CITY OF OREGON CITY
PLANNING COMMISSION
AGENDA

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Monday, January 27, 2025 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@orcity.org or call 503-722-3789 by 3:00 PM on the day of the meeting to register)*
- *Email ocplanning@orcity.org (deadline to submit written testimony via email is 3:00 PM on the day of the meeting)*
- *Mail to City of Oregon City, Attn: City Recorder, P.O. Box 3040, Oregon City, OR 97045*

1. **CONVENE MEETING AND ROLL CALL**
2. **APPROVAL OF MINUTES**
   a. Approval of January 13, 2025 meeting minutes
3. **PUBLIC COMMENTS**
   Please see the public comment guidelines below.
4. **PUBLIC HEARINGS**
   a. GLUA-24-00027: MAS-24-00002 (Master Plan Revision to CP 14-02) MAS-24-00010, NROD-24-00030, GEO-24-00006,WRG-24-00001 (Detailed Development Plan to build street network) 419 Main Street, Oregon City, OR 97045
   b. GLUA-24-030 / LEG-24-04 Flood Management Overlay District Code Amendments
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

Commission Chambers, Libke Public Safety Building, 1234 Linn Ave, Oregon City
Monday, January 13, 2025, at 7:00 PM

1. CALL TO ORDER AND ROLL CALL

Chair Stoll called the meeting to order at 7:00 PM.

Present:6 – Chair Greg Stoll, Vice Chair Paul Espe, Commissioner Brandon Dole, Commissioner Bob LaSalle, Commissioner Karla Laws, Commissioner Dirk Schlagenhaufer

Staffers: 2 - Community Development Director Aquilla Hurd-Ravich, Planning Manager Pete Walter

2. ELECTION OF OFFICERS

A. A nomination was made by Commissioner Schlagenhaufer and seconded by Commissioner LaSalle to make Vice Chair Espe the Chair for 2025. No other nominations.

The motion carried by the following vote:

Yea: 6 - Commissioner Dole, Commissioner LaSalle, Commissioner Laws, Commissioner Schlagenhaufer, Vice Chair Espe, Chair Stoll

Nay: 0

B. A nomination was made by Commissioner Schlagenhaufer and seconded by Commissioner Stoll to make Commissioner Dole the Vice Chair for 2025. No other nominations.

The motion carried by the following vote:

Yea: 6 - Commissioner Dole, Commissioner LaSalle, Commissioner Laws, Commissioner Schlagenhaufer, Commissioner Stoll, Chair Espe

Nay: 0

3. MEETING MINUTES

A. Meeting Minutes for Approval: November 18, 2024.

A motion was made by Commissioner LaSalle, seconded by Commissioner Schlagenhaufer to approve the meeting minutes for November 18, 2024.

The motion carried by the following vote:

Yea: 6 - Commissioner LaSalle, Commissioner Laws, Commissioner Schlagenhaufer, Commissioner Stoll, Vice Chair Dole, Chair Espe

Nay: 0

4. PUBLIC COMMENTS

Oregon City resident, Jim Nicita, provided a public comment regarding the Tumwatta Master Plan Amendment application coming up for review by the Planning Commission. He expressed concern that the file should be processed as a legislative proceeding, not a quasi-judicial proceeding.

5. DISCUSSION ITEMS

A. Climate Friendly and Equitable Communities was introduced by Community Development Director Hurd-Ravich. The public engagement process is beginning. She introduced Brian Davis who is the consultant helping with the process. This is really about Parking Code Updates.

Brian explained with the new rules what the City can and cannot require with regards to parking.
Rules require cities to 1) Adopt Climate Friendly areas; 2) Support Electric vehicles; 3) Reduce Parking mandates and 4) address critical gaps in walking, biking and transit networks.

There are 3 options cities can choose from and Oregon City has chosen to do a prescriptive reform including several relatively minor interventions. Noting that parking minimums do not apply within “Climate Friendly Areas” and areas within ½ mile of frequent transit. There will be some work needed to adjust parking maximums especially with Multi-family projects. Otherwise, adjustments should be minor or not needed.

Initial work was done pre-October 2024 and then an Ad hoc advisory committee met and gave feedback and recommendations. January-February 2025 will be a time for outreach to committees and the public. Then March-May will be the formal Type IV Legislative proceedings.

He went over the types of developments that are no longer required to provide parking. These developments may choose to provide parking subject to maximums. Brian further explained that various improvements to parking design are required as well as bicycle parking requirements. Oregon City already addresses several of these items in the existing code.

Some areas of feedback about some of the legislation has to do with

1) the “underused” on- and off-street parking spaces and how can code be structured to protect what the City has already established as allowable uses for redevelopment of those areas.

   Commissioner discussion ensued about the “underused” definition and how we protect our code. Brian needs more direction from DLCD for the City to write code that allows property owners to determine “underusage” without undermining code. Could a burden of proof be put on the property owner – possibly but have to check with DLCD to see if it is legal.

   Question was raised if these are hard rules or what happens if we just decide these are not good for our City and don’t want to implement. Brian is not sure what the penalty would be for not implementing it.

   Commissioner also brought up safety, visibility and concern for our existing

neighborhoods where there are narrow streets and the homes don't have driveways. Brian indicated that this would be a management consideration, not necessarily in the code specifically.
Question was asked about what determines a frequent transit line. It is a bus every 15 minutes. Even if Tri-met took out buses, we would still have to deal with the code amendments, but we would not have the buffer zone.

2) Requiring at least one of three climate mitigation actions from new parking lots above ½ acre. Does the City adopt a fee-in-lieu be included as an option? Can code encourage parking lots to be as climate-friendly as possible by encouraging tree preservation?

   Commissioner made a suggestion that the fee-in-lieu be a last resort when one of the other two options does not work for some reason.

   Director Hurd-Ravich let the commissioners know that the Ad-Hoc committee felt that the fee-in-lieu be removed as an option, but it was left in for the public engagement sessions to show that it was an option.

   If the fee-in-lieu is kept, the funds would be in a city controlled dedicated account for solar or wind energy development or a fund at the Oregon Dept of Energy designated for Clean Energy. Question was asked if any of the fee could be applied to a beautification fund, like the canopy, or does it all have to go to the Clean Energy account. The OAR is pretty specific about the wind and solar energy. Maybe create grants for people to add solar to their homes.

3) Electric vehicle charging requirements. The 2022 rule requires the wiring, it does not have to have them fully functional. Any infrastructure would need to be sure not to create accessibility issues. Are there ways to have solar panels and charging stations work in tandem.

   Commissioner is not sure if Oregon has a time frame for only having electric cars, but it seems that we are putting in housing that does not have individual parking spaces, but to charge an electric car, they need that so that it is metered. It seems that if this is not addressed now, it will be an issue in the future. Brian indicated this is something being looked at now that both meets the state law but also developing enough parking and providing options. It may be possible to change the language to require the actual station, not just the infrastructure.

4) Bicycle and small-scale mobility device parking. This will mostly affect new development. There have been some question about accommodating e-bikes, cargo bikes, etc. Does the City want to address requirements that go beyond the standard bike parking?

   Commissioner wants to be sure we're not prohibited to provide parking for mopeds or motorcycles, it is just not part of the small-scale mobility devices.

   Commissioner asked a question back to the EV chargers wondering if we could word the code as a parking station per so many units instead of a percentage. Wants to be sure developers cannot put in infrastructure but not provide the space to actually park and use it. Brian believes that kind of wording in the code could be an option.

5) Parking Maximums are already in place in Oregon City, but it will need to be adjusted to be 1.2 spaces per studio unit and 2 spaces per other units to comply. Should those maximums only be applied in the buffer area or citywide?

Commissioners expressed concern about having two different maximums and would rather implement the change citywide. It would apply to new development, not existing. There is a question about redevelopment scenarios and if the maximums would apply.

Next steps include additional committee meetings and public engagement. This will come back to the Commission in March as a legislative file. The new code should go into effect by June 2025.

5. COMMUNICATIONS

A. Next meeting scheduled is January 27. This meeting will be covering the Tumwatta Master Plan. It will also be addressing a fast-tracked legislative amendment due to a new FEMA requirement for the Flood Plain chapter.
B. There have been a number of applicants for the Planning Commission open positions and City Commission has not yet scheduled the interviews.
C. The Chambers are going to get updates to help with the acoustics starting on January 16 and supposed to be done by January 26th, but be aware because if they are not, we will move the meeting to City Hall on the 27th.
D. Good news that Park Place Concept Plan was adopted by City Commission on January 7th. There were a couple of small updates about pet services and alleys from the City Commission in the final plan.

6. ADJOURNMENT

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

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

CITY OF OREGON CITY

Staff Report

To:	Planning Commission	**Agenda Date:**	January 27, 2025
From:	Christina Robertson-Gardiner, Senior Planner		

SUBJECT:

GLUA-24-00027: MAS-24-00002 (Master Plan Revision to CP 14-02) MAS-24-00010, NROD-24-00030, GEO-24-00006,WRG-24-00001 (Detailed Development Plan to build street network) 419 Main Street, Oregon City, OR 97045

STAFF RECOMMENDATION:

Staff recommends the Planning Commission approve planning files GLUA-24-00027: MAS-24-00002 (Master Plan Revision to CP 14-02) MAS-24-00010, NROD-24-00030, GEO-24-00006,WRG-24-00001 (Detailed Development Plan to build street network) with a conditions.

EXECUTIVE SUMMARY:

The Confederated Tribes of the Grand Ronde Community of Oregon (CTGR) request Oregon City approve the tumwata village Master Plan Amendment. This amendment is a land use action that amends the still active Willamette Falls Legacy Project Master Plan (CP 14-02). That plan was approved by Oregon City in 2014.

Located on 23.57 acres at the south end of downtown Oregon City, *tumwata village* is a modern development that will provide a mix of open space, retail, shopping, residential, office, restaurants, and a hotel/event space for visitors and patrons. It will become a vibrant pedestrian destination that includes opportunities for public and Tribal celebration. An amended master plan will allow redevelopment of the site with a mix of uses and additional open space as depicted in the plan.

In 2014, the site was rezoned from Industrial to a newly created Willamette Falls Downtown District, accompanied by the adoption of a framework plan that outlines the areas designated for development, streets, and open spaces. CP 14-02, a quasi-judicial approval on private property, established a legal right to redevelop the site. The applicant has reviewed the previous approval and, along with city staff, is viewing this application as more of an audit/refinement and is requesting amendments as required in OCMC 17.65.80, where needed, to implement the tumwata village vision.

Since acquiring the property in 2019, the applicant has been working to remediate and clean up the former paper mill site through several federal grants. This work includes removing hazardous substances and demolishing buildings on-site, which are allowed as a Type I staff review through the previous CP 14-02 Master Plan approval. Additionally, a recent federal grant to build portions of the street network in preparation for future development projects will further aid these efforts and is included as an associated detailed

development plan with this application.

The applicant's intention is to develop the site over time through the city's Type II Detailed Development Plan process based on the revised framework plan. Once adopted- the revised Master Plan will be in effect for 20 years and will allow the applicant to rely on the 2024 code (time of submittal) or the current code at the time of development. This option is provided for all Master Plan applications to ensure that their vision can be implemented over time, notwithstanding changes to state or federal requirements that are outside of the city's review.

Detailed Development Plan- Street Improvements

The Detailed Development Plan (DDP) for street improvement is included as a separate staff report, but it is based on meeting the requirements outlined in the amended master plan. The dual staff report approach was created to help manage a 20-year master plan by separating a one-time development application from the framework master plan analysis and conditions. The Master Plan refinement and the DDP are being presented as one application, as a consolidated review, and will be voted on together with one motion. The Detailed Development plan is being consolidated with the Master Plan amendment by request of the Applicant as they wish to submit for construction permits as soon as the application is approved.

BACKGROUND:

Please refer to the attached staff reports for background information, particularly the staff summary of the Master Plan staff report.

NEXT STEPS:

OPTIONS:

1. Approve the proposal with the submitted conditions
2. Approve the proposal with modified conditions and provide revised findings
3. Deny the proposal and provide revised findings.
4. Continue the hearing and request more information

OREGON CITY

Community Development – Planning

695 Warner Parrott Road | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

TYPE III STAFF RECOMMENDATION
January 17, 2025

MASTER PLAN AMENDMENT to CP 14-02

FILE NUMBER: GLUA-24-00027: MAS-24-00002, WRG-24-00001

APPLICANT: Confederated Tribes of the Grand Ronde Community of Oregon
Kristen Svicarovich, P.E., Community Development Manager
9615 Grand Ronde Road
Grand Ronde OR 97317

OWNER: Confederated Tribes of the Grand Ronde Community of Oregon
c/o Stacia Hernandez
9615 Grand Ronde Road
Grand Ronde OR 97317

REQUEST: Proposed Master Plan Amendment to CP 17-02 to create a framework for future development of the site that reflects the values of the Confederated Tribes of the Grand Ronde Community of Oregon. No specific building projects are proposed in this application. Future development can include a combination of open space, commercial, residential, and employment uses, with provisions for public access and enhancement of riparian resources.

LOCATION: 419 Main Street, 450 Main Street, 427 Main Stree
2-2E-31BD-00100, 200, 300, 500, 600, 390

REVIEWER: Christina Robertson- Gardiner, Senior Planner
Sang Pau, Public Works Project Manager

Application Submitted: 10/23/2024
Application PAID: 11/04/2024
Application Incomplete: 11/27/2024
Application Complete: 12/09/2024
120-Day Decision Deadline: 04/08/2025

ZONING: Willamette Falls Downtown District, Mixed Use Downtown

DECISION: Approval with Conditions.

PROCESS: Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include conditional use permits. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet of the subject property. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission, all issues are addressed. The decision is final unless appealed and description of the requirements for perfecting an appeal. The decision of the planning commission is appealable to the city commission within fourteen days of the issuance of the final decision. The city commission hearing on appeal is on the record and no new evidence shall be allowed. Only those persons or a city-

recognized neighborhood association who have participated either orally or in writing have standing to appeal the decision of the planning commission. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. The city commission decision on appeal from the planning commission is the city's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

CHAPTERS

CHAPTER 17.34 MUD MIXED USE DOWNTOWN DISTRICT
CHAPTER 17.35 WILLAMETTE FALLS DOWNTOWN DISTRICT
CHAPTER 17.42 FLOOD MANAGEMENT OVERLAY DISTRICT
CHAPTER 17.44 US—GEOLOGIC HAZARDS
CHAPTER 17.48 WRG WILLAMETTE RIVER GREENWAY OVERLAY DISTRICT
CHAPTER 17.49 NATURAL RESOURCES OVERLAY DISTRICT
CHAPTER 17.50 ADMINISTRATION AND PROCEDURES
CHAPTER 17.52 OFF-STREET PARKING AND LOADING
CHAPTER 17.54 SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS
CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW
CHAPTER 17.65 MASTER PLANS AND PLANNED UNIT DEVELOPMENTS

Staff Summary

The following is an executive summary of the major elements of the plan amendment. Additional findings and background are found throughout the document.

The Confederated Tribes of the Grand Ronde Community of Oregon (CTGR) request Oregon City approve the tumwata village Master Plan Amendment. This amendment is a land use action that amends the still active Willamette Falls Legacy Project Master Plan (CP 14-02). That plan was approved by Oregon City in 2014 for a period of 20 years.

Located on 23.57 acres at the south end of downtown Oregon City, tumwata village is a modern development that will provide a mix of open space, retail, shopping, residential, office, restaurants, and a hotel/event space for visitors and patrons. It will become a vibrant pedestrian destination that includes opportunities for public and Tribal celebration. An amended master plan will allow redevelopment of the site with a mix of uses and additional open space as depicted in the plan.

In 2014, the site was rezoned from Industrial to a newly created Willamette Falls Downtown District, accompanied by the adoption of a Framework Plan that outlines the areas designated for development, streets, and open spaces. CP 14-02, a quasi-judicial approval on private property, established a legal right to redevelop the site. The applicant has reviewed the previous approval and, along with city staff, is viewing this application as more of an audit/refinement and is requesting amendments as prescribed by 17.65.80, where needed, to implement the tumwata village vision.

The guiding principle of site redevelopment is Healing. Healing landscapes and people requires consideration of multiple scales and timelines. Success at *tumwata village* will be evident by creating active spaces intended to gather and connect people, views, and resources of abundance. Ultimately, the general development plan will foster the growth of the Willamette Falls Downtown District by clearly delineating areas for new development and open space, designating public access through a grid of streets and multi-use paths along the waterfront, and ensuring a clear path forward for high-quality future projects.

The CTGR (Confederated Tribes of Grand Ronde) aims to explain its vision and values, detailing how this plan serves as an alternative approach to the previous plan while sharing the same general overall goals of habitat restoration, cultural and historic interpretation, public access, and economic development. After being forcibly removed from their land, the CTGR began the process of healing the site through their own community-created vision and values, and this staff report will provide the necessary technical review to reduce or eliminate barriers to the plan's implementation while keeping the shared goals embedded in the approval conditions.

The Planning Commission's role is to review the proposed revisions to the Conditions of Approval and Framework Plan Map to determine if the modified plan satisfies the applicable approval criteria in OCMC 17.65 and, if not, consider attaching conditions of approval necessary to achieve compliance.

Since acquiring the property in 2019, the applicant has been working to remediate and clean up the former paper mill site through several federal grants. This work includes removing hazardous substances and demolishing buildings on-site, which are allowed as a Type I staff review through the previous CP 14-02 Master Plan approval. Additionally, a recent federal grant to build portions of the street network in preparation for future development projects will further aid these efforts and is included as an associated detailed development plan with this application.

The applicant's intention is to develop the site over time through the city's type II Detailed Development Plan process based on the revised Framework Plan. Once adopted- the revised Master Plan will be in effect for 20 years and will allow the applicant to rely on the 2024 code (time of submittal) or the current code at the time of development. This option is provided for all Master Plan applications to ensure that their vision can be implemented over time, notwithstanding changes to state or federal requirements that are outside of the city's review.

A good master plan should be succinct in its scope and clear in its conditions. The applicant will discuss their vision and story, which is important background information and central to describing a comprehensive vision for the site. The role of city staff and the Planning Commission is to develop technical conditions that facilitate the implementation of this vision consistent with the comprehensive plan and municipal code. The applicant has created a conditions matrix, to which the city has responded in Exhibit 3, and is the basis of the recommended conditions of approval for the amended Master Plan.

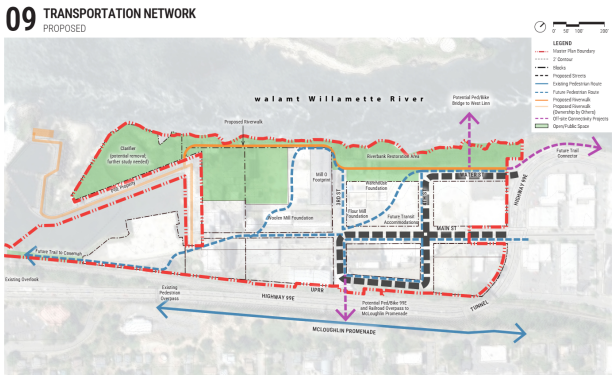
Post-approval, staff also recommends that the applicant work with staff to create a DDP summary sheet that allows for ease of DDP review to ensure that all applicable conditions of approval are met.

Amendment to Development Review Process

The 2014 Master Plan (CP 14-02) was initially intended as a holding document until a new owner with a vision purchased the property. Along with adopting the Framework Plan, several Conditions of Approval were added, necessitating Planning Commission review of development applications until a vision for the site could be finalized. The previous owner, was unlikely to be the final developer for the site. Therefore, it made sense to continue reviewing development plans at a Type III level, adopt high-level, general urban design guidelines, and retain some key buildings until there was a final owner of the site. Now that the site has a new owner and a comprehensive vision, development review steps following this approval will be accomplished through a Type II procedure based on the adopted city development code with the approval of the Master Plan amendment.



Public Access/Riverwalk



The Riverwalk and public access to open space were identified in 2014 as a general line on the Framework Plan map akin to a project line on a Transportation System Plan map, understanding that future planning would create not just a path along the river but an integrated open space experience. Public agencies performed further work between 2015-2017, but it was never adopted as a land use amendment to CP 14-02. Therefore, the Riverwalk, a combination of open space and shared use/pedestrian paths, is still required to fully implement the Framework Master Plan and is retained on the Map with its original line. However, its final location and design are still flexible and could be constructed solely by the site owner utilizing the proposed pedestrian routes as depicted on the revised Sheet 9 (Exhibit 4) or with support from other government sources or agreements on other areas of the shoreline.

Metro Regional Government holds a Riverwalk easement on the site for the future construction of a government-supported Riverwalk. The easement was created in November 2014, just after the adoption of the CP 14-02 Master Plan, as a coordination document describing areas where Metro or the site owner has more control over what is developed. Oregon City is not a legal party to this easement, and the Planning Commission should not use it as a criterion for amending the Master Plan. Staff review of this plan is based on a private property owner wishing to develop private property through the quasi-judicial land use process.

The proposed amendments to the CP 14-02 are consistent with the goal of implementing an open space and publicly accessible shared use/pedestrian path over time to comply with the requirements of the Willamette River Greenway. Staff has provided additional conditions that will ensure adequate public access through the end of Main Street and through the former paper mill storage yard near Mill O/ future hotel, where the applicant has proposed amendments to the map. This will help ensure that an adequate public shared-use/pedestrian path and open space experience will be implemented in these areas as the

lots are redeveloped. The public will not have access to the site in its current state as some areas are unsafe for public visitors.

Maintaining the Riverwalk review, at Type III is also not beneficial due to its limited applicable approval criteria in OCMC 17.62 Site Plan and Design Review for open space. This creates expectations that the public hearing will focus on subjective criteria, which it will not. Typically, these types of technical reviews would be through a Type II DDP.

If public funds were part of a future phase of the Riverwalk, public engagement for any publicly-funded open space/Riverwalk project should occur during the design phase and when the City Commission officially directs the allocation of public funds for permitting and construction. Should these negotiations occur, they will happen outside of this land use review; again, this review is limited to the application of the criteria for a GDP and nothing more.

As explained in detail below, staff recommends that all segments of the Riverwalk and future pedestrian routes indicated in Revised Plan Sheet 9 (Transportation Network) found in Exhibit 4 of the staff report, whether developed publicly or privately, be reviewed at a Type II level. If the primary public interest is to ensure sufficient access to these areas, a Type II Site Plan and Design Review approach would be the most effective way to guarantee that any necessary adjustment to the public access easement is recorded with each development phase. Staff has provided an amended condition of approval to address this matter.

Revision to Framework Plan Map
The applicant has submitted several revisions to the adopted Framework Plan map, which arose from additional information obtained about the site since 2014 or are necessary to implement the owner's vision for tumwata village. These revisions are further explained in the staff report, and staff has found that they are, as conditioned, consistent overall with the goals of the initial Framework Master Plan.

Retention of Structures Onsite
In Feb 2011, the former Blue Heron Paper Mill was closed, and the assets were transferred to a final bankruptcy judge who has a fiduciary duty to sell off the asset and pay existing creditors. The trustee sold all the nonbuilding assets to a salvage firm, who removed much of the mill equipment, and nonbuilding structures and elements.

Many of the remaining buildings have been stripped of their components and are in a state that does not support a long-term mothball approach, which is a process of securing the building for future use. These buildings were purpose-built, either as covers for paper machines or to house other paper-making processes. As a result, their ability to be mothballed for an extended period is limited. Updated information about building conditions can be found in Exhibit 1D 10-Structure Study.

In 2012, The city, in an attempt to better understand the reuse options for the structure onsite, provided a reconnaissance-level historical survey to the State Historic Preservation Office to identify which buildings might one day be potentially eligible for historic tax credits if a future owner wanted to pursue those funds. This reconnaissance survey found that there were numerous buildings that could be potentially eligible for listing on the National Register.

In September 2012, SHPO provided a concurrence letter reviewing the reconnaissance Leve survey (exhibit 5b), confirming that the site was not eligible for listing as a historic district due to the loss of mill elements. As such, each of the buildings would need to be individually assessed for eligibility. This analysis was an interim measure that examined the potential eligibility. Only an intensive-level survey or an official National Register nomination could provide the detailed information needed to formally determine eligibility.

As part of the original Master Plan (CP 14-02), the city's consultant evaluated the redevelopment potential of the potential historic resources on-site. They provided rankings based on historic significance, structural integrity, and the feasibility of architectural reuse (specifically, whether leasable spaces could be created). Four buildings were identified as meeting the minimum threshold for reuse. (Mill O, Hawley, No 4 Paper Machine and Di Ink) . These were added along with the Woolen Mill Foundation as a condition to CP 14-02 to require some of the buildings to be retained unless further amended. Other elements, such as the digesters, Horton Sphere, and Flour Mill foundation, were added as elements for retention to ensure some elements of the mill site were retained. The conditions were created to provide a pause or stay of full site demolition until a new owner and vision could be developed.

With the purchase of the site by the Confederate Tribes of the Grand Ronde, a new vision for the site emerged. This vision envisioned healing the landscape and creating active spaces intended to gather people and connect them to the breath of the stories on-site rather than retaining the large stripped and aging industrial mill building that represents only a small portion of the site's 13,000 years of human history.

The applicant retained Historic Research and Associates to complete an Intensive-Level Surveys (ILS) for the four buildings as well as each of the buildings identified as potentially eligible for listing on the National Register in 2012, fulfilling a condition from CP 14-02 requiring mitigation/documentation prior to undergoing demolition or alteration. They also provided intensive-level surveys for the smaller elements identified for retention, such as digesters and Horton Sphere, which were not required. These documents can be found in Exhibit 1D and provide an extensive research effort of the site, which is available to the public and can be used in future interpretation projects.

Historical Research Associates reviewed the buildings based on National Park Service (NPS) guidance regarding eligibility for listing in the National Register of Historic Places. With the additional research provided in the intensive-level survey, HRA found that all the buildings, except for Woolen Mill and Flourmill/No.2 Paper Machines site foundations, were not individually eligible for listing on the National Register. This was because they were generally too altered, were not unique to the region's papermaking history, and were commonly found elsewhere in the area. Updated building conditions reports submitted by the applicant's engineering consultant also indicated that in the 10 years since the original GDP many buildings incurred further environmental damage making reuse of the building economically infeasible.

Chrissy Curran, Deputy SHPO Concurrence Letters 2025
The city requested a letter providing an updated determination of eligibility (DOE) based on the applicant's submission of Intensive level surveys for all the buildings previously identified as potentially eligible in 2012. The updated 2025 determination letter concurred that the Woolen Mill Foundation and

Flour Mill Foundations/No. 2 Paper Machine Site are individually eligible for listing on the National Register. SHPO also finds that the Hawley Building and Horton Sphere are also individually eligible. Both the 2012 and 2025 letters can be found in Exhibit 5b.

None of these structures are locally designated under the OCMC 17.40 Historic Overlay District, which requires owner consent, nor did the previous CP 14-02 condition of approval mandate rehabilitation or adaptive reuse of the buildings identified for retention. The retention condition was placed on a number of buildings and structures that appeared to have the highest reuse potential, and retention was desired until a final owner was determined for the site. The Planning Commission can look at several factors to determine if the previous condition requiring a Type III review of demolition of certain buildings should be revised with this application. These SHPO letters should be considered background information to aid the Planning Commission's deliberations.

As the initial intent of the CP 14-02 conditions was to provide a pause or stay of full site demolition until a new owner and vision could be developed, requiring retention of structures not part of the tumwata village vision would be problematic as the existing conditions do not mandate re-use or rehabilitation of the buildings on site and retaining the Hawley Building and Horton Sphere in this location directly conflicts with the owner's goal of ecological restoration for this area. For this reason, staff recommends that the Planning Commission adopt the revised approval condition that acknowledges the retention of the Woolen Mill Foundation and Flour Mill Foundations/No. 2 Paper Machine Site and that all other structures can be removed through a Type I Demo Review. Any future revisions to the Framework Plan that do not retain the Woolen Mill Foundation and Flour Mill Foundations/No. 2 Paper Machine Site would require a Type III Master Plan Amendment.

Please note that any removal of building/elements identified as eligible for listing on the National Register utilizing federal funds is required to adhere to the Section106 process of the National Historic Preservation Act (NHPA) through the State Historic Preservation Office (SHPO), which looks at alternative analysis, public outreach, and proportional mitigation if there is an adverse effect. This will occur separately and should not be integrated into the local land use process.

Transportation
The applicant’s revised goals for site redevelopment are more modest in terms of total building area. This updated master plan emphasizes healing the site and returning much of it to a more naturalized landscape. As such, the tumwata village Framework Plan envisions a target of approximately 300,000 square feet of buildable space, roughly half the square footage of what was originally envisioned through the approved plan.

Nevertheless, The Grand Ronde Tribe reserves the right to use the “capacity cap” developed under the “worst case re-development scenario” of the previous analysis. This was established through the Multi-Modal Area (MMA) adoption via Ordinance No. 14-1015 and the Master Plan adoption via Ordinance No. 14-1016. The updated transportation study in this application (Appendix B) determined that anticipated trips are well within the “trip cap” established in 2014. This application proposes a site development plan with less development when compared to the WFLPMP, and that will continue to be within the limitations imposed in 2014.

The city additionally signed a Memorandum of Understanding (MOU) with ODOT in 2015 that recorded the CP 14-02 conditions for the previous zone change from industrial to higher mixed-use intensity (Willamette Falls Downtown District) . These conditions have been carried forward for this application, as no changes are being proposed that would require an update—other than acknowledging that Project A has been completed, which involved additional lighting and safety signage at the railroad 99E tunnel and some small grammatical edits for clarity.

Other Modifications/Revisions

Fences

As demolition and construction work will be ongoing, large portions of the site will need to be fenced off for the purposes of public health and safety. Demolition debris and construction equipment will be moving and operating on a regular basis, and these activities will need to be separated from parts of the site that will be accessible to the public. Chain link fencing is typically prohibited, except in special circumstances, which include construction sites on a temporary basis. ("Temporary" is not defined in the code.)
The applicant proposes to address fencing types and materials more broadly by requesting the adoption of a fencing policy document as part of this master plan amendment, in addition to approving the modification of this development standard. The applicant has detailed the types of fencing and situations where the fencing would be used on the site in a policy document attached as Appendix F. This fence policy document includes example photos as well as an illustrative map. To summarize, the following fencing types are anticipated:

- Long-Term Safety and Security Fencing
- Construction Fencing
- Railroad Safety and Separation Fencing
- Riverfront/NROD Fencing

Streets

The proposed development plan for the site includes a redeveloped network of streets to serve the proposed uses within the site and provide access to the existing PGE site to the south. A wide variety of vehicles will utilize these public streets for access to the development buildings, access to the PGE site, emergency vehicles, service and deliveries, shuttles and buses for visitors and more. Additional pedestrian and bicycle circulation will link the Riverwalk, the overlook and plaza space areas to public right-of-way. The Master Plan will adopt the revised street standards as part of this application.

This package also includes a detailed development plan for all planned streets at the site: Main Street, Water Avenue, 3rd Street, 4th Street, and Railroad Avenue. Building out these streets will be a catalyst for future development of the site. The first phase of anticipated development at the site will be the construction of new streets and utilities to serve Block 1. CTGR recently secured $2 million in Federal appropriations for this development. Consequently, this application package requests a concurrent DDP for streets in *tumwata village*.

Interim parking

The *tumwata village* plan includes parking lot arrangement where portions of Block 5 and 6 will be used as “temporary parking”, which we still anticipate will meet Chapter 17.52 standards, but development of this site has a unique approach described below.

The cleanup, demolition, and subsequent redevelopment of the large site will take time and will be accomplished in phases. The applicant has described the proposed areas as "temporary parking zones" necessary to support buildings and activities during the full buildout of the site. However, according to the city's general definition, the duration for which the parking lot will be in service may not necessarily be considered “temporary."

Rather, the city views this proposal as a request to build a parking lot through the standard Type II Detailed Development Plan process, with an exception/waiver for below ground landscaping, as bringing in fill for planting does not seem practical. Therefore, staff has provided a condition of approval that allows the applicant to construct a conventional parking lot, supporting alternative landscape approaches and allowing for above-ground plantings, including trees, where applicable.

A multi-level parking structure will eventually be constructed, with the capacity to serve multiple blocks, uses and buildings. Early phases of new development are planned closer to the river while the eastern side of the site, between ‘Main’ Street and the railroad/99E, is planned to support other development, offering temporary parking, stormwater management, and potentially public space/activation functions. Eventually, these blocks will be developed with buildings. Staff has provided conditions of approval to address this request.

Overlay Districts

Willamette River Greenway

The entire Willamette Falls District is within the Willamette River Greenway (WRG), which protects the scenic, historic, and recreational qualities of the riverfront. Any development within 150 feet of the ordinary low water line requires a Greenway “compatibility review” (17.48.100.A) in future detailed development plan applications and is the nexus to originally requiring the riverwalk. This compatibility review emphasizes the landscaped area between the new activity and the river and public access along the riverfront. Through the Framework Plan, this application proposes a “Greenway setback” on the site that is required for future development within the WRG. If future plans in *tumwata village,* as conditioned*,* comply with the public access and restoration provisions that are demonstrated by the Framework Plan, the Greenway compatibility standards are presumed to be satisfied and would not be required for future DDPs in the compatibility boundary. The Framework Plan, the greenway setback, and the commitment to restoration and healing as a core value of the proposed master plan amendment reflect the purpose of the Willamette River Greenway.

Staff has provided a condition that defines how development in the Willamette River Greenway will occur and provides findings for sitewide compliance with the Willamette River Greenway, which will allow future development within the “compatibility review area” to be approved through the traditional

Type II Development process provided that adequate public access and habitat restoration are included with any specific Detailed Development Plan (DDP) in the compatibility area. Revision to these conditions would require a Type III amendment to the Master Plan.

The amended Framework Plan map also anticipates that constraining new development solely on the Mill O footprint (which was the approach in CP 14-02) may be problematic, and some flexibility is needed for successful development; therefore, staff has provided a condition that clearly indicates a minimum level of open space to be constructed in this newly expanded area and that the public access must be located in front of any private use in this highlighted area. This will provide clarity for the applicant in their development planning and clarity for the public expectation of placing public space/habitat restoration closer to the river than private development.



Natural Resources Overlay District

Natural resources on the site are related to the proximity to the river, and its 4,500 feet of shoreline. The entire *tumwata village* site is within Oregon City's Natural Resources Overlay District, the city's environmental protection overlay. As noted in the previous master plan, projects are exempt from NROD rules "where ground level impervious surface area is not increased" (OCMC 17.49.080.J). This exemption applies even to "replacement" of existing structures. Because nearly every square foot of the site is either paved, covered by a building, or on top of a basalt shelf, virtually the entire district will qualify for this exemption. Nonetheless, the anticipated habitat and shoreline enhancement actions identified in the proposed master plan amendment are expected to result in a significant improvement to the habitat function of the site.

Flood Management Overlay District

Because of its location on the Oregon City riverfront, areas of the site are prone to flooding. The last major flood event to occur on the site was in 1996. Oregon City designates two land areas as part of its local flood management area: the Federal Emergency Management Agency-mapped

100-year floodplain, and areas inundated by the 1996 flood. The 1996 flood inundation boundary is larger than the FEMA 100-year flood zone, which covers only the southwestern portion of the site. Taken together, some of the proposed development along the Willamette River will be in the city's flood management area.

Available 1996 flood inundation information from Oregon City was used as an organizing framework for the 2014 master plan. However, conditions on the site have changed significantly since the flood and further hydrologic analysis was needed to establish the flood elevation. To refine the applicability of the flood management area, a civil engineering consultant hired by the applicant collected additional on-site data to refine the 1996 flood level and establish an elevation illustrative of the new conditions. Once the final analysis report is accepted, the elevation it establishes will become the basis for the floodplain analysis in *tumwata village*. This master plan sets out a process for evaluating future, phased development based on this methodology and for determining balanced cut and fill calculations. Future development will be required to comply with the city's flood district requirements based on this new information.

