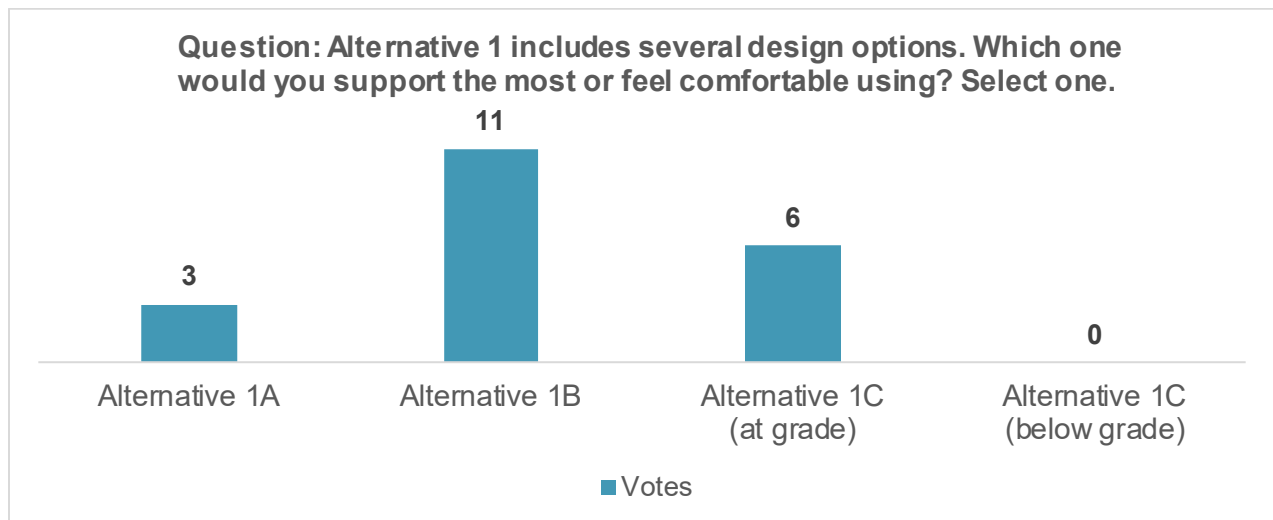
- **Design Alternatives:** Visitors were invited to provide input on several design alternatives as part of the project.
- **Your Priorities:** The City collected feedback from community members about community transportation priorities along McLoughlin Boulevard.

Open House: Results and Comment Themes

The project team received several comments during the virtual open house event. **See [Appendix C](#) for a complete list of comments received.**

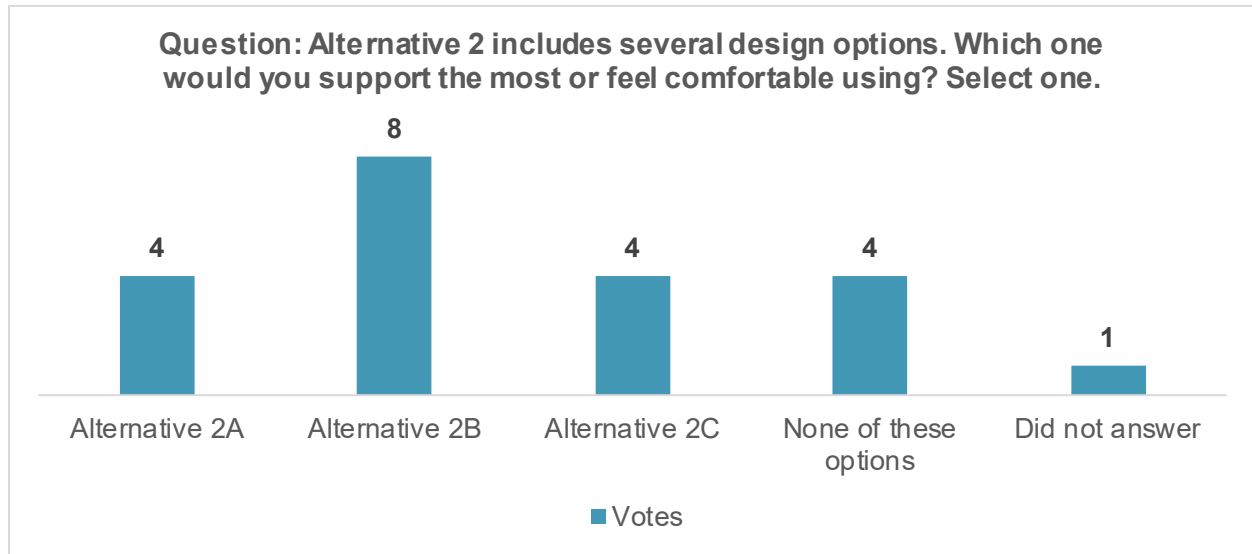
The following graphs summarize the feedback received regarding the project's design alternatives.

Input Opportunity: Alternative 1



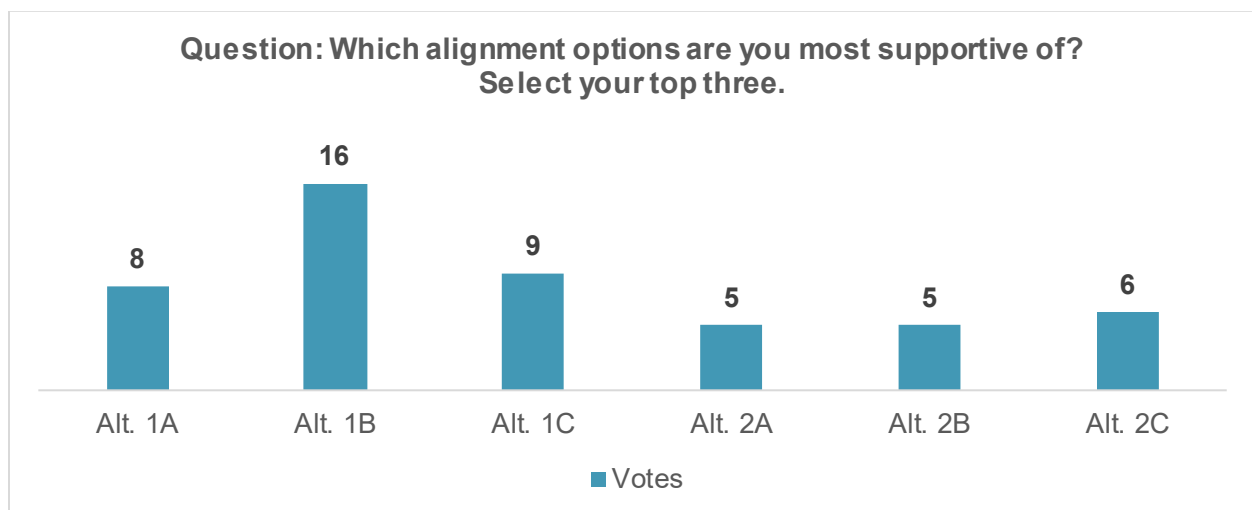
When asked which alignment they would support within Alternative 1, most participants selected Alternative 1B. Participants also preferred a pathway design through the arch columns, as shown in Alternatives 1B and 1C (14 votes), over the other two proposed alternatives (6 total votes).

Input Opportunity: Alternative 2



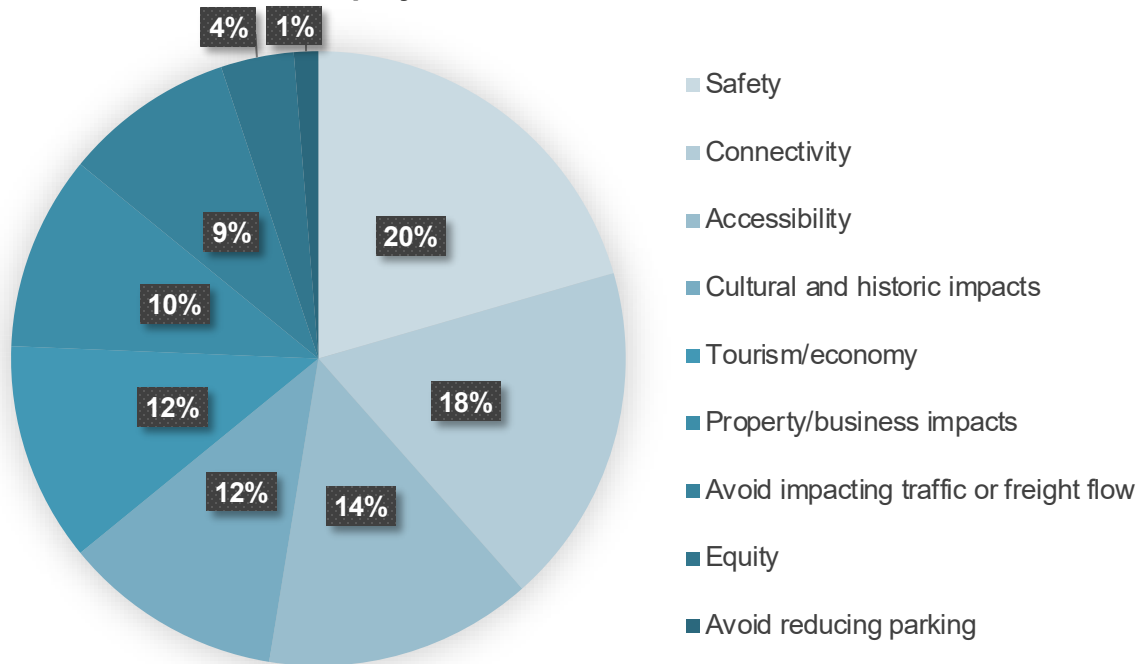
When asked which alignment they would support within Alternative 2, most participants selected Alternative 2B (8 votes).

Input Opportunity: Design Alternatives



When asked which alignment options they would support, community members favored Alternative 1B (16 votes), followed by Alternative 1C (9 votes) and Alternative 1A (8 votes). The three designs within Alternative 2 (2A, 2B, and 2C) were ranked as the least supported designs compared to the other alternatives.

Question: What are the most critical issues you believe the project should address?



Participants identified safety (16 votes), connectivity (14 votes), and accessibility (11 votes) as the top issues that the project should address.

Community members also shared the following concerns regarding safety for pedestrians and cyclists on McLoughlin Boulevard:

- Inattentive drivers
- Uncomfortable proximity to high-speed vehicle traffic from the sidewalk
- Marginal lighting in some areas along the corridor
- Decreased maintenance, monitoring, and cleanup work along the corridor
- Lack of connectivity between the river and downtown businesses
- Homeless populations camping on the trail and sidewalk
- Narrow sidewalks without railings and curb ramps

Of the alternatives shown, the following elements were identified as attractive options from a safety, security, and aesthetics perspective:

- A path that is visible or at street level
- At- or above-grade design alternatives that do not narrow the roadway
- A separate facility from McLoughlin Boulevard
- Physical barriers from traffic
- Connections to the river and future tumwata village

Community members suggested several future access amenities that they would like the City to consider, as the shared-use path is linked to existing and future upstream and downstream river access:

- A pedestrian bridge over McLoughlin Boulevard that allows people to access the downtown area without using a crosswalk
- Working with the tribe to access the historic locks between the upper and lower Willamette Falls
- Connections to future transportation projects like the Oregon City–West Linn Pedestrian Bridge and Public Riverwalk Project
- Accessibility to other areas without barriers or disconnects
- Commuter ferry along the Willamette River
- Floating pavilion at the tumwata village area (using the ramps proposed in Alternative 1A)
- Parking structure within downtown Oregon City
- Improved access to downtown Oregon City through the existing viaduct and Americans with Disabilities Act (ADA) ramps near the existing courthouse
- Benches and improved lighting
- Safe pathways to ride to Canby and Willamette

Participants shared the following thoughts regarding other sections of McLoughlin Boulevard:

- Interest in a walking path and pedestrian access across the Clackamas River by Clackamette Park
- Create a safe bike/pedestrian route that connects the McLoughlin Boulevard pathway to the Clackamas River Trail
- Remove the left-turn option at Main Street from Oregon Route 99E (OR99E) heading south
- Complete the links along the corridor to accommodate transit
- Request for a higher level of commitment from the City to maintain the corridor (e.g., garbage removal, railings, lighting repairs, and vegetation management)
- Transform the design of OR99E to preserve the historical and cultural aspects of downtown Oregon City
- Raise the bike lanes south of the OR99E bridge over the Clackamas River

Next Steps

Following the virtual open house, the project team will work to evaluate several design alternatives before the preferred alternative is adopted. Public input collected at the December 2023 virtual open house event will help inform the City's decisions as it selects a preferred alternative. Additional traffic, environmental, and technical analysis will also be completed during the design process. The City will select the preferred alternative that is technically feasible and reflects the community's vision.

Appendix A: December 2023 Virtual Open House

Virtual Open House

OREGON CITY

McLOUGHLIN BLVD ENHANCEMENTS
10th Street to tumwata village

- Project Overview
- Project Timeline
- Project Purpose and Need
- Corridor Vision
- Evaluation Criteria & Performance Measures
- Input Opportunity: Design Alternatives
- Input Opportunity: Your priorities?

Translate This Site

Select Language

COMMENT

PROJECT OVERVIEW

The City of Oregon City (City) and the Oregon Department of Transportation (ODOT) want you to help us shape the future of McLoughlin Boulevard.

We are engaging in the third phase of the McLoughlin Boulevard Enhancement Plan, which will evaluate several design options for a shared use path on McLoughlin Boulevard (also known as OR99E) between 10th Street and tumwata village. These improvements will provide safe access and improved facilities for people traveling on McLoughlin Boulevard, connecting communities to downtown Oregon City, Main Street, and the Willamette River.

Your Feedback Matters

Virtual Open House

OREGON CITY

McLOUGHLIN BLVD ENHANCEMENTS
10th Street to tumwata village

- Project Overview
- Project Timeline
- Project Purpose and Need
- Corridor Vision
- Evaluation Criteria & Performance Measures
- Input Opportunity: Design Alternatives
- Input Opportunity: Your priorities?

Translate This Site

Select Language

COMMENT

PROJECT TIMELINE

The project team will work to identify and evaluate several design alternatives before the preferred alternative is adopted. Public input collected at the open houses will help inform the City's decisions as it selects a preferred alternative. Additional traffic, environmental, and technical analysis will also be completed during the alternative development process. The City will select the preferred alternative that is technically feasible and reflects the community's vision.

	2023												2024											
	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec				
PUBLIC ENGAGEMENT AND HEARINGS	[Blue bar spanning from May 2023 to Dec 2023]																							
Online Open House																								
Oregon City Commission Briefings																								
Planning Commission Public Hearing																								
City Commission Public Hearing																								
PRELIMINARY PLANNING AND DESIGN	[Orange bar spanning from May 2023 to Sep 2023]																							
FINAL ADOPTED DESIGN STUDY																								

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Virtual Open House

OREGON CITY

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COMMENT

PROJECT PURPOSE AND NEED

A Purpose and Need Statement describes the transportation problems in the corridor and provides context for decision-makers as they consider the best design options. This statement was developed by City and ODOT technical staff and refined by the City Commission on November 7, 2023.