Geohazard Overlay District

Regulations within this chapter apply, and future development proposals will be required to respond to the standards within it. As with other overlay zones, the development standards are intended to apply to the specifics of land development, not to general plans such as the first step of a two-step master plan. Therefore, the rules of this chapter will be addressed as part of a future development application.



GEOLOGIC HAZARD OVERLAY DISTRICT.

Detailed Development Plan – Street Improvement

The Detailed Development Plan (DDP) for street improvement is included as a separate staff report, but it is based on meeting the requirements outlined in the amended master plan. The dual staff report approach was created to help manage a 20-year master plan by separating a one-time development

application from the framework master plan analysis and conditions. The Master Plan refinement and the DDP are being presented as one application and will be voted on together with one motion. The Detailed Development plan is being consolidated with the Master Plan amendment by request of the Applicant as they wish to submit for construction permits as soon as the application is approved.

CONDITIONS OF APPROVAL

Planning File GLUA-24-00027: MAS-24-00002

(P) = Verify that condition of approval has been met with the Planning Division.
(DS) = Verify that condition of approval has been met with the Development Services Division.
(B) = Verify that condition of approval has been met with the Building Division.
(F) = Verify that condition of approval has been met with Clackamas Fire Department.

1. This Amended Master Plan adopts the refined Framework Plan and is implemented through the following conditions of approval. The following conditions replace CP 14-02 Conditions of Approval.

2. Per OCMC 17.65.020.A, Unless further amended and extended by the Planning Commission, this Master Plan Amendment shall control development on the site until December 31, 2045. Future DDP applications are to be processed as Type I or II review as directed by the Oregon City Municipal Code, and the applicant may choose to use either the 2024 code adopted at the time of the Master Plan Amendment submittal or the current code.

3. Pedestrian access to and along the river (17.48.100.B.2) will be provided by public access easements that follow the alignments shown schematically on Sheet 9 (Transportation Network-Revised). Easements will be provided concurrent with future Detailed Development Plan applications at the locations identified as “future pedestrian routes” (dashed blue line). The intent and long-term goal of continuous access to and along the river is satisfied by public easements and, over time, development by public or private entities. Sufficient route planning in DDP

applications insures continuous pedestrian access along the river can be accomplished. An easement will be applied to each completed section at the time of the DDP Approval, granting that final route locations may vary to account for site grading.

a. Each DDP submittal shall indicate what portion, if any, of the pedestrian network shown on Sheet 9 will be constructed. The submittal shall show an up-to-date route map to ensure that the long-term goal of continuous pedestrian access along the river can be accomplished on site.
b. Each DDP phase requires public access easements in the area of proposed development along "future pedestrian routes" consistent with the revised plan sheet 9 (Transportation Network) in Exhibit A of the GDP submittal.
c. Areas of Main Street south of 3rd Street to the future Canemah Trail will be designed as a shared-use path, at a minimum. Identified future pedestrian routes on proposed streets are required to be constructed at the time of any development over 500 square feet on abutting lots, to the extent practicable.
d. Public access is not required on open space areas identified for habitat restoration.

4. The applicant shall show construction of a publicly accessible open space area that is a minimum of 20,000 square feet at the time of completion of the first 200,000 square feet of new habitable space. Upon completion of site redevelopment approved in the GDP, the property will include a total of 40,000 square feet of open/public space, which shall include active and passive uses with prominent views of *walamt* and/or *tumwata*. As part of the detailed development review for this open space, the applicant will develop a long-term maintenance and operation plan to ensure that the publicly accessible open space can be maintained.

5. To address the expansion of private/public open space on Block 3 of the Framework Plan Map (indicated in yellow), a new open space area is proposed. At the time of development of over 1000 square feet on Block 3, A minimum 2,500 square foot open space shall be provided south of any new building, towards the falls. This open space may be a mix of active and passive uses and will be physically connected to the adjacent riverfront pedestrian public access. This shall be in addition to the open space requirements of the Condition 4 above.

6. The site is located within a Mixed Use Multi-Modal area, adopted through ORD14-1015, all future development will be reviewed for impacts to safety in this area and not be subject to review of the development on the capacity of the system.

7. The tumwata village Framework Plan acknowledges that the Woolen Mill Foundation and Flour Mill Foundations/No. 2 Paper Machine Site will be retained. All other structures and elements may be removed through a Type I Demolition review. Any revisions to the Framework Plan that do not retain the Woolen Mill Foundation and Flour Mill Foundations/No. 2 Paper Machine Site require a Type III Master Plan Amendment.

8. Before engaging in any grading or form of site disturbance, the applicant shall submit and adhere to an inadvertent discovery plan that, depending on the proposed action and as recommended by SHPO, could include archeological monitoring during times of site disturbance.

9. The property owner shall provide public access easements and a maintenance plan for all streets proposed with each DDP.

10. Oregon City and ODOT have agreed on the following transportation improvements along OR 99E:
    a. Project “a” was fulfilled prior to this land use application.
    b. Prohibiting left turns northbound from OR 99E to Main Street and modification of the right turn geometry from 99E to Railroad Avenue to allow space for turning traffic to slow and maneuver outside the travel lanes on a curve with limited sight distance.
    c. Channelized right turn lane or raised median at the intersection of Water Avenue and OR 99E to prevent left turn maneuvers; reinforce right-in, right-out access to Water Avenue.

11. Oregon City will assure design and construction of the following projects:
    a. Project “a” was fulfilled prior to this land use application.
    b. Design of and right of way acquisition for Project “b” will be led by Oregon City in cooperation with ODOT. The applicant is responsible for construction of Project “b” which is required to be completed prior to trip generation to the site surpassing 140 peak hour trips. The purpose of this improvement is to safely accommodate the increasing number of motor vehicles slowing in the tunnel to turn right on Railroad Avenue and for the safety of pedestrians crossing Railroad Avenue. The right turn into Railroad Avenue is part of an indirect left turn movement required for OR 99E northbound motor vehicles accessing the Willamette Falls site. Compliance with this condition will occur when either the project is completed, and any outstanding items are bonded, or grant funds have been authorized to construct the improvement through a publicly funded project.
    c. Project “c” will be constructed during the construction of Water Avenue/OR 99E intersection. Construction of Water Avenue/99E will be triggered when one of the following occurs:
        i. At the time of Riverwalk construction adjacent to Water Avenue.
        ii. Any new construction or addition over 1,000 square feet on Block 1 of the Framework Master Plan.
        iii. Once development on the site has surpassed 140 peak hour trips.

12. If Oregon City or ODOT determines as part of a future detailed development plan review, that significant safety issues remain or will result from the proposal, the applicant shall contribute up to $60,000 (2014 dollars) for the cost of the safety audit. Safety measures identified as a result of an audit tied to review of a development proposal may be required to be implemented after the trip generated from the Willamette Falls area development exceeds 700 peak hour trips.

13. The Master Plan approval requires ODOT concurrence for any phase of development of the Willamette Falls Downtown District that would result in the total estimated peak hour trips generated from the Willamette Falls Downtown District to exceed 700. If, at that time, traffic analysis establishes that additional safety measures are needed, the applicant will be required to include additional safety measures acceptable to ODOT. Or, other safety measures not associated with the proposed development may be provided with agreement from ODOT. The Applicant will estimate the number of trips at the time of each phase of master plan review and

will notify ODOT and the City of the proposed development and estimated trips 30 days prior to the land use application submittal of a Detailed Development plan. The latest Institute of Traffic Engineers Trip Generation Manual will be the source for trip generation estimates unless ODOT and the City agree to an adjustment.

14. Future Detailed Development Plans (DDPs) are encouraged to use the Oregon City Transportation Demand Management (TDM) tools described in the approved 2017 Oregon City Transportation Demand Management Plan. The success of public access onsite will be through the use of a combination of public and private TDM tools and projects that will fundamentally reside outside of any specific detailed development plan. The applicant, city, and downtown interests are encouraged to continue collaborating on a TDM approach to bringing visitors to and from the downtown area, including the subject site.

15. The pedestrian bridge project connecting the Promenade to 99E has been added to the City's Transportation System Plan via the "Willamette Falls Legacy Project (CP 14- 02) amendment to the TSP." Currently, there are no development triggers for this project, which is assumed to be primarily a publicly supported project. The applicant shall ensure that all future DDPs integrate any bridge planning location efforts into their plans, as the specific site landing location has yet to be finalized.

16. Boundaries for both the compatibility area and the Greenway setback are shown on Map 07 of the applicant's submittal. New development within the Willamette River Greenway is presumed to meet the compatibility review standards of OCMC 17.48.100.B if a) the development is located outside the Greenway Setback, or b) the development provides restoration and a shared-use path between the development and the river to be determined as part of future DDP reviews. Compatibility review requirements are pre-emptively satisfied when development is consistent with the approved Framework Plan, and no additional Type III review is required. Protection of the Greenway Setback and consistency with the Framework Plan under this condition will be confirmed through a future Type II detailed development plan review.

17. Minimum FAR of 1.0 (defined in OCMC 17.34.080) shall be maintained for the developable areas on the site, based on a methodology provided in Appendix H of the Applicant's submittal. Proposed development will follow this long-term plan for future build out. Compliance will be verified as part of the DDP process.

18. The street system, as proposed and approved in the Master Plan, shall be considered street frontage for the purpose of siting standards in OCMC 17.62 Site Plan and Design Review. Building setbacks shall be measured from the back of the sidewalk (or curb if no sidewalk) along private streets. Small revisions to the street system can be approved through the DDP process if they substantially comply with the Master Plan.

19. To allow for a vegetated and landscaped corridor along Main Street, within Block 5, 6, 7 and 8, the front yard setback shall be measured from the edge of the enhanced buffer along Main Street, as shown on the Framework Plan. Increased setback allowances may still be applied per OCMC 17.62.055(D) in Detailed Development Plan applications.

20. All future development must reference and demonstrate compliance with the fencing standards outlined in Exhibit F of the applicant's submission. Items not covered in Exhibit F shall be consistent with the applicable municipal code provisions unless modified through an amendment to the Master Plan or obtaining an individual Variance or Modification as permitted by the code.

21. Parking areas in Block 5 & 6 shall be reviewed under OCMC 17.52 Off Street Parking and Loading Standards at the DDP level. Requirements for inground landscaping are waived for these blocks due to the existing lack of soil and plans for the future parking garage. Landscaping requirements may be met through a combination of above-ground planting, including trees through the alternative landscape plan process, as part of a future Type II DDP review.

22. Reference to street names in any conditions is based on names as referenced in the submitted Framework Plan. Street names may be amended or added over time outside of the land use process and should be cross-referenced to names in the adopted revised Framework Plan during any DDP submittal.

23. The Design Palette (Exhibit G) and Vision 2.0 (Exhibit J) from the applicant's submittal were provided to explain the broader vision for tumwata village, which serves as the foundation for approving the amended master plan. However, the details in these two documents, which were not created as clear and objective approval criteria, should be regarded as background documents, and compliance with them is not a requirement for any future Detailed Development Plan (DDP).

24. Future DDP applications proposing construction within the Flood Management Overlay District shall conform with Chapter 17.42 of the Oregon City Municipal Code. A final balanced cut and fill determination or plan shall be completed at the conclusion of the master plan. Each DDP shall track the status of cut and fill within each phase of development and, if not balanced, show how cut and fill will be balanced. DDP conditions will be added, when applicable, to ensure that balance cut and fill will be achieved within the 20-year timeline of the Master Plan.

25. Water infrastructure will be built over time, and future DDP improvements shall include the following elements:
    - Abandon the PRV near OR 99E & Main Street with the first DDP.
    - Install fire hydrants to comply with Clackamas Fire District #1 based on the level of development with each DDP.
    - Provide a minimum 15-foot-wide easement that allows the right for the city to access and maintain the existing public water main contained with the development property with the first DDP.
    - Replace the public water main within the development property which is part of the existing looped water main system providing two sources of supply (from Main Street and from the east of the property). The length of water main to be replaced shall be determined with each DDP. The size of the new public water main shall be as follows:
        - If required fire flows is limited to 3,500 gpm, the water main within Main Street shall be 12-inch in diameter.
        - If required fire flows is 5,000 gpm or more, the water main within Main Street shall be 14-inch in diameter.

- Coordinate installation of a 10-inch water main over OR 99E with construction of a new pedestrian bridge over OR 99E from the Promenade to the development property. (DS)

26. All stormwater infrastructure within the development property shall be private.

27. Existing sanitary sewer infrastructure within private property, except an existing sanitary sewer manhole located at the northernmost corner of the development property, shall be private (to be owned and maintained by the property owner)

I. BACKGROUND:

1. Existing Conditions

The site is currently occupied by industrial buildings and infrastructure related to the closed Blue Heron Paper Mill. The built elements of the site include remnants of previous uses. A depiction and list of existing buildings.

Since the Blue Heron Paper Mill ceased operations in 2011, the site has sat vacant. No construction has taken place on the site based on the plan approved in 2014. Demolition of several derelict or dangerous structures has occurred, with permits from the city, including a building that was severely damaged by a fire in 2020. Maintenance of on-site structures effectively stopped in the early 1980s, according to Oregon City planning and engineering staff, and buildings have continued to deteriorate.

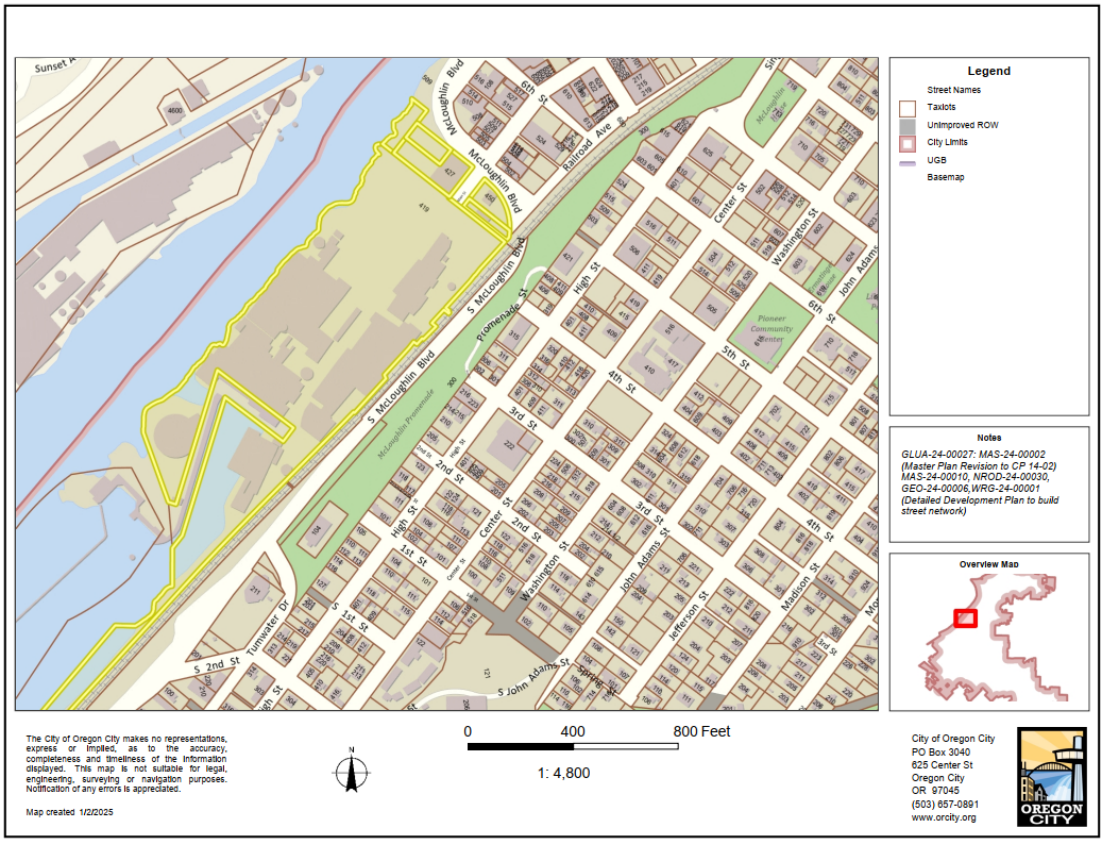


Figure 1. Vicinity Map

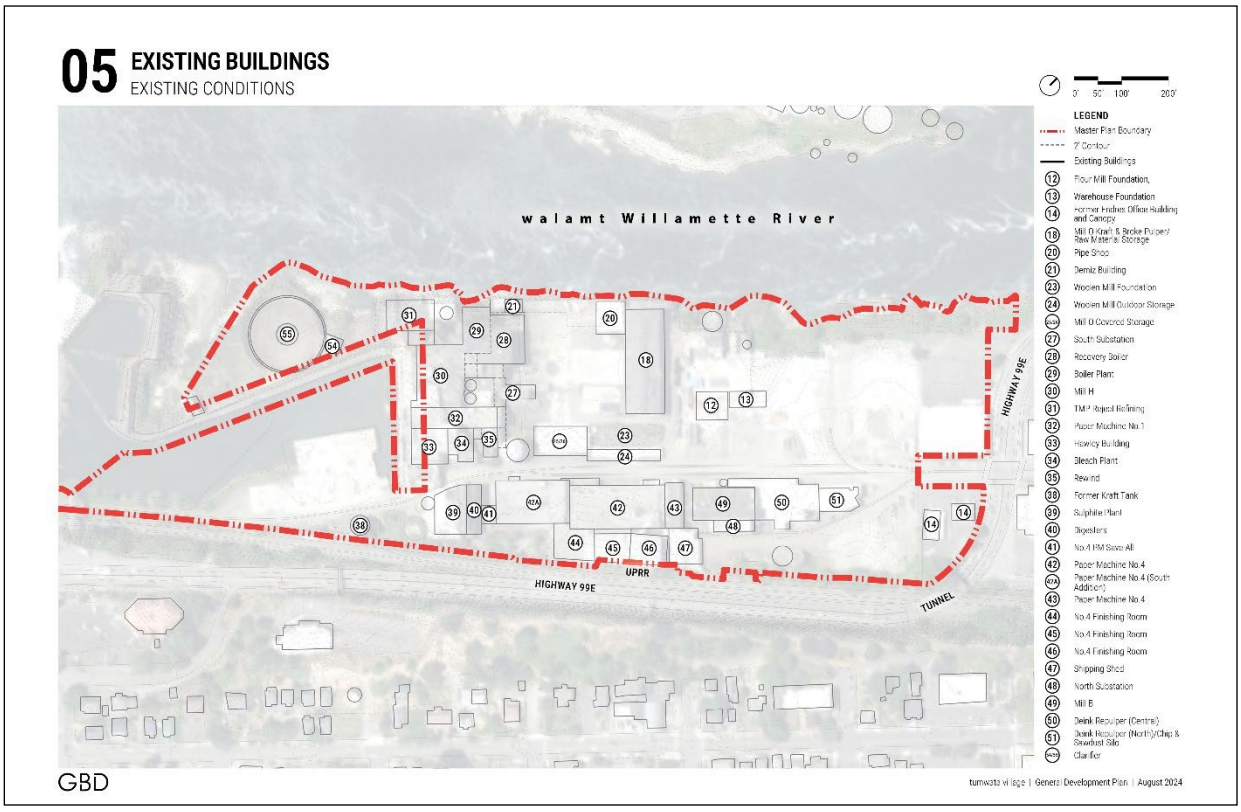


Figure 2: Existing Conditions – Aerial Image

2. Project Description

The Confederated Tribes of the Grand Ronde Community of Oregon (CTGR) request Oregon City approve the *tumwata village* Master Plan Amendment. This amendment is a land use action that amends the still active Willamette Falls Legacy Project Master Plan (CP 14-02). That plan was approved by Oregon City in 2014.

Located on 23.57 acres at the south end of downtown Oregon City, *tumwata village* is a modern development that will provide a mix of open space, retail, shopping, residential, office, restaurants, and a hotel/event space for visitors and patrons. It will become a vibrant pedestrian destination that includes opportunities for public and Tribal celebration. An amended master plan will allow redevelopment of the site with a mix of uses and additional open space as depicted in the plan.

2014 Master Plan CP 14-02

The Master Plan approved in 2014 outlined how development would occur onsite by identifying key areas for access, open space, and development. It provided a generalized understanding that redevelopment would be consistent with rezoning, but did not develop or include all the materials of a typical master plan submittal. The next land use step,

submitting a Detailed Development Plan, was never carried out. No DDPs have been applied for or approved since.

The existing 2014 Master Plan has 32 Conditions of Approval (COAs), many of which are no longer applicable. The *tumwata village* Master Plan Amendment is proposing to modify that plan and its conditions.

The findings in this staff report likewise may generate new conditions. The applicant has created a conditions matrix, to which the city has responded in Exhibit 3, and is the basis of the recommended conditions of approval for the Amended Master Plan.

Changes from 2014 Plan

According to the applicant, changes from the approved 2014 plan can be described as follows:

- Reflect Recent Changes to the Site

New plans set the baseline of existing conditions and show a more accurate version of proposed development on the site. Numerous deteriorated buildings have been removed since 2014.

- Update the Approval Process

The previous plan required future development to go through a unique, ad hoc design review process. This plan simplifies future actions by relying on the city's standard approval processes.

- Increase Restoration and Open Space Areas

The new plan increases land area dedicated to habitat enhancement and open space. Refinements to development blocks and open spaces areas are shown on a revised Framework Plan map.

- Revise Standards for Streets in *tumwata village*

This plan sets standards for streets according to the applicant's desired dimensions and sections. Because these are slightly different from city standards, a modification is requested.

- Revise standards for fencing in tumwata village .

The city's fencing standards do not address the unique circumstance of the sprawling form mill complex. As the site redevelopments, there will be a need for additional long-term and medium security fencing to separate the developed areas from the non-developed areas.

- Refine Riverwalk Development Timing

The previous plan assumed development of the public Riverwalk prior to any private development. The new plan still acknowledges Riverwalk development over time, contingent on funding. Private development is likely to proceed before full completion of the publicly-funded Riverwalk.

- Re-evaluate Historic Structures for Retention and Reuse

The new plan re-evaluates the historical analysis and preservation of structures on site. Using standards set by the National Parks Service, fewer structures were determined to be eligible for protection.

New Framework Plan Summary

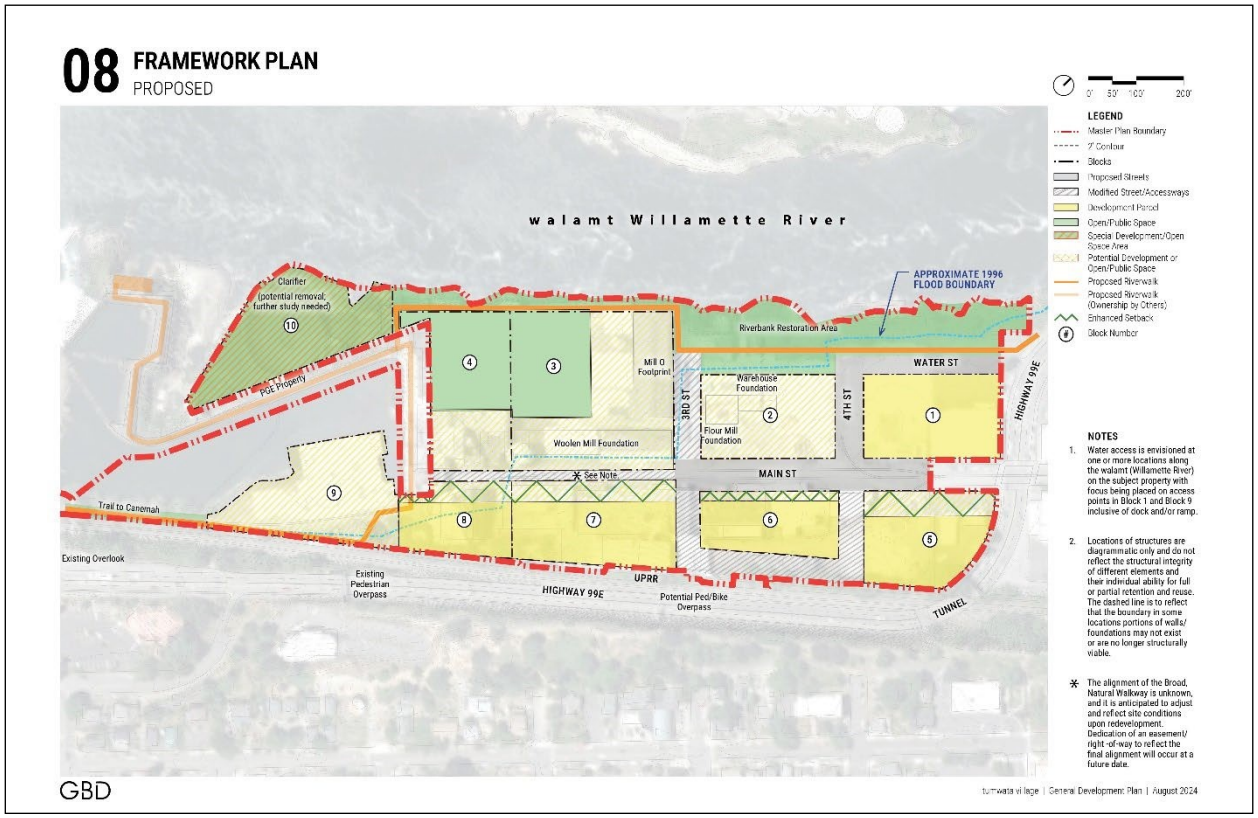
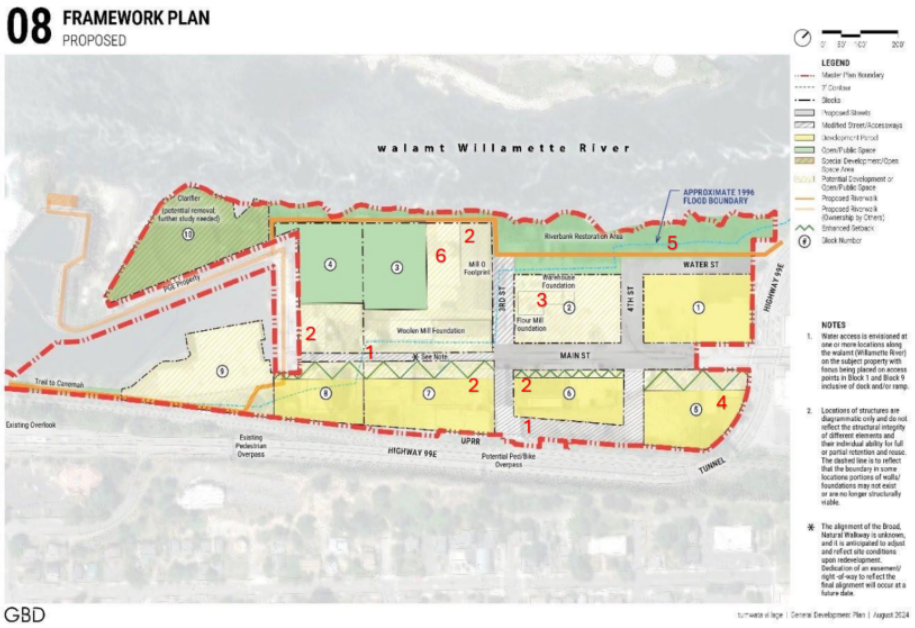


Figure 1. Proposed Framework Plan



Existing Adopted Framework Plan – (CP 14-02)

Proposed Revisions to 2014 CP 14-02

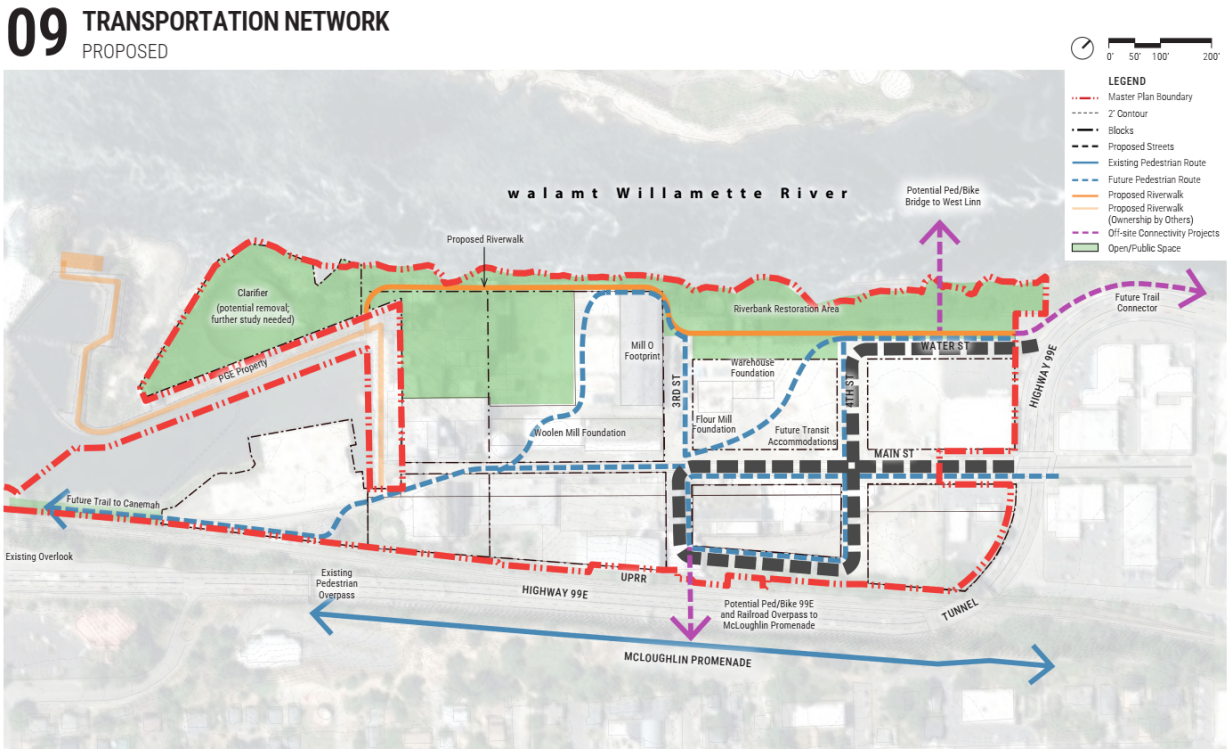


GBD

1. Include Railroad Ave, refine south/west Main Street to be a shared use use path
2. Remove 4 buildings (#4, De INK, Mill O, Hawley) and remove reference to McLoughlin House
3. Change Block 2 to potential development/public space- outline flour mill foundation
4. Include Endres tax lot (main 99E) and keep MUD zoning with landscaping entryway buffer along southside of Main Street
5. Does not change the Riverwalk line- but note in the condition that the final access route will be determined by topography- restoration efforts.
6. Add some additional potential development/public space next to Mill O/Hotel- outdoor seating- ensure riverwalk public access in this area in conditions

The Framework Plan graphically depicts a mix of open spaces, development blocks, and street spaces for the site. Although the plan closely resembles the one approved with the 2014 plan, some elements have been updated. Using the above map as an illustrative reference, a general written description of the plan follows:

Areas closest to the river (in green) are within the 1996 flood inundation area, making these areas more suitable for open space and habitat enhancements. Conversely, areas closer to the bluffs on the north and east side of the site (in solid yellow) are mostly out of the flood area, easier to develop, and re- establish new city blocks in downtown Oregon City. In between are areas that contain several structures with opportunities for rehabilitation, but it may be difficult because they are also within the flood area (light yellow). Those parts of the site may be a mix of open space and development. A shared multi-use path along the riverfront (i.e., public Riverwalk) is located at the river's edge (orange line) and remains in the same location as in the 2014 plan. A portion of this path to the south is located on property owned by other parties (light orange line) and is therefore outside the amended master plan boundary. The public Riverwalk leads to a platform at the edge of the falls. The plan shows the location of three historic structures at the center of the site, the Woolen Mill, Flour Mill, and Warehouse Foundations, that are potentially eligible for listing on the National Register of Historic Places.



The Framework Plan sets a conceptual pattern for future development, with a street grid and blocks where buildings or open space areas will occur. Actual development within these blocks will take place over time as funding and designs become available. The plan identifies the location of a transportation network and circulation through the site for vehicles and pedestrians. It also identifies riverbank restoration and potential open space areas.

Land Use Actions

To accomplish the objectives above, numerous land use actions are packaged together as part of this application. Specifically, the permit application consists of the following components:

1. Amendment to General Development Plan (OCMC 17.65.80)
2. Modification of Conditions of Approval (OCMC 17.65.80 & 17.50.130.D)
3. Adjustment to Development Standards (OCMC 17.65.070)
4. Modification to Site Plan and Design Review Standards (OCMC 17.62.015)
5. Willamette River Greenway Review (OCMC 17.65.80)
6. Flood Management Overlay Review (OCMC 17.42)
7. Detailed Development Plan (for new streets) (OCMC 17.65.060)
8. Modification to Street Standards (OCMC 16.12.013)

3. **Permits and Approvals:** The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department in Oregon City, including but not limited to the Engineering and Building Divisions.

4. **Public Comment**
Public comments submitted include (Exhibit 5):

Jim Nicita
Mr. Nicita provided comments questioning the correct venue for the Master Plan amendment, stating that it should be processed as a Type IV Legislative process. He identified additional policy considerations that the City Commission should use in their analysis. Staff requested guidance from Department City Attorney Carie Richter on this matter. The memo can be found in Exhibit 2 of the Staff Report.

Neelam Dorman, Planning Manager- ODOT Region 1
A portion of the site's McLoughlin Blvd/99E frontage is located within ODOT Jurisdiction, and the applicant will be required to obtain all needed permits for those improvements from ODOT. ODOT has provided the required improvements in its January 15, 2025 letter, which has been incorporated as a condition of approval in the DDP application. ODOT also provided comments related to small corrections to the Master Plan conditions that relate to the previous CP 14-02 transportation improvements, which are being carried over for this review. As one of the projects has been completed (tunnel lighting and signage), it is being removed from the revised conditions for clarity.

Chrissy Curran, Deputy SHPO Concurrence Letters, 2012 & 2025
The city requested a letter providing an updated determination of eligibility (DOE) based on the applicant's submission of Intensive level surveys for all the buildings previously identified as potentially eligible in 2012. The updated 2005 determination letter concurred that the Woolen Mill Foundation and Flour Mill Foundations/No. 2 Paper Machine Site are individually eligible for listing on the National Register. SHPO also finds that the Hawley Building and Horton Sphere are also individually eligible. Both the 2012 and 2025 letters can be found in Exhibit 5b.

None of the structures are locally designated under the OCMC 17.40 Historic Overlay District, nor did the previous CP 14-02 condition of approval require rehabilitation or adaptive reuse of the buildings identified for retention. The condition was placed on a number of buildings and structures that appeared to have the highest reuse potential, and retention was desired until a final owner was determined for the site. The Planning Commission can look at several factors in determining if the previous condition requiring a Type III review of the application of certain buildings should be revised with this application. These letters should be seen as background information to aid the Planning Commission in its deliberations.

Two Rivers Neighborhood Association July 11. 2024 Meeting Minutes
The application submitted the NA minutes into the record, indicating a vote of support for the application.

None of the comments provided indicate that an approval criterion has not been met or cannot be met through the Conditions of Approval attached to this Staff Report.

II. ANALYSIS AND FINDINGS:

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

CHAPTER 16.12 – MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT

16.12.011 - Applicability.
A. Compliance with this chapter is required for all development including land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements that are required in conjunction with a land use decision.
B. Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage of all single-family detached residential and middle housing units' living space. Garages, carports, sheds, and porches may not be included in the calculation if these spaces are not living spaces. Accessory dwelling units are not subject to compliance with this chapter. All single-family detached residential and middle housing units shall provide any necessary dedications, easements or agreements as identified in the

transportation system plan and this chapter, subject to constitutional limitations. In addition, the street frontage shall be improved to include the following priorities for improvements:
1. Improve street pavement, construct curbs, gutters, sidewalks and planter strips; and
2. Plant street trees.
The cost of compliance with the standards identified in subsections 16.12.011.B.1 and 16.12.011.B.2 is calculated based on the square footage valuation from the state of Oregon Building Codes Division and limited to ten percent of the total construction costs. The value of the alterations and improvements is based on the total construction costs for a complete project rather than costs of various project component parts subject to individual building permits. The entire proposed construction project cost includes engineering and consulting fees and construction costs. It does not include permit fees, recording fees, or any work associated with drafting or recording dedications or easements.
C. Exemptions. The following are exempt from review by this chapter unless public improvements, driveways, PUEs, or other items regulated by this chapter are proposed:
1. Minor Site Plan and Design Review applications.
2. Work within the right-of-way.
3. Lot Line Adjustments and Abandonments.
4. Public capital improvement projects.

Finding: Applicable. The application is a master plan; therefore, the development shall follow the standards set forth in OCMC 16.12.

16.12.012 - Jurisdiction and management of the public rights-of-way.
The City has jurisdiction and exercises regulatory management over all public rights-of-way as defined and outlined within 12.04 of the Oregon City Municipal Code.

Finding: Applicable.
The City of Oregon City has jurisdiction over portions of Main Street and the existing alley right-of-way from Main Street to Railroad Avenue. The City will support the vacation of Main Street and said alley as allowed by 12.04 of the Oregon City Municipal Code. 4th Street and Water Street were previously vacated and are not intended to be rededicated as public right-of-way.

16.12.013 - Modifications.
The applicant may request and the review body may consider modification of the standards in this chapter resulting from constitutional limitations restricting the City's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications, except for adjustments approved by the City Engineer for tree preservation purposes pursuant to Section 16.12.013.A, shall be processed through a Type II land use application and may require additional evidence from a transportation engineer or others to verify compliance. Compliance with the following criteria is required:
A. Compliance with the following criteria is required:
1. The modification meets the intent of the standard;

Finding: Complies with condition. The following modifications have been requested.

"The proposed modification to the street standards meets the intent as stated above. Most of the streets do not extend from existing street patterns due to topographic or other physical constraints of the area. The site has hard boundaries of 99E, the bluff, railroad tracks, and the Willamette River.

The proposed modification of Main Street is minor and offers a slightly wider overall paved width that better reflects the city's existing Main Street north of 99E. It also allows increased pedestrian access areas and larger planting strips that indicate a subtle shift in development with increasingly naturalized areas towards the falls, and where the street extension loops back upon itself. Wider travel lanes are needed for fire truck movements and public transit vehicles. Larger sidewalks are intended to activate additional pedestrian traffic movement from north to south from across McLoughlin Boulevard.

Railroad Avenue, 3rd, 4th and Water Streets generally align with local street standards, with slight modifications that still allow for the safe passage of emergency vehicles. The master planned area is unique in that there are few opportunities to extend streets from adjacent lands due to environmental and topographic constraints. This results in a looped street pattern that need ample pedestrian access and opportunities to visit the falls and nearby public amenities, necessitating unique street sections.

On Water Ave, the wider parking width is to allow tour buses or school buses to have parking to access planned interpretive sites and parks. Coordination with TriMet is planned for a potential transit stop. A wider sidewalk on the west side of Water Ave will be multiuse and will have space for viewing areas of the river and loading and unloading of transit.

Railroad Ave accommodates 45-degree angled parking. The curb tight sidewalk on the east side of the street provides a landing for pedestrians entering and exiting the angled parking.
3rd and 4th street necessitate wider travel lanes for fire truck movements. The additional width of the streets are also needed for 7' curb tight parking on both sides.

The proposed street section modifications allow for pedestrian access and sidewalks, the local street standard requires 10.5 foot sidewalks including 5-by-5 foot tree wells. 3rd, 4th, and Main Street provide larger sidewalk and planter strip areas. Railroad Ave still provides a 12 foot sidewalk and planter strip. Bicycles are anticipated to share low speed lanes."

Staff has determined that the applicant meets the intent of this standard because the streets are not proposed to be under jurisdiction of Oregon City as indicated by the applicant in item 3 below.

2. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;
Finding: Complies as proposed. The applicant states the following:

"Modifications expand pedestrian routes wider than the minimum standard and provide safe routes for bikes as outlined in OCMC 16.12.023 intersections, and paths shown in the Street Circulation Exhibits in Appendix T. As discussed in the findings above, the proposed modifications to the travel lanes allow for safe passage of fire trucks, transit, as well as motor vehicles. Low speed lanes accommodate bicyclists. Generally, the modifications propose larger than required sidewalks, accommodating movement of pedestrians."

Staff has determined that the applicant meets the intent of this standard.

3. The modification is consistent with an adopted transportation or utility plan;

Finding: Complies with condition. The applicant states the following:

"No mapped streets are shown through the development in Oregon City's TSP. Streets shown on the master plan are anticipated to be private, with public access easements. These facilities will be consistent with prior approvals and they are compatible with surrounding street network. The proposed modifications to Main Street are based on compatibility with the existing Main Street on the other side of 99E."

In response to 12.04.005 the applicant has stated, "The intent of these streets is for them to be privately owned with public access easements."

The previous masterplan (CP 14-02) provided the following options regarding streets to serve the development areas. "Right of Way dedication shall be governed by the street and utility phasing plan which shall be submitted at the time of the first development application of more than 1,000 square feet of new habitable space. The Public Works Director may approve an alternate proposal of private streets governed by a full public access easement if the design and maintenance plan meets or exceeds the intent of the Master Plan."

The Public Works Director has approved the alternate proposal to provide private streets governed by a full public access easement. Access easements and maintenance plan are still needed per CP 14-02. The property owner shall provide public access easements and a maintenance plan for streets proposed with each DDP.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

The width of the automobile travel lanes are consistent with the "Determining Optimum Street Designs" provisions of Transportation System Plan.

The modification is complementary with a surrounding street design; or, in the alternative;

Finding: Complies as proposed. The applicant states the following:

The proposed modification is based on elements of existing street design to provide a cohesive appearance between streets. Street intersection design for connections to 99E have been reviewed/coordinated with ODOT. Due to topographical constraints, the other proposed streets in the area do not connect to an existing grid.

Staff has determined that the applicant meets the intent of this standard.

If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The City shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.

Finding: Not Applicable. The modification is not requested for constitutional reasons. This criterion does not apply.

B. The following modifications shall be processed as a Type I modification by the City Engineer using the criteria in 16.12.13.A.
1. Modifications to driveway location, size, and sharing standards in 16.12.035;
2. Modifications to sidewalk and planter strips widths and location in 16.12.016 that preserve existing street trees or trees on private property to ensure compliance with ADA standards.
Finding: Complies as proposed. The applicant states the following:

> Proposed modifications are addressed above and are processed concurrently with the Type
> III amendment to a General Development Plan, future DDPs may apply for a Type I modification for the items listed in this criterion. **Staff has determined that the applicant meets the intent of this standard.**

CHAPTER 17.42 – FLOOD MANAGEMENT OVERLAY DISTRICT

17.42.010 - Purpose—Findings.
A. There is established in the City a flood management overlay district. The flood management overlay district is an overlay zone classification defining areas subject to periodic flooding or inundation which can result in property harm or loss, disruption of public services, hazards for public health, or added expense for public services. All conditions and restrictions of land use established by this chapter of the City's zoning ordinance shall be in addition to such restrictions and conditions as may be imposed and established in underlying zoning districts.
B. It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:
1. To protect human life and health;
To minimize expenditure of public money and costly flood control projects;
To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
2. To minimize prolonged business interruptions;
3. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
4. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
5. To ensure that potential buyers are notified that property is in an area of special flood hazard;
6. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and
7. To protect flood management areas, which provide the following functions:

a. Protect life and property from dangers associated with flooding;
b. Flood storage, reduction of flood velocities, reduction of flood peak;
c. Flows and reduction of wind and wave impacts;
d. Maintain water quality by reducing and sorting sediment loads;
e. Processing chemical and organic wastes and reducing nutrients, recharge, store and discharge groundwater; and
f. Provide plant and animal habitat, and support riparian ecosystems.

17.42.020 - Applicability.
A. This chapter shall apply to development in the flood management overlay district, which may also be referred to as the "floodplain overlay district" in this code. The flood management overlay district includes all areas of special flood hazards and all flood management areas within the City. The overlay district restricts the uses that are allowed in the base zone by right, with limitations, or as provisional uses.
B. The flood management areas which have been mapped include the following locations:
1. Land contained within the one hundred-year floodplain, flood area and floodway as shown on the Federal Emergency Management Agency flood insurance maps dated June 17, 2008, including areas of special flood hazard pursuant to ***Section 17.42.040*** *and the area of inundation for the February 1996 flood; and*
2. Lands that have physical or documented evidence of flooding within recorded history based on aerial photographs of the 1996 flooding and/or the water quality and flood management areas maps.
C. The standards that apply to the flood management areas apply in addition to state or federal restrictions governing floodplains or flood management areas.

Finding: Compiles with condition. Portions of Water Street are within the elevations established in Flood Zone analysis attached in Appendix I, therefore, this section applies. The GDP appears to show development within the 1996 flooding area. The applicant has also stated that, “The change in flood capacity is a net reduction of 47.66 cubic yards. As discussed in Appendix I, specific phases of development at *tumwata village* may result in a net reduction in flood storage capacity, but overall, there will be no net reduction in flood storage capacity for the overall buildout.“
Subsequent DDPs will be subject to floodplain codes applicable at the time of GDP application or the code applicable at the time of DDP application, whichever is preferred by the applicant. Future DDPs utilizing the code applicable at the DDP application may be required to complete a Mitigation Assessment to comply with FEMA regulations intended to protect Endangered Species Act species and habitat.

Future DDP applications proposing construction within the Flood Management Overlay District shall address Chapter 17.42 of the Oregon City Municipal code. A final balanced cut and fill shall be completed at the conclusion of the master plan. Each DDP shall track the status of cut and fill within each phase of development and if not balanced show how the site will balance upon full buildout. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

Willamette River Greenway Overlay District (17.48)

17.48.070 Development standards—Specific use.

In approving any development or change or intensification of use, the approving officer or body shall apply the following standards:

Considerations for Specific Uses.

A. *With respect to recreational uses only: the considerations set forth in section C.3.b. of Goal 15.*

B. *With respect to those fish and wildlife habitats identified in the city comprehensive plan only: The considerations set forth in section C.3.d. of Goal 15.*

C. *With respect to those scenic qualities and views identified in the city comprehensive plan only: The considerations set forth in section C.3.e. of Goal 15.*

D. *With respect to timber resources only: The considerations set forth in section C.3.h. of Goal 15.*

E. *With respect to aggregate extraction only: The considerations set forth in section C.3.i. of Goal 15.*

Finding: Complies with Conditions. To the extent that any of the above-identified uses are re-proposed or located on the site, the applicable Goal 15 standards will apply. The Greenway overlay does not generally restrict uses on the property. Rather, allowed uses are listed in the underlying zone. Below are the following WRG sections relevant to this application.

c. Access -- Adequate public access to the river shall be provided for, with emphasis on urban and urbanizable areas;

d. Fish and wildlife habitat -- Significant fish and wildlife habitats shall be protected;

e. Scenic qualities and views -- identified scenic qualities and viewpoints shall be preserved;

The applicant's proposal for open space, public access, and habitat restoration along the shoreline meets the minimum legal requirements and also the overall spirit and vision of Goal 15.

17.48.080 Development standards—General considerations.

The following considerations shall be applicable to all Willamette River Greenway permits.

A. *Access. Adequate public access to the Willamette River shall be considered and provided for.*

B. *Protection and Safety. Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided for to the maximum extent practicable.*

C. *Vegetative Fringe. The natural vegetative fringe along the Willamette River shall be protected and enhanced to the maximum extent practicable.*

D. *Directing Development Away from the River. Development shall be directed away from the Willamette River to the greatest possible degree, provided that lands committed to urban uses within the Greenway may continue as urban uses, subject to the nonconforming use provisions of Chapter 17.58 of this title.*

E. *A Greenway Setback. In each application, the approving officer or body shall establish a setback to keep structures separated from the Willamette River in order to protect, maintain, preserve and enhance the natural scenic, historic and recreational qualities of the Willamette River Greenway, as set forth in the city comprehensive plan; provided, however, that the requirement to establish such setbacks shall not apply to water-related or water-dependent uses. No greenway setback standards shall apply for areas outside of the one hundred fifty- foot compatibility boundary.*

F. *Other Applicable Standards. The Oregon Department of Transportation Greenway Plan, the Greenway portions of the city comprehensive plan, the Willamette River Greenway statutes and the provisions of Statewide Planning Goal 15, shall also be considered in actions involving Willamette River Greenway permits.*

Finding: Complies with Conditions. In relation to the Willamette River Greenway Requirements, the proposed Framework Plan is very similar to the adopted 2014 plan. The amended plan proposes additional open space along the river, a riverfront access path, and development that is set back from the river. The amendments to the master plan propose to expand open space and restoration areas in the Framework Plan and provides further clarity on enhancement activities. The amended plan has expanded areas designated for active and passive uses as open/public space. The amended Framework Plan shows a development area adjacent to the Mill O Footprint, but this still maintains public access along the river. There is planned redevelopment in the existing footprint of the Mill O Foundation. On balance, the plan expands open/public space and restoration activities along the river, meeting the intent of the Willamette River Greenway.

The plan proposes a greenway setback (as allowed by subsection E above) delineated by areas designated open space and areas designated as development. This setback is shown on Appendix A, Sheet 7, Willamette River Greenway Zoning map. The proposed setback was determined by a context- sensitive analysis reflected in the Framework Plan. The entire district is committed to urban uses. Within the greenway setback this general development plan proposes a multiuse pedestrian path along the riverfront that would satisfy the consideration under subsection (A). Likewise, the design of the path will determine

protection and safety under subsection (B). The vegetative fringe consideration in subsection (C) can also be achieved by some of the environmental enhancements and restoration listed in this plan. The proposed plan commits to much more restoration than the adopted plan. The proposed amendments meet the purpose and standards of the WRG.

By establishing an enforceable greenway setback in this proposed Framework Plan, future development within *tumwata village* that is outside of the greenway setback will not require additional compatibility review, so long as development is consistent with Framework Plan. That is, future development must create open space in areas designated for it, maintain the greenway setback, and keep the public access between any development and the river.

17.48.100 Compatibility review.

A. In all areas within one hundred fifty feet of the Oregon Department of State Lands' mapped ordinary low-water line of the Willamette River, hereinafter referred to as the "compatibility boundary," the provisions of this subsection shall be applicable to all developments and changes or intensification of uses, so as to ensure their compatibility with Oregon's Greenway statutes, and to assure that the best possible appearance, landscaping and public access be provided.

B. All development or changes or intensifications of uses in the compatibility area shall be approved only if the following findings are made by the planning commission through a Type III review process pursuant to OCMC 17.50.

1. That to the greatest extent possible, the development or change or intensification of use provides for the maximum possible landscaped area, open space or vegetation between the activity and the river.

2. That to the greatest degree possible, necessary public access is provided to and along the Willamette River by appropriate legal means.

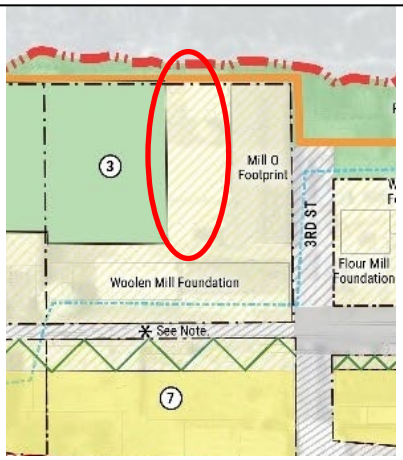
Finding: Complies with Conditions. By establishing an enforceable greenway setback in this proposed Framework Plan, future development within *tumwata village* that is outside of the greenway setback will not require additional compatibility review, so long as development is consistent with Framework Plan. That is, future development must create open space in areas designated for it, maintain the greenway setback, and keep the public access between any development and the river.

Staff has provided a condition that defines how development in the Willamette River Greenway will occur and provides findings for sitewide compliance with the Willamette River Greenway, which will allow future development within the “compatibility review area” to be approved through the traditional Type II Development process provided that adequate public access and habitat restoration are included with any specific Development Plan (DDP) in the compatibility area. New private spaces outside the Mill O footprint must not be closer to the Willamette River than the identified public open space/public access within the

compatibility boundary of the WRG. Revision to these conditions would require a Type III amendment to the Master Plan.

The amended Framework Plan map also anticipated that constraining new development solely on the Mill O footprint (which was the approach in CP 14-02) may be problematic, and some flexibility is needed for successful development, such as outdoor seating, restaurant space or circulation, which may need to be added to the area highlighted below in red. Therefore, staff has provided a condition that clearly indicates a minimum level of open space to be constructed in this newly expanded area and that the open space must be located in front of any private use in this highlighted area. This will provide clarity for the applicant in their devolvement planning and clarity for the public expectation of placing public space/habitat restoration closer to the river than private development.

The area will be amended from strict open space (green) to hybrid open space/development (yellow).



In relation to the Willamette River Greenway Requirements, this amended plan proposes additional open space along the river, a riverfront access path, and development that is set back from the river. The master plan proposes to expand open space and restoration areas in the Framework Plan and provides further clarity on enhancement activities. The amended plan has expanded areas designated for active and passive uses as open/public space.

The Framework Plan shows a development area adjacent to the Mill O Footprint, but this still maintains public access along the river. There is planned redevelopment in the existing footprint of the Mill O Foundation. Compared with the 2014 Framework Plan, the revised Framework Plan has additional “potential development area” on Block 3, south of the Mill O footprint. This area is envisioned as, potentially, the site of a new hotel. Both the 2014 and the current plans show a continuous riverfront access path and significant open space development at the river edge. However, because the proposed amendment shows additional potential development area, it is appropriate to condition the plan with a requirement to provide a minimum amount of open space on the south/waterfall side of the Mill O footprint, where development of this new building may occur. A minimum 2,500 square foot open space area that is connected to the

riverfront access, will be required as part of the construction of any new building on the Mill O footprint. This condition will insure provision of open and public space opportunities, while still allowing flexibility for new development.

On balance, the plan expands open/public space and restoration activities along the river, meeting the intent of the Willamette River Greenway.

17.48.110 Prohibited activities.

The following are prohibited within the Willamette River Greenway:

A. Structural bank protection, except rip rap or a channelization used as an emergency measure only to protect existing structures. Any such rip rap or channelization to stabilize undeveloped sites shall be prohibited as well;

B. Subsurface sewage disposal drainfields within one hundred feet of the ordinary mean low- water line of the Willamette River.

(Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

Finding: Complies with Conditions. Structural bank protection is not anticipated on the site, nor is subsurface sewage disposal. When the WFLPMP was approved, there was a prohibition on residential structures exceeding 35 feet in Section 17.48.110. The WFLPMP did not propose a change to this regulation. Since then, Section 17.48.110 has been amended to delete the prohibition on such residential structures in the Willamette River Greenway. As a result of this change, a predominantly residential building taller than 35 feet would be allowed under current rules.

17.48.120 - Additional procedural requirements.

In addition to the requirements of Chapter 17.50, the following procedural requirements shall be applicable to all matters arising out of Sections 17.48.070 through 17.48.100:

A. Applications submitted for review under Sections 17.48.070 through 17.48.100 shall be accompanied by such materials as are reasonably necessary for adequate review, including, as necessary:

1.A site and landscaping plan showing existing vegetation and development and location of proposed development for activities;

2. Elevations of any proposed structures;

3. Materials list for any proposed structures, including type and colors of siding and roofing; and

4. Cross-sections of any area within the vegetative fringe where grading, filling, timber harvesting or excavating will occur.

B. 1. Written notice, including a copy of the application, shall be sent immediately upon receipt to the Oregon Department of Transportation by certified mail, return receipt requested. The Oregon Department of Transportation shall have seven working days from the date of mailing to respond before a decision be rendered.

2.Written notice shall be given to the Oregon Department of Transportation by certified mail, return receipt requested, within seven days of the entry of a final order on the disposition of all applications made under Sections 17.48.070 through 17.48.100.

Finding: Complies with Conditions The application materials include site and landscaping drawings showing locations of proposed development for activities in the Framework Plan, Appendix A, Sheet 8 . The entire site has been developed. The Framework Plan is conceptual and will occur in phases, therefore no elevations of proposed structures are necessary for this application. The materials palette (included as Appendix G) is intended to guide design character of landscape and architectural structures and spaces on site and is intended for illustrative purposes.

CHAPTER 17.50 – ADMINISTRATION AND PROCEDURES

17.50.010 Purpose.

This chapter provides the procedures by which Oregon City reviews and decides upon applications for all permits relating to the use of land authorized by ORS 92, 197 and 227. These permits include all form of land divisions, land use, limited land use and expedited land division and legislative enactments and amendments to the Oregon City Comprehensive Plan and Titles 16 and 17 of this code. Pursuant to ORS 227.175, any applicant may elect to consolidate applications for two or more related permits needed for a single development project. Any grading activity associated with development shall be subject to preliminary review as part of the review process for the underlying development. It is the express policy of the City of Oregon City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.

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.

Finding: Complies as Proposed. The applicant held a pre-application conference (PA 24-17) for this proposal on June 26, 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: Complies as Proposed. The applicant met with the Two Rivers Neighborhood Association on July 11, 2024

17.50.070 Completeness review and one hundred twenty-day rule.

A. Upon submission, the Community Development Director shall date stamp the application form and verify that all of the appropriate application review fee(s) have been submitted. Upon receipt of all review fees and an application form, the Community Development Director will then review the application and all information submitted with it and evaluate whether the application is complete enough to process. Within thirty days of receipt of the application and all applicable review fees, the Community Development Director shall complete this initial review and issue to the applicant a written statement indicating whether the application is complete enough to process, and if not, what information shall be submitted to make the application complete.

B. The applicant has one hundred eighty days from the date the application was made to submit the missing information or the application shall be rejected and the unused portion of the application fee returned to the applicant. If the applicant submits the requested information within the one hundred eighty-day period, the Community Development Director shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure in subsection A of this section.

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

1. All the missing information;

2. Some of the missing information and written notice from the applicant that no other information will be provided; or

3. Written notice from the applicant that none of the missing information will be provided.

C. Once the Community Development Director determines the application is complete enough to process, or the applicant refuses to submit any more information, the City shall declare the application complete. Pursuant to ORS 227.178, the City will reach a final decision on an application within one hundred twenty calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to suspend the one hundred twenty-calendar-day timeline or unless state law provides otherwise. The one hundred twenty-day period, however, does not apply in the following situations:

1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one hundred twenty-day period.

2. Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one hundred twenty-day period for the amount of time required to correct the notice defect.

3. The one hundred twenty-day period does not apply to any application for a permit that is not wholly within the City's authority and control.

4. The one hundred twenty-day period does not apply to any application for an amendment to the City's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.

D. A one hundred day-period applies in place of the one hundred twenty-day period for affordable housing projects where:

1. The project includes five or more residential units, including assisted living facilities or group homes;

2. At least fifty percent of the residential units will be sold or rented to households with incomes equal to or less than sixty percent of the median family income for Clackamas County or for the state, whichever is greater; and
3. Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of sixty years from the date of the certificate of occupancy.
E. The one hundred twenty-day period specified in OCMC 17.50.070.C or D may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed two hundred forty-five calendar days.
F. The approval standards that control the City's review and decision on a complete application are those which were in effect on the date the application was first submitted.

Finding: Complies, the application was deemed complete on December 9, 2024. The 120-day decision date for this application is April 8, 2024

17.50.080 Complete application—Required information.
Unless stated elsewhere in OCMC 16 or 17, a complete application includes all the materials listed in this subsection. The Community Development Director may waive the submission of any of these materials if not deemed to be applicable to the specific review sought. Likewise, within thirty days of when the application is first submitted, the Community Development Director may require additional information, beyond that listed in this subsection or elsewhere in Titles 12, 14, 15, 16, or 17, such as a traffic study or other report prepared by an appropriate expert. In any event, the applicant is responsible for the completeness and accuracy of the application and all of the supporting documentation, and the City will not deem the application complete until all information required by the Community Development Director is submitted. At a minimum, the applicant shall submit the following:
A. One copy of a completed application form that includes the following information:
1. An accurate address and tax map and location of all properties that are the subject of the application;
2. Name, address, telephone number and authorization signature of all record property owners or contract owners, and the name, address and telephone number of the applicant, if different from the property owner(s);
B. A complete list of the permit approvals sought by the applicant;
C. A complete and detailed narrative description of the proposed development;
D. A discussion of the approval criteria for all permits required for approval of the development proposal that explains how the criteria are or can be met or are not applicable, and any other information indicated by staff at the pre-application conference as being required;
E. One copy of all architectural drawings and site plans shall be submitted for Type II—IV applications. One paper copy of all application materials shall be submitted for Type I applications;
F. For all Type II—IV applications, the following is required:
1. An electronic copy of all materials.
2. Mailing labels or associated fee for notice to all parties entitled under OCMC 17.50.090 to receive mailed notice of the application. The applicant shall use the names and addresses of property owners within the notice area indicated on the most recent property tax rolls.
3. Documentation indicating there are no liens favoring the City on the subject site.

4. A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year.
5. A current preliminary title report or trio for the subject property(ies);
G. All required application fees;
H. Annexation agreements, traffic or technical studies (if applicable);
I. Additional documentation, as needed and identified by the Community Development Director.

Finding: Complies the application was deemed complete on December 9, 2024.

17.50.090 - Public notices.
All public notices issued by the City announcing applications or public hearings of quasi-judicial or legislative actions, shall comply with the requirements of this section.
A. Notice of Type II Applications. Once the Community Development Director has deemed a Type II application complete, the City shall prepare and send notice of the application, by first class mail, to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The applicant shall provide or the City shall prepare for a fee an accurate and complete set of mailing labels for these property owners and for posting the subject property with the City-prepared notice in accordance with OCMC 17.50.100. The City's Type II notice shall include the following information:
1. Street address or other easily understood location of the subject property and city-assigned planning file number;
2. A description of the applicant's proposal, along with citations of the approval criteria that the City will use to evaluate the proposal;
3. A statement that any interested party may submit to the City written comments on the application during a fourteen-day comment period prior to the City's deciding the application, along with instructions on where to send the comments and the deadline of the fourteen-day comment period;
4. A statement that any issue which is intended to provide a basis for an appeal shall be raised in writing during the fourteen-day comment period with sufficient specificity to enable the City to respond to the issue;
5. A statement that the application and all supporting materials may be inspected, and copied at cost, at City Hall during normal business hours;
6. The name and telephone number of the planning staff person assigned to the application or is otherwise available to answer questions about the application;
7. The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.

Finding: Complies. A public notice was sent to all properties within 300 feet of the site and signs were placed on the property within 20 days of the scheduled hearing. Copies of the public notice and affidavit of sign posting are in the record.

B. Notice of Public Hearing on a Type III or IV Quasi-Judicial Application. Notice for all public hearings concerning a quasi-judicial application shall conform to the requirements of this subsection. At least twenty days prior to the hearing, the City shall prepare and send, by first class mail, notice of the hearing to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The City shall also publish the notice on the City website within the City at least twenty days prior to the hearing. Pursuant to OCMC 17.50.080.H, the applicant is responsible for providing an accurate and complete set of mailing labels for these property owners and for posting the subject property with the City-prepared notice in accordance with OCMC 17.50.100. Notice of the application hearing shall include the following information:
1. The time, date and location of the public hearing;
2. Street address or other easily understood location of the subject property and city-assigned planning file number;
3. A description of the applicant's proposal, along with a list of citations of the approval criteria that the City will use to evaluate the proposal;
4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing and that a staff report will be prepared and made available to the public at least seven days prior to the hearing;
5. A statement that any issue which is intended to provide a basis for an appeal to the City Commission shall be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the City and all parties to respond to the issue;
6. The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal;
7. A statement that the application and all supporting materials and evidence submitted in support of the application may be inspected at no charge and that copies may be obtained at reasonable cost at the planning division offices during normal business hours; and
8. The name and telephone number of the planning staff person responsible for the application or is otherwise available to answer questions about the application.

17.50.100 - Notice posting requirements.
Where this chapter requires notice of a pending or proposed permit application or hearing to be posted on the subject property, the requirements of this section shall apply.
A. City Guidance and the Applicant's Responsibility. The City shall supply all of the notices which the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed. The City shall also provide a statement to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the City's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the applicable decision-making time limit in a timely manner.
B. Number and Location. The applicant shall place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the applicant shall post one copy of the notice for each

six hundred feet or fraction thereof. Notices do not have to be posted adjacent to alleys or unconstructed right-of-way. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists. Notices shall not be posted within the public right-of-way or on trees. The applicant shall remove all signs within ten days following the event announced in the notice.

Finding: Complies A public notice was sent to all properties within 300 feet of the site and signs were placed on the property within 20 days of the scheduled hearing. Copies of the public notice and affidavit of sign posting are in the record.

CHAPTER 17.65 MASTER PLANS AND PLANNED UNIT DEVELOPMENT

17.65.010 Purpose and intent.
It is the intent of this chapter to foster the growth of major institutions, phased residential, commercial or mixed-use development, and other large-scale development, while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure. The City recognizes the valuable housing options, services and/or employment opportunities that these developments bring to Oregon City residents. The master plan or planned unit development process is intended to facilitate an efficient and flexible review process for major developments, support innovative and creative land development, and to provide long-term assurance to plan for and execute developments in a phased manner. To facilitate this, the master plan process is structured to allow an applicant to address larger development issues, such as adequacy of infrastructure and transportation capacity, and reserve capacity of the infrastructure and transportation system before expenditure of final design costs. The master plan or planned unit development process is further intended to promote efficiency in land development, maintenance, street systems and utility networks while providing site layouts that integrate usable and attractive open spaces, site circulation, and the general wellbeing of site users. For the purposes of this chapter planned unit developments are considered the same as master plans.

Finding*:* **Compiles with Conditions** The *tumwata village* Master Plan Amendment meets the purpose and intent of this Chapter by amending (OCMC 17.65.80) the original Willamette Falls Legacy Project Master Plan (CP 14-02). The *tumwata village* Master Plan Amendment shows developing the 23-acre site with mixed-use development creating a modern tribal *village* inclusive of commercial, retail, entertainment, open space, a hotel, and residential uses. The proposed amendments build upon the prior plan by defining on-site uses and infrastructure that are anticipated to be developed over the life of the plan. Included in this application are proposed updates to the previously completed infrastructure analysis for water, sewer, stormwater, transportation, and open space to serve the development.

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.

Finding*:* **Compiles with Conditions**: This land-use application is a request for an amendment to the existing, approved 2014 Willamette Falls Legacy Project Master Plan CP 14-02. The *tumwata village* Master Plan is a General Development Plan (GDP) Amendment. This GDP Amendment application identifies the proposed uses within the development as discussed below.

The project boundary is being amended as part of this land-use application to include the former Edres Property (458 Main Street) on the southeast corner of the OR99E/Main Street intersection, which is now currently owned by the applicant. This property was not included in the previous plan.

Where applicable, the applicant's design team has evaluated previously identified mitigation and mitigation triggers to off-set the impacts of the prior Master Plan development and have re-evaluated those proposed mitigation actions based on the current development proposal. Updated mitigation and mitigation triggers are proposed where applicable. As a general note, the intensity of envisioned site development is at a level lower than what was previously anticipated. The amount of future development was evaluated through the Transportation Planning Rule (TPR) analysis in 2014 for the proposed zone change. This reduction in development reflects the Tribe's commitment to site healing and restoration. However, because it is already approved, the Tribe reserves its right to use the "capacity cap" developed under the "worst case re-development scenario" established through the Multi-Modal Area (MMA) adoption via Ordinance No. 14-1015 and the Master Plan adoption via Ordinance No. 14-1016.

Although a site phasing plan has not yet been developed, public and private improvements are expected to be constructed with Detailed Development Plans over the life of the *tumwata village* Master Plan.

17.65.030 - Applicability of the Master Plan or Planned Unit Development Regulations.
A. Required for Large Institutional Uses. If the boundaries of an institutional development exceed ten acres in size, the proposed development shall be master planned using the regulations of this chapter. No land use review other than a Type I or II Minor Site Plan and Design Review shall be issued for any institutional development in excess of ten acres in total acreage unless it is accompanied by or preceded by a master plan approval under this chapter. This requirement does not apply to modifications to existing institutional developments unless the modification results in a cumulative square footage increase of over ten thousand total building square feet in an existing institutional development over ten acres.

B. When Required as Part of Previous Land Use Review. The master plan or planned unit development regulations may be used to fulfill a condition of approval from a previous land use decision-requiring master planning for a development.
C. When identified in the Oregon City Comprehensive Plan. The master plan regulations are required for all properties identified for master planning in the land use section of the Oregon City Comprehensive Plan.
D. Voluntarily. An applicant may voluntarily submit a master plan or planned unit development as part of a land use review, including for residential projects.

Finding: Complies. The CTGR is the applicant and owner of the site and is voluntarily submitting this master plan amendment for review. The site includes both the former Blue Heron Paper Mill site (22-acres), and an additional adjacent parcel located at 458 Main Street (former Edres property) on the southeast corner of the OR99E/Main Street intersection. The existing Master Plan, the 2014 Willamette Falls Legacy Project Master Plan (CP 14-02), is in effect and will be amended as part of this land use action. The amendment application incorporates the adjacent parcel located at 458 Main Street into the master plan boundary.

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.

Finding: Complies. A preapplication conference was held on June 27th, 2024. A neighborhood association meeting was held on July 11, 2024. In addition to the proposed amendment to a master plan, this application includes a Greenway Compatibility Review. A concurrent Detailed Development Plan (DDP) approval for new streets in *tumwata village* and flood development permit review is requested with this application. A Type III procedure is required for all concurrent reviews. This review will reset the planning period of 20 years.

17.65.050 - General Development Plan.
A. Existing Conditions Submittal Requirements.
1. Narrative Statement. An applicant shall submit a narrative statement that describes the following:
a. Current uses of and development on the site;
b. For institutions, history or background information about the mission and operational characteristics of the institution that may be helpful in the evaluation of the general development plan, and information about current programs or services;
c. A vicinity map showing the location of the general development plan boundary relative to the larger community, along with affected major transportation routes, transit, and parking facilities. At least one copy of the vicinity map shall be eight and one-half inches 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:
i. Water;
ii. Sanitary sewer;
iii. Stormwater management; and
iv. Easements.

Finding: Compiles Some of the noted information requested in this section was previously provided as part of the 2014 Willamette Falls Legacy Project Master Plan CP14-02, including diagrams and descriptions of land uses that surround the site, previous land use approvals, physical characteristics, ownership patterns, locations of trees, geologic hazards, and the establishment of a Multi Modal Mixed-Use Area.

This amendment to that plan provides updated information, where there are changes from the previous plan. The following are provided as a part of this application:

- *Development and current uses on site (Sheet 1, 5 of the Appendix A: Drawing Set)*
- *A building inventory (Sheet 5 of Appendix A: Drawing Set)*
- *A vicinity map (Sheet 1 of Appendix A: Drawing Set)*
- *An FAR analysis (Appendix H)*
- *A description of Goal 5 natural resources (page 18)*
- *A study of potentially historic structures on site (Appendix D)*
- *A Transportation Report is provided as Appendix B*
- *A Utility Report that analyzes infrastructure facilities and capacity (Appendix C).*

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.

Finsings: Complies. A new drawing set for *tumwata village* includes existing conditions plans, site plans, and aerial photo, are provided with this application attached as the Drawing Set.

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.

Finding: Complies with Condition. The applicant requested a 20-year timeframe for the master plan. Based on previous experience, it will be helpful in the future to include an exact date in the decision. Staff has recommended a date of December 31, 2045

b. The proposed development boundary. May also reference submitted maps or diagrams.

Finding: Complies with Condition. The applicant is proposing a modification to the previously-approved development boundary to include an additional adjacent parcel now owned by the applicant. This new lot is located at 458 Main Street (former Edres property) on the southeast corner of the OR99E/Main Street intersection. The proposed Master Plan Amendment boundary can be seen in the Drawing Set on page 8. As shown on attached drawings, the property boundary extends upstream along the Trail to Canemah. As with the previous plan, this “cherry stem” of the existing property is within the master plan boundary.