Purpose

- Create a shared-use path and streetscape that enhances safety for all transportation modes.
- Bridges the missing link for pedestrian and cyclists on McLoughlin Boulevard between 10th Street and Railroad Avenue through well-considered design.

Need

- There is a gap in safe, comfortable, and accessible facilities for people of all ages and abilities who are walking and biking on McLoughlin Boulevard.
- Oregon City's waterfront is currently disjointed and not seen as a continuous amenity.

Virtual Open House

OREGON CITY

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COMMENT

CORRIDOR VISION

The proposed Willamette Falls Path extension and streetscape enhancements contribute to the sense of place and community identity as an urban corridor and community gateway.

The path provides a regional link accessible to users of all ages and abilities, filling a key active transportation gap and providing a continuous link to existing and planned open spaces along the Willamette and Clackamas Rivers, including the tumwata village development, and connections to other transportation links such as a future recreational/commuter river ferry and the Oregon City-West Linn pedestrian-bicycle bridge.

The chosen design will promote safety through context sensitive design that discourages speeding and improves the walking and biking experience along the corridor.

The proposed path is representative of the local needs and priorities of the Oregon City community and has been developed as an implementable and fundable alternative.

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Virtual Open House

McLOUGHLIN BLVD ENHANCEMENTS
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EVALUATION CRITERIA & PERFORMANCE MEASURES

Evaluation criteria have been developed based on the project's Purpose and Need Statement and the goals of Oregon City's [Transportation System Plan](#).

The project team developed a set of performance measures to assess and differentiate between the design alternatives. The performance measures provide a framework for selecting a preferred alternative.

Evaluation Criteria

Click on each tab below to learn more about the evaluation criteria.

User Experience

Input Opportunity

Please share any thoughts regarding the Evaluation Criteria. Are we missing anything? (optional)

←

→

Virtual Open House

McLOUGHLIN BLVD ENHANCEMENTS
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- Input Opportunity: Your priorities?

Translate This Site

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INPUT OPPORTUNITY:
EXPLORE THE DESIGN ALTERNATIVES

Community input is an essential component to the evaluation of alternatives. The City is listening to your voice to plan safe, reliable, and effective transportation solutions. We encourage you to provide input on the alternatives presented and stay tuned for additional opportunities for feedback as the project progresses.

As you review the following alternatives, think about how you would use the path. Would it be different from your friends or family members? Is there a particular route that excites you or might give you pause for safety?

←

→

<https://msd.drugbank.com/drugs/drugbank-08967/n-bbd-prime-mestran?page=2>

Appendix B: Materials and Notifications

Fact Sheet:

**McLoughlin Boulevard Enhancements
10th Street to tumwata village**

Project Overview

Note: The study area focuses on McLoughlin Boulevard between 10th Street and tumwata village.

The City of Oregon City and Oregon Department of Transportation are partnering to evaluate options for a shared-use pedestrian and bicycle path and streetscape enhancements on McLoughlin Boulevard between 10th Street and tumwata village. Main Street is included as an alternate route. This project is the last and most complex phase of Oregon City's McLoughlin Boulevard Enhancement Plan, which has been in progress for the past 20 years.

Project Benefits and Needs

SAFE ACCESS

The project aims to provide safe access to people who walk, access transit, bike, and roll on McLoughlin Boulevard. Currently it lacks dedicated on-street bike lanes, proper and sufficient sidewalks and railings, and a barrier to fast-moving traffic.

IMPROVE FACILITIES

Improved facilities for people walking and biking will close the regional active transportation gap.

REVITALIZE

Improved facilities will help address the barriers to investing in and connecting people to downtown and the Willamette River.

LEARN MORE AT: bit.ly/McLoughlinBlvd3

Anticipated Project Timeline

The project started in mid-2023 and will evaluate options for a shared-use path. A preferred shared-use path alternative will be selected and presented to the Oregon City Commission for adoption in late 2024.

Community Participation and Feedback

The City will host two online open houses (see timeline below), and the community is encouraged to provide comments on the project website at any time.

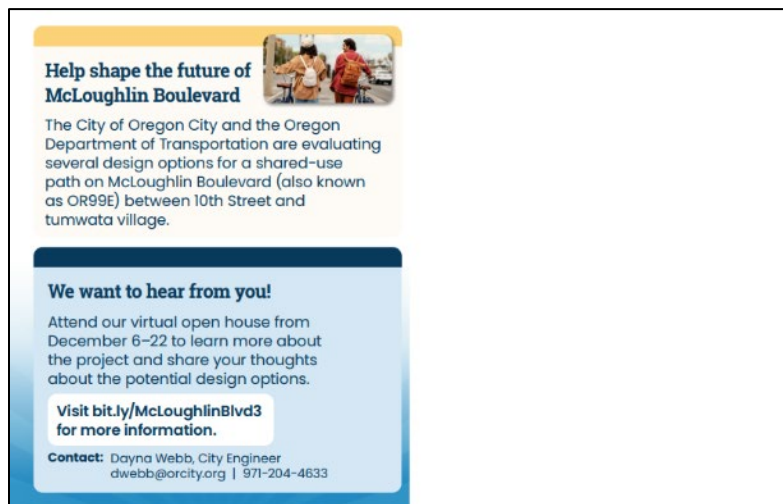
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PUBLIC ENGAGEMENT AND HEARINGS																				
Online Open House																				
Oregon City Commission Briefings																				
Planning Commission Public Hearing																				
City Commission Public Hearing																				
PRELIMINARY PLANNING AND DESIGN																				
FINAL ADOPTED DESIGN STUDY																				

For More Information

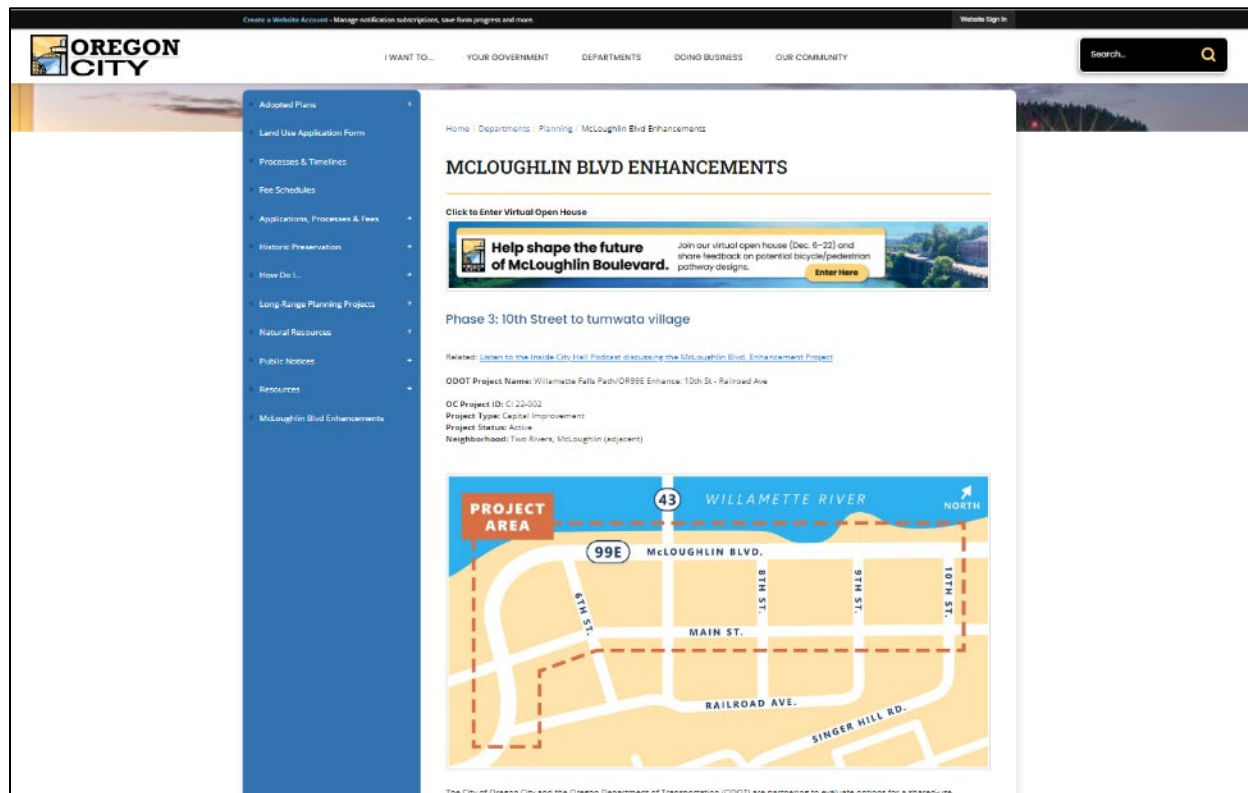
Dayna Webb
dwebb@orc.org
 971-204-4633
 Website: bit.ly/McLoughlinBlvd3

For Americans with Disabilities Act or Civil Rights Title VI accommodations, translation/interpretation services, or more information, call 503-731-4128, TTY 800-735-2900, or Oregon Relay Service 7-1-1. Si desea obtener información sobre este proyecto traducida al español, sírvase llamar al 503-731-4128.

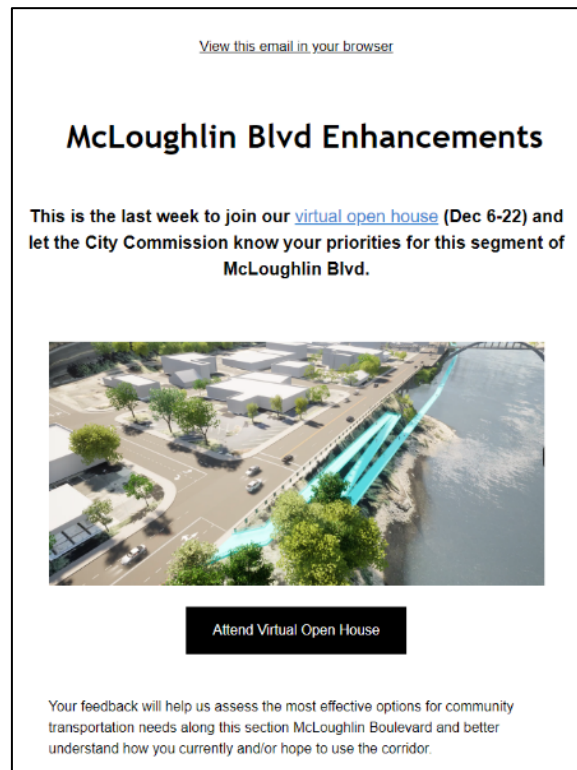
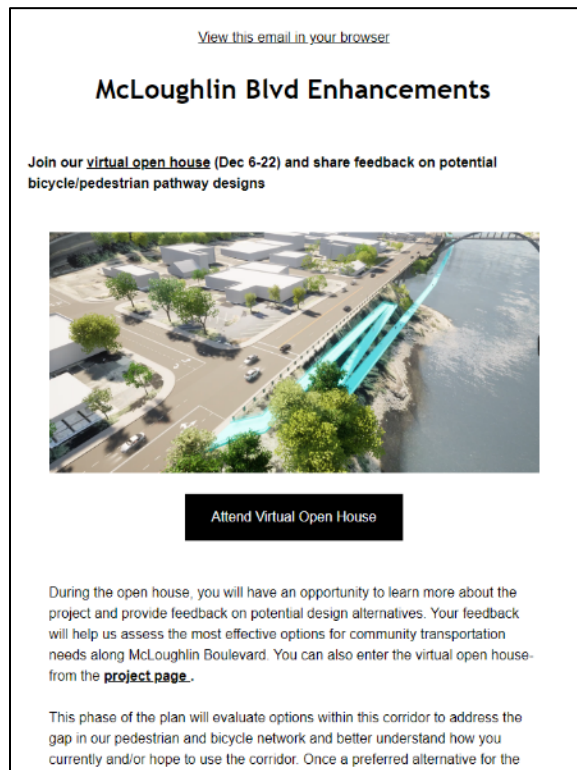
Postcard:



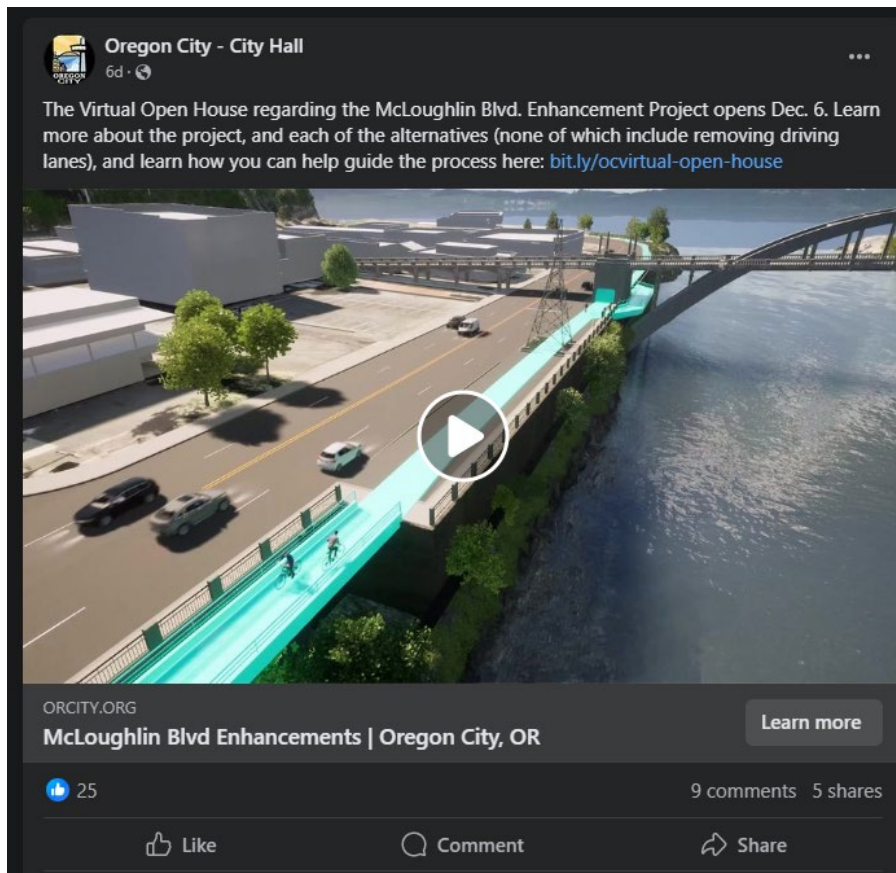
Project Website (bit.ly/McLoughlinBlvd3)



Email Notifications (December 6 and 18, 2023):



Social Media (Facebook and Twitter/X):



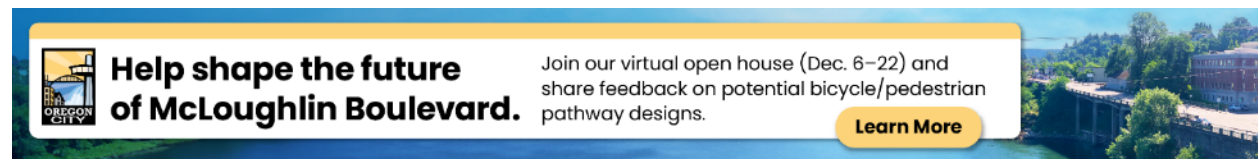
Digital Advertisements:



Help shape the future of McLoughlin Boulevard.

 Join our virtual open house (Dec. 6–22) and share feedback on potential bicycle/pedestrian pathway designs.

[Learn More](#)



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 **Help shape the future of McLoughlin Boulevard. We want to hear from you!**

Map showing the location of McLoughlin Boulevard (99E) near the Willamette River, with street names 6TH ST., MAIN ST., 15TH ST., 16TH ST., and 17TH ST. marked.

Appendix C: Virtual Open House Comments

Question: Please share any thoughts regarding the Purpose and Need Statement. Are we missing anything?	
Submission Date	Comment
12/6/2023	Everything identified is true. I currently avoid this area as a pedestrian due to the proximity to the roadway which is made worse by speed and volume
12/6/2023	The Study Area on slide 2 states the focus area is from 10th to tumwata village, however in the purpose and need it states creating connection from 10th to Railroad Ave. What is the focus area for this project?
12/6/2023	Everything stated is good, but I wonder about relation between this and access to the rest of downtown and the elevator. Connectivity here is key. There may be no solution, but it would be ideal for there to be some clear preferred connection between the 99E waterfront area and the downtown Main St area. Right now, the 10th street cross of 99E is not great, and other crossings South of that are worse. Typo: "both upstream and downtown of the Willamette River" the phrase "downtown of the river" is nonsense. Maybe someone was thinking of downtown but not "of the river" or they were thinking of "downstream".
12/6/2023	It is the connection to tumwatta village village
12/7/2023	Despite the focus on bikes and walking, our weather and overall location of most people that live near to downtown oregon city means that we first have to use cars. Please do not slow or congest traffic more. Consider ways more parking could help people then access the waterfront.
12/8/2023	I couldn't tell from the photo if this will be something entirely new added to the landscape, or will remove/replace existing infrastructure. Either way, I'm interested in what green infrastructure (or gray infrastructure retrofits) can be incorporated to provide better filtration of rainwater/stormwater, urban habitat, and mitigation of urban heat island effects here.
12/11/2023	Continue to emphasize that this project provides the missing link in a pathway amenity that extends all the way from the Clackamas River Trailhead to Tumwata Village.
12/13/2023	Could mention the need to support whatever redevelopment eventually happens with the current industrial remains on the site.
12/16/2023	The plan focuses on improvements for bicycle, pedestrian and ADA traffic but doesn't seem to include improvements for vehicle traffic on and around 99E. As the Blue Heron project advances, there will be need to address improvements for vehicle traffic. Can that be included in this project?
12/18/2023	I like the fact that there will be improvements for pedestrians and bikes!
12/19/2023	It would be wonderful to also allow another access to the river.
12/22/2023	This is very impressive!!! Every single detail has been considered for the environment, walkers, bikerswhile looking so esthetically pleasing to the eye Well done team

Question: Please share any thoughts regarding the Purpose and Need Statement. Are we missing anything?	
Submission Date	Comment
12/23/2023	Please also consider the aesthetics of your solution. If a solution is the safest option but it ruins the appeal of the downtown area then no one will use it.

Question: Please share any thoughts regarding the Corridor Vision. Did we capture the elements of a successful design?	
Submission Date	Comment
12/6/2023	This area is the key to a future path through Canby to Wilsonville and can connect to the Molalla forest road towards Molalla.
12/6/2023	This makes no mention of the Public Riverwalk project, will this connect to that project or is that project no moving forward?
12/6/2023	Nice!
12/6/2023	Yes
12/7/2023	Please do not slow the speed of traffic through this area. If you do, it will likely increase traffic at rush hour times reducing the livability in our area. Find other ways to route pedestrian traffic (which is very minor) around 99.
12/8/2023	Shade is important! I think it's really necessary that trees be a part of the planning process here especially as we'll be having hotter summers. When we want to build a space that makes access easier for folks, such as those with disabilities, or young or elderly folks, that we consider how weather conditions will affect the true accessibility of the corridor - and having trees provides a multitude of benefits (aesthetic, temperature, and more)
12/9/2023	a pedestrian/bicycle bridge already exists between OC and WL. the Arch bridge sidewalks are perfectly fine for both. I am very much against spending taxpayer money for another bridge that is not needed.
12/11/2023	Continue to emphasize linkages provided by this project.
12/12/2023	Connecting the community to the river is huge. Reengaging the waterfront and Willamette Falls (tumawata) will continue to make downtown OC a thriving place in the future
12/16/2023	I can't support a plan to eliminate vehicle traffic on the arch bridge.
12/19/2023	The connection between OC and West Linn should continue along the West Linn side of the river with a multi use path to Willamette (10th Street)

Question: Please share any thoughts regarding the Evaluation Criteria. Are we missing anything?	
Submission Date	Comment
12/6/2023	Will attempts be made to not disturb the ospreys nesting on top of the electrical tower located adjacent to the Arch Bridge on the OC side of the river?
12/6/2023	No



Question: Please share any thoughts regarding the Evaluation Criteria. Are we missing anything?	
12/7/2023	Development of the downtown area will suffer if in any way vehicular traffic or access is limited. Despite utopian dreams of everyone spending their days walking or biking around, the most frequently used mode of transportation to reach downtown OC is CARS. Even those of us who live in OC limits, cannot access the downtown area from our homes in bicycles or walking.
12/8/2023	"does not impact the river" could be better thought of as provides a net positive impact to the river/environmental impacts.
12/11/2023	User Experience: the design enhances and improves connection to the river. The alternative is both a means of transportation and a recreational facility on its own.
12/16/2023	The Evaluation Criteria and Performance Measures refer to the Oregon City Transportation System Plan. This plan is too large of a document to be able to provide any comments. Which citizens do you think will read the entire document? I recommend the evaluation criteria is more focused on the McLoughlin Blvd. enhancement plan.
12/19/2023	It is very important to create a linked system for alternative transportation that connects all communities.

Question: Alternative 1 includes several design options. Which one would you support the most or feel comfortable using?	
Design Alternative	Votes
Alternative 1B	11
Alternative 1C (At Grade)	6
Alternative 1A	3
Alternative 1C (Below Grade)	0

Question: Alternative 1 includes several pathway options for bypassing the Historic Arch Bridge. Which one would you support the most or feel comfortable using? Select one.	
Design Alternative	Votes
Through the arch columns (Alternative 1B or 1C)	14
Underneath the bridge (Alternative 1A)	3
Through the bridge structure (Alternative 1C: Hybrid Route – At Grade)	3

Question: Is there anything you want to add about the approaches to Alternative 1? (optional)	
Submission Date	Comment
12/6/2023	This path will be used more and be more attractive if seen from the road but separates pedestrians from traffic.
12/6/2023	The high Route at grade is additionally better for Public Safety. It improves visibility of those using this pedestrian and bike path.
12/6/2023	None of these alternatives seems to go all the way to Railroad Ave, therefore not achieving what is stated in the Purpose and Need Statement.

Question: Is there anything you want to add about the approaches to Alternative 1? (optional)	
Submission Date	Comment
12/6/2023	I feel 1A does not achieve the goal of efficient transit through the corridor with too much grade change and extra distance to traverse and would likely get bypassed by those striving for efficient commute. With the likely substantial cost of self supporting structure over riparian area I suspect the Hybrid route will emerge as much more cost effective than 1B and I feel likely more visually preferable. I feel staying on grade through the existing parking and arch bridge area is preferable with best option to avoid diversion structures over the river at obstacles.
12/6/2023	I like the 1C: Hybrid Route because it potentially creates a safe viewing area for people who wish to stop and view the river, bridge and falls area while allowing bicyclists and pedestrians to continue straight through. I don't like the below grade option because it's going to create a tunnel that is difficult to light, keep safe and drain well. If it is indeed practical to open up the bridge support to allow the route to pass through the structure, I think it will enhance people's appreciation of the arch bridge and not detract from its historic design.
12/6/2023	I would use any of these. However, the enthusiasm I would have and my interest in encouraging and encouraging others to use them basically goes with the distance from car and truck traffic. Quite simply, the closer to motor traffic, the worse the experience.
12/8/2023	Please make sure it is easy for cyclists to turn onto 10th Street. This is a necessary so cyclists can access downtown and biking up Singer Hill. Currently there is only a ramp on the northern side of the intersection, making cyclists moving southbound on the current river walk either crossing two busy intersections, or jumping the southern curb in order to remove one of the busy intersections.
12/11/2023	Although 1A would be wonderful since it gets people down to river level, I believe it would be way too costly to build and maintain and keep usable all year due to river level changes, and it also makes the path somewhat less desirable for non-handicapped users due to the added length needed to hit ADA slope requirements. By staying at McLoughlin Blvd elevation, it may also be possible to provide a route from the path up to the Arch Bridge. This should be considered.
12/12/2023	Visibility of pedestrians and people is key. A low route will not show river front activity from street level. This creates a place that does not have an "eyes on the street" type feeling. Low, dark and secluded from activity.
12/13/2023	1A would seem to replicate the experience of the river access on the east side of the Willamette in downtown Portland, which is a very enjoyable experience that is intimate with the river itself. It would also reduce the exposure to the traffic noise of 99E.
12/15/2023	I also quite like Alternative 1A: Low Route. The switchbacks could be tricky on a bike but it would be amazing to walk/bike at river level. I don't much like Alternative 1C: Hybrid Route - Below Grade. I want to walk/bike by the river for the view, which you wouldn't be able to see from an underground tunnel. I also find tunnels in urban/suburban areas often become hangouts for unhoused folks and if they aren't maintained will become unpleasant/dirty/wet quickly.
12/18/2023	The most direct and separated route is most preferable

Question: Alternative 2 includes several design options. Which one would you support the most or feel comfortable using? Select one.

Design Alternative	Votes
Alternative 2B	8
Alternative 2A	4
Alternative 2C	4
None of these options	4
Did not answer	1

Question: Is there anything you want to add about the approaches to Alternative 2? (optional)

Submission Date	Comment
12/6/2023	None of these alternatives goes all the way to Railroad Ave, therefore not achieving what is stated in the Purpose and Need Statement
12/6/2023	Please eliminate travel lanes on McLoughlin. The roadway is too fast at this location and is too difficult to cross for pedestrians.
12/6/2023	I feel 2A is not viable as further restriction of vehicle traffic seems untenable. 2B or 2C in the hybrid concept both seem to have merit, my understanding is the viaduct is inadequate regarding seismic design and it seems evaluation needs to consider what and when remediation entails.
12/6/2023	Although I would use it, being close to high-speed traffic is not enjoyable for anyone. So, all these are good for basic functionality and safety but will not encourage a nicer experience. With these options, I would use them sometimes but would encourage most people to cross to Main St at 14th, 12th, or 10th and then go to the elevator and then take the Promenade (which I hope will some day have nicer connection to the falls area).
12/6/2023	Question not clear. Keep the same amount of travel lanes, separate pedestrians from traffic and maintain visibility of pathways from the road
12/7/2023	McLoughlin Boulevard is in need of a reorganization regardless of any other design plans. I actively avoid driving the section up for discussion, because it's so unpleasant. Since it is a major commuting route I do understand that there needs be four travel lanes. I'd love to see something like the development on 99E in Milwaukie with planted islands and a couple more pedestrian activated lights with large visible painted crosswalks.
12/7/2023	2C seems to be the most conducive to updating the site while also minimizing negative effects on commercial through traffic, which I feel would exponentially adversely affect overall traffic if impacted negatively
12/8/2023	Seismic resilience is vital. If it's too much \$, then 2B. 2A is risky given the potential for I-205 diversion and tolling increasing ADT.
12/8/2023	I would prefer to keep the existing viaduct as is.
12/9/2023	it looks like all of the alternative 2 options would remove parking, which I would not support



Question: Is there anything you want to add about the approaches to Alternative 2? (optional)	
Submission Date	Comment
12/15/2023	I prefer 2B because it seems the most attainable. 2A seems unlikely to work in my opinion, I can't see how more space could be allocated to cyclists and pedestrians while leaving the travel lanes in tact. As a frequent cyclist/pedestrian I don't trust drivers, especially on a busy/fast-moving road like McLoughlin. I strongly prefer to have a path that is separated from the main roadway. I think 2C would result in the best results but I can't imagine what Oregon City would do with McLoughlin closed for construction for an extended period of time.
12/18/2023	Keep the 2 south bound lanes from 205 thru the tunnel and up to 2nd St. When heading north on 99 before 2nd St (just south of Stillhouse), where 99 turns into 2 lanes, make the right lane a Turn-Only onto 2nd. Make the northbound traffic one lane. Leave as one lane down thru the tunnel and all the way to 205. Widen all three lanes thru town, add the multi use path along the river edge.

Question: Which alignment options are you most supportive of? Please select your top three.	
Design Alternative	Votes
Alternative 1B	16
Alternative 1C	9
Alternative 1A	8
Alternative 2C	6
Alternative 2A	5
Alternative 2B	5

Question: What are the most critical issues you believe the project should address?	
Issue	Votes
Safety	16
Connectivity	14
Accessibility	11
Cultural and historic impacts	9
Tourism/economy	9
Property/business impacts	8
Avoid impacting traffic or freight flow	7
Equity	3
Avoid reducing parking	1

Question: Do you feel comfortable biking or walking on McLoughlin Boulevard to get around today? If not, can you share specific safety concerns?	
Submission Date	Comment
12/6/2023	To many people at the wheel of vehicles and not paying attention to the task of not harming someone through the driving of their vehicles.
12/6/2023	Yes.
12/6/2023	No
12/6/2023	I have tried several times to walk and bike in that area, and now I make sure to cross at 10th street or sooner when heading South. I feel unsafe and uncomfortable in this area of 99E. There are very narrow and turning sidewalks with no railings, high-speed traffic, and places with no ramps but requirements to get up or down from the sidewalk. I am reasonably comfortable from Jon Storm Park to 12th St and acceptable enough from 12th to 10th (though that section and crossing at 10th is quite uncomfortable, and *all* crossings of 99E feel somewhat uncomfortable, needing a defensive approach to dangerous traffic).
12/7/2023	No! I don't even like driving on McLoughlin. It's loud and it's not connected to either the downtown or the river. There currently isn't a reason for pedestrians to use McLoughlin.
12/7/2023	Feeling of safety marginal for following reasons: >uncomfortable proximity to vehicle traffic in places >marginal lighting some areas >general increasing deficiency in maintenance , monitoring and cleanup.
12/8/2023	No. Need to be separated from traffic. Will go out of my way to walk elsewhere.
12/9/2023	not really. there is poor connectivity between the river and the business sides. There are no businesses that I need to get to on the river side at this time.
12/10/2023	Except for the homeless camping on the trail/sidewalk.
12/15/2023	I both walk and bike on McLoughlin regularly and I think it is okay. I ride my bike on the path along the river, never on the road itself. I go out at off-times/mid-day weekdays so there aren't many people out but if I find myself out on a nice weekend day the path is too narrow for both cyclists and pedestrians. There are crosswalks to get back into downtown but you still have to be very careful crossing the road - cars do NOT look to see if there is someone in the crosswalk, it can be dangerous. There are some folks that seem to be living along the path. I empathize with the unhoused people but they tend to leave garbage, blankets lying around. I have to dodge it while riding my bike.
12/18/2023	It is comfortable in the area where there have already been improvement. This section however is very scary
12/19/2023	My husband and I walk and bike often in this part of OC, and I haven't ever felt safe. We go to Portland on the East side and there are wonderful off-road trails that are very safe and accessible for all uses. It would be wonderful if OC had as good of a system to bring tourists as well as create a usable alternative to driving.
12/23/2023	I feel safe enough when walking by myself but I feel nervous in certain areas walking with my children. We usually try to walk along main st. When possible. Having to walk in the west portion has always felt a bit treacherous