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.

Finding: Complies with Condition. The first phase of development will be the construction of new streets and utilities to serve Block 1. The Grand Ronde Tribe recently secured $2 million in Federal appropriations for street and utility improvements surrounding Block 1. This application package requests a concurrent DDP for the streets. Beyond this project, no formal phasing is proposed. The ability to complete improvements depends on market demand and conditions. Depending on market conditions, the applicant anticipates onsite development to occur over a 20-year time frame (2044).

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.
An amended master plan will allow redevelopment of the site with a mix of commercial, service, entertainment, residential, open space, and retail uses as depicted in the plan.

Finding: Complies with Condition. The 23-acre site has the potential for large-scale development to the benefit of Oregon City and the region. Redevelopment of the site creates economic development opportunities, enhances habitat and open space, provides public access, and creates new opportunities for people to experience the natural wonder of the largest falls in Oregon. tumwata village is a living honor to the Tribal People of the Falls and their continued persistence. It will become a thriving modern tribal village and place of prosperity and abundance. tumwata village will contribute to economic development both within the site and throughout Oregon City, West Linn, Clackamas County, and the State of Oregon (as it has for thousands of years). Any impacts on surrounding properties with regard to transportation and public infrastructure will be mitigated by incremental offsetting changes to public systems for

accommodating new growth, that is, the transportation and public utility improvements that are identified in this plan and will be implemented concurrent with new development.

These amendments to the GDP are an important step in the future of the new district. This review process includes an assurance of compliance with the principles of and standards within the general development plan, all the requirements and information necessary for subsequent detailed development plans. Having a framework for future development on the site allows for renewal of the area to occur over time, while assuring consistency with the general principles of the plan. The general development plan and proposed amendments address the larger development needs, such as street location, layout of development and open space areas, and infrastructure capacity, while leaving details of building orientation or how uses are mixed until the detailed development phase.

The guiding principle of site redevelopment is Healing. Healing landscapes and people requires consideration of multiple scales and timelines. Success at tumwata village will be evident by creating active spaces intended to gather and connect people, views, and resources of abundance. Ultimately, the general development plan will foster the growth of the Willamette Falls Downtown District by clearly delineating areas for new development and open space, designating public access through a grid of streets and multi-use paths along the waterfront, and ensuring a clear path forward for high-quality future projects.

e. A statement describing the impacts of the proposed development on inventoried Goal 5 natural, historic or cultural resources within the development boundary or within two hundred fifty feet of the proposed development boundary.

Finding: Complies with Condition The applicant has reviewed the City's inventory for historic designations of structures and parcels. No historic designations were found within the proposed Master Plan boundary. The Trail to Canemah segment extends tribally-owned property south along the riverfront. There is no overlap between the Canemah Historic District and the Trail to Canemah segment or the Master Plan Boundary.

In the 2014 plan, some structures onsite were identified as potentially eligible for historic protections, and the applicant has reviewed that list. A new study, attached as Appendix D, was performed to evaluate the 10 structures through the lenses of Historical Significance, Structural Stability, Architectural

Significance, and Archeological Potential. The result of the study was that the Woolen Mill Foundation, the Flour Mill Foundation, and a newly identified element, the Warehouse Foundation, are the only sites within the proposed boundary that are potentially eligible for listing on the National Register of Historic Places (US National Parks Service). The PGE Dam, which is not located within the proposed boundary, but is located within 250-feet of the proposed development boundary, is listed on the National Register of Historic Places. More broadly, this General Development Plan Amendment establishes a framework for future development. When buildings and open spaces are redeveloped, Detailed Development Plans must demonstrate compliance for the protection of Goal 5 resources. Refer to previous sections of the staff report that address Goal 5 resources for additional findings.

With regard to natural resources, the City's Natural Resources Overlay District (NROD) implements the Oregon City Comprehensive Plan Natural Resources Goals and Policies.

Resources on this site are described in the introduction and related to its proximity to the Willamette River. The associated NROD district boundary reflects the riparian resources. The NROD overlay applies to a portion of the Willamette Falls Downtown District and its requirements will be met as part of any future DDP application. The tumwata village Master Plan Amendment identifies enhancement opportunities for the site that will improve riparian conditions for fish and wildlife.

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;
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 onsite and off-site public improvements, including but not limited to transportation, schools, parks, open space, trails, sewer, water and stormwater, with an analysis off 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.
systems; including a phasing plan for all onsite and off-site public
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.

Finding: Complies with Condition The memos, mapping, analysis of the 2014 Willamette Falls Legacy Project Master Plan (WFLPMP), and proposed amendments to the WFLPMP are provided in the tumwata village Master Plan Amendment materials Appendix A—Appendix L.
The approved WFLPMP included baseline assumptions for site development. Associated impacts to transportation, parking, public facilities, neighborhood livability, and natural, cultural, and historical resources were quantified, and their effects mitigated for through established Conditions of Approval as part of land-use decision CP 14-02. The proposed amendment includes additional habitat enhancements and open space that exceed the mitigation requirements of the 2014 approval.

A baseline development package of 500,000 to 600,000 square feet of new building area was approved as part of the existing plan. A Framework Plan was also developed to serve as “base zoning” to regulate the type of development that could occur on a block-by-block basis throughout the site in addition to the zoning that was established in OCMC Chapter 17.35 Willamette Falls Downtown District (WFDD).

The applicant’s site redevelopment goal is to heal the site and return much of the site to a more naturalized landscape. As such, the tumwata village Master Plan Amendment Framework Plan envisions a reduction in development onsite, with a target of approximately 300,000 square feet of buildable space. This reduction is roughly half of what was originally envisioned for construction through the 2014 WFLP Vision Report. Impacts on natural and cultural resources will be reduced from those originally evaluated in 2014, however, the applicant is proposing enhancement activities that exceed the habitat and open space mitigation requirements in this amendment request.

As such, impacts to public facilities, neighborhood livability, and natural, cultural, and historical resources are universally less significant in this amended plan than in the current plan. Insofar as this standard applies, the findings of the previous plan are still valid to a less-intensive plan for development on the site. An updated Traffic Impact Analysis and Site Utility Plans are found in Appendix A and Appendix B. Proposed modifications to mitigation and mitigation timing for development impacts can be found in the Conditions of Approval table in Appendix E.
The tumwata village Master Plan Amendment evokes a modern tribal village with high-quality buildings and open spaces. The tumwata village Master Plan Amendment allows for future integration with the publicly funded Riverwalk, and heals this sacred land.

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.

Finding: Complies with Condition As part of the prior land-use process in 2014, Oregon City adopted Ordinance No. 14-1015 which created a mixed-use Multi-Modal Area (MMA) as identified in OAR 660-012-0060 for the area on either side of Main Street, south from 11th Street, through downtown and into the proposed Willamette Falls Downtown District. This boundary includes both properties owned by the applicant. In 2014, transportation impacts resulting from changes to the Comprehensive Plan were evaluated using the Transportation Planning Rule (TPR). This analysis

allows for a balance between allowed land uses and the transportation system necessary to support them. The rule assesses whether proposed changes create a “significant impact” on the system. If so, mitigation must be proposed that brings the conditions back to the same level (or better) than the no-build condition.

Building on the prior analysis work completed with the WFLPMP2, the tumwata village Master Plan Amendment, reviewed the baseline assumptions of the WFLPMP and did an on-balance analysis of the tumwata village Master Plan Amendment site impacts, provided in Appendix A. The land use assumptions established through the WFLPMP are shown below:

Table 4: Land Use Assumptions for the Willamette Falls Legacy Project Site

Scenario	Housing Units	Retail Employees	Other Employees	PM Peak Hour Vehicle Trips Ends
2035 Baseline*	0	0	289	140
2035 with Willamette Falls Redevelopment	240	219	1,453	700

* The 2035 Baseline scenario was assumed for the 2013 Oregon City TSP

The applicant’s revised goals for site redevelopment are more modest in terms of total building area. This updated master plan emphasizes healing the site and returning much of it to a more naturalized landscape. As such, the tumwata village Framework Plan envisions a target of approximately 300,000 square feet of buildable space, roughly half the square footage of what was originally envisioned through the approved plan.

Nevertheless, The Grand Ronde Tribe reserves the right to use the “capacity cap” developed under the “worst case re-development scenario” of the previous analysis. This was established through the Multi- Modal Area (MMA) adoption via Ordinance No. 14-1015 and the Master Plan adoption via Ordinance No. 14-1016. The updated transportation study in this application (Appendix B) determined that anticipated trips are well within the “trip cap” established in 2014. This application proposes a site development plan with less development when compared to the WFLPMP, and that will continue to be within the limitations imposed in 2014.

The city additionally signed a Memorandum of Understanding (MOU) with ODOT in 2015 that recorded the conditions for the previous zone change from industrial to higher mixed-use intensity (Willamette Falls Downtown District). These conditions have been carried forward for this application, as no changes are being proposed that would require an update—other than acknowledging that Project A has been completed, which involved additional lighting and safety signage at the railroad 99E tunnel.

Condition of approval No. 20 of CP 14-02 states, “Oregon City and ODOT have agreed on three key transportation improvements along OR 99E with the goal of maintaining safety and improving accessibility of the site:

a. Intelligent Transportation Systems designed to warn traffic approaching the tunnel of hazardous conditions ahead.
b. Prohibiting left turns northbound from OR 99E to Main Street and modification of the

right turn geometry from 99E to Railroad Avenue to allow space for turning traffic to slow and maneuver outside the travel lanes on a curve with limited sight distance.

c. A pork-chop (or raised median) at the Water Avenue/OR 99E intersection to prevent unsafe movements and reinforce right-in, right-out access at that location."

Item 'a' has been fulfilled. The labeling of the projects will remain the same to be consistent with the exiting IGA between ODOT and Oregon City.

Condition of approval No. 21 of CP 14-02 states, "Oregon City will assure design and construction of the three projects as follows:

a. A $1,940,000 project to replace the tunnel's illumination system in the 2017-18 time frame is included in the draft ODOT STIP. ODOT will design and construct project "a" with this illumination project. Should the $1,940,000 available to ODOT be insufficient to fund both the illumination and ITS projects, Oregon City will contribute up to $500,000 to cost of the project, which will include up to $250,000 contribution by the applicant.

b. Design of and right of way acquisition for Project "b" will be completed prior to opening of the Riverwalk or within two years of plan adoption (whichever comes first). The design and acquisition will be led by Oregon City in cooperation with ODOT. The applicant is responsible for construction of project b and is required to be completed prior to trip generation to the site surpassing 140 peak hour trips. The purpose of this improvement is to safely accommodate the increasing number of motor vehicles slowing in the tunnel to turn right on Railroad Avenue and for the safety of pedestrians crossing Railroad Avenue. The right turn into Railroad Avenue is part of an indirect left turn movement required for OR 99E northbound motor vehicles accessing the Willamette Falls site.

c. Project "c" will be constructed during the construction of Water Avenue/OR 99E intersection. Construction of Water Avenue/99E will be triggered when one of the following occurs:

i. At the time of Riverwalk construction adjacent to Water Avenue.

ii. Any new construction or addition over 1,000 square feet on Block 1 of the Framework Master Plan

iii. Once development on the site has surpassed 140 peak hour trips."

Item 'a' has been fulfilled. The labeling of the projects will remain the same to be consistent with the exiting IGA between ODOT and Oregon City.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

j. For residential and mixed-use projects:
i. Proposed minimum lot area, width, frontage and yard requirements.
ii. Proposed project density in number of units per acre.
iii. Proposed residential types and number of each.

Finding: Complies with Conditions: The current site is comprised of two properties. One large property at 23-acres under the Willamette Falls Downtown District zoning, and a smaller property at 0.5-acres under the Mixed-Use Downtown District zoning. The proposed area is primarily intended for institutional, commercial and mixed uses. Residential uses are allowed, but the area is not intended as a primarily residential project. The proposed density and residential types are not applicable to this proposal. Future DDPs will address dimensional requirements, density, and residential types.

The Willamette Falls Downtown District does not have a minimum lot area, width, frontage or yard requirements. tumwata village has a minimum FAR of 1.0. There is no minimum density requirement of the underlying zone.

The Mixed-Use Downtown District does not have a minimum lot area, width, frontage and yard requirements that apply to these properties. tumwata village has a minimum FAR of 0.5. There is no minimum density requirement of the underlying zone.
For both parcels and zoning designations, development is regulated by FAR. Additionally, the maximum height in the Willamette Falls Downtown District is 80 feet, and the maximum height in the Mixed-Use Downtown District is 75 feet. Since the site is under a single ownership, FAR may be calculated on a district-wide basis. Following advice from Oregon City staff, the applicant has developed a methodology for calculating FAR district-wide, which is detailed in Appendix H. This is a methodology that will be followed in future Detailed Development Plan applications, as each will be required by a proposed condition of approval to show compliance with the FAR requirements at that phase.

17.65.050.B.2. Maps and Diagrams. The applicant shall submit, in the form of scaled maps or diagrams, as appropriate, the following information:
a. A preliminary site circulation plan showing the approximate location of proposed vehicular, bicycle, and pedestrian access points and circulation patterns, parking and loading areas or, in the alternative, proposed criteria for the location of such facilities to be determined during detailed development plan review.
b. The approximate location of all proposed streets, alleys, other public ways, sidewalks, bicycle and pedestrian access ways and other bicycle and pedestrian ways, transit streets and facilities, neighborhood activity centers and easements on and within two hundred fifty feet of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle access ways and utilities within two hundred fifty feet may be extended to and/or through the proposed development.
c. The approximate location of all public facilities to serve the proposed development, including water, sanitary sewer, stormwater management facilities.
d. The approximate location, footprint and building square footage of buildings within of each phase of proposed development, and/or proposed lot patterns for each phase of future development.
e. The approximate locations of proposed parks, playgrounds or other outdoor play areas; outdoor common areas and usable open spaces; and natural, historic and cultural resource areas or features proposed for preservation. This information shall include identification of areas proposed to be dedicated or otherwise preserved for public use and those open areas to be maintained and controlled by the owners of the property and their successors in interest for private use.

Finding: Complies with Conditions The proposed Framework Plan and the drawings in the Drawing Set provide plans and diagrams that provide the requested information in this section. A transportation report is provided in Appendix B. A Utility report is provided in Appendix C. The 10-structure study attached as Appendix D analyzes potentially historic resources on site. The Framework Plan identifies development blocks, open space areas, and a street network. No phasing or specific building sizes are proposed. More detailed programming for on-site open spaces and specific building design will be provided with Detailed Development Plans and are expected to meet current Oregon City standards. The pedestrian bridge project connecting the Promenade to 99E has been added to the City's Transportation System Plan via the "Willamette

Falls Legacy Project (CP 14- 02) amendment to the TSP." Currently, there are no development triggers for this project, which is assumed to be primarily a publicly supported project. The applicant shall ensure that all future DDPs integrate any bridge planning location efforts into their plans, as the specific site landing location has yet to be finalized.

C. Approval Criteria for a General Development Plan. The Planning Commission may approve an application for general development plan only upon finding that the following approval criteria are met.
1. The proposed General Development Plan is consistent with the purposes of OCMC 17.65.

Finding: Complies with Conditions The purpose of OCMC 17.65 is as follows:

> *"It is the intent of this chapter to foster the growth of major institutions, phased residential, commercial or mixed-use development, and other large-scale development, while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure. The city recognizes the valuable housing options, services and/or employment opportunities that these developments bring to Oregon City residents. The master plan or planned unit development process is intended to facilitate an efficient and flexible review process for major developments, support innovative and creative land development, and to provide long-term assurance to plan for and execute*
>
> *developments in a phased manner. To facilitate this, the master plan process is structured to allow an applicant to address larger development issues, such as adequacy of infrastructure and transportation capacity, and reserve capacity of the infrastructure and transportation system before expenditure of final design costs. The master plan or planned unit development process is further intended to promote efficiency in land development, maintenance, street systems and utility networks while providing site layouts that integrate usable and attractive open spaces, site circulation, and the general wellbeing of site users. For the purposes of this chapter planned unit developments are considered the same as master plans."*

The tumwata village Master Plan Amendment is a proposed amendment to the Willamette Falls Legacy Project Master Plan (WFLPMP), an approved Master Plan via CP 14-02. The proposed amendments reflect modifications to the adopted CP 14-02 land-use decision to reflect the Grand Ronde Tribe's vision for the site, including its goal of healing, which is embodied in the tribal values of Spirit, Place, Prosperity, and People. The tumwata village Master Plan Amendment envisions onsite development that evokes a modern tribal village with high-quality buildings and open spaces.

The proposed amendments facilitate a purposeful and efficient redevelopment of the former Blue Heron Paper Mill site. The proposal integrates existing land-use assumptions and approvals with the tribe's desire to heal the site and create a modern tribal village. This application meets the purpose of the Master Plans and Planned Unit Developments chapter with a development Framework Plan that guides development to efficiently enact a cohesive vision for the area. The master plan and this master plan amendment facilitates analysis of adequate transportation and infrastructure and allows a cohesive vision for the future development of the site. The Framework Plan presents a plan for areas of development, integrated open spaces, and effective site circulation.

2. Development shall demonstrate compliance with OCMC 12.04 16.12, 17.62, if applicable, and 16.08, if applicable.

Finding: Complies as proposed. The applicant has established street locations and dimensions that are generally consistent with OCMC 12.04 & *16.12.* Subsequent DDPs will trigger OCMC 17.62 and will be required to meet those requirements with each DDP application.

3. Public services for transportation, water supply, police, fire, sanitary waste disposal, storm-water disposal, and any other needed public services and facilities including schools and parks for proposed residential uses, are capable of serving the proposed development, or will be made capable by the time each phase of the development is completed.

Finding: Complies with conditions. : The *tumwata village* Master Plan Amendment is a proposed amendment to the Willamette Falls Legacy Project Master Plan, approved by Oregon City via CP 14-02. The 2014 Master Plan did an analysis of public services for transportation, water supply, police, fire, sanitary waste disposal, stormwater disposal, and any other needed public services and facilities including schools and parks for onsite uses. That plan demonstrated that this criterion was met, and all public services were capable of serving the proposed development. Conditions of approval were written in 2014 to mitigate impacts associated with a "worst case re-development scenario" established through the Transportation Planning Rule (TPR) zone change analysis. As noted, this amendment proposes less site development than the 2014 Master Plan.

Transportation:
Conditions of approval were written to mitigate impacts associated with a "worst case re-development scenario" established through the Transportation Planning Rule (TPR) zone change analysis. This application proposes a site development plan with less development when compared to the approved 2014 plan, therefore reducing development impacts. Still, the Grand Ronde Tribe reserves the right to use the "capacity cap" developed under the "worst case re-development scenario" established through the Multi-Modal Area (MMA) adoption via Ordinance No. 14-1015 and the Master Plan adoption via Ordinance No. 14-1016. No substantial changes to transportation conditions of approval are proposed. One mitigation project has been completed and is therefore requested to be removed from the revised conditions of approval. An updated transportation analysis is detailed in Appendix B.

Water Supply:
An analysis of the water supply is provided in the Utility Report attached as Appendix C. The proposed water system design will follow the design and construction standards of the City of Oregon City and the requirements for fire protection established by Clackamas County Fire District. Future water services and design for individual development will be established as the uses for individual lots are programmed.

Police:
Police service will be the responsibility of Oregon City Police, who currently serve the site. The city has not indicated the need for any significant change in levels of police services due to the redevelopment of the site. The Grand Ronde Tribe also has a Tribal Police Department, and under the 2011 SB412, Tribal Police officers employed by a federally recognized Indian tribe located within the boundaries of the State of Oregon have the power to enforce state law provided that certain requirements are met.

Fire:

Fire protection will be the responsibility of the Oregon City Fire Department, who currently serve the site. As the site redevelops, new and rehabilitated buildings will comply with modern building codes that include fire protection and water supply that meets fire flow standards. Streets within *tumwata village* will be private, but will be constructed to city standards that accommodate firefighting equipment. The city has not indicated the need for any significant change in levels of fire services due to the long term redevelopment of the site.

Sanitary Waste Disposal:
The existing and proposed public sewer improvements have been studied to prepare a conceptual level plan to serve the proposed development sites, existing and proposed conditions are detailed in Appendix C. The concept plan was completed assuming full buildout of the development and is expected to be refined as the project phasing is established. An existing sewer system that serves many of the buildings onsite has been identified through survey efforts completed by AKS. The existing sewer was located throughout the site in the vacated street right of way. An inspection of the existing system has not been completed at this time to determine integrity of the line; however, it is anticipated that the infrastructure is likely beyond or nearing its serviceable life and will likely require replacement. To serve the proposed development site, a new public sewer extension is anticipated through private streets with easements. The proposed extension will be designed and installed per the City of Oregon City Public Works Design Standards.

Stormwater Management:
The stormwater approach is detailed in Appendix C. The proposed stormwater management design will follow the Oregon City Stormwater and Grading Design Standards (SGDS), updated March 2020. Per Section 1.2.2.I of the SGDS, the entire project site meets the flow control exemption requirements; therefore, on-site detention is not required. The proposed stormwater management strategy will focus on water quality treatment and conveyance of on-site runoff to the proposed outfalls to the Willamette River.

Schools and Parks:
Though the proposed use is not intended to be primarily residential, there may be a residential component to mixed use development. The city has not indicated that there are additional needed facilities for schools and parks due to anticipated development. The Framework Plan includes large amounts of natural areas and publicly accessible open space.

Staff concurs with the applicant regarding services for transportation, police, sanitary waste disposal, and any other needed public services related to schools and parks.

The city has no existing stormwater infrastructure within the development property and there is no need for city owned stormwater infrastructure within the development property to serve the public or any upstream developable properties. Therefore, stormwater condition of approval for the master plan shall be as follows:

All stormwater infrastructure within the development property shall be private.

The previous masterplan CP 14-02 condition read as follows:

Phasing plan for abandonment, removal, and/or replacement of existing sewer facilities, and new public sanitary sewer extensions with lateral services located within future public streets meeting separation standards from other utilities as applicable.

The development does not propose new public streets within public rights of way and the city has no need for public sanitary sewer infrastructure within the development property to serve the public or any upstream developable properties. Also, the applicant has stated, “An inspection of the existing system has not been completed at this time to determine integrity of the line; however, it is anticipated that the infrastructure is likely beyond or nearing its serviceable life and will likely require replacement.” Therefore, sanitary sewer condition of approval for the master plan shall be as follows:

Existing sanitary sewer on the development property shall be private, to the maximum extent practicable.

Fire related standards are not from Oregon City and are instead from Clackamas Fire District No. 1. However, water infrastructure improvement are tied to fire standards so conditions of approvals related to both have been written under water infrastructure requirements (see below).
Water infrastructure requirements have been determined based on the water master plan revised in 2021. Water infrastructure will be built over time and future DDP improvements shall include the following as applicable:

- Abandon the PRV near OR 99E & Main Street with the first DDP.
- Install fire hydrants to comply with Clackamas Fire District #1 based on the level of development with each DDP.
- Provide a 15-foot-wide easement that allows the right for the city to access and maintain the existing public water main contained with the development property with the first DDP.
- Replace the public water main within the development property which is part of the existing looped water main system providing two sources of supply (from Main Street and from the east of the property). The length of water main to be replaced shall be determined with each DDP. The size of the new public water main shall be as follows:
    - If required fire flows is limited to 3,500 gpm, the water main within Main Street shall be 12-inch in diameter.
    - If the required fire flow is 5,000 gpm or more, the water main within Main Street shall be 14-inch in diameter.
- Coordinate installation of a 10-inch water main over OR 99E with construction of a new pedestrian bridge over OR 99E from the Promenade to the development property.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

4. The proposed General Development Plan protects any inventoried Goal 5 natural, historic or cultural resources within the proposed development boundary consistent with the provisions of applicable overlay districts.

Finding: Complies with Condions. The tumwata village Master Plan Amendment is a proposed amendment to the Willamette Falls Legacy Project Master Plan (WFLPMP), an approved Master Plan via CP 14-02.

Historic/Cultural Resources:
There are currently no locally designated historic structures (OCMC 17.40) located on the property. The Willamette Falls site is not currently located within a local or National Register Historic District. In the WFLPMP, some structures onsite were identified as potentially eligible, and the applicant has reviewed that list. A study was performed to evaluate the 10 structures through the lenses of Historical Significance, Structural Stability, Architectural Significance, and Archeological Potential. It was found that the Woolen Mill Foundation, Flour Mill Foundation, and Warehouse Foundation are the only sites within the proposed boundary that are potentially eligible. The PGE Dam, which is located within 250- feet of the proposed development boundary but not within the proposed boundary, is listed on the National Register of Historic Places. This General Development Plan Amendment establishes a framework for future development and when buildings and open spaces are redeveloped the Detailed Development Plans must demonstrate compliance for the protection of Goal 5 resources.

In Feb 2011, the former Blue Heron Paper Mill was closed, and the assets were transferred to a final bankruptcy judge who has a fiduciary duty to sell off the asset and pay existing creditors. The trustee sold all the nonbuilding assets to a salvage firm, who removed much of the mill equipment, and nonbuilding structures and elements.

Many of the remaining buildings have been stripped of their components and are in a state that does not support a long-term mothball approach, which is a process of securing the building for future use. These buildings were purpose-built, either as covers for paper machines or to house other paper-making processes. As a result, their ability to be mothballed for an extended period is limited. Updated information about building conditions can be found in Exhibit 1D 10-Structure Study.

In 2012, The city, in an attempt to better understand the reuse options for the structure onsite, provided a reconnaissance-level historical survey to the State Historic Preservation Office to identify which buildings might one day be potentially eligible for historic tax credits if a future owner wanted to pursue those funds. This reconnaissance survey found that there were numerous buildings that could be potentially eligible for listing on the National Register.

In September 2012, SHPO provided a concurrence letter reviewing the reconnaissance Leve survey (exhibit 5b), confirming that the site was not eligible for listing as a historic district due to the loss of mill elements. As such, each of the buildings would need to be individually assessed for eligibility. This analysis was an interim measure that examined the potential eligibility. Only an intensive-level survey or an official National Register nomination could provide the detailed information needed to formally determine eligibility.

As part of the original Master Plan (CP 14-02), the city's consultant evaluated the redevelopment potential of the potential historic resources on-site. They provided rankings based on historic significance, structural integrity, and the feasibility of architectural reuse (specifically, whether leasable spaces could be created). Four buildings were identified as meeting the minimum threshold for reuse. (Mill O, Hawley, No 4 Paper Machine and Di Ink) . These were added along with the Woolen Mill Foundation as a condition to CP 14-02 to require some of the buildings to be retained unless further amended. Other elements, such as the digesters, Horton Sphere, and Flour Mill foundation, were added as elements for retention to ensure some elements of the mill

site were retained. The conditions were created to provide a pause or stay of full site demolition until a new owner and vision could be developed.

With the purchase of the site by the Confederate Tribes of the Grand Ronde, a new vision for the site emerged. This vision envisioned healing the landscape and creating active spaces intended to gather people and connect them to the breath of the stories on-site rather than retaining the large stripped and aging industrial mill building that represents only a small portion of the site's 13,000 years of human history.

The applicant retained Historic Research and Associates to complete an Intensive-Level Surveys (ILS) for the four buildings as well as each of the buildings identified as potentially eligible for listing on the National Register in 2012, fulfilling a condition from CP 14-02 requiring mitigation/documentation prior to undergoing demolition or alteration. They also provided intensive-level surveys for the smaller elements identified for retention, such as digesters and Horton Sphere, which were not required. These documents can be found in Exhibit 1D and provide an extensive research effort of the site, which is available to the public and can be used in future interpretation projects.

Historical Research Associates reviewed the buildings based on National Park Service (NPS) guidance regarding eligibility for listing in the National Register of Historic Places. With the additional research provided in the intensive-level survey, HRA found that all the buildings, except for Woolen Mill and Flourmill/No.2 Paper Machines site foundations, were not individually eligible for listing on the National Register. This was because they were generally too altered, were not unique to the region's papermaking history, and were commonly found elsewhere in the area. Updated building conditions reports submitted by the applicant's engineering consultant also indicated that in the 10 years since the original GDP many buildings incurred further environmental damage making reuse of the building economically infeasible.

Chrissy Curran, Deputy SHPO Concurrence Letters 2025
The city requested a letter providing an updated determination of eligibility (DOE) based on the applicant's submission of Intensive level surveys for all the buildings previously identified as potentially eligible in 2012. The updated 2025 determination letter concurred that the Woolen Mill Foundation and Flour Mill Foundations/No. 2 Paper Machine Site are individually eligible for listing on the National Register. SHPO also finds that the Hawley Building and Horton Sphere are also individually eligible. Both the 2012 and 2025 letters can be found in Exhibit 5b.

None of these structures are locally designated under the OCMC 17.40 Historic Overlay District, which requires owner consent., nor did the previous CP 14-02 condition of approval mandate rehabilitation or adaptive reuse of the buildings identified for retention. The retention condition was placed on a number of buildings and structures that appeared to have the highest reuse potential, and retention was desired until a final owner was determined for the site. The Planning Commission can look at several factors in determining if the previous condition requiring a Type III review of demolition of certain buildings should be revised with this application. These SHPO letters should be seen as background information to aid the Planning Commission in its deliberations.

As the initial intent of the CP 14-02 conditions was to provide a pause or stay of full site demolition until a new owner and vision could be developed, requiring retention of structures not part of the tumwata village vision would be problematic as the existing conditions do not mandate re-use or

rehabilitation of the buildings on site and retaining the Hawley Building and Horton Sphere in this location directly conflicts with the owner's goal of ecological restoration for this area. For this reason, staff recommends that the Planning Commission adopt the revised approval condition that acknowledges the retention of the Woolen Mill Foundation and Flour Mill Foundations/No. 2 Paper Machine Site and that all other structures can be removed through a Type I Demo Review. Any future revisions to the Framework Plan that do not retain the Woolen Mill Foundation and Flour Mill Foundations/No. 2 Paper Machine Site would require a Type III Master Plan Amendment.

Please note that any removal of building/elements identified as eligible for listing on the National Register utilizing federal funds is required to adhere to the Section106 process of the National Historic Preservation Act (NHPA) through the State Historic Preservation Office (SHPO), which looks at alternative analysis, public outreach, and proportional mitigation if there is an adverse effect. This will occur separately and should not be integrated into the local land use process.

Natural Resources
The City's Natural Resources Overlay District (NROD) implements the Oregon City Comprehensive Plan Natural Resources Goals and Policies. Resources on this site are related to its proximity to the Willamette River and the associated NROD district boundary reflects the riparian resources. The NROD overlay applies to a portion of the Willamette Falls Downtown District and its requirements will be met as part of any future DDP application. This amendment increases enhancement opportunities for the site that will improve riparian conditions for fish and wildlife. Any impacts to resources from future

development on site will be mitigated for, pursuant to the applicable chapters of this code. The tumwata village Master Plan Amendment demonstrates that it does not preclude or prohibit future compliance with the NROD. Though the site is on the banks of the river, the entire developed area of the site is covered with impervious surface. The NROD chapter provides an exemption for properties that do not increase impervious surface over existing conditions (17.49.080.J). This exemption is likely to be invoked for future development, since there is virtually no pervious surface on the existing site because the property is completely built out with decades of industrial development. In fact, changes to the site will likely increase pervious surface and natural functions in tumwata village.

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

Finding: Complies with Conditions The tumwata village Master Plan Amendment is a proposed amendment to the 2014 Willamette Falls Legacy Project Master Plan (WFLPMP), an approved Master Plan via CP 14-02. The WFLPMP also proposed a re-zone of the site. Through the rezoning process it identified anticipated impacts to the public system and surrounding community. Proposed mitigation for impacts were outlined in the Conditions of Approval. The applicant's site development proposal is anticipated to be less intense than the "worst case re-development scenario" established through the Multi-Modal Area (MMA) adoption via Ordinance No. 14-1015 and the Master Plan adoption via Ordinance No. 14-1016.

Where applicable, the applicant's design team has evaluated previously identified mitigation and mitigation triggers to offset the impacts of the prior Master Plan development and has re-evaluated those proposed mitigation actions based on the current development proposal. One modification is proposed relevant to this criterion. Because the amended plan anticipates significantly less habitable space, the applicant proposes amending WFLPMP Condition of Approval 17 to reduce both the development threshold and amount of open space required. Condition of Approval 17 required provision of 40,000 square feet open/public space at the time of completion 400,000 square feet of new habitable space. Because anticipated future development of the site will be approximately half as much as previously forecast, the applicant proposes requiring the provision of 20,000 square feet of open/public space at the time of completion of 200,000 square feet of new habitable space. 40,000 square feet will still eventually be achieved, indeed the amendment to the master plan expands open spaces in comparison to the original plan. Further elaboration on the proposed COA is found in Appendix E.

Each Detailed Development Plan approval will be consistent with the applicable provisions of the 2024 Oregon City Municipal Code. The revised master plan drawings illustrate the site and utility plans. The Grand Ronde Tribe reserves the right to use the "capacity cap" developed under the "worst case re- development scenario" established through the Multi-Modal Area (MMA) adoption via Ordinance No. 14-1015 and the Master Plan adoption via Ordinance No. 14-1016.

6. The proposed general development plan is consistent with the Oregon City Comprehensive Plan.

The tumwata village Master Plan Amendment is a proposed amendment to the 2014 Willamette Falls Legacy Project Master Plan (WFLPMP), an approved Master Plan via CP 14-02. The Oregon City Comprehensive Plan is acknowledged, many of the comprehensive plan findings from the 2014 application remain relevant. The principles within the comprehensive plan included in this GDP Amendment include urban development, promotion of redevelopment, protection of natural resources, fostering economic vitality, providing for efficient and cost-effective services, and ensuring a sense of history and place. These principles are embodied in the tribal values of Sprit, Place, Prosperity, and People. The following comprehensive plan goals and policies have been determined to be applicable to the general development plan and are addressed below. Findings focus on the proposed amendments to the WFLPMP.

HEALTHY AND WELCOMING COMMUNITIES
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.
STRATEGY 2.3.A Promote the designation of qualifying properties outside Historic and Conservation Districts as historic
POLICY 2.4 Identify and protect important artistic and cultural resources and historic amenities through programs, designation, interpretive signage, and other means to increase awareness and generate appreciation.
STRATEGY 2.4.A Support the preservation of Oregon City's historic resources through public information, advocacy and leadership within the community, and the use of regulatory tools and incentive programs.

Finding: Complies with Conditions The proposed amendments to the WFLPMP promote the Willamette River as a community benefit, the amendments expand open and public space, protect and enhance the resources along the river, and restore tribal ownership and values to a culturally significant site. The applicant and landowner, The Confederated Tribes of Grand Ronde Community of Oregon, is a thriving sovereign nation. The tribe purchased this land to ensure tribal ancestral knowledge and teachings were celebrated, and that obligations and responsibilities to this sacred land were realized. The Grand Ronde Tribe owns property throughout its homelands based on cultural, historical, economic investments, and restoration values. Success at tumwata village will be evident by creating both active and passive spaces intended to gather and connect people, views, and resources of abundance. tumwata village is a celebration of perseverance and healing for the Grand Ronde Tribe and families who have been connected to this land since time immemorial. These changes align with Policy 2.1, 2.2, and 2.4. In the CP 14-02 land-use decision, a narrow historical lens focused on the development of hydroelectricity and the establishment of the paper making industry in the State of Oregon was used to select structures and secondary elements for full or partial retention and reuse as part of the land-use decision. The purpose of requiring the full or partial retention and reuse of structures and secondary elements was to preserve and define the industrial character of the site upon redevelopment.