Question: Of the alternatives shown, which elements are most attractive to you from a safety, security, and aesthetics perspective?	
Submission Date	Comment
12/6/2023	just making it completely visible.
12/6/2023	The options that are at or above grade without narrowing roadway.
12/6/2023	Separated facility from McLoughlin Blvd.
12/6/2023	Clear, complete separation and protection of people from traffic; including noise, pollution and vibration impacts on people using the pathway.
12/6/2023	Anything that gets away from traffic is best, having physical protection when close to traffic is next best, and having just space next to traffic is barely acceptable. I worry slightly about vandalism/crime/delinquency in areas that are out of sight. I could imagine the 1A low route being combined with boat docks such that it encourages more people to use the facility to access the water and encourages people to bike to get to boats or fishing. That would seem the greatest win for all: combine 1A low route with width enough for people to do pole fishing and maybe some access points for boats, and perhaps docking spots could be rented for city income.
12/7/2023	I like the idea of something built entirely separate from 99E. I like the idea of having a connection to the river and someday tumwata village.
12/7/2023	Separation from vehicle traffic, hopefully implementation of design elements that will facilitate appropriate use and discourage misuse.
12/8/2023	High route is separated, but visible (low route might have safety risk for lone travelers).
12/9/2023	The low 1 looks really fun, but not as safe as the high 1. The switchbacks looks too steep on low 1.
12/10/2023	Keeping the trail at grade for visual awareness but separate from traffic for safety.
12/15/2023	I favor the alternatives where the path is separated from the roadway for comfort and safety. I quite like 1A and 1B because of this. I love that 1A would get us down to the river level - it would be so peaceful to walk or bike down below far from the street.
12/18/2023	Separation from traffic, but not the low route. That one seems too far away and indirect. Less activity
12/19/2023	Anyway we could get closer to the river would benefit everyone. Also, having Main Street as a no car Street through downtown would be amazing!
12/23/2023	I have security concerns about the low route. It is shady and out of view of the road. It would also be colder down by water level. The routes at street level are most appealing

Question: This new community facility will link to existing and future upstream and downstream river access. What future access amenities should the city consider when designing this connection?	
Submission Date	Comment
12/6/2023	Need to look at a pedestrian bridge over McLoughlin Blvd that allows people to not have to use a cross walk light at Main Street and McLoughlin Blvd/Hwy-99E. this pedestrian bridge is critical in creating a loop without crossing McLoughlin Blvd.
12/6/2023	Opening up the historic locks between upper and lower Falls.
12/6/2023	Connection to future transportation projects i.e. Oregon City- West Linn Ped Bridge and Public Riverwalk project
12/6/2023	Easy, contiguous accessibility to other areas without barriers or disconnects.
12/6/2023	Potential pedestrian/bike bridge crossing, riverwalk, commuter ferry
12/7/2023	The city should consider a floating pavilion at the tumwata village end (using the ramp idea proposed in Alternative 1A). It would also be lovely to just have a safe to use viewpoint at the tumwata village end where 99E curves. The city needs to consider a parking structure. I've never had trouble parking, however there is a perceived assumption that there isn't enough parking so planning for that would be great.
12/7/2023	Easy access to the downtown area should be a high priority and I feel the best opportunity would be under the viaduct to a well designed ADA access near the existing courthouse. I feel a modified hybrid design would best achieve this by ramping down from the south end of the viaduct to a level at or near sufficient for access under the viaduct to the east side and ramp back up to grade at the north end of the viaduct. An enlarged area at the low point would be ideal to accommodate a possible future phase development to provide access down to river level. Ultimately providing river level access would be a key component of maximizing tourism opportunities but may be better accommodated in the Tumwata Village development and would not be needed in both locations.
12/9/2023	frog ferry
12/10/2023	Working with the Tribe for access to the Falls.
12/15/2023	It should have plenty of connections to get back into downtown so it is useful to travel into/out of destinations in downtown.
12/18/2023	Benches, lighting
12/19/2023	I would love to have a safe way to ride to Canby and to Willamette or farther.

Question: Please share any additional thoughts regarding other sections of McLoughlin Boulevard.	
Submission Date	Comment
12/6/2023	The bike lanes South of the 99E bridge over Clackamas River are narrow dangerous paint next to 40MPH+ traffic. Those should be raised to the level of the sidewalk and a railing added for safety. The only safe option in that section is to bike on the sidewalk which sometimes results in uncomfortable cycle/pedestrian interaction. That said, the bridge itself is an overly narrow bottleneck with unfortunately narrow sidewalks, so that is another problem. I understand that otherwise, the Abernathy Bridge construction involves updating the bike infrastructure right around the bridge area.
12/7/2023	As commuters travel south on 99E the entire design should immediately change and feel different at 10th street (truthfully, 14th street would be even better). People need to feel like they are traveling through a beloved, historical town rather than skirting around the edge just to get from point A to point B.

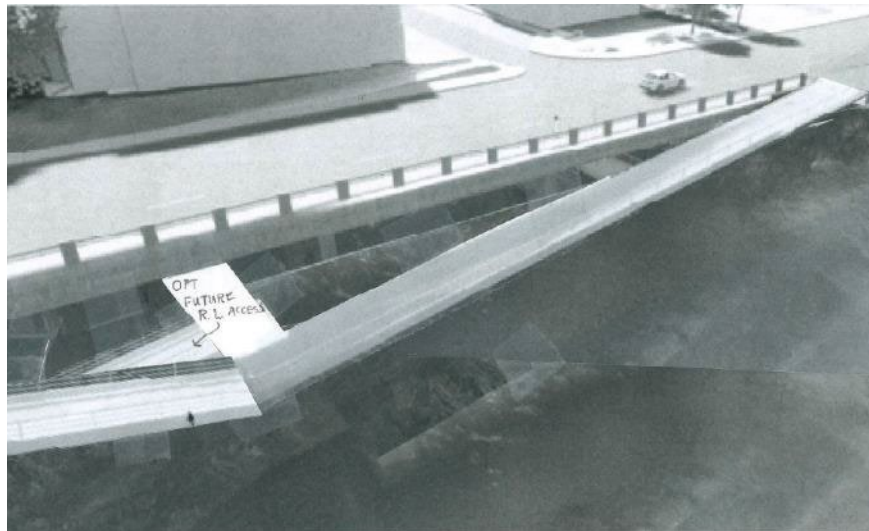


Question: Please share any additional thoughts regarding other sections of McLoughlin Boulevard.	
Submission Date	Comment
12/7/2023	Completing links to accommodate easy transit through the entire corridor are obviously necessary but to achieve the “feel” of a cohesive welcoming urban area vs “linked destinations” the design needs to blend and a significantly higher level of commitment to maintaining repair and cleanliness of the entire corridor will be necessary. There have been numerous instances of garbage accumulation (noticeable pile at 11th st bump out as of yesterday 12/6 there since before Thanksgiving), lack of maintenance of railings, pruning back vegetation, maintaining lighting etc. all of which detract from a safe welcoming feeling. In the absence of obvious commitment to the “feeling” of a welcoming safe environment at all hours a “large sidewalk” is all that will be achieved and fall far short of the potential I feel is available.
12/9/2023	I am excited to get to see this project connect us to the river and to Tumwata Village.
12/10/2023	Remove the Left turn option at Main St from 99E headed south.
12/15/2023	There should be a safe connection to the Clackamas River Trail. The path on the side of McLoughlin should connect with a bike/pedestrian route under 205 where there is currently a construction site.
12/19/2023	It would be great to have a walking path/pedestrian bridge across the Clackamas by Claclamette Park.

Virtual Open House: General Comment Form & Emailed Comments	
Submission Date	Comment
12/6/2023	As part of this discussion, will you be able to consider the traffic on the Arch Bridge and the types of vehicles allowed to use it? Currently, the only restrictions that I have found for vehicles are based on weight and height. When the bridge was upgraded, the lanes were narrowed in order to protect the arches. Often there are large semi-trucks that turn onto the bridge from Main Street. They are too wide for the narrow lanes, and traffic has to stop on the other side of the bridge so that the over-sized vehicle can safely cross. Given that the Abernathy Bridge is just a couple of blocks north, it seems that these large vehicles should be directed to cross over it and not the Arch Bridge. The Arch Bridge should be for walkers, bike riders, and local traffic. Having been on the bridge when one of these over-sized vehicles is crossing, I often think that it is an accident waiting to happen. If that happened, there would not be an easy way to clear the bridge. It would be a horrible traffic jam. Please consider adding a vehicle width limitation to the bridge. THANKS!!
12/7/2023	Love that you are wanting to improve access to improve the vitality of the downtown area. However, it is rainy a lot and most people that live in the area can not bike to work. So whatever changes you make please do not decrease the flow or speed of traffic.

12/19/2023

Thank you for the opportunity to weigh in on the McLoughlin Blvd Enhancement project. I did respond in the online open house with some of my thoughts. One variation that did not appear in that more abbreviated version was an option with under-viaduct crossing to the east side. I did later discover a "high route" variation that did include that in other materials on the website. In the responses I submitted I expressed preference for a modified Hybrid route that would accommodate that. Attached is a rather crude cut and paste to try to illustrate that. The grades in that representation appear too steep but since the viaduct grade is raising traveling south to north I believe the walkway with moderate declining grade could drop to the necessary level in a reasonable horizontal distance and then progress back up to existing grade at the north end. If that presents too much elevation gain on the northern portion that transition could occur at an intermediate level with a spur ramp completing the descent to a low enough level to cross under the viaduct. I feel it would be ideal at that lower transition point to include an enlarged area for viewing the river that could also accommodate a future further development down to river level. Since the Tumwata designs are not yet complete and could provide perhaps better river level access it seems the McLoughlin project should only include provision to accommodate that in the future.



I have a general over-arching concern regarding the entire corridor and that is ongoing commitment to maintenance and cleanup and I noted that in my responses as well. What I have observed over the last few years that I have routinely traveled and walked that area can only be described as dismal. I emailed some concerns on a couple occasions a few years ago and was encouraged to make use of the OC app which I have done a few times and generally noticed response within a week or so. However, generally out of curiosity, I have been watching an accumulation of trash in the 11th street bump out that appeared around Thanksgiving and still remains these weeks later. An emphasis on how to achieve a safe welcoming environment is one topic that emerged in the online open house and achieving that entirely is crucial in my view for this development to be successful in realizing its potential. Without very careful attention that nuanced "perception" is easily squandered and very difficult to regain with a likely result of underutilization of appropriate use and over-utilization of inappropriate use.



Virtual Open House: General Comment Form & Emailed Comments	
Submission Date	Comment
12/21/2023	My preference is for option 1B, While I like the water side feature in 1A, the increased length and the slopes make this less convenient for casual use or to get from the 10th Street end to the mill site (or vice versa). And because the sunken grade reduces visibility from the street, it might feel less secure also.

McLoughlin Boulevard Enhancements: Website Comments	
Submission Date	What is important for decision-makers to understand about this section of McLoughlin Boulevard as they work to design a solution?
10/3/2023	It could be so beautiful! Our priority should be on pedestrians, bikes, and trees, not on cars. The parking spaces between McLoughlin and the river are nearly useless; I think they should be eliminated to make more space for walking/rolling/biking. Left turns from southbound McLoughlin to Railroad Ave are so dangerous and should not be allowed. Left turns from southbound McLoughlin to Main St. should be enough for people. Speed limits should be reduced to 25mph to make the section feel safer.
10/25/2023	We have lived in OC for most of our lives and prefer to walk or bike to downtown businesses. This section of downtown is not very bike friendly and has terrible traffic right down the core of our historic town. Main Street should be walking or biking only between 10th street and the bridge. This would allow businesses and restaurants to use the street to expand their customer area, and it would become a fabulous outdoor gathering place for everyone.
10/31/2023	Any solution that you would not let your kids use is not safe enough for anyone. Bike and pedestrian infrastructure should be protected and not be just paint.
10/31/2023	Pedestrians, cyclists and transit must be prioritized - these are the residents and visitors that will fund our economy far more than the people just driving through.
10/31/2023	Pedestrian safety, natural beauty, access.
11/1/2023	Due to the heavy traffic nature of 99, I think for usability/ safety reasons any bike path needs to be elevated from the traffic and on the same grade as the sidewalk. This avoids dangerous conditions for drivers/bikers. Additionally some sort intermediate between the peds/cyclist should be created to ensure safety . To do this would require a wider sidewalk. The water side sidewalk could be widened between 10th & 43 by cantilevering sidewalk extension over the water.
11/12/2023	I don't feel safe walking along McLoughlin between the railway overpass and the falls. Traffic is too close. Maybe come up with a way to separate walkers and Traffic? The highway seems loud and scary.
11/15/2023	Please don't make it less convenient for automobiles and better for bicycles. Either put a left hand turn light or a no left turn sign on 99E at railroad ave so cars are turning left before the tunnel are not backing up traffic
11/19/2023	Narrow lanes make it safer for those not vehicles.

McLoughlin Boulevard Enhancements: Website Comments	
Submission Date	What is important for decision-makers to understand about this section of McLoughlin Boulevard as they work to design a solution?
11/26/2023	Strive for design elements that promote ease of transit and are easily maintained and that readily accommodate appropriate use but ideally hinder mis-use. A shared use corridor the entire length of Oregon City that feels pleasant and safe at all hours would be a great asset to linking the various areas of interest as a whole. Falling even a little short of that may leave a sense of disconnected areas of interest with inhospitable links that become more attractive for mis-use.
11/29/2023	Congestion near the tunnel.
11/29/2023	Traffic flow - lots of cars go through this stretch on their way between the Canby area & OC/I205 interchange. Keeping vehicles moving while maintaining walkability and safety will be a challenge especially with constraints of Willamette River & railroad.
12/3/2023	Maximize public visibility of and access to the falls.
12/4/2023	To NOT decrease the lanes or flow of traffic. Its lovely to have a place to bike or walk that is safe but the majority of people need to be driving their car through these areas at least 2ce a day and dont want to be slowed down or caught in a traffic jam because lanes, access or speed is reduced.
12/4/2023	Think about young families in OC as we will be here for another 50+ years. Also, this is the first impression many will have on our town. We would like to see it as a beautiful and vibrant, and safe place where people want to visit regularly. This would attract new residents and visitors to OC and will be a backdrop for many community events. We need wide sidewalks - maybe bricks where the community can donate and dedicate a brick on the path so it's beautiful and gives us a sense of pride.
12/4/2023	Rush hour traffic thru town and easy access for peds and bikes to connect to river trail/ walkway. Without waiting forever to cross 99.maybe have one overpass access??
12/5/2023	There is already a lack of parking in downtown Oregon City at peak times like Friday and Saturday nights. If this project results in fewer parking spaces, that will make the situation worse. Also if the Tribes design Willamette Falls area enhancements without adequate parking, that will make things worse. Please try to either not remove any existong parking capacity. or actually find a way to add more parking with this project.
12/5/2023	We need a "people" connection to the river. Oregon City has a fabulous scenic river with so much historical provenance but little to no safe access to it...either physical or visual, what a shame! We need a walkable safe street scape that will facilitate all that. A wide walkable esplanade with viewing stations and easy safe access to it across 99E. a bridge over the road? We need beautiful plantings to soften the concrete and space enough to have some services, small cafe, seating, bike racks.
12/6/2023	This project will increase Oregon City residents and tourists access to the river, which will also increase resident and visitor support to the downtown region.
12/6/2023	Continuing access for bicycles, walkers, ADA through to viewpoint across from Stillhouse pub, which may already be part of the plan. This can be accomplished by pathways through Tumwata village.



McLoughlin Boulevard Enhancements: Website Comments	
Submission Date	What is important for decision-makers to understand about this section of McLoughlin Boulevard as they work to design a solution?
12/6/2023	This is a critical opportunity to accomplish many critical things, that is more than just improved access and views of the Willamette River. This is critical for Public Safety, creating adequate separation from the road and vehicles. This will encourage greater activity, where people are on their feet. and not sitting in a car. This goes hand and hand with improved health physically and mentally. This will become an attraction and bring victors to Oregon City and spending money.
12/7/2023	Safety for pedestrians. Efficient vehicle travel throughout the areas allowing a connection to the riverfront and invitation to stop in Oregon city.
12/7/2023	I love the idea of this project, I'm also concerned about the traffic congestion impact in this area.
12/8/2023	Parking and trail access to allow more people to enjoy the sights. Placing the walkway as far away from traffic and as close to the river as possible.
12/8/2023	Oregon City made a serious mistake when they failed to actively engage in the early period after the closure of the Blue Heron Mill. It is critical that the City now work closely in partnership with the site owner (Tribes of Grand Ronde) to make the redevelopment and restoration of the Blue Heron site a success.
12/8/2023	Stating the obvious, to increase emphasis -- this area is the most important community space for Oregon City. It includes core history of Oregon and Oregon City, and has the most potential to be THE representation of Oregon City and the history of Oregon state. The river, the falls, and McLoughlin Blvd need to combine into the story. Consider what drivers see on one level, then increase it for walkers.
12/8/2023	public transportation that functions within OC, pedestrian access to river and downtown for families to enjoy, businesses that families can enjoy, not just bars.
12/8/2023	The cost to taxpayers and businesses. The safety of walkers and the scenic and traditional beauty of the area. NO ABSTRACT, modernistic design!
12/8/2023	Impacts to existing downtown. Hopefully this will increase visitors to the area - infrastructure to deal with the additional visitors.
12/8/2023	Keep traffic moving. My wife and I walked from the park at I205 to the Mill. It was so load and awe full, any view was ruined from the traffic noise!
12/10/2023	Needs to be appealing and feel safe to get pedestrians to walk along McLoughlin with all the busy traffic.
12/12/2023	Don't reduce parking spots as parking is already a critical issue for the area. Parking issues can't be ignored. Safety is my next concern, especially with the plan for more homeless services around 15 and Main Street. Several friends who visited from Hillsboro and Canby have commented about how uncomfortable they were on main street from panhandling and people walking the streets with obvious mental health issues. Everyone needs to feel safe. Good lighting and visibility would be good.
12/12/2023	Bike and pedestrian use, Easy access for all abilities, traffic reduction, attractiveness.

McLoughlin Boulevard Enhancements: Website Comments	
Submission Date	What is important for decision-makers to understand about this section of McLoughlin Boulevard as they work to design a solution?
12/15/2023	It's important that this section of McLoughlin discourage speeding/reckless driving and provide a safe and enjoyable avenue to walk or bike. The pedestrian path should connect safely into downtown and ideally would also have a safe connection to the Clackamas River Trail. It is also important that the area is maintained, the existing path is great but is often cluttered with litter and things unhoused folks have left behind like blankets/sleeping bags.
12/16/2023	I just feel it is important to keep in mind the vehicle travel especially in the morning hours.
12/17/2023	Build it to withstand floods
12/17/2023	Please maintain a good traffic flow. This is a busy section of highway and should not be made any narrower or have any more stop lights.
12/18/2023	Safety for pedestrians and cyclists
12/18/2023	The High trail option b - with out the 8th street under hwy part appeals to me the most. This is the only option that the homeless can NOT hide. Keep the trail AWAY from the hwy with the separate path. The closeness to the river is the attraction. To have this entity even think that the trail will continue past main street to the tunnel on Railroad ave is dangerous. The trail through the tunnel to the fall overlook is not anything that a family with kids and grandma could do safely
12/20/2023	The access and the wonderful view.
12/21/2023	The high route provides more visibility. As a mom pushing a stroller on walks, that seems to be the safer option. I wonder if there's a way to diffuse traffic noise on the walkway (?). It's important to provide at least one point of access to the Main St, midway on that path, ideally at the arch bridge. People would be more apt to use the walkway if they could get on and off from the main strip of shops. Do NOT reroute through main st, which is already congested with limited parking.
12/21/2023	Keep the Willamette River for all the Native Americans historical rituals with recreation for all. Adding more parking would add more pillars and structural support items for the roadway over the Willamette River reducing the historical fishing and harvesting area.

Appendix C – Constituent Comments/Emails

Website Submission Form	
Submission Date	Question: Should the City Commission continue studying the long-span approach for this section of McLoughlin Blvd?
4/16/2024	Yes. Having better access to the river from the downtown area is vital to the future growth and tourism of Oregon City. It will also make access to the future Tumwata village area even better and safer for people to see what Oregon City has to offer and to see the beauty of the Willamette River.
4/16/2024	Not at this time. Refocusing on safety improvements on Hwy 99E.
4/17/2024	Yes
4/23/2024	Yes! Oregon City needs to make the waterfront an attractive and usable amenity. I also love the idea of a linear park, I think visually it will help the feel of McLoughlin Boulevard.
7/10/2024	Yes! This could be very cool for the region and attract tourism while improving safety for bike and peds.
7/20/2024	<i>No response was listed. This individual signed up to receive email updates.</i>

Website Submission Form	
Submission Date	The long-span approach could be a community amenity that links open spaces up and downriver of this site and connects travelers to the historic downtown. Are there other opportunities or even constraints that you think the City Commission should understand as they determine if this option should be further studied?
4/16/2024	This is one of the things that OC is missing...a connection of the downtown area to the river. This is a huge missed opportunity to draw more people to OC that will also be an economic boost to the city. However, we need to figure out better parking to accomodate more people. Parking will also be very important feature to consider or people just won't come if they cannot park anywhere close.
4/16/2024	Feeling with so many unknowns to this project related to costs and requirements of engineering, the City Commission should put safety improvements in place along this highway instead of a pedestrian bridge which dead ends at the tunnel a short distance away. Also eliminating more parking in this area has a major impact to local businesses and visitors of the rivers edge bluff.
4/17/2024	Unknown
4/23/2024	I think it would be neat if there was a way to make the "viewpoint curve" of the long span slightly wider to possibly add benches or room for people taking in the view of the falls.
7/10/2024	Perhaps adding information that improves learning and appreciation of the area (historical, cultural) to the structure would be interesting for path users. Or perhaps portions of the structure could have glass floors offering unique views down to the river and archeological terrain below, which would be an attraction for people to visit—like other cities have on bridges and viewing platforms.
7/20/2024	<i>No response was listed. This individual signed up to receive email updates.</i>

Emailed Comments	
Submission Date	Comment
4/7/2024-5/5/2024	Christina, could there be an investigation of a pedestrian blvd-pathway bridge, parallel and to Arch Bridge that allows visitors to get over Hwy 99E/McLoughlin Blvd, from 7th and Main Street? We want tourist-visitors, our guests and pedestrians to not have to go to crosswalk lights, and thus make it difficult to flow in and out of the commercial district of Downtown Oregon City! This will also lesson highway congestion and reduce potential safety impacts and create positive impacts coming from the ease of pedestrians flowing easily over the highway as they start their viewing of Willamette River and falls. Consider using the Alleyway ROW to the south of the Arch Bridge to create the ramps for this pedestrian bridge over the highway which then could become a primary access route needed to connect with this pedestrian pathway - McLoughlin Blvd Enhancements and the river walk to the falls. Creating a primary access point from 7th and Main Street where pedestrian come and go to view the river and falls, and than allowing them to flow freely to the new pathway will result in and maximizing their viewing experience of the river, falls and access to the pathway and at the same time connecting them to the Commercial Downtown Main Street and to me it has so many positive implications.
4/7/2024-5/5/2024	How about come off the bridge down to the new pathway?
4/7/2024-5/5/2024	Greetings Christina and Dayna, Thanks for the emailed update on the McLoughlin Blvd project. I also watched online the presentation last week at the commission work session and thought to share my impressions. Of the two alternatives presented I find the long span approach more desirable based not only on the apparent constructability benefits outlined by the engineer but I see it more stylistically desirable in that it is clearly a modern installation distinct from historical development and by virtue of that type of design becomes conveniently visually subordinate to the Arch bridge where they intersect. I would see the arch bridge component of the other design as in competition visually with the existing historic arch bridge. However the overall concept in my view is significantly flawed. The stated goal is to enhance pedestrian and bicycle traffic through that area, however even casual observation of that area reveals currently very little of that usage occurring. It may be argued that is because of the current inhospitability but I find that very dubious. A much more significant obstruction exists at the tunnel. With the buildout of Tumwata Village usage would likely pick up some but assuming adequate onsite parking and other transit alternatives I can't conceive anywhere near enough to justify the cost and waterfront impact that would result. It's anticipated there would be positive and negative opinions of the visual impact but even positive reactions don't mean it would functionally be an asset. In my view it does not equate with the Vancouver waterfront cable stayed installation. That serves as a signature focal point of the linear waterfront park with ready access to nearby businesses. With the exception of the under-viaduct ramp users would be largely isolated from downtown businesses. It would satisfy the goal of facilitating pedbicycle transit but little else and the linear design may over facilitate with excessive speeding, particularly with e-bikes. My view of better alternatives? I see the parking areas on each side of the Arch Bridge as the "low hanging fruit". Enhancement of those areas with pedestrian walk / lingering areas closer to the river and ped-through lane closer to 99E and shared bottleneck at the bridge abutment for a conservative first phase development. (for comparison

Emailed Comments	
Submission Date	Comment
	bottleneck historic main gate approx 10' wide at Mont-St-Michel in France accommodates 2.5 million visitors annually) I would think downtown businesses would find incorporating the Main St option as well to be desirable, they certainly should be polled. If minor realignment of traffic lanes going into the curve could be accomplished a few feet could be gained in that area and the existing sidewalk then already widens approaching Tumwata Village. I realize there are dedicated funding sources that can't be co-mingled however I feel public funds would be much better utilized in upgrades on the existing viaduct and incorporate bike lanes and wider sidewalks at that time. I believe there may be attractive water borne tourism opportunities that could be developed, particularly when the locks are re-opened and Tumwata village is built out, either at Jon Storm park or potentially if new public dock facilities were developed at the 8th street location. An 8th street dock would clearly benefit from under viaduct access so I see merit in lobbying ODOT regarding viaduct rehab in order to coordinate design of those various components. Thanks for the efforts in securing public input.
4/7/2024-5/5/2024	Christina and All, Based on the presentation we received at the work session, the Suspension Bridge approach is the superior approach in every way. It is: • Cost effective • Avoids the uncertainties of 20 supporting pillars and the geotechnical difficulties that could be encountered with each by utilizing two end pylons • Aesthetically is mor pleasing • Allows visibility of natural features • Is an attraction and landmark in its own right • Allows for further Northward expansion • Does not interfere with visibility of the Willamette Falls • Does not require any modification or impact the Oregon City – West Linn Arch Bridge In the absence of further information, there is no question in my mind that this is the correct method to utilize in pursuing this worthy project.
8/9/2024	I believe that there is a critical need for a pedestrian bridge/pathway from Main Street to the river side McLoughlin Blvd of the Willamette River. By repurposing the 7th Street alleyway to the south of the Arch Bridge, with a pedestrian bridge/pathway, this can enable potentially thousands of visitors coming into Oregon City to flow seamlessly from the center of downtown and our Main Street of Oregon City, across to McLoughlin Blvd to its river side without using a street level crosswalk. The potential view of the falls and river from a platform that would intersect with the ramp down to McLoughlin Enhancement Pathway would be enticing. Ryan Webb provided us with an update, recently reflecting their long-term planning for the Tumwata Village and a lot people want success to come to the Confederated Tribes of Grand Ronde in allowing their vision become a reality. Virtually every person that attended this update wanted to collaborate and help them with their vision. How we partner and create a joint vision combining our River Walk and this ability to allow people to get up close to the Willamette River Falls, hear the roar and feel the spray is important to our joint interests. These people that will come and go to Tumwata Village, experience the Willamette River Falls need to also have enhanced access to our retail community, the merchants, bars, restaurants, shops of all types. We want those tourism dollars to flow our direction too.

Emailed Comments	
Submission Date	Comment
	Most everyone is cognizant of the need to eliminate any degree or perception of difficulty in tourist coming to Oregon City. If Oregon City is known as a place of unending congestion where it is difficult to get here and move about, this is not win-win. We must be inviting where it is not difficult to find a place to park and see the sights and have fun doing it. We want our guests to come and spend their money, but if there is any degree of difficulty in any way, like unyielding congestion and limited parking, this can limit our ability to realize the full potential of people coming to Oregon City. Another element of importance is that Hwy 99E/McLoughlin Blvd by default, has become much more important as a freight corridor, in the last 10-years. There are not a lot of choices going north and south on the east side of the Willamette River. Companies like Columbia Distributing with their relocation to Canby Industrial area, now have this huge complex. 60% their customer base is north of their complex in Canby. Their trucks and the truck that supply them roll through through Oregon City on Hwy 99E/McLoughlin Blvd, day and night. Without a free-flowing Hwy 99E/McLoughlin Blvd what would be their impact and that of all of the other businesses now Canby Industrial Park. We need to partner with Clackamas County, Metro, and ODOT with detailed studies, to gain the necessary understanding of who uses Hwy 99E/McLoughlin Blvd Transportation Corridor. If the I-205 Abernethy Bridge were to be ever tolled, the potential of massive diversion and rerouting just to not pay a toll, could quadruple the incidents of travel on Hwy 99E/McLoughlin Blvd. The Oregon City-West Linn Arch Bridge and our Main Street could easily become equally impassable as a result of tolling. I have done timing in the past, within an attempt to determine the impact of a 1,000 pedestrians daily going back and fourth across McLoughlin Blvd at Main Street. From those timing, it made me aware that in peak periods those visitors could make Oregon City almost impassable and disrupt freight mobility, in and through Clackamas County on Hwy 99E/McLoughlin Blvd. The disruption and diversion is foreseeable and the cost to freight mobility, would be staggering, in its implications.
Unknown Date	This memo is formulated after talking to members of the Natural Resource Committee and the Cove Environment Water Quality Task Force. We are excited about the opportunity that is being provided possibly to the city to create a better connection to the river from the city. The work done on phase 1 of McLoughlin Blvd Improvements definitely created a beautiful landscape with a beautiful promenade and truly interesting art statement where nature, basaltic salt specimens and natural elements were protected. There was a major incident wherein a good deal of forest was going to be removed from what is now Riverview Terrace and Deck which included the removal of a very dense forest clear up to 10th street. Members of NRC over a dozen years ago asked the city to take protective measures and then the US Fish and Wildlife got involved because it was a riparian forest next to the river. Riparian forests are extremely important because listed steelheads and lamprey eels move along the shoreline as juveniles. We hope you Commissioners, the staff and consultants will consider the following: 1. Stewardship and retention of the 2,000-foot-long riparian forest from Riverview Terrace Deck all the way to 8th Street.