The Confederated Tribes of the Grand Ronde Community of Oregon coordinated an updated analysis of each of the ten structures and secondary elements through the following lenses:

- Historical - Analysis performed by Historical Research Associates, Inc. An intensive-level historical resources survey (ILS) consistent with the Oregon State Historic Preservation Office (SHPO) was completed for each of the ten structures/secondary elements, and their eligibility as it pertains to the National Register of Historic Places (NRHP) was also completed. The current evaluation (2022) of the ten structures was then compared to the prior evaluations done by George Kramer (2002), Oregon City (2012), and SHPO (2012).
- Architectural – Analysis performed by GBD Architects. Each structure/secondary element was evaluated for its current exterior and interior qualities as well as their respective site/location. A summary of the findings for each structure/secondary element is presented and then a rating for adaptive reuse both as a standalone item and within the context of the Tribe's proposed tumwata village Master Plan Amendment was completed.
- Structural – Analysis performed by catena consulting engineers. Each structure/secondary element was observed and assessed for their structural condition, their expected structural performance and potential for renovation and/or adaptive reuse. Additionally, information regarding seismicity, soil liquefaction, and lateral spread considerations, and flooding considerations are presented. Also presented are code-mandated structural retrofit and repair triggers that are applicable to each of the building structures.

Based on both the prior analyses and the current analysis, it is evident that significant degradation to the site integrity has occurred. The 10-structure study is attached as Appendix D. The City's 2014 effort through the CP14-02 land-use decision to preserve the industrial site character upon redevelopment has been impacted most significantly due to the lack of maintenance onsite which accelerated starting the mid-1980s. Maintenance of onsite infrastructure was often disregarded. As such, many of the identified structures have had little maintenance for nearly 40-years.
Based on the analysis it was determined that only two of the ten items are eligible for listing on the National Register of Historic Places (NRHP). Based on the criteria set forth by the National Park Service, the Woolen Mill Foundation, Flour Mill Foundation and a newly identified element, the Warehouse Foundation, are eligible for listing on the National Register of Historic Places. These

three sites have been incorporated into the proposed tumwata village Master Plan Amendment for retention and reuse. Refer to the Goal 5 section above for additional complaint findings. For these reasons the proposed amendments are consistent with the above goals and policies.

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 1.6 Promote the city's destinations, natural resources, and historic and cultural amenities to grow the tourism industry.
STRATEGY 1.6.A Encourage the development of a strong and healthy Historic Downtown retail, office, cultural, and residential center.

STRATEGY 1.6.C Ensure land uses and transportation connections that support tourism as an important aspect of the City's economic development strategy. This includes important cultural and historical amenities.
STRATEGY 1.6.D Encourage private development of tourism related uses such as: hotel, bed and breakfast, restaurant facilities and other visitor services

Finding: Complies with Conditions The proposed amendments support tumwata village, a modern development that will provide a mix of open space, retail, shopping, residential, office, restaurants, and a hotel/event space for visitors and patrons. It will become a vibrant pedestrian destination and place of prosperity and abundance. tumwata village will contribute to economic development both within the site and throughout Oregon City, West Linn, Clackamas County, and the State of Oregon (as it has for thousands of years).

A pedestrian-friendly network of local streets will link tumwata village with the rest of Oregon City's downtown to further enhance economic opportunities. In addition to new streets, public access to the site will include pedestrian and bicycle connections. This plan establishes expectations for the general location and purpose of public access. Moving west toward the river or south toward the falls, one has greater and greater connection to the invaluable resource of the Willamette River, contributing to the modern landscape-based tribal village. The core attraction of the site is its spectacular natural feature: the second largest falls, by volume, in North America, behind only Niagara Falls. The key component of this amendment is public access to the site, giving the greater public a chance to safely access the falls for the first time in many decades. Also, planned active and passive open space is located throughout the site orienting people to both the Willamette River and the falls. The plan therefore explicitly encourages river-related tourism and facilities to support it.

GOAL 2- Provide housing options, including both rental and ownership opportunities, that are attainable for the full range of Oregon City households.
POLICY 2.4 Support and encourage transit-oriented development opportunities.
STRATEGY 2.4.A Ensure planning for transit corridors includes facilities and access management, aesthetics (including signage and building facade improvements), infill and redevelopment opportunities, high-density residential development, and business assistance to existing businesses.
STRATEGY 2.4.B Provide incentives that encourage the location of affordable housing developments near public transportation routes. Incentives could include reduction of development-related fees and/or increases in residential density (density bonuses)

Finding: Complies with Conditions The proposed amendments continue to include an allowance for residential uses, though it proposes less space overall than the 2014 WFLPMP. The types and number of housing units will be determined in future DDPs. The proposed plan will use land efficiently because it provides for a range of uses to mix on the same site at urban densities, and in a location that is close to existing development and public services. This site is bounded by a transit corridor, on Highway 99E. The current site is not open to the public, nor is it currently in use as an employment center, so it is not served in any real way by transit. With the anticipated redevelopment of the site, space for transit access into and through the

site is being planned and service will likely to improve. Overall, the development standards and requirements for the site are highly supportive of transit-oriented development. In these ways, the proposed amendments continue to be aligned with the above goals and policies.

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 3.1 Promote efficient use of land and public infrastructure and plan for appropriate infill development, redevelopment, and new development.

STRATEGY 3.1.B Encourage the vertical and horizontal mixing of different land-use types in selected areas of the city where compatible uses can be designed to reduce the overall need for parking, create vibrant urban areas, reduce reliance on private automobiles, create more business opportunities and achieve better places to live.

STRATEGY 3.1.E Encourage sub-area master planning for larger developments or parcels, including re-development, where it may be feasible to develop more mixed uses, or campus-style industrial parks, with shared parking and landscaping areas. Allow developments to vary from prescriptive standards if planned and approved under this provision.

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: Complies with Conditions This amendment to a master plan allows for district-wide planning to encourage efficient and strategic use of space on site. The area is already entirely developed with abandoned mill infrastructure and, because it sits on a basalt shelf, is impervious. Only three structures were identified for retention and reuse, the rest of the area will be appropriate for new development. Amendments to the WFLPMP promote a district that has a high level of pedestrian and bicycle amenities, a mix of land uses in close proximity, and high densities that will enhance convenient and efficient transportation choices.

The development standards and use provisions that are part of tumwata village's regulatory scheme will promote mixed uses and higher residential densities, along with walkable neighborhoods. The historic street pattern of downtown will be extended into tumwata village. A pedestrian-friendly network of local streets will link tumwata village with the rest of Oregon City's downtown. In addition to new streets, public access to the site will include pedestrian and bicycle connections. These strategies promote efficient use of land and public infrastructure and walkable neighborhoods, consistent with the above goals and policies.

CONNECTED INFRASTRUCTURE

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

POLICY 4.1 Identify and seek opportunities for sustainable practices in management and operation of public facilities and services.
STRATEGY 4.1.A Support development on underdeveloped or vacant buildable land within the city where public facilities and services are available or can be provided and where land-use compatibility can be found relative to the environment, zoning, and Comprehensive Plan goals.

Finding: Complies with Conditions Included in this submittal is an updated utility report, attached as Appendix C, demonstrating how infrastructure will be extended to serve the site. The entire site is currently developed with impervious surfaces. These amendments to the WFLPMP support development on an underdeveloped and abandoned site that is easily served by public facilities and services, thereby encouraging sustainability and energy conservation.

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

Finding: Complies with Conditions This plan identifies both the location and type of restoration projects that will improve the natural resources present on the site. Though degraded by a century of heavy industrial use, the riparian setting provides tremendous opportunities. As listed in the plan, future development will enhance the shoreline habitat , diversify habitat, and establish a vegetated buffer along the riverbank. The amendments to the WFLPMP promote a district that has a high level of pedestrian and bicycle amenities, a mix of land uses in close proximity, and higher densities that will enhance convenient and efficient transportation choices. Restoration and efficient land use will improve air quality in Oregon City.

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.
STRATEGY 3.2.A Protect existing development from natural hazards through mitigation measures identified in the Clackamas County Hazard Mitigation Plan.

Finding: Complies with Conditions. This application complies with city protections provided by the city's Geologic Hazards Overlay, OCMC 17.44. These city rules are consistent with Goal 7 and protect development from inappropriate development on steep slopes. Oregon City designates two land areas as part of its local flood management area: the Federal Emergency Management Agency-mapped 100-year floodplain, and areas inundated by the 1996 flood. The 1996 flood inundation boundary is larger than the FEMA 100- year flood zone, which covers only the southwestern portion of the site. Taken together, the city's flood management area covers 12.5 acres of the 23-acre site. A site-specific hydrologic analysis is included with this application that establishes a site-specific elevation of the 1996 flood inundation boundary.

This application proposes no changes to the city's flood management overlay district standards and future development will comply with city rules that are in effect at the time this master plan

update is submitted. New development will be subject to the existing flood overlay district requirements and geologic hazards overlay district requirements at the time of development, therefore the plan is consistent with the above goals and policies.

GOAL 4- Ensure the environmental and economic health of the Willamette River Greenway (WRG) as a key feature of Oregon City and the broader region
POLICY 4.1 Protect the significant fish and wildlife habitat of the Willamette River by maximizing the preservation of trees and vegetative cover.
POLICY 4.2 Preserve major scenic views, drives and sites of the WRG.
POLICY 4.3 Encourage access to and along the river consistent with the Oregon City Park and Recreation Master Plan.
POLICY 4.4 Restrict new substations and power line towers in the WRG and river view corridor.
POLICY 4.5 Protect and maintain parks and recreation areas and facilities along the Willamette River to minimize effects in the WRG, in accordance with the Oregon City Park and Recreation Master Plan

Finding: Complies with Conditions The entire Willamette Falls Downtown District is within the Willamette River Greenway, which protects the scenic, historic, and recreational qualities of the riverfront. Allowed uses in the new zone are appropriate for lands within the greenway, as long as the development associated with these uses protects the important riverfront qualities. The proposed amendments expand the amount of natural and open spaces in tumwata village, the river continues to be a central focus of tumwata village by integrating its presence on site as well as renewing linkages and access to the Willamette River to bring healing, consistent with Goal 4. The area is already entirely developed and impervious, any future development includes improvements to the natural environment and is expected to enhance resource values. This plan identifies both the location and type of restoration projects that will improve the natural resources present on the site.

Though degraded by a century of heavy industrial use, the riparian setting provides tremendous opportunities for restoration actions. As listed in the plan, future development could expose and restore the historical shoreline, diversify habitat, and establish a vegetated buffer along the riverbank. By designating a large area of the site as ideal for open space or park uses, the plan sets a framework for a large reduction in impervious surface and an increase in landscaped area as well as public access to the river and falls. Connectivity with downtown Oregon City, shoreline restoration and enhancement and the presence of a riverfront path will allow people access to this natural resource in a way that has not been possible for over 100 years. In all the anticipated options for development of the open spaces, citizens and visitors will be able to connect with the natural environment and gain access to views and the outdoors.

There are no existing parks or recreation areas, or recreation facilities in tumwata village. No new substations or power line towers are proposed. staff has provided an updated overall confirmation that looks at a phased DDP approach with required public access easement to meet the overlay goal of CP 14-02 to ensure public access along the river.

Pedestrian access to and along the river (17.48.100.B.2) will be provided by public access easements that follow the alignments shown schematically on Sheet 9 (Transportation Network-Revised). Easements will be provided concurrent with future Detailed Development Plan applications at the locations identified as "future pedestrian routes" (dashed blue line). The intent and long-term goal of continuous access to and along the river is satisfied by public easements

and, over time, development by public or private entities. Sufficient route planning in DDP applications insures continuous pedestrian access along the river can be accomplished. An easement will be applied to each completed section at the time of the DDP Approval, granting that final route locations may vary to account for site grading.

- *Each DDP submittal shall indicate what portion, if any, of the pedestrian network shown on Sheet 9 will be constructed. The submittal shall show an up-to-date route map to ensure that the long-term goal of continuous pedestrian access along the river can be accomplished on site.*
- *Each DDP phase requires public access easements in the area of proposed development along "future pedestrian routes" consistent with the revised plan sheet 9 (Transportation Network) in Exhibit A of the GDP submittal.*
- *Areas of Main Street south of 3rd Street to the future Canemah Trail will be designed as a shared-use path, at a minimum. Identified future pedestrian routes on proposed streets are required to be constructed at the time of any development over 500 square feet on abutting lots, to the extent practicable.*
- *Public access is not required on open space areas identified for habitat restoration.*

The applicant shall show construction of a publicly accessible open space area that is a minimum of 20,000 square feet at the time of completion of the first 200,000 square feet of new habitable space. Upon completion of site redevelopment approved in the GDP, the property will include a total of 40,000 square feet of open/public space, which shall include active and passive uses with prominent views of walamt and/or tumwata. As part of the detailed development review for this open space, the applicant will develop a long-term maintenance and operation plan to ensure that the publicly accessible open space can be maintained.

To address the expansion of private/public open space on Block 3 of the Framework Plan Map (indicated in yellow), a new open space area is proposed. At the time of development of over 1000 square feet on Block 3, A minimum 2,500 square foot open space shall be provided south of any new building, towards the falls. This open space may be a mix of active and passive uses and will be physically connected to the adjacent riverfront pedestrian public access. This shall be in addition to the open space requirements of Condition above.

7. The proposed general development plan is consistent with the underlying zoning district(s) and any applicable overlay zone or concept plans.

Finding: Complies with Conditions The tumwata village Master Plan Amendment is a proposed amendment to the 2014 Willamette Falls Legacy Project Master Plan (WFLPMP), an approved Master Plan via CP 14-02. The proposed tumwata village Master Plan Amendment is consistent with underlying zoning districts as well as the purpose and standards of all applicable overlay zone requirements per the following Oregon City Municipal Code Chapters:

- Chapter 17.34 Mixed-Use Downtown District (MUD) – 458 Main Street (former Edres property)
- Chapter 17.35 Willamette Falls Downtown District (WFDD)
- Chapter 17.42 Flood Management Overlay District
- Chapter 17.44 Geologic Hazards Overlay District
- Chapter 17.48 Willamette River Greenway Overlay District (WRG)
- Chapter 17.49 Natural Resources Overlay District (NROD)

Approval of the tumwata village General Development Plan Amendment does not specifically permit new development. Future development will be allowed for with approvals of Detailed Development Plans (DDPs) that are consistent with the applicable provisions of the Oregon City Municipal Code and the tumwata village Master Plan. There are no concept plans that apply to this area.
The General Development Plan Amendment and accompanying documents have been developed to comply with the Oregon City Municipal Code and include plans demonstrating the feasibility that future development under this plan can comply with the applicable requirements of these districts except where standards are allowed to be modified.

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 100 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.

Finding: Complies with Conditions The tumwata village Master Plan Amendment is a proposed amendment to the 2014 Willamette Falls Legacy Project Master Plan (WFLPMP), an approved Master Plan via CP 14-02. The Amendment does include a residential component. The distance from OR 99E to the PGE Dam wall is approximately 0.23 miles. All residential development that could occur onsite will be within one-quarter mile (0.25 mile) of any other location on site. The applicant is providing for both active and passive open spaces throughout the site including open spaces designated for both passive and active uses. Using baseline assumptions for residential units, the tumwata village Master Plan Amendment illustrates that these standards can be satisfied with future Detailed Development Plan applications on the site.

Open space areas are identified on the Framework Plan. This amendment proposes less building area than the 2014 WFLPMP, therefore, the applicant proposes amending WFLPMP Condition of Approval 17 to reduce the trigger threshold and amount of open space required. Condition of Approval 17 required for provision of 40,000 square feet open/public space at the time of completion 400,000 square feet of new habitable space. Because the anticipated maximum build out of the site would have about half as much as was forecast in 2014, the applicant proposes requiring the provision of 20,000 square feet of open/public space at the time of completion of 200,000 square feet of new habitable space. Eventually, at least 40,000 square feet of open/public space will still be provided. Indeed, the amendment to the master plan expands open

spaces compared with the previous plan. Further elaboration on the proposed condition is found in Appendix E.

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.

Finding: Complies with Conditions The tumwata village Master Plan Amendment is a proposed amendment to the 2014 Willamette Falls Legacy Project Master Plan (WFLPMP), an approved Master Plan via CP 14-02. The Amendment does include a residential component. The distance from OR 99E to the PGE Dam wall is approximately 0.23 miles. All residential development that could occur onsite will be within one-quarter mile (0.25 mile) of any other location on site. The applicant is providing for both active and passive open spaces throughout the site including open spaces designated for both passive and active uses. Using baseline assumptions for residential units, the tumwata village Master Plan Amendment illustrates that these standards can be satisfied with future Detailed Development Plan applications on the site.

Open space areas are identified on the Framework Plan. This amendment proposes less building area than the 2014 WFLPMP, therefore, the applicant proposes amending WFLPMP Condition of Approval 17 to reduce the trigger threshold and amount of open space required. Condition of Approval 17 required for provision of 40,000 square feet open/public space at the time of completion 400,000 square feet of new habitable space. Because the anticipated maximum build out of the site would have about half as much as was forecast in 2014, the applicant proposes requiring the provision of 20,000 square feet of open/public space at the time of completion of 200,000 square feet of new habitable space. Eventually, at least 40,000 square feet of open/public space will still be provided. Indeed, the amendment to the master plan expands open spaces compared with the previous plan. Further elaboration on the proposed condition is found in Appendix E.

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.
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 contained in Chapters 17.62, 17.52, 16.12, and 16.08 unless adjusted as provided in OCMC 17.65.070

Finding: Complies as proposed. This application includes a concurrent DDP for new streets in *tumwata village* and Block 1 infrastructure.

17.65.070 - Adjustments to development standards.
A. Purpose. In order to implement the purpose of the City's master plan or planned unit development process, which is to foster the growth of major institutions, major residential, commercial or mixed-use development, and other large-scale development, while identifying and mitigating their impacts on surrounding properties and public infrastructure, an applicant may request one or more adjustments to the applicable development regulations as part of the master planning or planned unit development process, and are not required to go through the variance process pursuant to OCMC Chapter 17.60.
B. Procedure. Requests for adjustments shall be processed concurrently with a general development plan. An adjustment request at the detailed development plan review shall cause the detailed development plan to be reviewed as a Type III application.

Finding: Complies with Conditions The tumwata village Master Plan Amendment is a proposed amendment to the 2014 Willamette Falls Legacy Project Master Plan (WFLPMP), an approved Master Plan via CP 14-02. As part of this amendment, the applicant is requesting removal of two existing adjustments that were part of CP14-02. Justification for removal is provided in subsequent findings.

1.Future DDPs reviewed through Type III process.
The previous master plan was approved in an entirely different context with much less certainty about future development. Consequently, the city required all DDPs to go through a Type III process, with bespoke design guidelines that would be approved by an ad hoc design review committee. With this amendment, the applicant requests a change back to the typical, city-defined process for approval of a DDP, a Type II process subject to DDP approval criteria.

2.Future applications subject to regulations at time of submittal.
The previous master plan requested future DDP applications be subject to the rules in place at the time of their submittal. This request was approved. Regulations allow the applicant to request, “at its option,” to make DDPs to be subject to regulations in effect at the time of approval of the GDP (OCMC 17.65.090). The applicant requests the city apply 2024 regulations to future DDPs.

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.

Finding: Not applicable. No adjustments are proposed.

D. Regulations That May Not be Adjusted. Adjustments are prohibited for the following items:
1. To allow a primary or accessory use that is not identified as a permitted, or conditional use in the underlying zone, with the exception of the additional uses permitted under OCMC 17.65.070.C.6 above;
2. To any regulation that contains the word "prohibited";
3. As an exception to a threshold review, such as a Type III review process; and
4. Minimum density for residential sites may not be reduced.

Finding: Not applicable. The applicant has not proposed an adjustment to any of the above-listed items.

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;

Finding: Complies with Conditions The tumwata village Master Plan Amendment is a proposed amendment to the 2014 Willamette Falls Legacy Project Master Plan (WFLPMP), an approved Master Plan via CP 14-02. The applicant is requesting that the two existing adjustments adopted as part of CP14-02 be removed.

WFLPMP Adjustment #1

The 2014 WFLPMP requested that future detailed development plans be reviewed through a Type III, rather than a Type II process, as would otherwise be required in OCMC17.65.040(C). The reason for this change was that the proposed general development plan in 2014 was less specific than usual for a master plan because it was designed to be a flexible Framework Plan for future development. The tumwata village Master Plan Amendment is a proposed amendment to the 2014 Willamette Falls Legacy Project Master Plan (WFLPMP), an approved Master Plan via CP 14-02. The applicant is also the land owner of the site, and as the indigenous people of this place intend to own the site into perpetuity its tribal people. As such, the owner/applicant has developed an amendment to the original 2014 WFLPMP that provides a level of certainty to the City of Oregon City to understand the Grand Ronde Tribe's vision for site restoration and redevelopment. The applicant has put forth amendments to the original land- use decision which will modify the 2014 Framework Plan, the adopted Conditions of Approval, and have proposed a demonstration plan to reflect a potential site redevelopment concept. Processing future Detailed Development Plans (DDP) as Type II land-use decisions will increase review efficiencies via a staff level review rather than subsequent Planning Commission reviews and approvals each time the applicant submits a DDP. Reducing development barriers will speed up the public's ability to access the site and experience

tumwata. Further findings on this topic can be found in the staff summary. Staff has provided a condition that addresses this request.

WFLPMP Adjustment #2

The 2014 WFLPMP requested that although the master plan chapter allows development to freeze regulations in time as of the date of the general development plan approval, future plans should instead be subject to the land use regulations in effect on the date those plans were submitted. The tumwata village Master Plan Amendment is a proposed amendment to the 2014 Willamette Falls Legacy Project Master Plan (WFLPMP), an approved Master Plan via CP 14-02. The applicant is also the land owner of the site, and as the indigenous people of this place intend to own the site into perpetuity. As such, the owner/applicant has developed an amendment to the original 2014 WFLPMP that provides a level of certainty to Oregon City to understand the Grand Ronde Tribe's vision for site restoration and redevelopment and requests the second adjustment repealed.
The new applicant/land owner is requesting, per OCMC 17.65.090, to use the regulations in effect on the date of its general development plan (amendment) application was initially submitted pursuant to ORS 227.178(3). This allows the applicant to understand the requirements of development with more certainty over the lifetime of the 20-year Master Plan Amendment. Further findings on this topic can be found in the staff summary. Staff has provided a condition that addresses this request

3. City-designated Goal 5 resources are protected to the extent otherwise required by Title 17;

Finding: Complies with Condition. The applicant has indicated that a Natural Resouce Overlay District Review will be performed at each DDP Phase. No amendments to Chapter 17.49 are submitted as part of this application. The site is not located within a historic district nor has any locally regulated historic resources, which requires owner consent. A previous condition has been amended to remove retention of some structures based on additional information on constituting status and building condition.

4. Any impacts resulting from the adjustment are mitigated such that the development does not create significant adverse impacts on adjacent properties;

Finding: Complies with Condition. None of the requested modifications will impact abutting properties. The site is bounded by the Willamette River and Highway 99E/McLoughlin Blvd. The only adjacent property owner, PGE, has not submitted any comment, and staff has not indicated how a modification to its fence code or parking lot standards will affect them and their dam operations.

5. If an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable; and

Finding: Complies with Condition. The applicant has indicated that a Natural Resouce Overlay District Review will be performed at each DDP Phase. No amendments to Chapter 17.49 are submitted as part of this application.

6. The proposed adjustment is consistent with the Oregon City Comprehensive Plan and a concept plan if applicable.

Finding: Complies with Condition. See compressive plan finding above for compliance findings

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

Finding: Complies with Conditions This application is a proposed Type III amendment to the 2014 Willamette Falls Legacy Project Master Plan, an approved Master Plan via CP 14-02. The tumwata village Master Plan Amendment is proposing changes to the adopted 2014 Framework Plan and Conditions of Approval. The proposed changes to the 2014 Framework Plan reflect the Grand Ronde Tribe's commitment to healing the site with a priority on restoration, which is embodied in the tribal values of Spirit, Place, Prosperity, and People. The trigger for the proposed amendment to be a Type III review is because the applicant is proposing to expand the master plan boundary to include property at 458 Main Street (approximately 0.5-acres) on the southeast corner of the OR99E/Main Street intersection.

17.65.090 - Regulations that apply.
An applicant is entitled to rely on land use regulations in effect on the date its general development plan application was initially submitted, pursuant to ORS 227.178(3), as that statute may be amended from time to time. After a general development plan is approved, and so long as that general development plan is in effect, an applicant is entitled to rely on the land use regulations in effect on the date its general development plan application was initially submitted, as provided above, when seeking approval of detailed development plans that implement an approved general development plan. At its option, an applicant may request that a detailed development plan be subject to the land use regulations in effect on the date its detailed development plan is initially submitted.

Finding: Complies with Conditions The tumwata village Master Plan Amendment is a proposed amendment to the Willamette Falls Legacy Project Master Plan (WFLPMP), an approved Master Plan via CP 14-02.

The 2014 WFLPMP applicant requested that although the master plan chapter allows development to freeze regulations in time as of the date of the general development plan approval, they wanted future DDPs instead to be subject to the land use regulations in effect on the date those plans are submitted. The applicant now requests this adjustment be rescinded and to use the regulations in effect on the date its general development plan (amendment) application is submitted, pursuant to ORS 227.178(3). This allows the applicant to understand the requirements of development with more certainty over the life of the Master Plan and maintain consistency with long term planning goals and objectives of the city.

The applicant is formally requesting that future development within the site, including all DDPs, be vested under the applicable provisions of the 2024 Oregon City Municipal Code land use regulations with approval of the General Development Plan Amendment. This will afford future development on site within the tumwata Master Plan Amendment area with long term regulatory certainty and predictability. Staff has provided a condition that addresses this request.

CHAPTER 17.34 MUD MIXED-USE DOWNTOWN DISTRICT

17.34.010 Designated.

The mixed-use downtown (MUD) district is designed to apply within the traditional downtown core along Main Street and includes the "north-end" area, generally between 5th Street and Abernethy Street, and some of the area bordering McLoughlin Boulevard. Land uses are characterized by high-volume establishments constructed at the human scale such as retail, service, office, multi-family residential, lodging or similar as defined by the community development director. A mix of high-density residential, office and retail uses are encouraged in this district, with retail and service uses on the ground floor and office and residential uses on the upper floors. The emphasis is on those uses that encourage pedestrian and transit use. This district includes a downtown design district overlay for the historic downtown area. Retail and service uses on the ground floor and office and residential uses on the upper floors are encouraged in this district. The design standards for this sub-district require a continuous storefront façade featuring streetscape amenities to enhance the active and attractive pedestrian environment.

Findings: Complies with Conditions. The tumwata village Master Plan Amendment is a proposed amendment to the 2014 Willamette Falls Legacy Project Master Plan (CP 14-02). The applicant is proposing a modification to the WFLPMP development boundary to include an

additional adjacent parcel owned by the applicant located at 458 Main Street (former Edres property) on the southeast corner of the OR99E/Main Street intersection. This additional parcel is located within the Mixed-Use Downtown District (MUD). The proposed Master Plan Amendment boundary can be seen in Sheet 8 of Appendix A: Drawing Set.

The proposed 2024 Framework Plan amendment designations within the proposed expansion of Block 5, include both the “Development Parcel” designation and the “Potential Development or Open/Public Space” designation.

The applicant acknowledges that proposed uses in the portion of Block 5 location within the Mixed-Use Downtown District (MUD) will need to meet the applicable zoning requirements at the time an application for a Detailed Development Plan is submitted. All future development will continue to be subject to the provisions of this chapter except where modifications have been proposed through the tumwata village Master Plan Amendment.

CHAPTER 17.35 WILLAMETTE FALLS DOWNTOWN DISTRICT

17.35.010 - Designated.
The Willamette Falls Downtown (WFD) District applies to the historic Willamette Falls site, bordered by 99E to the north and east, and the Willamette River to the west and south. This area was formerly an industrial site occupied by the Blue Heron Paper Mill and is the location of Oregon City's founding. A mix of open space, retail, high-density residential, office, and compatible light industrial uses are encouraged in this district, with retail, service, and light industrial uses on the ground floor and office and residential uses on upper floors. Allowed uses in the district will encourage pedestrian and transit activity. This district includes a downtown design overlay for the historic downtown area. Design guidelines for this sub-district require storefront facades along designated public streets featuring amenities to enhance the active and attractive pedestrian environment.

Finding: Complies. The tumwata village Master Plan Amendment is a proposed amendment to the 2014 Willamette Falls Legacy Project Master Plan (CP 14-02). The tumwata village Master Plan Amendment is proposing a master plan boundary change which would include two zoning districts: Willamette Falls Downtown District (WFDD) and Mixed-use Downtown District (MUD). This General Development Plan Amendment has been prepared to ensure it can meet the applicable standards of this Chapter. The applicant acknowledges that proposed uses within the WFDD will need to meet the applicable zoning requirements at the time an application for a Detailed Development Plan is submitted. All future development will continue to be subject to the provisions of this Chapter.

The tumwata village Master Plan Amendment is proposing a modification to the 2014 Framework Plan which met the requirements of this code section. The new Framework Plan still provides for a mix of open space, retail, high-density residential, office, and compatible light industrial uses. Retail, service, and light industrial uses are still intended as ground floor uses, with office and residential uses on upper floors. Pedestrian and transit activity are encouraged and accommodated in the proposed amendment. Storefront facades will be provided along designated public streets featuring amenities to enhance the active and attractive pedestrian environment being created as part of tumwata village.

17.35.020 - Permitted uses.

Permitted uses in the WFD district are defined as:
A. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, marijuana pursuant to OCMC 17.54.110, and specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed forty thousand square feet (a freestanding building over forty thousand square feet is allowed as long as the building contains multiple tenant spaces or uses);
B. Industrial uses including food and beverage production, limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials, and not to exceed sixty thousand square feet;
C. Research and development activities;
D. Offices, including finance, insurance, real estate, software, engineering, design, and government;
E. Restaurants, eating and drinking establishments without a drive-through, and mobile food units;
F. Parks, playgrounds, outdoor entertainment space, and community or neighborhood centers;
G. Museums, libraries, and interpretive/education facilities;
H. Outdoor markets, such as produce stands, craft markets and farmers markets;
I. Indoor entertainment centers and arcades;
J. Studios and galleries, including dance, art, film and film production, photography, and music;
K. Hotel and motel, commercial lodging;
L. Conference facilities and meeting rooms;
M. Public and/or private educational or training facilities;
N. Child care centers and/or nursery schools;
O. Health and fitness clubs;
P. Medical and dental clinics, outpatient; infirmary services;
Q. Repair shops, except automotive or heavy equipment repair;
R. Residential units—Multi-family, triplexes and quadplexes;
S. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
T. Seasonal sales;
U. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;
V. Veterinary clinics or pet hospitals, pet day care;
W. Home occupations;
X. Religious institutions;

Y. Live/work units;
Z. Water-dependent uses, such as boat docks;
AA. Passenger terminals (water, auto, bus, train);
BB. Existing parking, storage and loading areas, as an interim use, to support open space/recreational uses;
CC. After-hours public parking.

Finding: Permitted. Uses envisioned at this site include a mix of open space, retail, high-density residential, office, a hotel/event space, and compatible light industrial uses. Retail, service, and light industrial uses are still intended as ground floor uses, with office and residential uses on upper floors. The anticipated uses of the tumwata village site are all permitted in this zone. Compliance with specific proposals will be verified at the time of DDP application.

17.35.030 - Conditional uses.
A. Emergency services;
B. Hospitals;
C. Assisted living facilities; nursing homes, residential care facilities and group homes for over fifteen patients;
D. Parking not in conjunction with a primary use on private property, excluding after-hours public parking;
E. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a freestanding building with a single store exceeding forty thousand square feet;
F. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;
G. Industrial uses including food and beverage production, design, light manufacturing, processing,
assembly, packaging, fabrication and treatment of products made from previously prepared or semifinished materials that exceed sixty thousand square feet;
H. Public utilities and services such as pump stations and sub-stations;
I. Stadiums and arenas

Finding: Complies. Any future conditional uses would be processed concurrent with and as part of future detailed development plans though a Type III process.

17.35.040 - Prohibited uses.
The following uses are prohibited in the WFD district:
A. Kennels;
B. Outdoor sales or storage that is not accessory to a retail use allowed in OCMC 17.35.020 or 17.35.030;
C. Self-service storage;
D. Distributing, wholesaling and warehousing not in association with a permitted use;
E. Single-family detached residential units, duplexes and townhouses;
F. Motor vehicle and recreational vehicle repair/service;
G. Motor vehicle and recreational vehicle sales and incidental service;
H. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment);
I. Marijuana production, processing, wholesaling, research, testing, and laboratories.

Finding: Complies The applicant does not anticipate any of the uses listed as prohibited in the WFDD. Compliance with use prohibitions will be made at the time of individual DDP applications.

17.35.050 - Temporary uses.
A. Temporary activities are short-term or seasonal nature and do not fundamentally change the site. Examples of temporary activities include: Movie and TV filming, construction and film staging, and general warehousing. Temporary activities are not considered primary or accessory uses and require a temporary use permit be obtained from the City. The City has a right to deny or condition any temporary use permit if it feels the proposal conflicts with the purpose of the district or to ensure that health and safety requirements are met. Temporary use permits are processed as a Type II land use action.
B. The following uses may be allowed in the district on a temporary basis, subject to permit approval:

1. Outdoor storage or warehousing not accessory to a use allowed in OCMC 17.35.020 or 17.35.030;
2. Movie and Television Filming. On-site filming and activities accessory to on-site filming that exceed two weeks on the site are allowed with a City temporary use permit. Activities accessory to on-site filming may be allowed on-site, and include administrative functions such as payroll and scheduling, and the use of campers, truck trailers, or catering/craft services. Accessory activities do not include otherwise long-term uses such as marketing, distribution, editing facilities, or other activities that require construction of new buildings or create new habitable space. Uses permitted in the district and not part of the temporary use permit shall meet the development standards of the district;

Finding: Complies At this time the applicant is not proposing any temporary uses as defined in OCMC 17.35.050. Individual applications for DDPs will be subject to a separate review of their proposed uses and will be subject to this code.

17.35.060 - Willamette Falls Downtown District dimensional standards.
A. Minimum lot area: None.
B. Minimum floor area ratio (as defined in OCMC 17.34.080): 1.0.

Finding: Complies OCMC 17.34.080(2)(a) is not applicable to the tumwata village Master Plan Amendment because the site is in the WFDD. All other text is applicable. The vision for the site includes a range of buildings and uses at different sizes and scales. At build out, the total site square footage will meet the 1:1 code requirement. Each individual building project within a DDP, on its own, may not achieve the minimum 1:1 FAR, or it may greatly exceed it. The applicant will keep a record of changes to the total anticipated FAR for the site with each DDP submittal, to track progress toward meeting the code requirement. A detailed methodology for determining how to calculate DDP compliance with the FAR is detailed in Appendix H. The applicant anticipates a condition of approval confirming the methodology and outlining monitoring and compliance.

C. Minimum building height: Two entire stories and twenty-five feet, except for:
1. Accessory structures or buildings under one thousand square feet; and
2. Buildings to serve open space or public assembly uses.

Finding: Complies. No specific buildings are proposed in this application. Future DDPs will need to show compliance with this standard.

D. Maximum building height: Eighty feet.

Finding: Complies. No buildings are proposed in this application. Future DDPs will show compliance with this standard.

E. Minimum required setbacks: None. Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.
F. Maximum allowed setbacks: Ten feet.

Finding : Complies as Conditioned Because tumwata village is almost entirely comprised of one large lot, the amount of “frontage” interior to the site may not be applicable. 17.62.055(D) supersedes 17.35.060.F to allow increased building setbacks. Per 17.62.055(C), in the event of a conflict of building front setbacks the design standard prevails. The applicant has proposed a

modification requiring a green setback along the historic Main Street alignment along the frontages of Block 5, 6, 7, and 8. The green setback will exceed 10 feet, and as noted in OCMC 17.35.060(E) maximum setback may be increased per OCMC17.62.055(D). There will be at least one building within tumwata village that is within 10 feet of the lot line, meeting this standard .The street system, as proposed and conditioned in the Master Plan, can be considered street frontage for the purpose of siting standards in OCMC 17.62 Site Plan and Design Review. Building setbacks are to be taken from the back of the sidewalk (or curb if no sidewalk) along private streets. Small revisions to the street system can be approved through the DDP process if they substantially comply with the Master Plan.To allow for a vegetated and landscaped corridor along Main Street, within Block 5, 6, 7 and 8, the front yard setback shall be measured from the edge of the enhanced buffer along Main Street, as shown on the Framework Plan. Increased setback allowances may still be applied per OCMC 17.62.055(D) in Detailed Development Plan applications.