Emailed Comments	
Submission Date	Comment
	2. We would ask you to consider elevation changes if it is possible where the walkway can be nested below 99E occasionally because the enjoyment and education value of a “quiet experience” would be measurable 3. As you consider this project, we would ask that you involve those of us involved in natural resource planning, protection, and improvements early on and not at the end of a design cycle. We don't plan to attend your meeting on August 13 but hope you will consider these factors which taken into account can also support greater funding opportunities because of the environmental showcase nature of the project. Several members of our group have experience with those significant types of grants. Thanks for your consideration



October 18, 2024

Oregon City Planning Commission
625 Center Street
Oregon City, OR 97045

RE: City of Oregon City Transportation System Plan Amendment for McLoughlin Blvd Enhancement
Phase 3 Corridor Plan (10th Street to Railroad Tunnel)

Chair Stoll and City Commissioners,

The Oregon Department of Transportation (ODOT) has worked in collaboration with the City of Oregon City (Oregon City) and the consultant, Kittelson & Associates, throughout the development of the McLoughlin Boulevard Enhancements Plan - 10th Street to Tumwata Village (Plan)¹. Oregon City's 2013 Transportation System Plan (TSP) is being amended to adopt the Plan which identifies options for enhancement to McLoughlin Boulevard (OR99E) for further study. ODOT is the permitting agency on McLoughlin Boulevard and administered the federal funding for this project. ODOT has provided input throughout the Plan development and finds the project to be generally consistent with ODOT standards with the following caveats:

Design

Any project along a State facility will require review and approval by ODOT, and may require Region or State Traffic Engineer approval. Final design of any project on a State facility is subject to ODOT design and operational standards and engineering approval. ODOT will provide design and permitting review in the future phases of the project.

Project Cost Estimates

ODOT is currently seeing significant costs increases on projects on State facilities across the region. The cost estimates provided in the Plan are at the planning level and could be notably higher when further design details are considered. This could limit the Oregon City's ability to carry out the enhancement options in the Plan.

Funding

The Statewide Transportation Improvement Project (STIP) is ODOT's capital improvement program and funding mechanism for state and federally-funded projects. The Oregon Transportation Commission and ODOT develop the STIP in coordination with the Area Commissions on Transportation, with the involvement of a wide range of stakeholders and the public. The STIP is typically funded on a four-year

¹ K22142 Willamette Falls Path/OR99E Enhancement: 10th St. to Railroad Ave



cycle and updated every three years. The STIP funds are distributed, statewide, over five categories: Fix-It, Enhance, Safety, Non-highway, and Local Government. Each program area has its own criteria and process for prioritizing projects. The Commission typically allocates most funds to the Fix-It program, leaving very limited funds for Enhance or Modernization projects. In previous STIP cycles, revenues have been insufficient to address all identified needs. It is not possible for ODOT to forecast if or when federal or state funds may become available for projects that are identified in the TSP. The TSP lists several projects on ODOT facilities with higher priority for both availability of funding and timeline for implementation. Some of these projects are needed to meet the requirements of the Transportation Planning Rule and allow for continued development. Oregon City also has numerous city facility projects under the Short-term/Medium-term priority and time scenarios whereas the enhancement options from this Plan are listed under Long-term Phase 2 implying both lower priority and longer implementation timeline.

Therefore, Oregon City is advised that ODOT's participation in the development of the Plan does not constitute a commitment to fund projects on State facilities.

OAR 660-012-0060: Plan and Land Use Regulation Amendments

The Transportation Planning Rule (TPR), OAR 660-012-0060 establishes procedures for amendments to a comprehensive plan or land use regulation (including a zoning map). OAR660-012-0060(4) identifies which planned improvements local agencies can rely on or assume to be in place when an amendment significantly affects transportation facilities. The key point of this section of the Transportation Planning Rule is that projects must be funded, or reasonably likely to be funded in the adopted State STIP, City Capital Improvement Plan, Systems Development Charges, Local Improvement District, Development Agreement, or Condition of Approval. While the TPR does not require the TSP itself to be financially constrained, it does require that, for the City to rely on projects to be in place for purposes of compliance with OAR 660-012-0060, funding for those projects must be "reasonably likely."

ODOT's recognition of any project on State Highways in the TSP does not constitute a "reasonably likely" determination of funding from the State for purposes of compliance with the Transportation Planning Rule (TPR), OAR 660-012-0060. Explicitly, this is applicable for any future amendments to the comprehensive plan or land use regulations, such as the zoning map.

Conclusion

In summation, the ODOT has provided input throughout the Plan development and finds the project to be generally consistent with ODOT standards with the following caveats:

1. All improvements on a State facility and/or on State right-of-way are subject to ODOT standards and require Region or State Engineer approvals.
2. The planning level cost estimates on State facilities may be notably higher to deliver the enhancements.
3. Participation in the Plan development process does not ensure that STIP funds will be allocated to projects – either in general or in a specific time period – on State facilities identified in the Plan.
4. Adoption of this project in TSP does not constitute "reasonably likely" funding for purposes of TPR -0060 compliance.



Oregon

Tina Kotek, Governor

Department of Transportation

Transportation Region 1
123 NW Flanders St.
Portland, OR 97209-4012
(503) 731-8200
Fax: (503) 731-8259

ODOT appreciates the opportunity to comment and continue working towards the Oregon City's envisioned transportation network.

Sincerely,

Neelam Dorman, PE, TE
Region 1 Planning Manager
Oregon Department of Transportation
123 NW Flanders Street
Portland, OR 97209

cc: Rian Windsheimer, Region 1 Manager, ODOT
Mahasti Hastings, Local Agency Liaison, ODOT
Dayna Webb, City Engineer/Public Works Director, Oregon City
Nick Gross, Senior Planner, Kittelson & Associates, Inc.



CITY OF OREGON CITY

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

Staff Report

To: Planning Commission **Agenda Date:** October 28, 2024
From: Christina Robertson-Gardiner, Senior Planner

SUBJECT:

GLUA-24-00026/ZC-24-0002/LEG-24-00003 Legislative: OCMC 17.47 Erosion and Sediment Control Text Amendment

STAFF RECOMMENDATION:

Based on the findings in this report, staff recommends the Planning Commission recommend approval of amendments to OCMC 17.47 for Erosion and Sediment Control. Staff will prepare an Ordinance when the matter is before the City Commission for its consideration and adoption.

EXECUTIVE SUMMARY:

The Oregon City Public Works Department requests the adoption of an ordinance to revise Oregon City Municipal Code section 17.47. The request for code changes is made due to Oregon DEQ requirements relating to the City's Municipal Separate Storm Sewer System (MS4) permit to update code language to address construction site runoff.

BACKGROUND:

The City of Oregon City operates under a Municipal Separate Storm Sewer System (MS4) Permit to comply with the State of Oregon Department of Environmental Quality regulations and requirements. One of those requirements was to update the Municipal Code relating to Erosion Control. Specifically, the MS4 permit requires municipal code to not only address erosion and sediment control, but it now also requires how construction site runoff is addressed. While the existing Erosion and Sediment Control code (OCMC 17.47) has been used for all construction site runoff controls, DEQ has determined through its MS4 permit that 'construction site runoff' needs to be explicit in municipal code rather than relying on the phrase 'Erosion and Sediment Control'. The idea behind the update of the MS4 permit was to ensure that not only construction site runoff relating to erosion of sediment was controlled, but also any other construction site runoff such as concrete wash, oil concerns, and other runoff not associated with sediment.

The City already has a Stormwater Management Plan and Illicit Discharge Ordinance which address all of the concerns beyond sediment controls including items such as concrete wash, oils, and other chemicals reaching our streams, rivers, lakes, and oceans by way of constructed storm sewer pipes, swales, and other conveyance systems. Post construction runoff is addressed by way of the City's Stormwater and Grading Design Standards which requires owners to operate and maintain stormwater management systems which address water quality and water volumes.

NEXT STEPS:

Adoption of the code amendments is a legislative action that requires review and recommendation from the Planning Commission prior to adoption by the City Commission following public hearings.

OPTIONS:

1. Recommend approval of LEG-24-00003 as proposed.
2. Recommend approval of LEG-24-00003 with specific revisions.
3. Do not recommend approval of LEG-24-00003 and provide direction to Staff.

Chapter 17.47 CONSTRUCTION SITE RUNOFF CONTROLS¹

17.47.010 Purpose.

- A. The purpose of this chapter is to require erosion prevention measures, sediment control, and waste materials control practices for all development during construction to prevent and restrict the discharge of sediments and construction site wastes, and to require final permanent erosion prevention measures, which may include landscaping, after development is completed. Erosion prevention techniques shall be designed to protect soil particles from the force of water and wind and other mechanical means so that they will not be transported from the site. Sediment and waste materials control measures shall be designed to capture construction site wastes, and capture soil particles after they have become dislodged by erosion and attempt to retain the soil particles on-site.
- B. The objective of these measures is to control, at the source, construction site wastes as well as waterborne and airborne erosion and the air and water pollution that results from such erosion mechanisms. This chapter recognizes that all non-point discharges eventually end up in surface water bodies. This chapter is intended to control water quality degradation from construction and development activities and it applies in addition to any other applicable provision of this Code, state or federal law. This chapter is not intended to serve as a guideline for stormwater management control measures for already constructed developments.

17.47.030 Applicability.

- A. This chapter, which may also be referred to as "construction site runoff controls" in this Code, applies to development that may cause discharge of construction site waste materials or the visible or measurable erosion on any property within the city limits of Oregon City.
- B. All development that results in 1,000 square feet of new or replaced impervious surface or 1,000 square feet of earth disturbance shall be subject to the construction site runoff controls requirements and the standards found within the Stormwater and Grading Design Standards as referenced in OCMC 13.12.
- CB. 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.

17.47.040 Abrogation and greater restrictions.

Where the provisions of this chapter are less restrictive or conflict with comparable provisions of the zoning ordinance, regional, state or federal law, the provisions that are more restrictive shall govern. Where this document imposes restrictions that are more stringent than regional, state and federal law, the provisions of this document shall govern. However, nothing in this chapter shall relieve any party from the obligation to comply with any applicable federal, state or local regulations or permit requirements.

¹Editor's note(s)—Ord. No. 08-1014, adopted July 1, 2009, repealed Chapter 17.47 in its entirety and enacted new provisions to read as herein set out. Prior to amendment, Chapter 17.47 similar subject matter. See Ordinance Disposition List for derivation.

17.47.050 Severability.

The provisions of this chapter are severable. If any section, clause or phrase of this chapter is adjudged to be invalid by a court of competent jurisdiction, the decision of that court shall not affect the validity of the remaining portions of this chapter.

17.47.060 Permit required.

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

17.47.070 Erosion and sediment control plans.

- A. An application for an erosion and sediment control permit shall include an erosion and sediment control plan, which contains methods and interim measures to be used during and following construction to prevent or control construction site wastes and erosion prepared in compliance with City of Oregon City public works standards for erosion and sediment control. These standards are incorporated herein and made a part of this title and are on file in the office of the city recorder.
- B. Approval Standards. An erosion and sediment control plan shall be approved only upon making the following findings:
 - 1. The erosion and sediment control plan meets the requirements of the City of Oregon City public works standards for construction site wastes and erosion and sediment control incorporated by reference as part of this chapter;
 - 2. The erosion and sediment control plan indicates that construction site wastes and erosion and sediment control measures will be managed and maintained during and following development. The erosion and sediment control plan indicates that construction site wastes and erosion and sediment control measures will remain in place until disturbed soil areas are permanently stabilized by landscaping, grass, approved mulch or other permanent soil stabilizing measures.
- C. The erosion and sediment control plan shall be reviewed in conjunction with the requested development approval. If the development does not require additional review, the manager may approve or deny the permit with notice of the decision to the applicant.
- D. The city may inspect the development site to determine compliance with the erosion and sediment control plan and permit.
- E. Erosion that occurs on a development site that does not have an erosion and sediment control permit, or that results from a failure to comply with the terms of such a permit, constitutes a violation of this chapter.
- F. If the manager finds that the facilities and techniques approved in an erosion and sediment control plan and permit are not sufficient to prevent erosion and the discharge of construction site wastes, the manager shall notify the owner or his/her designated representative. Upon receiving notice, the owner or his/her designated representative shall immediately install interim construction site wastes and erosion and sediment control measures as specified in the City of Oregon City public works standards for erosion and sediment control. Within three days from the date of notice, the owner or his/her designated representative shall submit a revised erosion and sediment control plan to the city. Upon approval of the revised plan and issuance of an amended permit, the owner or his/her designated representative shall immediately implement the revised plan.

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- G. Approval of an erosion and sediment control plan does not constitute an approval of permanent road or drainage design (e.g., size and location of roads, pipes, restrictors, channels, retention facilities, utilities, etc.).

17.47.080 Plan implementation.

An approved erosion control and sediment control plan shall be implemented and maintained as follows:

- A. Plan approval, where required, shall be obtained prior to clearing or grading. No grading, clearing or excavation of land requiring a plan shall be undertaken prior to approval of the plan.
- B. The erosion and sediment control facilities shall be constructed prior to any clearing and grading activities, and maintained in such a manner as to ensure that sediment laden water does not enter the drainage system or violate applicable water standards.
- C. The implementation of an erosion and sediment control plan and the construction, maintenance, replacement, and upgrading of erosion and sediment control facilities is the responsibility of the owner or his/her designated representative until all construction is completed and approved, and vegetation, landscaping or approved finished surfaces is established.
- D. The erosion and sediment control facilities herein are the minimum requirements for anticipated site conditions. During the construction period, these construction site waste management controls and erosion and sediment control facilities shall be upgraded as needed for unexpected storm events and to ensure that sediment or pollutant-laden water does not leave the site.
- E. Any observation of visible or measurable discharges of construction site wastes or erosion, or an observation of more than a ten-percent increase in downstream channel turbidities, will result in an enforcement action by the city.
- F. The owner or his/her designated representative shall implement the measures and construct facilities as provided for and according to the implementation schedule in the approved plan. The manager shall be allowed reasonable access to the development site for inspection purposes.

17.47.090 Plan performance guarantee and security.

After the plan is approved by the manager and prior to construction or grading, the owner shall provide a financial guarantee. Management of construction site waste as well as erosion and sediment control shall be included in the cost estimate for the primary project, such as land division or site plan, and included in that project's performance guarantee.

17.47.100 Correction of ineffective measures and enforcement.

- A. If the owner or his/her designated representative fails to follow the plan as approved by the manager or fails to submit a plan when one is required, the manager may, after inspecting the property, issue a stop work order halting all work on the development site until the requirements of the plan are met or implemented as applicable.

Accompanying the stop work order shall be a written statement or list from the manager specifying what is wrong and what steps the owner must take to bring the development into compliance. The stop work order shall not be lifted until mitigation measures are implemented that comply with Oregon City performance standards for erosion and sediment control and are approved by the manager.

- B. If the facilities and techniques in the approved plans are not effective or sufficient to meet the purposes of this chapter, based on an on-site inspection, the Manager may require a revision to the plan. Such

requirement shall be in writing and shall explain the problem and suggested measures to remedy the problem. The notice shall be presented to the owner and any other responsible parties.

1. The revised plan shall be provided within three business days of when written notification by the manager is received. Receipt of such notice shall be deemed complete three days after simultaneous regular mail and certified mail is deposited in the mail.
 2. The owner or his/her designated representative shall implement fully the revised plan within three business days of receipt of the revised plan as provided in the previous subdivision, or within such other time frame as the manager may specify.
 3. In cases where significant erosion is occurring, the manager may require the owner or his/her designated representative to install immediately interim control measures before submittal of revised plan.
 4. If there is a confirmed or imminent threat of significant off-site erosion, or the offsite discharge of construction site wastes, the manager shall issue a stop work order, upon issuance of which work on the development site shall halt. The stop work order shall not be lifted until mitigation measures are implemented that comply with Oregon City performance standards for construction site runoff control and are approved by the manager.
- C. Enforcement. Erosion that migrates off of a development site is considered to be a nuisance that threatens the health, safety and welfare of the citizens of Oregon City and is a violation of this chapter. Any owner who violates, or is responsible for a violation of this chapter or an approved plan, shall be subject to the enforcement procedures of this Code including by the code enforcement officer.

Chapter 17.47 ~~EROSION AND SEDIMENT CONTROL~~ CONSTRUCTION SITE RUNOFF CONTROLS¹

17.47.010 Purpose.

- A. The purpose of this chapter is to require erosion prevention measures ~~and~~ sediment control, ~~and waste materials control~~ practices for all development during construction to prevent and restrict the discharge of sediments ~~and construction site wastes~~, and to require final permanent erosion prevention measures, which may include landscaping, after development is completed. Erosion prevention techniques shall be designed to protect soil particles from the force of water and wind and other mechanical means so that they will not be transported from the site. Sediment ~~and waste materials~~ control measures shall be designed to capture ~~construction site wastes, and capture~~ soil particles after they have become dislodged by erosion and attempt to retain the soil particles on-site.
- B. The objective of these measures is to control, at the source, ~~construction site wastes as well as~~ waterborne and airborne erosion and the air and water pollution that results from such erosion mechanisms. This chapter recognizes that all non-point discharges eventually end up in surface water bodies. This chapter is intended to control water quality degradation from construction and development activities and it applies in addition to any other applicable provision of this Code, state or federal law. This chapter is not intended to serve as a guideline for stormwater management control measures for already constructed developments.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

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- B. ~~All development that results in 1,000 square feet of new or replaced impervious surface or 1,000 square feet of earth disturbance shall be subject to the construction site runoff controls requirements and the standards found within the Stormwater and Grading Design Standards as referenced in OCMC 13.12.~~
- CB. 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.

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- C. The erosion and sediment control plan shall be reviewed in conjunction with the requested development approval. If the development does not require additional review, the manager may approve or deny the permit with notice of the decision to the applicant.

-
- D. The city may inspect the development site to determine compliance with the erosion and sediment control plan and permit.
 - E. Erosion that occurs on a development site that does not have an erosion and sediment control permit, or that results from a failure to comply with the terms of such a permit, constitutes a violation of this chapter.
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- C. Enforcement. Erosion that migrates off of a development site is considered to be a nuisance that threatens the health, safety and welfare of the citizens of Oregon City and is a violation of this chapter. Any owner who violates, or is responsible for a violation of this chapter or an approved plan, shall be subject to the enforcement procedures of this Code including by the code enforcement officer.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

NOTICE OF PUBLIC HEARING

The City of Oregon City Planning Commission will hold a public hearing regarding the adoption of Ordinance Number 24-1008 (Planning File GLUA-24-000026 / LEG-24-00003 / ZC-24-00002) to consider the adoption of text amendments to Oregon City Municipal Code, Chapter 17.47. The City Commission will hold public hearings on the matter once the Planning Commission has made a recommendation.

When: 7:00 p.m., October 28, 2024

Where: Commission Chambers at the Robert Libke Public Safety Building, 1234 Linn Avenue, Oregon City 97045 and virtually unless otherwise noticed.

For a full copy of the proposal one week prior to hearings, visit www.orcity.org/meetings. Any interested party may testify at the hearings or submit written comments to jthaddaeus@orcitey.org at or prior to the public hearings while the record is open. Additional information may be found by calling (503) 722-3789.

FILE NUMBER: GLUA 24-000026 / LEG 24-00003 / ZC-24-00002

REQUEST: Amendments to the Oregon City Municipal Code, Chapter 17.47 – Erosion and Sediment Control for compliance with Oregon DEQ regulations related to the City’s Municipal Separate Storm Sewer System (MS4) permit.

PROJECT PAGE:

<https://oregoncity.teammunicode.com/communitydevelopment/project/glue-24-00026-leg-24-00003-zc-24-00002>

CONTACT PERSON: Jude Thaddaeus, Assistant Planner (503) 722-3789 or jthaddaeus@orcitey.org

CITY NEIGHBORHOOD ASSN: City Wide



Department of Land Conservation and Development

PAPA Current Version: Oregon City - Amendment 004-24

Page: 1

Submitted On-line/Sent To DLCD: 09/23/2024

Local File #: GLUA-24-026 / LEG-24-03 / ZC-24-02

1st Hearing: 10/28/2024 Days Difference: 35

Final Hearing: Days Difference:

Proposal Type:

- ☐ Comprehensive Plan Map Change
- ☐ Zoning Map Change
- ☐ Comprehensive Plan Map & Zoning Map Change
- ☐ Comprehensive Plan Text Change
- ☐ Land Use Regulation Change
- ☐ UGB using Simplified Method (div 38)
- ☐ UGB amendment by city with population less than 2,500 within UGB (div24)
- ☐ UGB amendment of 50 acres or less by a city with population 2,500 or more within UGB (div 24)
- ☐ UGB amendment adding more than 50 acres by city with population 2,500 or more within UGB (div 24)
- ☐ UGB amendment that adds more than 100 acres by Metro (div 24)
- ☐ Urban Reserve designation by Metro or a city with population 2,500 or more within UGB
- ☐ Urban Reserve amendment to add over 50 acres by a city with population 2,500 or more within UGB
- ☐ Urban Reserve designation or amendment by a city with population less than 2,500 within UGB
- ☐ Urban Reserve amendment by Metro
- ☐ Urban Reserve Other
- ☐ Annexation
- ☒ Other - TEXT AMENDMENT TO OREGON CITY MUNICIPAL CODE CHAPTER 17.47 - EROSION CONTROL
- ☐ Periodic Review Task

**Summary of
Proposed Change:**

The City of Oregon City operates under a Municipal Separate Storm Sewer System (MS4) Permit to comply with the State of Oregon Department of Environmental Quality regulations and requirements. The permit was renewed on 09/15/2021 and established new requirements for cities operating under a MS4 permit. One of those requirements was to update the Municipal Code relating to Erosion Control. Specifically, the MS4 permit requires municipal code to not only address erosion and sediment control, but it now also requires how construction site runoff is addressed. While the existing Erosion and Sediment Control code (OCMC 17.47) has been used for all construction site runoff controls, DEQ has determined through its MS4 permit that 'construction site runoff' needs to be explicit in municipal code rather than relying on the phrase 'Erosion and Sediment Control'. The idea behind the update of the MS4 permit was to ensure that not only construction site runoff relating to erosion of sediment was controlled, but also any other construction site runoff such as concrete wash, oil concerns, and other runoff not associated with sediment.

The City already has a Stormwater Management Plan and Illicit Discharge Ordinance which address all of the concerns beyond sediment controls including items such as concrete wash, oils, and other chemicals reaching our streams, rivers, lakes, and oceans by way of constructed storm sewer pipes, swales, and other conveyance systems. Post construction runoff is addressed by way of the City's Stormwater and Grading Design Standards which requires owners to operate and maintain stormwater management systems which address water quality and water volumes.

This code update to OCMC 17.47 will impact any project which seeks a permit for construction which disturbs over 1,000 square feet. The projects which would have sought a permit before, using the standard over 1,000 square feet disturbance, will continue to be required to obtain a permit. The only difference is that enforcement of 17.47 is now regulated for more than sediment controls and also regulates other illicit discharges alongside the City's Stormwater Management Plan and Illicit Discharge Ordinance.

An exception to a statewide planning goal is proposed:

**Goals Subject to
Exception:**

Total Acres:

Locations:

Contacts:

Jude Thaddaeus

Documents:

Uploaded	Document Name
09/23/2024	Proposal_Land Use Application Form_OCMC17.47-Amendment-MK19SEP24_2024-09-23_04-08-31.pdf
09/23/2024	Proposal_Chapter_17.47___EROSION_AND_SEDIMENT_CONTROL clean_2024-09-23_04-10-16.docx



LEGISLATIVE STAFF REPORT AND RECOMMENDATION

A preliminary analysis of the applicable approval criteria for a legislative proposal is enclosed within the following report.

October 18, 2024

HEARING DATE: **October 28, 2024** - Planning Commission

FILE NUMBER: **GLUA-24-00026 / LEG-24-00003 / ZC-24-00002**

APPLICATION TYPE: Legislative Text Amendmet (OCMC 17.50.170)

APPLICANT: City of Oregon City, c/o Public Works Development Department
Po Box 3040, Oregon City, OR 97045
Josh Wheeler, Assistant City Engineer
Marcos Kubow, Water Quality Coordinator

REQUEST: Amendments to Chapter 17.47 – Erosion and Sediment Control, of the Oregon City Municipal Code

LOCATION(S): Citywide

I. BACKGROUND:

The Oregon City Public Works Department requests the adoption of an ordinance to revise Oregon City Municipal Code section 17.47.

The request for code changes is made due to Oregon DEQ requirements relating to the City's Municipal Separate Storm Sewer System (MS4) permit to update code language to address construction site runoff.

II. EXECUTIVE SUMMARY

The proposed code amendments are attached to this report as an exhibit.

The City of Oregon City operates under a Municipal Separate Storm Sewer System (MS4) Permit to comply with the State of Oregon Department of Environmental Quality regulations and requirements. One of those requirements was to update the Municipal Code relating to Erosion Control. Specifically, the MS4 permit requires municipal code to not only address erosion and sediment control, but it now also requires how construction site runoff is addressed. While the existing Erosion and Sediment Control code (OCMC 17.47) has been used for all construction site runoff controls, DEQ has determined through its MS4 permit that 'construction site runoff' needs to

be explicit in municipal code rather than relying on the phrase ‘Erosion and Sediment Control’. The idea behind the update of the MS4 permit was to ensure that not only construction site runoff relating to erosion of sediment was controlled, but also any other construction site runoff such as concrete wash, oil concerns, and other runoff not associated with sediment.

The City already has a Stormwater Management Plan and Illicit Discharge Ordinance which address all of the concerns beyond sediment controls including items such as concrete wash, oils, and other chemicals reaching our streams, rivers, lakes, and oceans by way of constructed storm sewer pipes, swales, and other conveyance systems. Post construction runoff is addressed by way of the City’s Stormwater and Grading Design Standards which requires owners to operate and maintain stormwater management systems which address water quality and water volumes.

III. SUMMARY OF IMPACT

Who is affected by this regulation?

This code update to OCMC 17.47 will impact any project which seeks a permit for construction which disturbs over 1,000 square feet of ground. The projects which would have sought a permit before, using the standard over 1,000 square feet disturbance, will continue to be required to obtain a permit. The only difference is that enforcement of 17.47 is now regulated for more than sediment controls and also regulates other illicit discharges alongside the City’s Stormwater Management Plan and Illicit Discharge Ordinance.

How are the following terms to be added to the code, defined?

- **Construction Site Runoff**

Precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, channels, or pipes into a defined surface water channel or a constructed stormwater control or infiltration facility Stormwater runoff from activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre and less than five acres (Small Construction) and five acres and above (Large construction) that contains sediment or waste materials from the defined construction site.

- **Construction site wastes**

Waste, waste matter, or waste product, is any material that has been used or served its purpose and is no longer wanted or needed during construction. Waste can include materials that are discarded as useless during production, or materials excreted during life processes.

- **Construction site waste management controls**

A process that involves managing materials that are no longer useful in order to reduce waste and its environmental impact. Construction waste management can include strategies to reduce, reuse, recycle, and properly dispose of waste.

- **Waste materials**

Waste, waste matter, or waste product, is any material that has been used or served its purpose and is no longer wanted or needed. Waste can include materials that are discarded as useless during construction, or materials excreted during life processes.

- **Waste materials control**

See waste management controls.

- **Discharge of construction site waste materials**

The release of any waste materials from a construction site or stormwater containing sediment and untreated pollutants.

- **Pollutant**

Dredged spoil; solid waste; incinerator residue; sewage; garbage; sewerage sludge; munitions; chemical wastes; biological materials; radioactive materials; heat; wrecked or discarded equipment; rock; sand; cellar dirt; and industrial, municipal, and agricultural waste discharged into water.

Do the proposed code revisions change existing city policy or further restrict what can be built on properties in Oregon City?

No. Projects which disturb 1,000 sf of land have always been required to obtain an erosion control permit. This code update does not change that standard and does not in any way further restrict what is allowed to be built on properties in Oregon City.

What will occur if the City does not adopt the proposed revisions?

The City will be out of compliance with the State MS4 permit of which the City is required to participate in due to its size and urban character. To become out of compliance could place the City in a position to receive penalties or fines until such time the City becomes compliant with the regulations of the MS4 permit

What do NPDES and the MS4 permit do for the City?

NPDES is defined as the National Pollutant Discharge Elimination System. NPDES is a Federal program created in 1972 to implement the Clean Water Act. The goal of the program is to eliminate, reduce, and minimize pollution to the nation's natural water bodies including but not limited to streams, rivers, lakes, and oceans.

Properties or projects which disturb 1.0 acre or more are required by the NPDES program to seek a permit. State agencies implement the program by way of permit on behalf of the Federal Environmental Protection Agency (EPA). In the State of Oregon, the Department of Environmental



Quality (DEQ) implements the program on behalf of the EPA. In the State of Oregon, the permit which implements the NPDES program for project runoff is a 1200-C permit.