G. Maximum site coverage: One hundred percent.
H. Minimum landscape requirement: None for buildings. Landscaping for parking areas required per OCMC 17.52.

Finding: Complies Landscaping for parking areas will be met at the time of the DDP submittal.

CONCLUSION AND DECISION:

Based on the analysis and findings as described above, Staff concludes that the proposed Master Plan located at 419 Main Street, 450 Main Street, 427 Main Street, Oregon City, OR 97045 , Clackamas County Tax Map 2-2E-31BD-00100, 200, 300, 500, 600, 390 can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, the Community Development Director recommends approval of Planning Files GLUA-24-00027: MAS-24-00002 based upon the findings and exhibits contained in this staff report.

EXHIBITS:

Exhibit 1 Applicant's Narrative
Exhibit 1 A. Drawing Set
Exhibit 1 B. Transportation Report
Exhibit 1 C. Utility Report
Exhibit 1 D. 10-Structure Study
Exhibit 1 E. Conditions of Approval Table
Exhibit 1 F. Fencing Standards
Exhibit 1 G. Material Palette
Exhibit 1 H. FAR Analysis
Exhibit 1 I. Flood Zone Analysis
Exhibit 1 J. Vision 2.0
Exhibit 1 L. Neighborhood Association Meeting Notes
Exhibit 1 M. DDP Drawing Set
Exhibit 1 N. DDP Street Sections
Exhibit 1 O. DDP Vicinity Map
Exhibit 2 January 15, 2025 Memo from Carrie Richter, Deputy City Attorney
Exhibit 3 Conditions of Approval Matrix– City Response
Exhibit 4 Plan Sheet 9 (Transportation Network) -Revised

Exhibit 5 Public Comment

a) Neelam Dorman, Planning Manager- ODOT Region 1
b) Chrissy Curran, Deputy SHPO Concurrence Letters, 2012 & 2025
c) Jim Nicita
    i) **January 13, 2025, Planning Commission Meeting**
    ii) Reference to Exhibit 6
d) July 11, 2024 Two Rivers Neighborhood Association Meeting Minutes

Exhibit 6 ORD 14-10016 Adopting CP 14-02

OREGON CITY

Community Development – Planning

695 Warner Parrott Road | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

TYPE III STAFF RECOMMENDATION
January 17, 2025

DETAILED DEVELOPMENT PLAN (DDP) STREET IMPROVEMENTS

FILE NUMBER: GLUA-24-00027: MAS-24-00010, NROD-24-00030, GEO-24-00006, WRG-24-00001

APPLICANT: Confederated Tribes of the Grand Ronde Community of Oregon
Kristen Svicarovich, P.E., Community Development Manager
9615 Grand Ronde Road
Grand Ronde OR 97317

OWNER: Confederated Tribes of the Grand Ronde Community of Oregon
c/o Stacia Hernandez
9615 Grand Ronde Road
Grand Ronde OR 97317

REQUEST: A Detailed Development Plan to build a private street network with public access onsite. No specific building projects are proposed in this application. The design implements MAS 24-00002.

LOCATION: 419 Main Street, 450 Main Street, 427 Main Street
2-2E-31BD-00100, 200, 300, 500, 600, 390

REVIEWER: Christina Robertson- Gardiner, Senior Planner
Sang Pau, Public Works Project Manager

Application Submitted: 10/23/2024
Application PAID: 11/04/2024
Application Incomplete: 11/27/2024
Application Complete: 12/09/2024
120-Day Decision Deadline: 04/08/2025

ZONING: Willamette Falls Downtown District, Mixed Use Downtown

DECISION: Approval with Conditions.

PROCESS: Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include conditional use permits. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet of the subject property. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission, all issues are addressed. The decision is final unless appealed and description of the requirements for perfecting an appeal. The decision of the planning commission is appealable to the city commission within fourteen days of the issuance of the final decision. The city

commission hearing on appeal is on the record and no new evidence shall be allowed. Only those persons or a city-recognized neighborhood association who have participated either orally or in writing have standing to appeal the decision of the planning commission. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. The city commission decision on appeal from the planning commission is the city's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

CHAPTER

CHAPTER 12.04 STREETS, SIDEWALKS, AND PUBLIC PLACES.....

CHAPTER 12.08 - PUBLIC AND STREET TREES .....

CHAPTER 13.12 STORMWATER MANAGEMENT .....

CHAPTER 15.48 - GRADING, FILLING AND EXCAVATING.....

CHAPTER 16.12 MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT

CHAPTER 17.34 MUD MIXED USE DOWNTOWN DISTRICT .....

CHAPTER 17.35 WILLAMETTE FALLS DOWNTOWN DISTRICT .....

CHAPTER 17.41 TREE PROTECTION, PRESERVATION, REMOVAL AND REPLANTING STANDARDS....

CHAPTER 17.42 - FLOOD MANAGEMENT OVERLAY DISTRICT .....

CHAPTER 17.44 - US—GEOLOGIC HAZARDS.....

CHAPTER 17.49 NATURAL RESOURCES OVERLAY DISTRICT .....

CHAPTER 17.50 ADMINISTRATION AND PROCEDURES .....

CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW.....

CHAPTER 17.65 MASTER PLANS AND PLANNED UNIT DEVELOPMENTS .....

CONDITIONS OF APPROVAL

Planning File GLUA-24-00027: MAS-24-00010, NROD-24-00030, GEO-24-00006,WRG-24-00001

(P) = Verify that condition of approval has been met with the Planning Division.
(DS) = Verify that condition of approval has been met with the Development Services Division.
(B) = Verify that condition of approval has been met with the Building Division.
(F) = Verify that condition of approval has been met with Clackamas Fire Department.

<u>The applicant shall fulfill the following conditions through design prior to receiving a permit and beginning construction.</u>

1. The development plans shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies prior to receiving a permit and beginning construction. (DS)

2. Facility or right-of-way improvements under jurisdiction of Oregon Department of Transportation (ODOT) shall be reviewed and approved by ODOT before issuance of construction permits. (DS)

3. The developer shall submit or address all items in section 16.12.014 of the Oregon City Municipal Code based on the timing requirements contained therein and as deemed applicable by the City. (DS)

4. All pedestrian crossings, existing and proposed, fronting the development, shall have curb ramps which comply with Americans with Disabilities Act (ADA) for each direction of travel. Approved curb ramp design(s) will need to be included on engineering plans following proper engineering technical standards prior to receiving a permit and beginning construction. (DS)

5. Any street furniture, appurtenances or landscaping which create potential obstructions shall be located outside of right-of-way or public roadways easements and shall follow OCMC 10.32. (DS)

6. The development shall coordinate with ODOT to satisfy the following GDP condition of approval:

   Project b: A channelized right turn lane or raised median at the Water Avenue/OR 99E intersection to prevent left turn movements into the development site and reinforce right-in, right-out access at that location.

7. All pedestrian crossings, existing and proposed, fronting the development, shall have curb ramps which comply with Americans with Disabilities Act (ADA) for each direction of travel. Approved curb ramp design(s) will need to be included on engineering plans following proper engineering technical standards prior to receiving a permit and beginning construction.(DS)

8. The property owner shall provide public access easements and a maintenance plan for streets proposed. (DS)

9. The proposed shared accessway shall be lighted to a minimum level of one-half-foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one. A photometric plan shall be provided. (DS)

10. All accessways intended for public use shall comply with ADA. (DS)

11. The applicant shall provide streetlights along public rights-of-way in conformance with all City standards, specifications, codes, and policies and as approved by Portland General Electric (PGE). The applicant shall submit a photometric plan for review and approval. (DS)

12. The development shall provide an Access and Water Supply Plan to Clackamas Fire District No. 1 for review. (DS)

13. The development shall perform the following water infrastructure improvements as part of this DDP:

    - Abandon the PRV near OR 99E & Main Street.
    - Abandon the existing hydrant at intersection of Water Street and OR 99E and associated hydrant main.
    - Install fire hydrants to comply with Clackamas Fire District #1.
    - Provide a minimum 15-foot-wide easement that allows the right for the city to access and maintain the existing public water main contained with the development property with the first DDP.

- Replace the public water main within the development property which is part of the existing looped water main system providing two sources of supply (from Main Street and from the east of the property). The size of the new public water main shall be as follows:
    - If required fire flows is limited to 3,500 gpm, the water main within Main Street shall be 12-inch in diameter.
    - If required fire flows is 5,000 gpm or more, the water main within Main Street shall be 14-inch in diameter.

14. fThe engineering plans shall provide a local benchmark, onsite, using the NAVD88 datum prior to receiving a permit and beginning construction. (DS)

15. New franchise utilities shall be placed underground and all existing overhead utilities adjacent to the property frontage shall be relocated underground unless deemed infeasible by the City and franchise utility provider. (DS)

16. The developer shall obtain a city-issued permits before the commencement of any filling or grading activities. This condition may be met when the City approves construction plans and geotechnical reports that include all construction activities associated with the proposed development. (DS)

17. A revised geotechnical report shall be submitted that reviews relevant publications from OCMC 17.44.050 and provides an opinion of site geologic stability, and incorporates the review findings and opinions into their conclusions regarding the effect of geologic conditions on the proposed development. This principally applies to the geologic hazard zone and buffer along proposed Water Street. (DS)

18. A revised geotechnical report shall be submitted that provides the information and recommendations required by Section 17.44.050.A.2 regarding local drainage or the impact of proposed activities on local drainage. (DS)

19. A revised geotechnical report shall be submitted that provides the information and recommendations required by OCMC Section 17.44.050.A.3, 17.44.050.A.4, 17.44.050.A.5, 17.44.050.A.8, 17.44.050.A.9, 17.44.050.B.1 and 17.44.050.B.2. (DS)

20. Costs associated with geologic hazard review of the land use application by the City's geotechnical engineer shall be paid by the developer. (DS)

21. Grading, drainage improvements or other land disturbances within mapped geologic hazard areas and buffers shall be restricted to between May 1 and October 31, unless extended by the City Engineer consistent with OCMC 17.44. The developer shall submit a work schedule which has been reviewed and approved by a licensed geotechnical engineer with regard to the viability of completing necessary project goals within the aforementioned time period. Erosion control measures and temporary protective fencing around all trees and vegetation designed for protection shall be installed prior to the commencement of grading or other soil disturbance. Erosion control measures shall be in conformance with OCMC Chapter 17.47. (DS)

22. The geotechnical engineer of record shall review final grading and drainage plans and specifications and confirm in writing that they are in conformance with the recommendations provided in their report. (DS)

23. The applicant's geotechnical engineer shall respond to written comments provided by the City's peer reviewer prior to issuance of building permits. (DS)

24. The placement of existing utilities underground within areas of geologic hazard shall be reviewed and approved by the City. (DS)

25. The developer's geotechnical consultant shall review the drainage design for the project so that it does not negatively impact the underlying drainageway cross section and certify that the design is consistent with the conclusions and recommendations stated in their geologic assessment and geotechnical report. The project's civil or geotechnical engineer shall inspect any stormwater management feature and must certify that the stormwater management feature was constructed per plan and with the recommendations of the geotechnical engineer. (DS)

26. Erosion and sediment control plans shall be submitted for review and approval by the City prior to issuance of an erosion and sediment control permit. (DS)

27. A City issued erosion and sediment control permit shall be obtained prior to commencement of any earth disturbing activities. (DS)

28. The applicant shall submit a request to the Community Development Department to receive approval for new street names. Street names shall be provided on the approved plans, and street signs shall be provided for review of the City prior to installation. (DS)

29. Street name signs and traffic control devices shall be in conformance with MUTCD. (DS)

30. A Performance Guarantee which is equal to 120% of the estimated cost for construction of public improvements as shown in City approved construction plans shall be provided prior to receiving a permit and beginning construction. The estimated costs shall be supported by a verified engineering estimate and approved by the City engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect until the construction of all required improvements are completed and accepted by the City. (DS)

31. The developer shall submit waiver of damages, indemnity and hold harmless agreement completed by all owners of property disturbed by the development prior to start of construction. (DS)

32. The development shall confirm that construction is not proposed within areas identified to contain hazardous materials as defined by the Department of Environmental Quality. (DS)

33. For construction proposed within the Floodplain Overlay Zone, the development shall provide cut and fill calculations to show proposed construction activities do not result in net fill. (DS)

34. Excavation and fill required for the construction of detention facilities or structures, shall be designed to reduce or mitigate flood impacts and improve water quality. (DS)

35. The development shall meet requirements of section 6.9 (Land with Suspected or Known Contamination) of the Public Works Stormwater and Grading Design Standards. (DS)

36. The development shall provide information to show that the conveyance system between the project site and the Willamette River has sufficient hydraulic capacity and erosion stabilization measures to convey discharges from the proposed conditions of the project site and the existing conditions from non-project areas from which runoff is collected. (DS)

37. The developer shall provide finalized engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer addressing all items from Section

9.3 & 9.4 of the Public Works Stormwater and Grading Design Standards prior to receiving a permit and beginning construction. (DS)

38. The developer shall obtain a 1200-C (NPDES) permit from Oregon Department of Environmental Quality (DEQ) for construction activities one acre or greater prior to receiving a permit and beginning construction. (DS)

39. The development shall obtain Department of State Lands (DSL) and/or US Army Corps of Engineers (USACE) permits as required. (DS)

40. If construction will occur within the banks of the Willamette River, the development shall obtain Oregon Department of Fish and Wildlife (ODFW) permits as required. (DS)

The applicant shall fulfill the following conditions during construction.

41. The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the City. In the case of work within ODOT rights-of-way, work shall be in conformance with their respective construction standards. (DS)

42. Pavement cuts or other improvements made in a City street shall be done in accordance with the City of Oregon City Public Works Pavement Cut Standards and restored in accordance with the City of Oregon City Public Works Pavement Cut Standards. (DS)

43. The developer's project engineer shall inspect construction of public improvements and stormwater management facilities at the cost of the applicant. (DS)

44. The applicant shall comply with permitted hours of construction as set forth by the City Engineer for any public improvements (in existing public right-of-way or easements or which will be dedicated in public right-of-way or easements) that will not follow OCMC 9.12.023.D as stated and written in the pre-construction meeting notes. (DS)

45. The development shall disconnect the stormwater system from the sanitary sewer system. (DS)

46. The developer shall retain the services of a licensed geotechnical engineer to conduct inspections prior to and during earthworks construction activities. The geotechnical engineer shall provide reports to confirm that standards from OCMC Section 17.44.100 are met. The geotechnical engineer of record shall observe all excavations and geologic conditions exposed during construction and document that the conditions are consistent with the conditions assumed in the geotechnical evaluation. If the conditions are different than assumed in the preliminary report, the effect of the new observations shall be evaluated and mitigation provided as required. Additional geologic hazards review may be required at the City's discretion. (DS)

47. The developer's geotechnical engineer shall certify, during construction, that structural fill used on the site meets the provided design specifications and is placed as designed. The certification shall be in writing and shall be signed and stamped by a licensed engineer in the State of Oregon. (DS)

The applicant shall fulfill the following conditions before closeout of permits and completion of the project.

48. The developer shall record an easement over the shared-use paths (or accessways) located within the development property which allows for its use by the public. The easement shall specifically require the property owner and future property owners to provide for the liability and maintenance of the accessway. All fees associated with processing and recording of the easement shall be paid. (DS)

49. The development shall provide a 15-foot-wide public water main easement for the public water main running through the development property. (DS)

50. The application has proposed private streets with access easements. The width of access easements shall contain the full width of the private street including the space between the back of the sidewalks proposed on either side of proposed private streets. (DS)

51. Existing sanitary sewer infrastructure within private property except an existing sanitary sewer manhole located at the northern most corner of the development property and associated downstream sewer main shall be private (to be owned and maintained by the property owner). The development shall provide a 20-foot-wide sanitary sewer easement for the sanitary sewer manhole located at the northern most corner of the development property and associated downstream sewer main. (DS)

52. Upon conclusion of construction, the geotechnical engineer shall provide a summary letter confirming that all structural fill was constructed in accordance with their design and the provisions of OCMC 17.44.060.E. The letter shall be signed and stamped by the geotechnical engineer licensed in the State of Oregon. (DS)

53. Maintenance Guarantee equal to fifteen percent of the estimated cost for construction of public improvements as shown in City approved construction plans shall be upon completion of construction. The estimated costs shall be supported by a verified engineering estimate approved by the City Engineer. The guarantee shall be in a form identified in Section 17.50.140.A of the Oregon City Municipal Code. The maintenance guarantee shall warrant to the City of Oregon City that construction of public improvements will remain, for a period of twenty-four (24) months from the date of acceptance, free from defects in materials and workmanship. (DS)

54. The property owner(s) shall sign a Restrictive Covenant Non-Remonstrance Agreement for the purpose of making water improvements in the future that benefit the property and all fees associated with processing and recording the Non-Remonstrance Agreement shall be paid prior to platting occupancy. (DS)

55. The property owner(s) shall execute an agreement providing maintenance of, and giving Oregon City access to, privately-owned stormwater management facilities and pay associated recording fees. The agreement shall include a site plan identifying all privately-owned stormwater management facilities and an operation and maintenance plan for each type of stormwater facility in accordance with the Public Works Stormwater and Grading Design Standards. The agreement shall run with the land and be applicable to subsequent property owners. (DS)

56. As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer within 90 days of completing improvements. (DS)

57. The applicant has proposed a street tree plan that exceeds the minimum spacing requirements of one street tree for every 35 feet of frontage. Prior to project final, the applicant must demonstrate that the as built tree planting plan complies with the minimum requirement of one street tree for every 35 feet of improved street frontage. The locations of the street trees may be adjusted based on the placement of streetlights, utility meters, and other factors. Alternatively, the applicant may opt to pay a fee in lieu of planting in accordance with OCMC 12.08, if site constraints or other issues prevent meeting the required total number of minimum tree plantings. (P)

58. McLoughlin Blvd/99E is an ODOT facility, and the applicant shall satisfy all ODOT construction requirements. All alterations within the State highway right of way are subject to ODOT standards. Alterations along the State highway but outside of the ODOT right of way may also be subject to ODOT review pending their potential impact on the safe operation of the State highway. (DS)

59. ODOT frontage, median, and intersection improvements shall be constructed as necessary to implement the planned cross section along the State highway consistent with ODOT Highway Design Manual, ODOT Traffic Manual, and Americans with Disabilities Act (ADA) standards. The Applicant shall continue to work with ODOT on the design and construction of improvements on OR 99E (McLoughlin Boulevard) in the Master Plan area. The general roadway cross-section assumes 4-lanes with a raised median at Water Avenue, minimum 12-foot travel lane and a 5-foot clear zone. A 10-foot minimum clear pedestrian walkway is also assumed in the Master Plan area. Final design of improvements on 99E in the Master Plan area, including the conditioned improvements, shall be determined through the permitting process as the Applicant moves to construct. The Applicant may provide all conditioned improvements on OR 99E ahead of the triggered scenarios listed in condition #20 and #21 (of CP 14-02). If the applicant does build all conditioned improvements ahead of the triggers identified in conditions #20 and #21 (of CP 14-02), no additional frontage improvements will be required unless the Master Plan site exceeds the conditioned trip cap of 700 peak hour trips. If condition #22 (of CP 14-02) is triggered, applicant will be required to provide funding for the safety audit. If condition #23 (of CP 14-02) is triggered, the Applicant will be required to provide additional safety measures when the site reaches the conditioned trip cap of 700 peak hour trips. (DS)

60. Right of way shall be donated or trade exchanged to ODOT as necessary to accommodate the planned cross section on the ODOT owned facility. The donation deed must be to the State of Oregon - Oregon Department of Transportation and shall be recorded with the County. The property owner must be the signatory for the deed and will be responsible for a certified environmental assessment of the site before the property is transferred to ODOT. The ODOT District Contact will assist in coordinating the transfer. ODOT should verify with the local jurisdiction that this requirement has been fulfilled prior to final permitting. All public frontage improvements on State owned facilities must be within State owned right of way. Donation of additional property to ODOT may be necessary to construct required improvements. (DS)

I. BACKGROUND:

1. Existing Conditions

The site is currently occupied by industrial buildings and infrastructure related to the closed Blue Heron Paper Mill. The built elements of the site include remnants of previous uses. A depiction and list of existing buildings.

Since the Blue Heron Paper Mill ceased operations in 2011, the site has sat vacant. No construction has taken place on the site based on the plan approved in 2014. Demolition of several derelict or dangerous structures has occurred, with permits from the city, including a building that was severely damaged by a fire in 2020. Maintenance of on-site structures effectively stopped in the early 1980s, according to Oregon City planning and engineering staff, and buildings have continued to deteriorate.

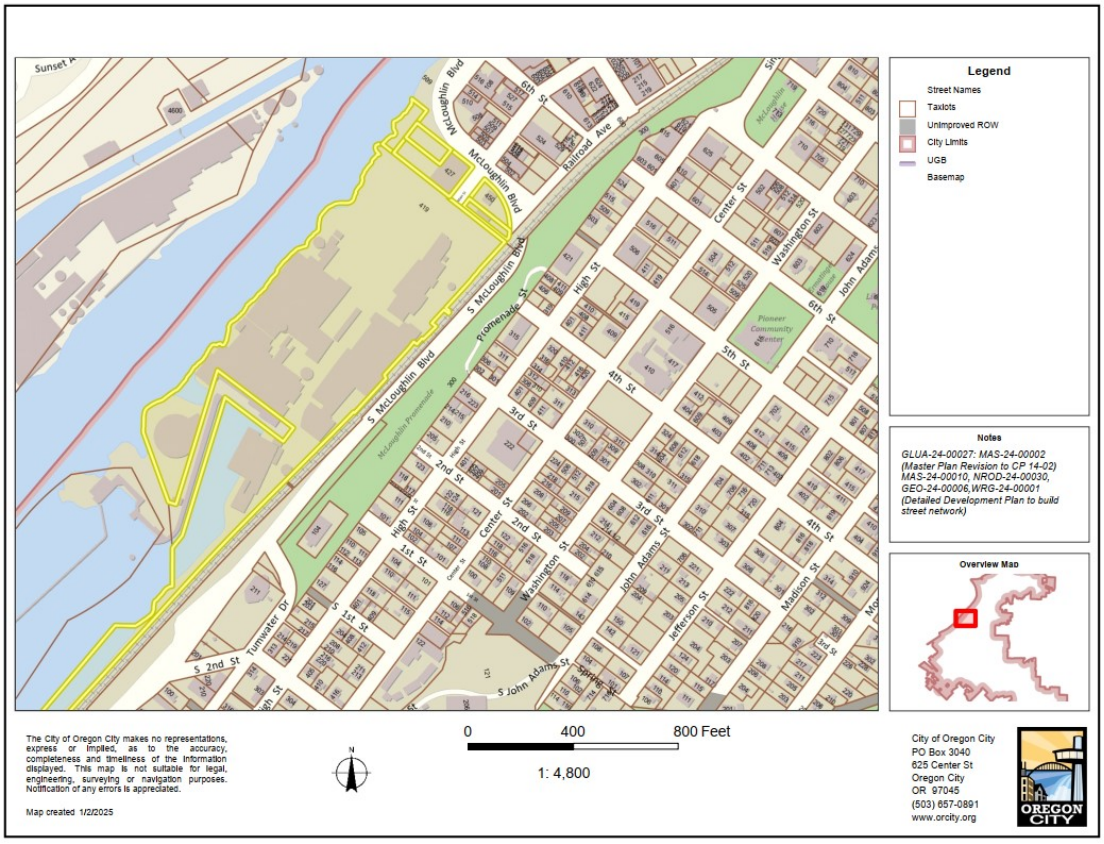


Figure 1. Vicinity Map

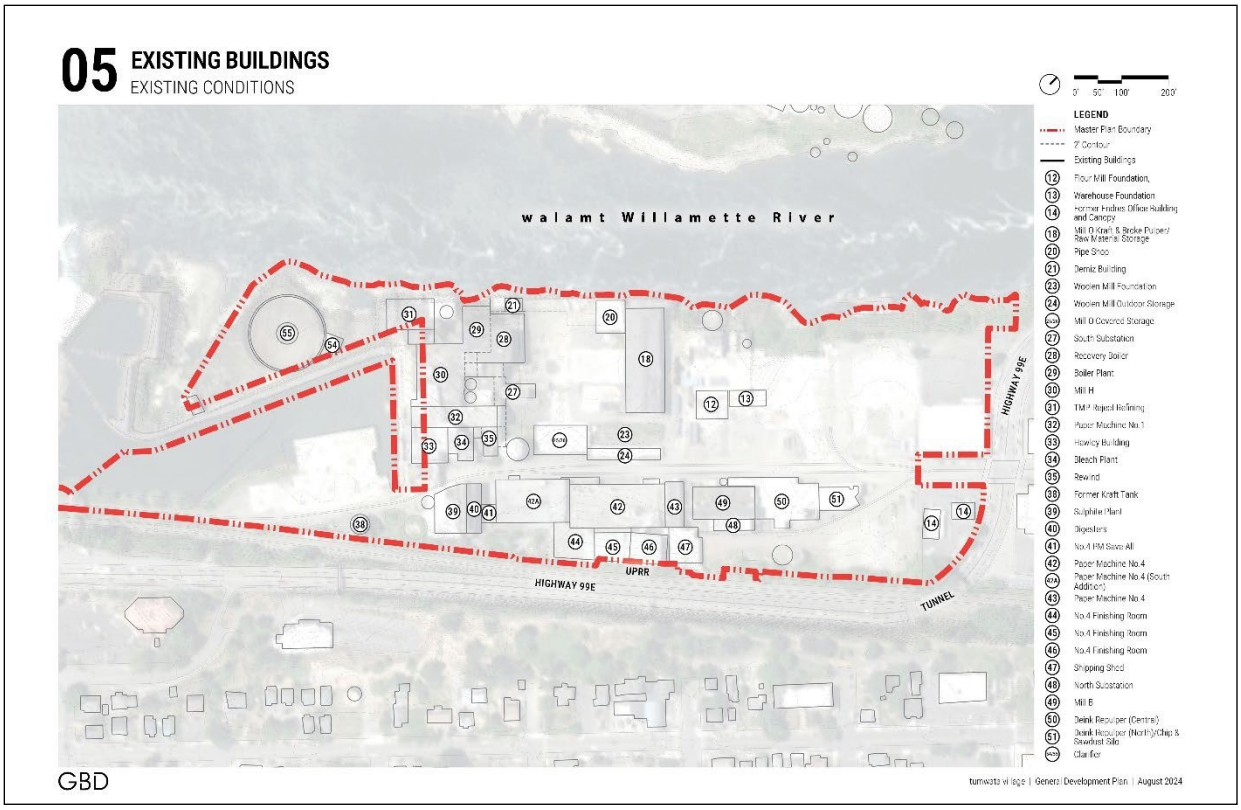


Figure 2: Existing Conditions – Aerial Image

2. Project Description

Proposed Development:

This detailed development plan proposal is for the construction of streets and infrastructure. Unusually for a detailed development application, no buildings or structures are proposed. Typically, development of streets would simply comply with city infrastructure standards and therefore be exempt from a DDP process. Because the streets in *tumwata village* will remain under private ownership and may deviate from city street standards, their development is subject to DDP review. Specifically, the DDP proposes street sections of Main Street, Water Ave, Railroad Ave, and 3rd and 4th Streets, and infrastructure for Block 1 improvements. The street segments are shown in the image below, with a heavy dashed black line. The private streets will have public access easements and utility easements. Unless modified in this application, private streets will follow public street design and construction standards.

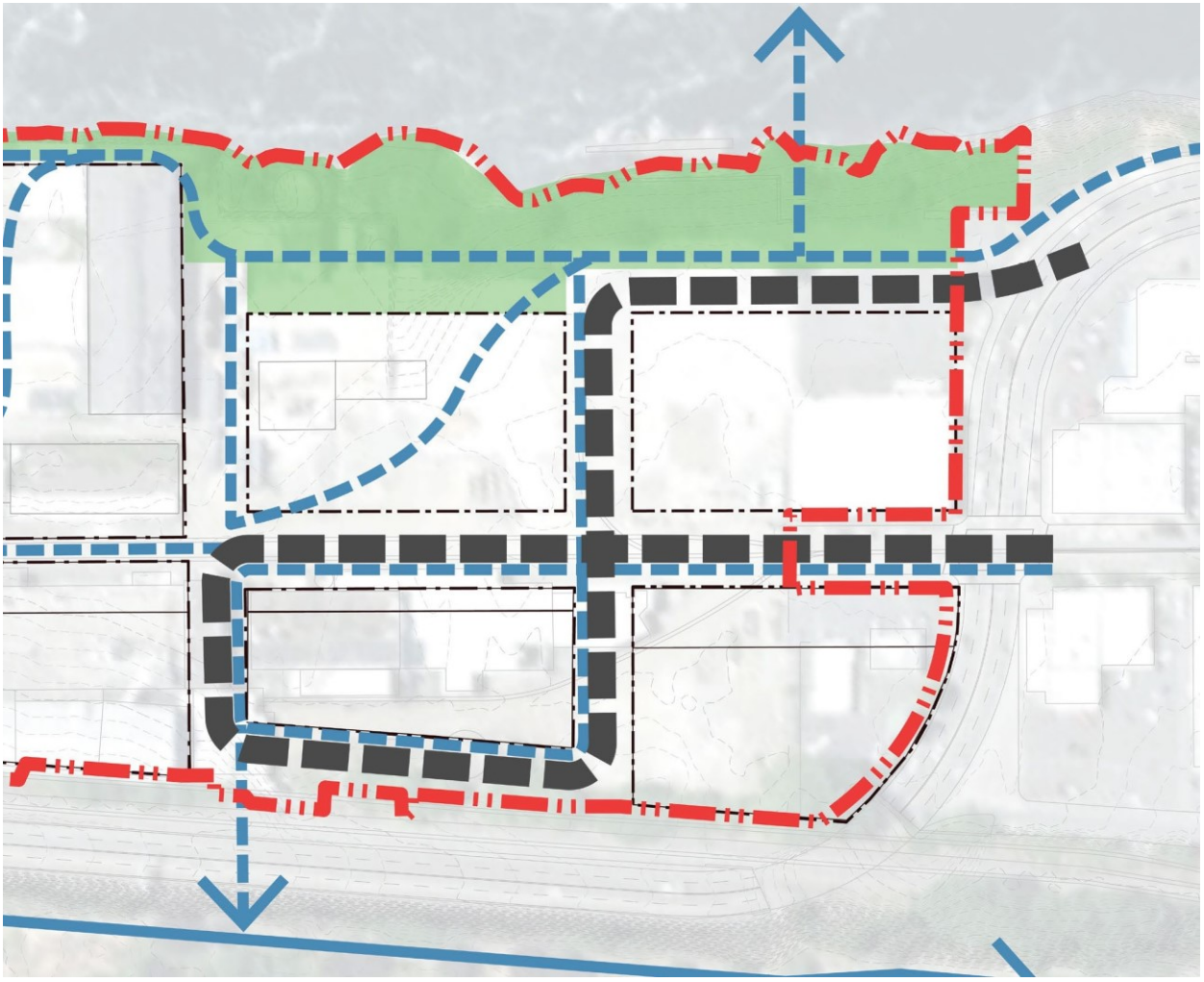
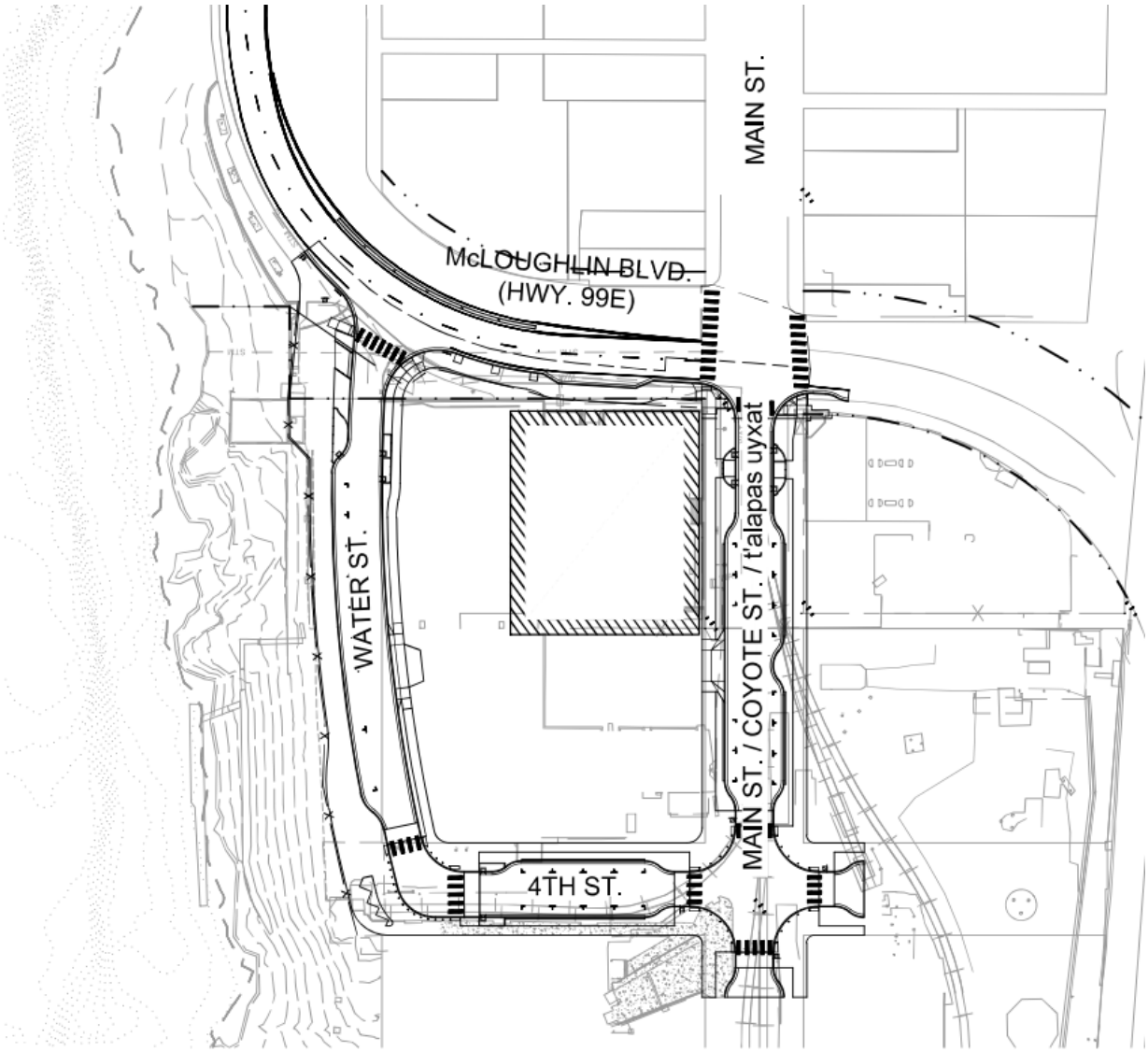


Figure 9. Street development (dashed black line)

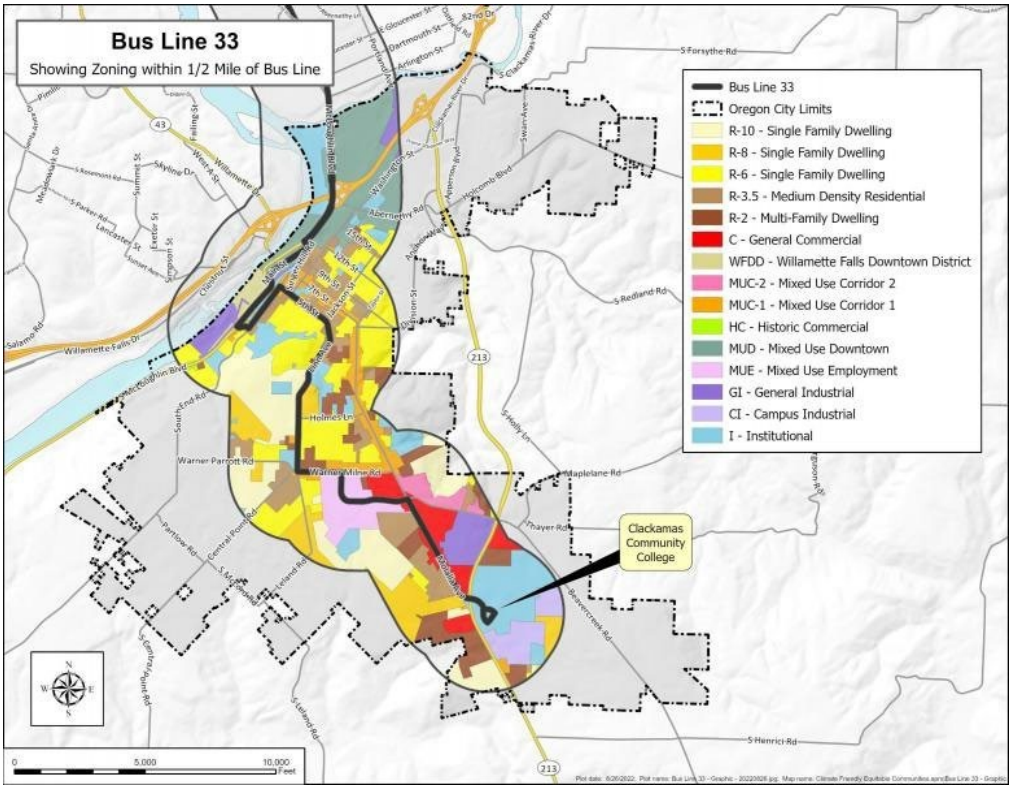


**Please note that street names are approved through the development/construction process and must meet City and EMS naming conventions. The final street names will be confirmed later in the development process. Approval of this Detailed Development Plan(DDP) does not automatically approve any existing or proposed street names.*

The GDP application contains an updated transportation trip generation analysis for the entire district to show concurrence with the original TPR analysis. This proposed DDP is for streets within *tumwata village*, which do not in themselves generate trips or create transportation impacts. These streets comply and implement the amended Master Plan Street Network.

Off-Street Parking and Loading (17.52)

Per Climate Friendly and Equitable Communities Rules (OAR 660-012-0440), Oregon City parking standards apply unless, at the time of development, the proposed project is located within ½ mile of frequent transit service or meet any of the other CFEC categories. As shown in the figure below, the entire master plan amendment area is within ½ mile of frequent transit service, therefore, minimum parking standards do not apply.



Other provisions of this chapter, including Bicycle Parking Standards, Loading Areas, and Parking Lot Landscaping do not apply to the proposed development, the proposed development does not include any parking lots or buildings, just streets.

Minimum Public Improvements and Design Standards for Development (16.12)

The DDP will meet minimum public improvement and design standards for Development unless otherwise modified

Building out these streets will be a catalyst for future development of the site. The first phase of anticipated development at the site will be the construction of new streets and utilities to serve Block 1. CTGR recently secured $2 million in Federal appropriations for this development. This DDP application also addresses the other streets in *tumwata village*, outside of those adjacent to Block 1, because they will follow the same pattern, and because their dimensions vary slightly from the city's engineering standards for local streets. As such, the DDP contains a modification request from these local street standards.

Proposed street development is within the NROD, Willamette River Greenway, the Geologic Hazard Overlay, and the Flood Management Overlay District.

3. **Permits and Approvals:** The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department at Oregon City including but not limited to the Engineering and Building Divisions.

4. **Public Comment**
   Public comments submitted include (Exhibit 5):

   Jim Nicita
   Mr. Nicita provided comments questioning the correct venue for the Master Plan amendment, arguing that it should be processed as a Type IV Legislative process. He identified additional policy considerations that the City Commission should use in their analysis. Staff requested guidance from Assistant City Attorney Carrie Richter on this matter. The memo can be found in Exhibit 2 of the Staff Report.

   Neelam Dorman, Planning Manager- ODOT Region 1
   A portion of the site's McLoughlin Blvd/99E frontage is located within ODOT Jurisdiction, and the applicant will be required to obtain all needed permits for those improvements from ODOT. ODOT has provided the required improvements in its January 15, 2025 letter, which has been incorporated as a condition of approval in the DDP application. ODOT also provided comments related to small corrections to the Master Plan conditions that relate to the previous CP 14-02 transportation improvements, which are being carried over for this review. As one of the projects has been completed (tunnel lighting and signage), it is being removed from the revised conditions for clarity.

   Chrissy Curran, Deputy SHPO Concurrence Letters, 2012 & 2025
   The city requested a letter providing an updated determination of eligibility (DOE) based on the applicant's submission of Intensive level surveys for all the buildings previously identified as potentially eligible in 2012. The updated 2005 determination letter concurred that the Woolen Mill Foundation and Flour Mill Foundations/No. 2 Paper Machine Site are individually eligible for listing on the National Register. SHPO also finds that the Hawley Building and Horton Sphere are also individually eligible. Both the 2012 and 2025 letters can be found in Exhibit 5b.

   None of the structures are locally designated under the OCMC 17.40 Historic Overlay District, nor did the previous CP 14-02 condition of approval require rehabilitation or adaptive reuse of the buildings identified for retention. The condition was placed on a

number of buildings and structures that appeared to have the highest reuse potential, and retention was desired until a final owner was determined for the site. The Planning Commission can look at several factors in determining if the previous condition requiring a Type III review of the application of certain buildings should be revised with this application. These letters should be seen as background information to aid the Planning Commission in its deliberations.

Two Rivers Neighborhood Association July 11. 2024 Meeting Minutes
The application submitted the NA minutes into the record, indicating a vote of support for the application.

None of the comments provided indicate that an approval criterion has not been met or cannot be met through the Conditions of Approval attached to this Staff Report.

None of the comments provided indicate that an approval criterion has not been met or cannot be met through the Conditions of Approval attached to this Staff Report.

II. ANALYSIS AND FINDINGS:

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

CHAPTER 17.65 – MASTER PLANS AND PLANNED UNIT DEVELOPMENT

C. Detailed Development Plan. An application for a detailed development plan, is processed through a Type II procedure, as long as it is in conformance with the approved general development plan. Amendments to an approved detailed development plan shall be processed pursuant to OCMC 17.65.080. Once a development has an approved detailed development plan, OCMC 17.62 Site Plan and Design Review is not required.

Finding:

D. Concurrent Review. An applicant may concurrently apply for a general development plan and a detailed development plan. Such a concurrent application is reviewed through the highest procedure that applies to any element of the combined application.

Finding: Complies as proposed. The applicant has concurrently applied for a general development plan and a detailed development plan. For more details regarding public services and facilities required for this DDP, please see findings from 16.12.095.

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.
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 contained in Chapters 17.62, 17.52, 16.12, and 16.08 unless adjusted as provided in OCMC 17.65.070

Finding: Complies- The applicant has submitted adequate information to review the proposed for adequacy.

CHAPTER 12.04 – STREETS SIDEWALKS AND PUBLIC SPACES

12.04.005 - Jurisdiction and management of the public rights-of-way.
A. The City has jurisdiction and exercises regulatory management over all public rights-of-way within the City under authority of the City Charter and state law by issuing separate public works right-of-way permits or permits as part of issued public infrastructure construction plans. No work in the public right-of-way shall be done without the proper permit. Some public rights-of-way within the City are regulated by the State of Oregon Department of Transportation (ODOT) or Clackamas County and as such, any work in these streets shall conform to their respective permitting requirements.
B. Public rights-of-way include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including the subsurface under and air space over these areas.
C. The City has jurisdiction and exercises regulatory management over each public right-of-way whether the City has a fee, easement, or other legal interest in the right-of-way. The City has jurisdiction and regulatory management of each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.
D. No person may occupy or encroach on a public right-of-way without the permission of the City. The City grants permission to use rights-of-way by franchises, licenses and permits.
E. The exercise of jurisdiction and regulatory management of a public right-of-way by the City is not official acceptance of the right-of-way, and does not obligate the City to maintain or repair any part of the right-of-way.

Finding: Applicable. The City of Oregon City has jurisdiction over portions of Main Street and the existing alley right-of-way from Main Street to Railroad Avenue. The City will support the vacation of Main Street and said alley. 4th Street and Water Street were previously vacated and are not intended to be rededicated as public right-of-way.

Furthermore, the previous masterplan (CP 14-02) provided the following options regarding streets to serve the development areas. "Right of Way dedication shall be governed by the street and utility phasing plan which shall be submitted at the time of the first development application of more than 1,000 square feet of new habitable space. The Public Works Director may approve an alternate proposal of private streets governed by a full public access easement if the design and maintenance plan meets or exceeds the intent of the Master Plan."
The applicant has chosen to provide private streets with full public access easements.

12.04.025 - Driveways.
Driveways shall be reviewed in accordance with OCMC 16.12.035. Driveway requirements may be modified through the procedures in OCMC 16.12.013.

Finding: Applicable. See 16.12.035 for more information.

12.04.030 - Maintenance and repair.

The owner of land abutting the street where a sidewalk has been constructed shall be responsible for maintaining said sidewalk and abutting curb, if any, in good repair.

Finding: Complies as proposed. Existing sidewalk of the street abutting the development property do not appear to be in disrepair and the City has not found the need to make repairs at the at the time of application. The applicant proposes to make sidewalk improvements along street frontages which will improve the condition of existing sidewalks.

12.04.031 - Liability for sidewalk injuries.
A. The owner or occupant of real property responsible for maintaining the adjacent sidewalk shall be liable to any person injured because of negligence of such owner or occupant in failing to maintain the sidewalk in good condition.
B. If the City is required to pay damages for an injury to persons or property caused by the failure of an owner or occupant to perform the duty that this chapter imposes, the owner or occupant shall compensate the City for the amount of the damages paid. The City may maintain an action in a court of competent jurisdiction to enforce this section.

Finding: Not applicable. Existing sidewalk of the street abutting the development property do not appear to be in disrepair and the City has not found the need to make repairs at the at the time of application. The applicant proposes to make sidewalk improvements along street frontages which will improve the condition of existing sidewalks.

12.04.032 - Required sidewalk repair.
A. When the public works director determines that repair of a sidewalk is necessary, written notice shall be provided to the owner of property adjacent to the defective sidewalk.
B. The notice shall require the owner of the property adjacent to the defective sidewalk to complete the repair of the sidewalk within ninety days after the service of notice. The notice shall also state that if the repair is not made by the owner, the City may do the work and the cost of the work shall be assessed against the property adjacent to the sidewalk.
1. All sidewalks hereafter constructed in the City on improved streets shall be constructed to city standards and widths required in the Oregon City Transportation System Plan and OCMC 16.12. Sidewalks and curbs are to be constructed according to plans and specifications approved by the City Engineer.
2. Sidewalks constructed on unimproved streets shall be constructed of concrete according to lines and grades approved by the City Engineer. On unimproved streets, curbs do not have to be constructed.
C. The public works director shall cause a copy of the notice to be served personally upon the owner of the property adjacent to the defective sidewalk, or the notice may be served by registered or certified mail, return receipt requested. If after diligent search the owner is not discovered, the public works director shall cause a copy of the notice to be posted in a conspicuous place on the property, and such posting shall have the same effect as service of notice by mail or by personal service upon the owner of the property.
D. The person serving the notice shall file with the City Recorder a statement stating the time, place and manner of service or notice.

Finding: Not applicable. Existing sidewalk of the street abutting the development property do not appear to be in disrepair and the City has not found the need to make repairs at the at the time of

application. The applicant proposes to make sidewalk improvements along street frontages which will improve the condition of existing sidewalks.

12.04.050 - Retaining walls—Required.
Every owner of a lot within the City, abutting upon an improved street, where the surface of the lot or tract of land is above the surface of the improved street and where the soil or earth from the lot, or tract of land is liable to, or does slide or fall into the street or upon the sidewalk, or both, shall build a retaining wall, the outer side of which shall be on the line separating the lot, or tract of land from the improved street, and the wall shall be so constructed as to prevent the soil or earth from the lot or tract of land from falling or sliding into the street or upon the sidewalk, or both, and the owner of any such property shall keep the wall in good repair.

Finding: Not Applicable. No retaining walls exist or are proposed on this project adjacent to the public sidewalk.

12.04.100 - Excavations—Restoration of pavement.
Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the City for any purpose whatsoever under the permit granted by the City Engineer, it shall be the duty of the person making the excavation to restore the pavement in accordance with the City of Oregon City Public Works Pavement Cut Standard in effect at the time a right-of-way permit is granted. The City Commission may adopt and modify the City of Oregon City Public Works Pavement Cut Standards by resolution as necessary to implement the requirements of this chapter.

Finding: Complies with Condition. This condition only applies to the remaining portion of right-of-way of Main Street. Any work within 99E/McLoughlin Boulevard will be conditioned and permitted by ODOT. All other streets such as the remaining portion of Main Street and Water and 4th Street will remain private in nature and do not exist today; therefore, pavement cuts do not apply to streets which currently do not exist or not within City jurisdiction. Pavement cuts may be needed within a public street due to proposed utility service installations and required frontage improvements. Pavement cuts or other improvements made in a City street shall be done in accordance with the City of Oregon City Public Works Pavement Cut Standards and restored in accordance with the City of Oregon City Public Works Pavement Cut Standards. (Also written in 16.12.029) **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.120 - Obstructions—Permit required.
A. Permanent Obstructions. It is unlawful for any person to place, put or maintain any obstruction, other than a temporary obstruction, as defined in subsection B of this section, in any public street or alley in the City, without obtaining approval for a right-of-way permit from the City Commission by passage of a resolution.
1. The City Engineer shall provide applicants with an application form outlining the minimum submittal requirements.
2. The applicant shall submit at least the following information in the permitting process in order to allow the City Commission to adequately consider whether to allow the placement of an obstruction and whether any conditions may be attached:
a. Site plan showing right-of-way, utilities, driveways as directed by staff;
b. Sight distance per OCMC 10.32, Traffic Sight Obstructions;

c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);
d. Alternative routes if necessary;
e. Minimizing obstruction area; and
f. Hold harmless/maintenance agreement.
3. If the City Commission adopts a resolution allowing the placement of a permanent obstruction in the right-of-way, the City Engineer shall issue a right-of-way permit with any conditions deemed necessary by the City Commission.
4. Signage that acts as an obstruction is approved through OCMC 15.28.
B. Temporary Obstructions.
1. A "temporary obstruction" is defined as an object placed in a public street, sidewalk, road, or alley which is not permanently anchored to another surface such as the pavement, sidewalk, or a building. A "temporary obstruction" includes, but is not limited to, moving containers, debris dumpsters, and seating.
a. Planters and benches are exempt from permitting unless the City Engineer finds by inspection that the planter or bench is impeding use of the right-of-way. If deemed an impeding use, a planter or bench will comply with the requirements for temporary obstructions.
2. The City Engineer, or designee, is authorized to grant a permit for a temporary obstruction.
3. The City Engineer shall provide applicants with an application form outlining the minimum submittal requirements.
4. The applicant shall submit, and the City Engineer, or designee, shall consider, at least the following items in the permitting process. Additional information may be required in the discretion of the City Engineer:
a. Site plan showing right-of-way, utilities, driveways as directed by staff;
b. Sight distance per OCMC 10.32, Traffic Sight Obstructions;
c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);
d. Handicap accessible route complying with Americans with Disability Act (ADA) standards;
e. Alternative routes if necessary;
f. Minimizing obstruction area; and
g. Hold harmless/maintenance agreement.
5. In determining whether to issue a right-of-way permit to allow a temporary obstruction, the City Engineer may issue such a permit only after finding that the following criteria have been satisfied:
a. The obstruction will not unreasonably impair the safety of people using the right-of-way and nearby residents;
b. The obstruction will not unreasonably hinder the efficiency of traffic affected by the obstruction;
c. No alternative locations are available that would not require use of the public right-of-way; and
d. Any other factor that the City Engineer deems relevant.
6. The permittee shall post a weatherproof copy of the temporary obstruction permit in plain view from the right-of-way.
7. Types
a. A short-term temporary obstruction is allowed for a period of not more than sixty consecutive calendar days. It is permitted with a temporary obstruction in the right-of-way permit.
b. A long-term temporary obstruction is allowed for a period of not more than one year, and it is permitted with a renewable right-of-way permit.
8. Signage that acts as an obstruction is approved through OCMC 15.28
C. Fees. The fee for obtaining a right-of-way permit for either a permanent obstruction or a temporary obstruction shall be set by resolution of the City Commission.

Finding: Complies with condition. Obstructions within the right of way is likely to occur during construction but separate obstruction permits will not be required or issued. All construction activities will be permitted through approval of an overall construction permit required for the project. Additionally, any street furniture, appurtenances or landscaping which create potential obstructions shall be located outside of right-of-way or public roadways easements and shall follow OCMC 10.32. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.150 - Street and alley vacations—Cost.
At the time of filing a petition for vacation of a street, alley, or any part thereof, a fee as established by City Commission resolution shall be paid to the City. The City Commission, upon hearing such petition, may grant the same in whole or in part, or may deny the same in whole or in part, or may grant the same with such reservations as would appear to be for the public interest, including reservations pertaining to the maintenance and use of underground public utilities in the portion vacated.

Finding: Not Applicable. No vacations are proposed as part of this application; however, if the applicant chooses to request the vacation of the remaining portion of Main Street, this section of code will apply. The City of Oregon City has jurisdiction over portions of Main Street and the existing alley right-of-way from Main Street to Railroad Avenue. The City will support the vacation of Main Street and said alley. 4th Street and Water Street were previously vacated and are not intended to be rededicated as public right-of-way.

12.04.170 - Street design—Purpose and general provisions.
All development shall be in conformance with the City's public facility master plans, public works policies, standard drawings, and engineering specifications. All streets shall be reviewed and approved by the City Engineer prior to construction. All streets and driveway connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat or site planning and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

Finding: Complies with condition. See findings from chapter 16.12 of this report.

12.04.270 - Standard construction specifications.
The workmanship and materials for any work performed under permits issued per this chapter shall be in accordance with the current edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the City in accordance with this ordinance, in effect at the time of application. The exception to this requirement is where this chapter and the public works street standard drawings provide other design details, in which case the requirements of this chapter and the public works street standard drawings shall control. In the case of work within ODOT or Clackamas County rights-of-way, work shall be in conformance with their respective construction standards.

Finding: Complies with Condition. The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the edition of the "Oregon

Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the City. In the case of work within ODOT rights-of-way, work shall be in conformance with their respective construction standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 13.12 – STORMWATER MANAGEMENT

13.12.050 - Applicability and exemptions.
This chapter establishes performance standards for stormwater conveyance, quantity and quality. Additional performance standards for erosion prevention and sediment control are established in OCMC 17.47.
A. Stormwater Conveyance. The stormwater conveyance requirements of this chapter shall apply to all stormwater systems constructed with any development activity, except as follows:
1. The conveyance facilities are located entirely on one privately owned parcel;
2. The conveyance facilities are privately maintained; and
3. The conveyance facilities receive no stormwater runoff from outside the parcel's property limits. Those facilities exempted from the stormwater conveyance requirements by the above subsection will remain subject to the requirements of the Oregon Uniform Plumbing Code. Those exempted facilities shall be reviewed by the building official.

Finding: Not Applicable. The conveyance facilities proposed are located entirely on one privately owned parcel, are privately maintained and receive no stormwater runoff from any City right-of-way or properties outside the parcel's property limits. The applicant will need to work with ODOT to determine how to best handle any pass-through drainage of S. McLoughlin Blvd.

B. Water Quality and Flow Control. The water quality and flow control requirements of this chapter shall apply to the following proposed uses or developments, unless exempted under subsection C:
1. Activities located wholly or partially within water quality resource areas pursuant to OCMC 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the NROD or will disturb more than one thousand square feet of existing impervious surface within the NROD as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given five-year period; or
2. Activities that create or replace more than five thousand square feet of impervious surface, cumulated over any given five-year period.

Finding: Applicable. The proposed development will create or replace more than 5000 sf of impervious area, will create more than 500 sf of new impervious area in the NROD, or will disturb more than 1000 sf of existing impervious surface within the NROD.

C. Exemptions. The following exemptions to subsection B of this section apply:
1. An exemption to the flow control requirements of this chapter will be granted when the development site discharges to the Willamette River, Clackamas River or Abernethy Creek; and either lies within the one hundred-year floodplain or is up to ten feet above the design flood elevation as defined in OCMC 17.42, provided that the following conditions are met:

a. The project site is drained by a conveyance system that is comprised entirely of man-made elements (e.g. pipes, ditches, culverts outfalls, outfall protection, etc.) and extends to the ordinary high water line of the exempt receiving water; and
b. The conveyance system between the project site and the exempt receiving water has sufficient hydraulic capacity and erosion stabilization measures to convey discharges from the proposed conditions of the project site and the existing conditions from non-project areas from which runoff is collected.
2. Projects in the following categories are generally exempt from the water quality and flow control requirements:
a. Stream enhancement or restoration projects approved by the city.
b. Farming practices as defined by ORS 30.960 and farm use as defined in ORS 214.000; except that buildings associated with farm practices and farm use are subject to the requirements of this chapter.
c. Actions by a public utility or any other governmental agency to remove or alleviate an emergency condition.
d. Road and parking area preservation/maintenance projects such as pothole and square cut patching, surface sealing, replacing or overlaying of existing asphalt or concrete pavement, provided the preservation/maintenance activity does not expand the existing area of impervious coverage above the thresholds in subsection B of this section.
e. Pedestrian and bicycle improvements (sidewalks, trails, pathways, and bicycle paths/lands) where no other impervious surfaces are created or replaced, built to direct stormwater runoff to adjacent vegetated areas.
f. Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics.
g. Maintenance or repair of existing utilities.

Finding: Complies with condition. The development asserts that they are exempt from flow control requirements per section C.1.a because the development site discharges directly to the Willamette River. However, the application did not provide enough evidence to support that it has met requirements of C.1.b.
The development shall provide information to show that the conveyance system between the project site and Willamette River has sufficient hydraulic capacity and erosion stabilization measures to convey discharges from the proposed conditions of the project site and the existing conditions from non-project areas from which runoff is collected. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

D. Uses Requiring Additional Management Practices. In addition to any other applicable requirements of this chapter, the following uses are subject to additional management practices, as defined in the public works stormwater and grading design standards:
1. Bulk petroleum storage facilities;
2. Above ground storage of liquid materials;
3. Solid waste storage areas, containers, and trash compactors for commercial, industrial, or multi-family uses;
4. Exterior storage of bulk construction materials;
5. Material transfer areas and loading docks;
6. Equipment and/or vehicle washing facilities;
7. Development on land with suspected or known contamination;

8. Covered vehicle parking for commercial or industrial uses;
9. Industrial or commercial uses locating in high traffic areas, defined as average daily count trip of two thousand five hundred or more trips per day; and
10. Land uses subject to DEQ 1200-Z Industrial Stormwater Permit Requirements.

Finding: Complies with conditioned. The development proposed property meets the following
7. Development on land with suspected or known contamination;
8. Covered vehicle parking for commercial or industrial uses;
The development is on land suspected or known to have contamination. Covered vehicle parking is not proposed for commercial or industrial uses.
The development shall meet requirements of section 6.9 (Land with Suspected or Known Contamination) of the Public Works Stormwater and Grading Design Standards**. Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.080 - Submittal requirements.
A. Applications subject to stormwater conveyance, water quality, and/or flow control requirements of this chapter shall prepare engineered drainage plans, drainage reports, and design flow calculation reports in compliance with the submittal requirements of the public works stormwater and grading design standards.
B. Each project site, which may be composed of one or more contiguous parcels of land, shall have a separate valid City approved plan and report before proceeding with construction.

Finding: Complies with condition. See findings from section 13.12.090 of this report.

13.12.090 - Approval criteria for engineered drainage plans and drainage report.
An engineered drainage plan and/or drainage report shall be approved only upon making the following findings:
A. The plan and report demonstrate how the proposed development and stormwater facilities will accomplish the purpose statements of this chapter.
B. The plan and report meet the requirements of the public works stormwater and grading design standards adopted by resolution under OCMC 13.12.020.
C. The storm drainage design within the proposed development includes provisions to adequately control runoff from all public and private streets and roof, footing, and area drains and ensures future extension of the current drainage system.
D. Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams.
E. Specific operation and maintenance measures are proposed that ensure that the proposed stormwater quantity control facilities will be properly operated and maintained.

Finding: Complies with Condition. The applicant provided a preliminary stormwater drainage plan and report. The developer shall provide finalized engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer addressing all items from Section 9.3 & 9.4 of the Public Works Stormwater and Grading Design Standards prior to receiving a permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.100 - Alternative materials, alternative design and methods of construction.

The provisions of this chapter are not intended to prevent the use of any material, alternate design or method of construction not specifically prescribed by this chapter or the public works stormwater and grading design standards, provided any alternate has been approved and its use authorized by the City Engineer. The City Engineer may approve any such alternate, provided that the City Engineer finds that the proposed design is satisfactory and complies with the intent of this chapter and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed by this chapter in effectiveness, suitability, strength, durability and safety. The City Engineer shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered in the City files.

Finding: Not Applicable. The applicant has not proposed alternative design methods requiring special approval by the City Engineer. However, should the applicant propose such methods with the public facilities construction plan submittal, the proposal will be reviewed and approved by the City Engineer as required.

13.12.110 - Transfer of engineering responsibility.
Project drainage plans shall always have a project engineer. If the project engineer is changed during the course of the work, the City shall be notified in writing and the work shall be stopped until the replacement engineer has agreed to accept the responsibilities of the project engineer. The new project engineer shall provide written notice of accepting project responsibility to the City within seventy-two hours of accepting the position as project engineer.

Finding: See section 16.12.014 regarding requirement to execute a "Developer/Engineer Agreement for Public Works Improvements"

13.12.120 - Standard construction specifications.
The workmanship and materials shall be in accordance with the current edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the City, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Stormwater and Grading Design Standards provide other design details, in which case the requirements of this chapter and the Public Works Stormwater and Grading Design Standards shall be complied with.

Finding: Complies with Condition. The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city. (Also written in the findings of section 12.04.270) **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.140 - Maintenance of public stormwater facilities.
A. A stormwater facility that receives stormwater runoff from a public right-of-way shall be a public facility. Upon expiration of the warranty period and acceptance by the City as described below, the City shall be responsible for maintenance of those public stormwater facilities. Access for

maintenance of the stormwater facilities shall be provided to the City through the granting of a stormwater easement or other means acceptable to the City.

Finding: Not applicable. All stormwater facilities proposed are private. No public facilities are proposed.

B. Responsibility for maintenance of stormwater facilities including all landscaping, irrigation systems, structures and appurtenances shall remain with the property owner/developer for two years (known as the warranty period). The owner/developer shall provide the City a separate two-year landscaping maintenance surety bond for one hundred ten percent of the landscaping cost. Transfer of maintenance of stormwater conveyance systems shall occur when the City accepts the stormwater conveyance system.

Finding: Not applicable. All stormwater facilities proposed are private. No public facilities are proposed.

13.12.145 - Maintenance of private stormwater facilities.
A. An applicant shall submit an operation and maintenance plan for each proposed stormwater facilities, unless exempted in the Public Works Stormwater and Grading Design Standards. The information in the operation and maintenance plan shall satisfy the requirements of the Public Works Stormwater and Grading Design Standards.
B. Private owners are required to inspect and maintain stormwater facilities on their property in accordance with an approved operation and maintenance plan. A maintenance log is required to document facility inspections and specific maintenance activities. The log shall be available to City inspection staff upon request.
C. Failure to operate or maintain a stormwater facility according to the operation and maintenance plan may result in an enforcement action under Section 13.12.150.

Finding: Complies with Condition. Private stormwater facilities are proposed.
The property owner(s) shall execute an agreement providing maintenance of, and giving Oregon City access to, privately-owned stormwater management facilities and pay associated recording fees. The agreement shall include a site plan identifying all privately-owned stormwater management facilities and an operation and maintenance plan for each type of stormwater facility in accordance with the Public Works Stormwater and Grading Design Standards. The agreement shall run with the land and be applicable to subsequent property owners. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.170 - Permits from other jurisdictions.
A. The Oregon State Department of Environmental Quality (DEQ) currently issues NPDES 1200-C permits for projects that cover areas of one acre or greater. No permit shall be issued for projects of this size (or any other size as modified by DEQ) without a copy of said DEQ permit being on file with Oregon City. DEQ is responsible for policing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate DEQ representatives.

Finding: Complies with Condition. The development exceeds 1.0 acre in disturbed area. The developer shall obtain a 1200-C (NPDES) permit from Oregon Department of Environmental Quality

(DEQ) for construction activities one acre or greater prior to receiving a permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

B. Projects may require Oregon State Division of State Lands (DSL) and/or United States Army Corps of Engineers (USACE) permits. If such permits are required, no permission to construct will be granted until such a time as a copy of such permit is on file with the City or notice is received from those agencies that a permit is not required. DSL/USACE is responsible for enforcing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate DSL/USACE representatives.

Finding: Complies with condition. Proposed development is adjacent to the Willamette River and may require DSL and/or USACE permits. The development shall obtain (DSL) and/or(USACE) permits as required. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. Projects may require Oregon State Department of Fish and Wildlife (ODFW) permits. When ODFW permits are required, no work will be authorized until the receipt of a copy of the ODFW permit. ODFW is responsible for policing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate ODFW representatives.

Finding: Complies with condition. Proposed development is adjacent to the Willamette River and may require ODFW permits. If construction will occur within the banks of the Willamette River, the development shall obtain ODFW permits as required. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 15.48 – GRADING, FILLING AND EXCAVATING

15.48.030 Applicability—Grading permit required.
A. A city-issued grading permit shall be required before the commencement of any of the following filling or grading activities:
1. Grading activities in excess of ten cubic yards of earth;
2. Grading activities which may result in the diversion of existing drainage courses, both natural and man-made, from their natural point of entry or exit from the grading site;
3. Grading and paving activities resulting in the creation of impervious surfaces greater than two thousand square feet or more in area;
4. Any excavation beyond the limits of a basement or footing excavation, having an unsupported soil height greater than five feet after the completion of such a structure; or
5. Grading activities involving the clearing or disturbance of one-half acres (twenty-one thousand seven hundred eighty square feet) or more of land.
B. Those fill and grading activities proposed to be undertaken in conjunction with a land use application, including but not limited to subdivisions, planned unit developments, partitions and site plan reviews, are subject to the standards of this chapter. However, a separate grading permit is not required. Approval of the construction plans submitted through the land use application process shall constitute the grading permit required under this chapter.

Finding: Applicable. Fill and grading activities are proposed to be undertaken in conjunction with a land use application. A separate grading permit is not required. Construction plans are required to be submitted after the land use application has been processed and associated construction permit issued shall constitute the grading permit required under this chapter.

15.48.040 - Grading permit exemptions.
The following filling and grading activities shall not require the issuance of a grading permit:
A. Excavation for utilities, or for wells or tunnels allowed under separate permit by other governmental agencies;
B. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. The placement of any fill material removed from such an excavation requires a grading permit if:
1. It exceeds fifty cubic yards,
2. More than ten cubic yards are removed from the site, or
3. The fill is placed on the site to a depth greater than one foot;
C. Farming practices as defined in ORS 30.930 and farm uses as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this chapter;
D. Excavation for cemetery graves;
E. Sandbagging, diking, ditching, filling or similar work when done to protect life or property during an emergency;
F. Repaving of existing paved surfaces that does not alter existing drainage patterns;
G. Maintenance work on public roads performed under the direction of the city, Clackamas County or Oregon State Department of Transportation personnel.

Finding: Not Applicable. The application does not qualify for an exemption.

15.48.090 Submittal requirements.
An engineered grading plan or an abbreviated grading plan shall be prepared in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards whenever a city approved grading permit is required. In addition, a geotechnical engineering report and/or residential lot grading plan may be required pursuant to the criteria listed below.
A. Abbreviated Grading Plan. The city shall allow the applicant to submit an abbreviated grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards if the following criteria are met:
*1. No portion of the proposed site is within the flood management area overlay district pursuant to **Chapter 17.42**, the unstable soils and hillside constraints overlay district pursuant to **Chapter 17.44**, or a water quality resource area pursuant to **Chapter 17.49**; and*
2. The proposed filling or grading activity does not involve more than fifty cubic yards of earth.
B. Engineered Grading Plan. The city shall require an engineered grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer if the proposed activities do not qualify for abbreviated grading plan.
C. Geotechnical Engineering Report. The city shall require a geotechnical engineering report in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer who specializes in geotechnical work when any of the following site conditions may exist in the development area:

1. When any publicly maintained facility (structure, street, pond, utility, park, etc.) will be supported by any engineered fill;
2. When an embankment for a stormwater pond is created by the placement of fill;
3. When, by excavation, the soils remaining in place are greater than three feet high and less than twenty feet wide.
D. Residential Lot Grading Plan. The city shall require a residential lot grading plan in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer for all land divisions creating new residential building lots or where a public improvement project is required to provide access to an existing residential lot.

Finding: Not applicable. Fill and grading activities are proposed to be undertaken in conjunction with a land use application. A separate grading permit is not required. Approval of the construction plans submitted through the land use application process shall constitute the grading permit required under this chapter.

CHAPTER 16.12 – MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT

16.12.008 Definitions.
Whenever the words or terms and their derivatives are used in this chapter, they shall have the meaning
herein ascribed to them as described in OCMC 17.04 unless the context dictates application of a different meaning.

16.12.010 - Purpose and general provisions.
The purpose of this chapter is to identify the standards for development in and adjacent to spaces which benefit the public including right-of-way, access to the right-of-way, public off-street pedestrian and bicycle accessways, and easements. All development shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the City's public facility master plans and city design standards and specifications. In reviewing applications for development, the City Engineer shall take into consideration any approved development and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any development shall be reviewed and approved by the City Engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way shall be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

Finding: Complies with Condition. Compliance with the "purpose and general provisions" of chapter 16.12 can be met by adhering to the following: The development plans shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies prior to receiving a permit and beginning construction. Facility or right-of-way improvements under jurisdiction of Oregon Department of Transportation (ODOT) shall be reviewed and approved by ODOT before issuance of construction permits. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.011 - Applicability.

A. Compliance with this chapter is required for all development including land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements that are required in conjunction with a land use decision.
B. Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage of all single-family detached residential and middle housing units' living space. Garages, carports, sheds, and porches may not be included in the calculation if these spaces are not living spaces. Accessory dwelling units are not subject to compliance with this chapter. All single-family detached residential and middle housing units shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter, subject to constitutional limitations. In addition, the street frontage shall be improved to include the following priorities for improvements:
1. Improve street pavement, construct curbs, gutters, sidewalks and planter strips; and
2. Plant street trees.
The cost of compliance with the standards identified in subsections 16.12.011.B.1 and 16.12.011.B.2 is calculated based on the square footage valuation from the state of Oregon Building Codes Division and limited to ten percent of the total construction costs. The value of the alterations and improvements is based on the total construction costs for a complete project rather than costs of various project component parts subject to individual building permits. The entire proposed construction project cost includes engineering and consulting fees and construction costs. It does not include permit fees, recording fees, or any work associated with drafting or recording dedications or easements.
C. Exemptions. The following are exempt from review by this chapter unless public improvements, driveways, PUEs, or other items regulated by this chapter are proposed:
1. Minor Site Plan and Design Review applications.
2. Work within the right-of-way.
3. Lot Line Adjustments and Abandonments.
4. Public capital improvement projects.

Finding: Applicable. The application is a detailed development plan; therefore, the development shall follow the standards set forth in OCMC 16.12.