Municipalities and counties are required to have a City Wide or County Wide (sometimes just a portion of the County) MS4 permit. This permit gives the City the requirements to enforce and ensure that projects obtain 1200-C permits and that erosion and construction site runoff are controlled. MS4 permits are categorized either as Phase 1 or Phase 2. Phase 1 permits are for urban areas of greater than 100,000 people. There are 6 MS4 Phase 1 permits in the State of Oregon : Portland Group, Gresham Group, Clackamas Group, Multnomah County and the cities of Salem and Eugene. Oregon City is a participant in the Clackamas Group.

In essence, the NPDES program by way of MS4 permits enforcing 1200-C permits manages the control of erosion, sediment, and construction site runoff.

Why should the City make these changes to the code now?

The City is required to make the code updates due to deadlines provided by DEQ to enforce the City MS4 permit. Deadlines of January 1, 2025 (1-1-25) and January 1, 2026 (1-1-26) exist to enforce various sections of the current MS4 permit and this is just one step in updating policies, codes, and standards to be in compliance with the current MS4 permit.

IV. SUMMARY OF PUBLIC OUTREACH

What public outreach has been done, or is planned, related to these changes?

The city reviewed the code changes with the Development Stakeholders Group on September 12, 2024. The code revisions were presented to the Citizen Involvement Committee on October 7, 2024.

V. PROCESS

Adoption of the code amendments is a legislative action that requires review and recommendation from the Planning Commission prior to adoption by the City Commission following public hearings.

VI. PUBLIC NOTICE & COMMENTS

This is a legislative action that requires public notice pursuant to OCMC 17.50.090.C. - *Notice of Public Hearing on a Legislative Proposal*. The Community Development Director provided the required Post Acknowledgement Plan Amendment (PAPA) notice to the Oregon Department of Land Conservation and Development on 9/23/2024. Notice of the 10/28/24 hearing was posted to the Oregon City Projects website and sent to all agency staff, local stakeholder groups, Neighborhood Associations, and the Citizen Involvement Committee was sent on 10/4/2024. As of October 18, 2024, no public comments have been received by Planning Staff related to this proposal.

VII. APPROVAL CRITERIA

OREGON CITY COMPREHENSIVE PLAN GOALS AND POLICIES AND STRATEGIES

Consistency of the proposed code amendments with the applicable goals, policies and strategies from the OC2040 Comprehensive Plan are addressed below.

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 1.1 – 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.

Finding: This goal has been met by presenting the code revisions to the Development Stakeholders Group (DSG) on September 12, 2024 and the Citizen Involvement Committee (CIC) on October 7, 2024. By meeting with the CIC, the minimum requirement as referenced in Strategy 1.1A has been addressed. To provide additional community engagement, we presented to a group of developers, engineers, and contractors who attend the DSG. That group will be most impacted by this code change.

Chapter 2: Diverse Economy

Goal 4: Encourage and support new development that incorporates supportive community features and sustainability principles in site design and building construction.

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

Finding: This goal has been met by ensuring the requirements of construction site runoff which includes the previously codified erosion and sediment controls is not further restricting development or construction as the standard requirement of receiving a permit is 1,000 square feet of disturbance or more. This standard already existed in the City adopted Stormwater and Grading Design Standards. It is now specifically called out in code. Furthermore, by managing construction site runoff in addition to erosion and sediment control, this code further improves neighborhood livability and sustainability by controlling the potential negative effects of pollution from construction into the city's public ways, sewers, and lands.

Chapter 3: Connected Infrastructure

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.

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.

Finding: By adopting this code, the public infrastructure will remain maintained not only by ensuring erosion and sediment are controlled and are prevented from entering the storm sewer system or roadway, but now construction site runoff is included which prevents any substance from entering the sewer or roadway.

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.

Finding: The stormwater management system includes surface runoff into areas such as ditches and piped conveyance of rainwater. By adopting this code, the public infrastructure will remain maintained not only by ensuring erosion and sediment are controlled and are prevented from entering the storm sewer system or roadway, but now construction site runoff is included which prevents any substance from entering the sewer or roadway.

Policy 2.4 - Increase resiliency to climate change, natural hazard events, and cyber intrusions in public utility infrastructure.

Finding: By controlling construction site runoff, public utility infrastructure will be maintained and will minimize negative impacts on climate change or natural hazard events. Erosion which can cause landslides is prevented by controlling the runoff. This code revision sustains this standard.

Policy 4.2 - Continue to implement green, sustainable, and low-impact approaches to stormwater management.

Finding: Controlling construction site runoff following the standards of OCMC 17.47, OCMC 13.12, and the Stormwater and Grading design standards allows for keeping our streams, rivers, and lakes clean. By ensuring our stormwater management facilities are not impacted by construction site runoff, we ensure those facilities provide their sustainable low impact function and keep our region green. This code revision sustains this standard.

Chapter 4: Protected Environment

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



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.

Finding: Controlling construction site runoff following the standards of OCMC 17.47, OCMC 13.12, and the Stormwater and Grading design standards allows for keeping our streams, rivers, and lakes clean. By ensuring our stormwater management facilities are not impacted by construction site runoff, we ensure those facilities provide the sustainability of natural resources and ecosystems. This code revisions sustains this standard.

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.

Finding: Controlling construction site runoff following the standards of OCMC 17.47, OCMC 13.12, and the Stormwater and Grading design standards allows for keeping our streams, rivers, and lakes clean. By ensuring our stormwater management facilities are not impacted by construction site runoff, we ensure those facilities provide their sustainable low impact function and keep our region green. This code revision sustains this standard.

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: Controlling construction site runoff following the standards of OCMC 17.47, OCMC 13.12, and the Stormwater and Grading design standards allows for keeping our streams, rivers, and lakes clean. By ensuring our stormwater management facilities are not impacted by construction site runoff, we ensure those facilities provide the sustainability of natural resources and ecosystems. This code revisions sustains this standard.

III.c. OREGON STATEWIDE PLANNING GOALS

Statewide Planning Goal 1 – Citizen Involvement:

This goal outlines the citizen involvement requirement for adoption of Comprehensive Plans and changes to the Comprehensive Plan and implementing documents.

Response: Requirements under Goal 1 are met by adherence to the applicable goals and policies of Section 1 of the OC 2040 Oregon City Comprehensive Plan and the citizen involvement processes required by the Oregon City Municipal Code, Chapter 17.50 – Administration and Procedures.

Statewide Planning Goal 2 – Land Use Planning:

This goal requires a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: This goal outlines the land use planning process and policy framework, and is implemented through the applicable Goals and Policies in Section 2 of the Oregon City Comprehensive Plan: Land Use. The Oregon City Comprehensive Plan and Oregon City Municipal Code have been acknowledged by DLCDC as being consistent with the statewide planning goals. The City has followed the land use planning process and policy framework established in the City's acknowledged comprehensive plan elements and Oregon City Municipal Code as a basis for all decision and actions related to the use of land and to assure an adequate factual basis for such decisions and actions.

Statewide Planning Goals 3 & 4: Agricultural Lands and Forest Lands

Response: These statewide planning goals relate to agricultural and forest lands in Oregon and are not applicable to these amendments. These amendments pertain to lands within City limits that is zoned for urban development. By definition, Oregon City does not have rural resource lands such as for agricultural or forest use within its city limits or UGB, and therefore, those goals are not applicable.

Statewide Planning Goal 5 – Natural Resources, Scenic and Historic Areas

Response: The City is currently in compliance with the Statewide Planning Goal 5. The amendments do not alter the City's acknowledged Goal 5 inventories or land use programs. No changes will occur directly to current natural resource or historic protections (OCMC 17.49, Natural Resource Overlay District, and OCMC 17.40, Historic Overlay District) because of these amendments; therefore, the amendments are in compliance with Goal 5. In areas subject to the Historic Overlay District, housing types permitted in the underlying zoning districts will be permitted consistent with OAR 660-046-0010(3)(B) and will require review and compliance with Historic Overlay District provisions.

Statewide Planning Goal 6: Air, Water, and Land Resources Quality

Response: Pursuant to OAR 660-015-0000(6), a Medium or Large City may limit development within an urban growth boundary to support attainment of federal and state air, water, and land quality requirements. Medium and Large Cities may apply regulations adopted pursuant to Goal 6 to the development of Middle Housing. The City is currently in compliance with Statewide Planning Goal 6. The amendments do not alter the City's acknowledged land use programs regarding water quality and flood management protections. As a result, the updates comply with Goal 6.

Statewide Planning Goal 7 – Areas Subject to Natural Hazards

Response: The City is currently in compliance with Goal 7 for geologic hazard areas by maintaining current development limitations and review requirements. Per OAR 660-046-0010(3)(c), cities may apply protective measures within Goal 7 areas including, but not limited to, restrictions on use, density, and occupancy by limiting middle housing types, in order to reduce risk to people and property from natural hazards.

Statewide Planning Goal 11: Public Facilities and Services

To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Response: Goal 11 requires the City to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Pursuant to OAR 660-011-0020(2), a public facility plan must identify significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan.

Statewide Planning Goal 12: Transportation

To provide and encourage a safe, convenient, and economic transportation system.

Statewide Planning Goal 13: Energy Conservation

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based on sound economic principles.

Response: Goal 13 regarding energy conservation is not applicable because the City's acknowledged regulations implementing Goal 13 remain unaffected by the proposed amendments.

Statewide Planning Goal 14: Urbanization

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Response: Goal 14 requires cities to estimate future growth rates and patterns, and to incorporate, plan, and zone enough land to meet the projected demands. The amendments do not repeal, replace, or void existing code provisions regarding annexation. Therefore, the code amendments are consistent with Goal 14.

Statewide Planning Goal 15: Willamette River Greenway

To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Response: Statewide Planning Goal 15 requires cities to adopt local greenway plans, along with criteria for new development, new uses, and the increase of use along the river. Section 15 – Willamette River Greenway of the Oregon City Comprehensive Plan establishes goals and policies that provide a basis for an overlay zone in Title 17 of the City of Oregon City Municipal Code, namely OCMC 17.48 – WRG Willamette River Greenway Overlay District. The proposed code amendments to not change any regulations within Chapter 17.48.



Statewide Planning Goals: 16 Estuarine Resources; 17 Coastal Shorelands; 18 Beaches and Dunes; 19 Ocean Resources

Response: Statewide planning Goals 16-19 relate to coastal lands in Oregon, which are not applicable within the planning jurisdiction of the City of Oregon City and are not applicable to the amendments.

VIII. DECISION-MAKING CRITERIA

The remainder of this staff report provides additional findings to demonstrate that the proposed annexation code amendments are consistent with applicable approval criteria.

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.*
- 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: Staff held the required pre-application conference meeting in August 2024.

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: Public works Staff presented the amendments to the Citizen Involvement Committee on October 7, 2024.

17.50.070 - Completeness review and one hundred twenty-day rule.

Finding: Staff submitted the Land Use Application on 9/19/2024. The Application was deemed Complete on 9/23/2024. Legislative actions are not subject to the 120-day deadline.

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: The Oregon City Public Works Department has made a Land Use Application on 9/19/2024 to the Planning Division.

17.68.015 –Procedures.

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

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, policies and strategies of the OC2040 Comprehensive Plan that were addressed earlier in this report. As the existing Erosion and Sediment Control code is consistent with the goals and policies of the comprehensive plan, this code revision retitling these standards to Construction Site Runoff sustains the consistency with the goals and policies of the comprehensive plan. This application is for a zoning text amendment only there are no proposed change to zones or comprehensive plan designations.

- 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 code revision further enhances the maintenance of public facilities and services by controlling construction runoff in addition to erosion and sediment control.

- 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: This code revision further enhances the maintenance of public facilities and services by controlling construction runoff in addition to erosion and sediment control.

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

Finding: The proposal is consistent with the applicable Statewide Planning Goals that were addressed earlier in this report. As the existing Erosion and Sediment Control code is consistent with the Statewide Planning Goals, this code revision retitling these standards to Construction Site Runoff is consistent with the relevant 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: Zoning is not impacted by this code revision. No annexation is proposed.

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: Applicant concurs with this requirement.

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.

Finding: Zoning is not impacted by this code revision.

17.50.170 - Legislative hearing process.

A. Purpose. Legislative actions involve the adoption or amendment of the city's land use regulations, comprehensive plan, maps, inventories and other policy documents that affect the entire city or large portions of it. Legislative actions which affect land use shall begin with a public hearing before the planning commission.

B. Planning Commission Review.

1. Hearing Required. The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The community development director shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.

2. The Community Development Director's Report. Once the planning commission hearing has been scheduled and noticed in accordance with OCMC 17.50.090.C and any other applicable laws, the community development director shall prepare and make available a report on the legislative proposal at least seven days prior to the hearing.

3. Planning Commission Recommendation. At the conclusion of the hearing, the planning commission shall adopt a recommendation on the proposal to the city commission. The planning commission shall make a report and recommendation to the city commission on all legislative proposals. If the planning commission recommends adoption of some form of the proposal, the



planning commission shall prepare and forward to the city commission a report and recommendation to that effect.

C. City Commission Review.

1. City Commission Action. Upon a recommendation from the planning commission on a legislative action, the city commission shall hold at least one public hearing on the proposal. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the city commission may adopt, modify or reject the legislative proposal, or it may remand the matter to the planning commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the city's land use regulations, comprehensive plan, official zoning maps or some component of any of these documents, the city commission decision shall be enacted as an ordinance.

2. Notice of Final Decision. Not later than five days following the city commission final decision, the community development director shall mail notice of the decision to DLCD in accordance with ORS 197.615(2).

Finding: The applicant understands the legislative process that applies to this proposal.

17.50.090 - Public notices.

C. Notice of Public Hearing on a Legislative Proposal. At least twenty days prior to a public hearing at which a legislative proposal to amend or adopt the city's land use regulations or comprehensive plan is to be considered, the community development director shall issue a public notice that conforms to the requirements of this subsection. Notice shall be sent to affected governmental entities, special districts, providers of urban services, including Tri-Met, Oregon Department of Transportation and Metro, any affected recognized neighborhood associations and any party who has requested in writing such notice. Notice shall also be published on the city website. Notice issued under this subsection shall include the following information: 1. The time, date and location of the public hearing; 2. The city-assigned planning file number and title of the proposal; 3. A description of the proposal in sufficient detail for people to determine the nature of the change being proposed; 4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing; and 5. The name and telephone number of the planning staff person responsible for the proposal and who interested people may contact for further information.

Finding: Public notice of this legislative proposal was provided to DLCD on September 23, 2024 in the form of a Post Acknowledgement Plan Amendment (PAPA). Public notice of the application submission was posted to the Projects page of the City website on October 3, 2024. Public Hearing Notices were emailed to stakeholders on October 3rd and 4th, as well.

As of October 18, 2024, no public comments have been received by Planning Staff related to this proposal.

IX. RECOMMENDATION

Based on the findings in this report, staff recommends approval of amendments to OCMC 17.47 for Erosion and Sediment Control. Staff will prepare an Ordinance when the matter is before the City Commission for its consideration and adoption.

EXHIBITS:

1. Proposed Code Amendments to Chapter 17.47
2. Redlines to Chapter 17.47
3. Public Comments
4. Letter from Josh Wheeler, Assistant City Engineer
5. October 7, 2024 CIC Presentation