16.12.012 - Jurisdiction and management of the public rights-of-way.
The City has jurisdiction and exercises regulatory management over all public rights-of-way as defined and outlined within 12.04 of the Oregon City Municipal Code.

Finding: Applicable. The City has exercised its regulatory management authority by providing findings within this staff report with conditions to be met by the applicant prior to working within all existing or proposed public rights-of-way and easements.

16.12.013 - Modifications.
The applicant may request and the review body may consider modification of the standards in this chapter resulting from constitutional limitations restricting the City's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications, except for adjustments approved by the City Engineer for tree preservation purposes pursuant to Section 16.12.013.A, shall be processed through a Type II land use application and may require additional evidence from a transportation engineer or others to verify compliance. Compliance with the following criteria is required:

A. Compliance with the following criteria is required:
The modification meets the intent of the standard;

Finding: Applicable. The following modifications have been requested.

"The proposed modification to the street standards meets the intent as stated above. Most of the streets do not extend from existing street patterns due to topographic or other physical constraints of the area. The site has hard boundaries of 99E, the bluff, railroad tracks, and the Willamette River.

The proposed modification of Main Street is minor and offers a slightly wider overall paved width that better reflects the city's existing Main Street north of 99E. It also allows increased pedestrian access areas and larger planting strips that indicate a subtle shift in development with increasingly naturalized areas towards the falls, and where the street extension loops back upon itself. Wider travel lanes are needed for fire truck movements and public transit vehicles. Larger sidewalks are intended to activate additional pedestrian traffic movement from north to south from across McLoughlin Boulevard.

Railroad Avenue, 3rd, 4th and Water Streets generally align with local street standards, with slight modifications that still allow for the safe passage of emergency vehicles. The master planned area is unique in that there are few opportunities to extend streets from adjacent lands due to environmental and topographic constraints. This results in a looped street pattern that need ample pedestrian access and opportunities to visit the falls and nearby public amenities, necessitating unique street sections.

On Water Ave, the wider parking width is to allow tour buses or school buses to have parking to access planned interpretive sites and parks. Coordination with TriMet is planned for a potential transit stop. A wider sidewalk on the west side of Water Ave will be multiuse and will have space for viewing areas of the river and loading and unloading of transit.

Railroad Ave accommodates 45-degree angled parking. The curb tight sidewalk on the east side of the street provides a landing for pedestrians entering and exiting the angled parking. 3rd and 4th street necessitate wider travel lanes for fire truck movements. The additional width of the streets are also needed for 7' curb tight parking on both sides.

The proposed street section modifications allow for pedestrian access and sidewalks, the local street standard requires 10.5 foot sidewalks including 5-by-5 foot tree wells. 3rd, 4th, and Main Street provide larger sidewalk and planter strip areas. Railroad Ave still provides a 12 foot sidewalk and planter strip. Bicycles are anticipated to share low speed lanes."

Finding: Compiles as proposed. The previous masterplan (CP 14-02) provided the following options regarding streets to serve the development areas.

Right of Way dedication shall be governed by the street and utility phasing plan which shall be submitted at the time of the first development application of more than 1,000 square feet of new habitable space. The Public Works Director may approve an alternate proposal of private streets governed by a full public access easement if the design and maintenance plan meets or exceeds the intent of the Master Plan.

The applicant has stated, "The intent of these streets is for them to be privately owned with public access easements." (in 12.04.005).

The Public Works Director has approved the alternate proposal to provide private streets governed by a full public access easement. The city and developer may choose to enter into a maintenance agreement for said private streets.

The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;

Finding: Complies as proposed. The applicant states the following:

> "Modifications expand pedestrian routes wider than the minimum standard and provide safe routes for bikes as outlined in OCMC 16.12.023 intersections, and paths shown in the Street Circulation Exhibits in Appendix T. As discussed in the findings above, the proposed modifications to the travel lanes allow for safe passage of fire trucks, transit, as well as motor vehicles. Low speed lanes accommodate bicyclists. Generally, the modifications propose larger than required sidewalks, accommodating movement of pedestrians."

Staff concurs with the proposed modification.

The modification is consistent with an adopted transportation or utility plan;

Finding: Complies as proposed. The applicant states the following:

> "No mapped streets are shown through the development in Oregon City's TSP. Streets shown on the master plan are anticipated to be private, with public access easements. These facilities will be consistent with prior approvals and they are compatible with surrounding street network. The proposed modifications to Main Street are based on compatibility with the existing Main Street on the other side of 99E."

The width of the automobile travel lanes are consistent with the "Determining Optimum Street Designs" provisions of Transportation System Plan and meet the intent of the original masterplan CP 14-02.

The modification is complementary with a surrounding street design; or, in the alternative;

Finding: Complies as proposed. The applicant states the following:

> The proposed modification is based on elements of existing street design to provide a cohesive appearance between streets. Street intersection design for connections to 99E have been reviewed/coordinated with ODOT. Due to topographical constraints, the other proposed streets in the area do not connect to an existing grid.

Staff concurs with the proposed modification because the Public Works Director has determined that the proposed streets comply with the previously approved masterplan (CP 14-02).

If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The City shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.

Finding: Not Applicable. The modification is not requested for constitutional reasons. This criterion does not apply.

B. The following modifications shall be processed as a Type I modification by the City Engineer using the criteria in 16.12.13.A.

1. Modifications to driveway location, size, and sharing standards in 16.12.035;

2. Modifications to sidewalk and planter strips widths and location in 16.12.016 that preserve existing street trees or trees on private property to ensure compliance with ADA standards.

Finding: Complies as proposed. The applicant states the following:

> Proposed modifications are addressed above and are processed concurrently with the Type III amendment to a General Development Plan, future DDPs may apply for a Type I modification for the items listed in this criterion.

Staff concurs that proposed modification is not a Type I modification the current DDP has not proposed Type I modifications.

16.12.014 - Administrative provisions.

An applicant shall submit the following items to the City and complete the following tasks prior to proceeding with construction of proposed development plans. These items include the following:
A. Pre-Design Meeting;
B. Final Engineering Plans, Stamped and Signed by an Oregon Licensed Professional Engineer;
C. Stormwater Report, Stamped and Signed by an Oregon Licensed Professional Engineer;
D. Geotechnical Report, Stamped and Signed by an Oregon Licensed Professional Engineer (if applicable);
E. Engineer's Preliminary and Final Cost Estimates (also may be known as engineer's opinion of probable construction cost);
F. Plan Check and Inspection Fees (as set by City resolution);
G. Certificate of Liability Insurance for City funded public projects contracted by the City (not less than one million dollars single incident and two million dollars aggregate);
H. Preconstruction Meeting;
I. Financial Guarantee(s) per OCMC 17.50.140;
J. Applicable Approvals/Permits from other agencies or entities;
K. Developer/Engineer Agreement for public works improvements.
An applicant shall submit the following additional items to the City and complete the following tasks prior to completing construction of proposed development plans. These items include the following:
L. Project Engineer's Certificate of Completion;
M. Stormwater Operation and Maintenance Easement (if applicable);
N. Deed of Dedication (Bargain and Sale Deed);
O. Recorded Plat and/or Easements (if applicable);
P. Recorded Non-Remonstrance Covenant Agreement;
Q. Land Division Compliance Agreement (if applicable);
R. Permanent Stabilization and/or Restoration of the impact from the development;
S. Fulfillment of all Conditions of Approval;
T. Payment of all Outstanding Fees;
U. Maintenance Guarantee(s). per OCMC 17.50.141;
V. Indemnity Agreement (if applicable);
W. Completed Punchlist;
X. As-Built Drawings;
Details on individual items required by this subsection can be obtained by contacting public works. Many items, such as the engineer's cost estimate and plan check and inspection fee, maybe be submitted in conjunction with documentation for other infrastructure improvements that are done with the development (such as street, sanitary sewer, and water).

Finding: Complies with Condition. The developer shall submit or address all items in section 16.12.014 of the Oregon City Municipal Code based on the timing requirements contained therein and as deemed applicable by the City.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

16.12.015 - Street design—Generally.
Development shall be required to provide existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements where applicable. Development shall provide any necessary dedications, easements or agreements as identified in the transportation system plan, trails master plan, and/or parks and recreation master plan and this chapter, subject to constitutional limitations. The location, width and grade of street shall be considered in relation to: Existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, overlay districts, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. The arrangement of streets shall either:
A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the City to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;
B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the City Engineer. Notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. Access control in accordance with OCMC 16.12.017 shall be required to preserve the objectives of street extensions.
C. Adequate right-of-way and improvements to streets, pedestrian ways, bike routes and bikeways, and transit facilities shall be provided and be consistent with the City's transportation system plan. Consideration shall be given to the need for street widening and other improvements in the area of the proposed development impacted by traffic generated by the proposed development. This shall include, but not be limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation.

Finding: Complies as proposed. The proposed level of development with this DDP does not trigger transportation improvements; however, a condition has been written to ensure proposed street improvements that overlap with conditions required by the associated GDP are properly addressed.

The applicant has proposed improvements within OR 99E to fulfill the following from the associated GDP.
The development shall coordinate with ODOT to satisfy the following GDP condition of approval: Project c: A pork-chop or raised median at the Water Avenue/OR 99E intersection to prevent left turn movements into the development site and reinforce right-in, right-out access at that location. All pedestrian crossings, existing and proposed, fronting the development, shall have curb ramps which comply with Americans with Disabilities Act (ADA) for each direction of travel. Approved curb

ramp design(s) will need to be included on engineering plans following proper engineering technical standards prior to receiving a permit and beginning construction.
Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.
See findings from 16.12.013 regarding street improvements.

16.12.016 - Street design.
All development regulated by this chapter shall provide street improvements in compliance with the
standards in Table 16.12.016 depending on the street classification set forth in the transportation system plan and the comprehensive plan designation of the adjacent property, unless an alternative plan has been adopted. The table implements the adopted transportation system plan and illustrates the maximum design standards. These standards may be reduced with an alternative street design which may be approved based on the modification criteria in OCMC 16.12.013. The steps for reducing the street design are found in the transportation system plan.

Table 16.12.016 Street Design
To read the table select the road classification as identified in the Transportation System Plan and the Comprehensive Plan designation of the adjacent properties to find the maximum design standards for the road cross section. If the Comprehensive Plan designation for lands on either side of the street differs, the wider right-of-way standard shall apply.

Road Classi-fication	***Compre-hensive Plan Designation***	***Right-of-Way Width***	***Pave-ment Width***	***Public Access***	***Sidewalk***	***Landscape Strip***	***Bike Lane***	***Street Parking***	***Travel Lanes***	***Median***
Major Arterial	*Mixed Use, Commercial or Public/ Quasi Public*	*116 ft.*	*94 ft.*	*0.5 ft.*	*10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells*		*6 ft.*	*8 ft.*	*(5) 12 ft. Lanes*	*6 ft.*
	Industrial	*120 ft.*	*88 ft.*	*0.5 ft.*	*5 ft.*	*10.5 ft.*	*6 ft.*	*N/A*	*(5) 14 ft. Lanes*	*6 ft.*
	Residential	*126 ft.*	*94 ft.*	*0.5 ft.*	*5 ft.*	*10.5 ft.*	*6 ft.*	*8 ft.*	*(5) 12 ft. Lanes*	*6 ft.*

Road Classi-fication	Compre-hensive Plan Designation	Right-of-Way Width	Pave-ment Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Minor Arterial	Mixed Use, Commercial or Public/Quasi Public	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
	Industrial	118 ft.	86 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(5) 12 ft. Lanes	N/A
	Residential	100 ft.	68 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(3) 12 ft. Lanes	6 ft.
Collector	Mixed Use, Commercial or Public/Quasi Public	86 ft.	64 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(3) 12 ft. Lanes	N/A
	Industrial	88 ft.	62 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 12 ft. Lanes	N/A
	Residential	85 ft.	59 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 11 ft. Lanes	N/A
Local	Mixed Use, Commercial or Public/	62 ft.	40 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		N/A	8 ft.	(2) 12 ft. Lanes	N/A

Road Classi-fication	Compre-hensive Plan Designation	Right-of-Way Width	Pave-ment Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
	Quasi Public									
	Industrial	*60 ft.*	*38 ft.*	*0.5 ft.*	*5 ft.*	*5.5 ft.*	*(2) 19 ft. Shared Space*			*N/A*
	Residential	*54 ft.*	*32 ft.*	*0.5 ft.*	*5 ft.*	*5.5 ft.*	*(2) 16 ft. Shared Space*			*N/A*

1. Pavement width includes bike lane, street parking, travel lanes and median.
2. Public access, sidewalks, landscape strips, bike lanes and on-street parking are required on both sides of the street in all designations. The right-of-way width and pavement widths identified above include the total street section.
3. A 0.5 foot curb is included in landscape strip or sidewalk width.
4. Travel lanes may be through lanes or turn lanes.
5. The 0.5 foot public access provides access to adjacent public improvements.
6. Alleys shall have a minimum right-of-way width of twenty feet and a minimum pavement width of sixteen feet. If alleys are provided, garage access shall be provided from the alley.
7. A raised concrete median or landscape median shall be utilized for roads identified to have access restrictions.
8. A public utility easement (PUE) shall be provided on both sides of the right-of-way or public access easement on private property as identified in 16.12.085.

Finding: Modifications to these standards have been requested. See findings from 16.12.013 regarding street improvements.

A. Sidewalks. The applicant shall provide for sidewalks on both sides of all public streets, on any private street if so required by the decision-maker, and in any special pedestrian way within the development. Both sidewalks and curbs are to be constructed to city standards and at widths set forth above, and according to plans and specifications provided by the City Engineer. Exceptions to this requirement may be allowed in order to accommodate topography, trees or some similar site constraint. In the case of major or minor arterials, the decision-maker may approve a development without sidewalks where sidewalks are found to be dangerous or otherwise impractical to construct or are not reasonably related to the applicant's development. The decision-maker may require the applicant to provide sidewalks concurrent with the issuance of the initial building permit within the area that is the subject of the development application. Applicants for partitions may be allowed to meet this requirement by providing the City with a financial guarantee per OCMC 16.12.110.

Finding: Complies as proposed. The applicant has proposed sidewalks along all public streets fronting the development.

B. Pedestrian and Bicycle Accessways Routes. If deemed appropriate to extend pedestrian and bicycle routes, existing or planned, the decision-maker may require the installation of separate pedestrian and bicycle facilities.

Finding: Complies as proposed. The Oregon City Transportation System Plan (TSP) identifies two accessway routes through the development property, projects S3 & S37. The masterplan associated with this DDP included a concept for pedestrian and bicycle routes which meets the intent of the TSP. Design for portions of these access routes contained with this DPP were provided.

C. Street Name Signs and Traffic Control Devices. The applicant shall install street signs and traffic control devices as directed by the City Engineer. Street name signs and traffic control devices shall be in conformance with all applicable city regulations and standards.

Finding: Complies with Condition. The development fronts Main St but desires to changes the name of the street. The applicant shall submit a request to the Community Development Department to receive approval for new street names. Street names shall be provided on the approved plans, and street signs shall be provided for review of the City prior to installation. Street name signs and traffic control devices shall be in conformance with MUTCD. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

D. Street Lights. The applicant shall install street lights which shall be served from an underground source of supply. Street lights shall be in conformance with all City regulations.

Finding: Complies with condition. The City of Oregon City has jurisdiction over portions of Main Street and the existing alley right-of-way from Main Street to Railroad Avenue. The City will support the vacation of Main Street and said alley. 4th Street and Water Street were previously vacated and are not intended to be rededicated as public right-of-way. The applicant shall provide streetlights along public rights-of-way in conformance with all City standards, specifications, codes, and policies and as approved by Portland General Electric (PGE). The applicant shall submit a photometric plan for review and approval. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. Any new street proposed with a pavement width of less than thirty-two feet shall be processed through OCMC 16.12.013 and meet minimum life safety requirements, which may include fire suppression devices as determined by the Fire Marshall to assure an adequate level of fire and life safety. The modified street shall have no less than a twenty-foot wide unobstructed travel lane.

Finding: Complies with condition. The development has proposed streets with varying widths through OCMC 16.12.013. The street design has not been reviewed by Clackamas Fire District No. 1. The development shall provide an Access and Water Supply Plan to Clackamas Fire District No. 1 for review. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

F. All development shall include vegetated planter strips that are five feet in width or larger and located between the sidewalk and curb unless otherwise approved pursuant to this chapter. All development shall utilize the vegetated planter strip for the placement of street trees or place street trees in other acceptable locations, as prescribed by OCMC 12.08. Development proposed along a collector, minor arterial, or major arterial roads may place street trees within tree wells within a wider sidewalk in lieu of a planter strip. In addition to street trees per OCMC 12.08, vegetated planter strips shall include ground cover and/or shrubs spaced four feet apart and appropriate for the location. No invasive or nuisance plant species shall be permitted.

Finding: Complies with Condition. See section 16.12.016 regarding requirements for vegetated planter strips located between the sidewalk and curb for the placement of street trees. See section 12.08 regarding placement of street trees. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

G. Vehicle and pedestrian access easements may serve in lieu of streets when approved by the decision maker and only where dedication of a street is deemed impracticable.

Finding: Complies as proposed. Only construction of infrastructure around Block 1 is proposed with this DDP. The applicant has proposed a looped private street system in lieu of public streets to serve the development site (Block 1). The development has also proposed, at a minimum, a 14-foot-wide sidewalk along the north side of Water Street to complete a portion of the "Riverwalk" adjacent the proposed development of Block 1.

H. Vehicular and pedestrian easements shall allow for public access and shall comply with all applicable pedestrian access requirements.

Finding: Complies as proposed. The private streets proposed are proposed to have public access and utility easements.

16.12.017 - Street design—Access control.
A. A street which is dedicated to end at the boundary of the development or in the case of half-streets dedicated along a boundary shall have an access control granted to the City as a City controlled plat restriction for the purposes of controlling ingress and egress to the property adjacent to the end of the dedicated street. The access control restriction shall exist until such time as a public street is created, by dedication and accepted, extending the street to the adjacent property.

Finding: Not Applicable. No new streets with access control are required. Access to all private streets will be subject to proposed easements.

B. The City may grant a permit for the adjoining owner to access through the access control.

Finding: Not Applicable. The city has no obligation to ensure adjoining property owners have access through the development property.

C. The plat shall contain the following access control language or similar on the face of the map at the end of each street for which access control is required: "Access Control (See plat restrictions)."

Finding: Not Applicable. No new streets with access control are required. Access Control will be determined by the terms of the proposed access easement and since all proposed streets are private.

D. Said plats shall also contain the following plat restriction note(s): "Access to (name of street or tract) from adjoining tracts (name of deed document number[s]) shall be controlled by the City of Oregon City by the recording of this plat, as shown. These access controls shall be automatically terminated upon the acceptance of a public road dedication or the recording of a plat extending the street to adjacent property that would access through those Access Controls."

Finding: Not Applicable. No new streets will be platted. The terms of use for private streets will be determined by easements.

16.12.018 - Street design—Alignment.
The centerline of streets shall be:
A. Aligned with existing streets by continuation of the centerlines; or
B. Offset from the centerline by no more than five feet, provided appropriate mitigation, in the judgment of the City Engineer, is provided to ensure that the offset intersection will not pose a safety hazard.
C. Driveways that are at least twenty-four feet wide shall align with existing or planned streets on adjacent sites.

Finding: Complies as Proposed. The proposed street alignments match past location of historical streets and satisfy City requirements. This standard is met.

16.12.019 - Traffic sight obstructions.
All new streets shall comply with the Traffic Sight Obstructions in Chapter 10.32.

Finding: Applicable. No new public streets are proposed or required; however, all streets shall comply with OCMC 10.32.

16.12.020 - Street design—Intersection angles.
Except where topography requires a lesser angle, streets shall be laid out to intersect at angles as near as possible to right angles. In no case shall the acute angles be less than eighty degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least one hundred feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least fifty feet of tangent adjacent to the intersection unless topography requires a lesser distance. All street intersections shall be provided with a minimum curb return radius of twenty-five feet for local streets. Larger radii shall be required for higher street classifications as determined by the City Engineer. Additional right-of-way shall be required to accommodate curb returns and sidewalks at intersections. Ordinarily, intersections should not have more than two streets at any one point.

Finding: Complies as Proposed. The proposed intersection meets the City requirements. This standard is met.

16.12.021 - Street design—Grades and curves.
Grades and center line radii shall conform to standards approved by the City Engineer.

Finding: Complies as Proposed. The proposed streets have been designed per this standard.

16.12.022 - Street design—Development abutting arterial or collector street.
Where development abuts or contains an existing or proposed arterial or collector street, the decision maker may require: Access control; screen planting or wall contained in an easement or otherwise protected by a restrictive covenant in a form acceptable to the decision maker along the rear or side property line; or such other treatment it deems necessary to adequately protect residential properties or afford separation of through and local traffic. Reverse frontage lots with suitable depth may also be considered an option for residential property that has arterial frontage. Where access for development abuts and connects for vehicular access to another jurisdiction's facility then authorization by that jurisdiction may be required.

Finding: Not Applicable. The development abuts an arterial street, however the city has not required access control to protect residential properties.

16.12.023 - Street design—Pedestrian and bicycle safety.

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

The City Engineer may require that crosswalks include a large vegetated or sidewalk area which extends into the street pavement as far as practicable to provide safer pedestrian crossing opportunities. These curb extensions can increase the visibility of pedestrians and provide a shorter crosswalk distance as well as encourage motorists to drive slower. The City Engineer may approve an alternative design that achieves the same standard for constrained sites.

Finding: Complies as proposed. The development has proposed intersections with curb extensions to minimize crossing distances at crosswalks as far as practicable to provide safer pedestrian crossing opportunities.

16.12.024 - Street design—Half street.
Half streets, while generally not acceptable, may be approved where essential to the development, when in conformance with all other applicable requirements, and where it will not create a safety hazard. When approving half streets, the decision maker shall first determine that it will be practical to require the dedication of the other half of the street when the adjoining property is divided or developed. Where the decision maker approves a half street, the applicant shall construct a half street with at least twenty feet of pavement width and provide signage prohibiting street parking so as to make the half street safe until such time as the other half is constructed. Whenever a half street is adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Access control may be required to preserve the objectives of half streets.

When the remainder of an existing half-street improvement is completed it shall include the following items: Dedication of required right-of-way, construction of the remaining portion of the street including pavement, curb and gutter, landscape strip, sidewalk, street trees, lighting and other improvements as required for that particular street. It shall also include at a minimum the

pavement replacement to the centerline of the street. Any damage to the existing street shall be repaired in accordance with the City's "Pavement Cut Standards" or as approved by the City Engineer.

Finding: Not Applicable. This application does not propose any half streets.

16.12.025 - Street design—Cul-de-sacs and dead-end streets.
The City discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision maker to be impracticable due to topography or some significant physical constraint such as geologic hazards, wetland, natural or historic resource areas, pre-existing dedicated open space, pre-existing development patterns, arterial access restrictions or similar situation as determined by the decision maker. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed.
A. When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of twenty-five dwelling units.

Finding: Not Applicable. No cul-de-sacs or dead-end streets are proposed or required for this development.

B. Cul-de-sacs and permanent dead-end streets shall include pedestrian/bicycle accessways to meet minimum block width standards as prescribed in OCMC 16.12.030.

Finding: Not Applicable. No cul-de-sacs or dead-end streets are proposed or required for this development.

C. Cul-de-sacs shall have sufficient radius to provide adequate turn-around for emergency vehicles in accordance with fire district and City adopted street standards.

Finding: Not Applicable. No cul-de-sacs or dead-end streets are proposed or required for this development.

D. Permanent dead-end streets shall provide public street right-of-way/easements sufficient to provide a sufficient amount of turn-around space complete with appropriate no-parking signs or markings to accommodate waste disposal, sweepers, emergency and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker.

Finding: Complies as proposed. Permanent dead-end streets have not been proposed.

E. In the case of dead-end stub streets that will connect to streets on adjacent sites in the future, notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. A dead-end street shall include signage or barricade meeting Manual on Uniform Traffic Control Devices (MUTCD).

Finding: Not Applicable. No public dead-end stub streets are proposed or required for this development.

16.12.026 - Street design—Alleys.

Alleys with public access easements on private property shall be provided in the Park Place and South End concept plan areas for the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker. All alleys intended to provide access for emergency vehicles shall be a minimum width of twenty feet. The corners of alley intersections shall have a radius of not less than ten feet and shall conform to standards approved by the City Engineer. Access easements and maintenance agreements shall be recorded on affected properties.
Finding: Not Applicable. Alleys are not proposed or required for this development.

16.12.027 - Street design—Off-site street improvements.
During consideration of the preliminary plan for a development, the decision maker shall determine whether existing streets impacted by, adjacent to, or abutting the development meet the applicable design or dimensional requirements. Where such streets fail to meet these requirements, the decision-maker shall require the applicant to make proportional improvements sufficient to achieve conformance with minimum applicable design standards required to serve the proposed development.
Finding: Complies as proposed. Off-site street improvements are required per the GDP associated with this development.

16.12.028 - Street design—Transit.
Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with transit agencies where the application impacts transit streets as identified in OCMC 17.04.1310. Pedestrian/bicycle access ways shall be provided as necessary to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified.

Finding: Complies as proposed. New streets are proposed and the existing streets adjacent to the development are laid out in a manner that promotes pedestrian and bicycle circulation.

16.12.029 - Excavations—Restoration of pavement.
Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the City for any purpose whatsoever under the permit granted by the engineer, it shall be the duty of the person making the excavation to restore the pavement in accordance with the City of Oregon City Public Works Pavement Cut Standards in effect at the time the permit is granted. The City Commission may adopt and modify the City of Oregon City Public Works Pavement Cut Standards by resolution as necessary to implement the requirements of this chapter.
Finding: Complies with Condition. The City of Oregon City has jurisdiction over portions of Main Street and the existing alley right-of-way from Main Street to Railroad Avenue. The City will support the vacation of Main Street and said alley. 4th Street and Water Street were previously vacated and are not intended to be rededicated as public right-of-way. Pavement cuts may be needed within a public street due to proposed utility service installations and required frontage improvements. Pavement cuts or other improvements made in a City street shall be done in accordance with the City of Oregon City Public Works Pavement Cut Standards and restored in accordance with the City of Oregon City Public Works Pavement Cut Standards. **Staff has determined that it is possible,**

likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

16.12.030 - Blocks—Width.
The width of blocks shall ordinarily be sufficient to allow for two tiers of lots with depths consistent with the type of land use proposed. The length, width and shape of blocks shall take into account the need for adequate building site size, convenient motor vehicle, pedestrian, bicycle and transit access, control of traffic circulation, and limitations imposed by topography and other natural features.

All new streets shall be designed as local streets unless otherwise designated as arterials and collectors in the current adopted transportation system plan. The maximum block spacing between streets is five hundred thirty feet and the minimum block spacing between streets is one hundred fifty feet as measured between the right-of-way centerlines except in zones GI, CI, MUE, I, and WFDD where determining the appropriate street spacing will be determined by the City Engineer. If the maximum block size is exceeded, pedestrian accessways shall be provided every three hundred thirty feet. The spacing standards within this section do not apply to alleys.

Finding: Not applicable. The development property is in the WFDD and maximum or minimum block length spacing has not been required by City Engineer.

16.12.031 - Street design—Street names.
Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names shall conform to the established standards in the City and shall be subject to the approval of the City.

Finding: Complies as proposed. All new streets proposed are private and have names acceptable to the City.

16.12.032 – Public off-street pedestrian and bicycle accessways.
Pedestrian/bicycle accessways are intended to provide direct, safe and convenient connections between residential areas, retail and office areas, institutional facilities, industrial parks, transit streets, neighborhood activity centers, rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, and transit orientated developments where public street connections for automobiles, bicycles and pedestrians are unavailable. Pedestrian/bicycle accessways are appropriate in areas where public street options are unavailable, impractical or inappropriate. Pedestrian and bicycle accessways are required through private property or as right-of-way connecting development to the right-of-way at intervals not exceeding three hundred thirty feet of frontage; or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.
Finding: Complies as Proposed. The development has proposed an off-street pedestrian and bicycle accessway along the northwest side of the property which follows the path of a proposed private street. See findings from 16.12.016.B.

A. Entry points shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections.
Finding: Not applicable. Off-street pedestrian and bicycle accessways are not proposed or required with this DDP.

B. Accessways shall be free of horizontal obstructions and have a nine foot six inch high vertical clearance to accommodate bicyclists. To safely accommodate both pedestrians and bicycles, accessway right-of-way widths shall be as follows:
1. Accessways shall have a fifteen foot wide right-of-way with a seven foot wide paved surface with a minimum four foot planter strip on either side.
2. If an accessway also provides secondary fire access, the right-of-way width shall be at least twenty- four feet wide with a sixteen foot paved surface between four foot planter strips on either side.
Finding: Complies as proposed. The development has proposed an accessway with no vertical obstructions and it has more than a seven-foot paved surface. The accessway does not provide secondary fire access.

C. Accessways shall be direct with at least one end point of the accessway always visible from any point along the accessway. On-street parking shall be prohibited within fifteen feet of the intersection of the accessway with public streets to preserve safe sight distance and promote safety.
Finding: Complies as proposed. The proposed accessway will satisfy project S3 and is proposed to be more than 12 feet wide. See findings from 16.12.016.B for more information.

D. To enhance pedestrian and bicycle safety, accessways shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of one-half-foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one and shall be oriented not to shine upon adjacent properties. Street lighting shall be provided at both entrances.
Finding: Complies with conditioned. Lighting has been proposed along accessways but it is unclear the level of lighting proposed. Due to the urban nature of the development property and its isolation from other property owners, the city will permit non-pedestrian-scale lighting and lighting to shine upon adjacent properties. The proposed shared accessway shall be lighted to a minimum level of one-half-foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one. A photometric plan shall be provided. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. Accessways shall comply with Americans with Disabilities Act (ADA).
Finding: Complies with condition. All accessways intended for public use shall comply with ADA. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

F. The planter strips on either side of the accessway shall be landscaped along adjacent property by installation of the following:
1. Either an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average; and
2. Ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and
3. A two-inch minimum caliper tree for every thirty-five feet along the accessway. Trees may be planted on either side of the accessway, provided they are spaced no more than thirty-five feet apart; and

4. In satisfying the requirements of this section, evergreen plant materials that grow over forty-two inches in height shall be avoided. All plant materials shall be selected from the Oregon City Native Plant List.

Finding: Not applicable. Off-street pedestrian and bicycle accessways are not proposed or required with this DDP.

G. Accessways shall be designed to prohibit unauthorized motorized traffic. Curbs and removable, lockable bollards are suggested mechanisms to achieve this.

Finding: Not applicable. Off-street pedestrian and bicycle accessways are not proposed or required with this DDP.

H. Accessway surfaces shall be paved with all-weather materials as approved by the City. Pervious materials are encouraged. Accessway surfaces shall be designed to drain stormwater runoff to the side or sides of the accessway. Minimum cross slope shall be two percent.

Finding: Not applicable. Off-street pedestrian and bicycle accessways are not proposed or required with this DDP.

I. In parks, greenways or other natural resource areas, accessways may be approved with a five-foot wide gravel path with wooden, brick or concrete edgings.

Finding: Not applicable. Off-street pedestrian and bicycle accessways are not proposed or required with this DDP.

J. The decision maker may approve an alternative accessway design due to existing site constraints through the modification process set forth in OCMC 16.12.013.

Finding: Not applicable. Off-street pedestrian and bicycle accessways are not proposed or required with this DDP.

K. Ownership, liability and maintenance of accessways. To ensure that all pedestrian/bicycle accessways will be adequately maintained over time, the City Engineer shall require one of the following:
1. Dedicate the accessways to the public as public right-of-way prior to the final approval of the development; or
2. The developer incorporates the accessway into a recorded easement or tract that specifically requires the property owner and future property owners to provide for the ownership, liability and maintenance of the accessway.

Finding: Complies with condition. The applicant expressed a desire to not dedicate ROW for the accessways on the property. The developer shall record an easement over the shared-use paths (or accessways) located within the development property which allows for its use by the public. The easement shall specifically require the property owner and future property owners to provide for the liability and maintenance of the accessway. All fees associated with processing and recording of the easement shall be paid. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.033 - Mobility standards.

Development shall demonstrate compliance with intersection mobility standards. When evaluating the performance of the transportation system, the City of Oregon City requires all intersections, except for the facilities identified in subsection E below, to be maintained at or below the following mobility standards during the two-hour peak operating conditions. The first hour has the highest weekday traffic volumes and the second hour is the next highest hour before or after the first hour. Except as provided otherwise below, this may require the installation of mobility improvements as set forth in the transportation system plan (TSP) or as otherwise identified by the City Engineer.

A. For intersections within the regional center, the following mobility standards apply:

1. During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

3. Intersections located on the regional center boundary shall be considered within the regional center.

B. For intersections outside of the regional center but designated on the arterial and throughway network, as defined in the regional transportation plan, the following mobility standards apply:

1. During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

C. For intersections outside the boundaries of the regional center and not designated on the arterial and throughway network, as defined in the regional transportation plan, the following mobility standards apply:

1. For signalized intersections:

a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.

b. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.

2. For unsignalized intersections outside of the boundaries of the regional center:

a. For unsignalized intersections, during the peak hour, all movements serving more than twenty vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than twenty vehicles during the peak hour.

D. For the intersection of OR 213 and Beavercreek Road, the following mobility standards apply:

1. During the first, second and third hours, a maximum v/c ratio of 1.00 shall be maintained. Calculation of the maximum v/c ratio will be based on an average annual weekday peak hour.

E. Until the City adopts new performance measures that identify alternative mobility targets, the City shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:
I-205/OR 99E Interchange.
State intersections located within or on the regional center boundaries.
1. In the case of conceptual development approval for a master plan that impacts the above references intersections:
a. The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the code in place at the time the detailed development plan is submitted; and
b. Only those trips approved by a detailed development plan review are vested.
2. Development which does not comply with the mobility standards for the intersections identified in OCMC 16.12.033 shall provide for the improvements identified in the transportation system plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other provisions of the code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the code.

Finding: Complies as proposed. The applicant provided a transportation analysis performed by Dowl dated September 8, 2022 which concluded the following:

> The proposed development at *tumwata village* is forecast to generate less than 700 PM peak hour trips. This is consistent with the 700 projected PM peak hour trips provided in the 2013 Draft Transportation Analysis that was previously approved. Therefore, the traffic impacts of the current proposed development will be equal or less than the originally anticipated and future traffic impact analysis should not be necessary for the *tumwata village* Master Plan Amendment. While the exact use areas/unit counts are not fully developed at this time, the applicant anticipates that the total combined master plan will remain at or below the 700 PM peak hour trips vested through the Willamette Falls Legacy Project Master Plan CP 14-02.

Staff concurs with the analysis and also this DDP only proposes street and utility infrastructure improvements but no commercial or residential development which are the major contributors of trip generation. Therefore, additional improvements from what is already identified with the associated master plan (GLUA 24-027) is not required with this DDP. Subsequent DDP will trigger transportation related conditions from the master plan depending on the level of development proposed as prescribed by the conditions contained within said masterplan.

16.12.035 - Driveways.
A. All new development, redevelopment, and capital improvement projects shall meet the minimum driveway spacing standards identified in Table 16.12.035.A. Minor Site Plan and Design Review do not follow these standards unless a request is made to modify the driveway.

Table 16.12.035.A Minimum Driveway Spacing Standards

Street Functional Classification	***Minimum Driveway Spacing Standards***	***Distance***

Major Arterial Streets	*Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single-family dwellings, duplexes, triplexes, quadplexes and townhouses*	*175 ft.*
Minor Arterial Streets	*Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single-family dwellings, duplexes, triplexes, quadplexes and townhouses*	*175 ft.*
Collector Streets	*Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single-family dwellings, duplexes, triplexes, quadplexes and townhouses*	*100 ft.*
Local Streets	*Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single-family dwellings, duplexes, triplexes, quadplexes and townhouses*	*25 ft.*

1. When driveways are shared (combined), the minimum driveway spacing shall be 20 feet.
2. All driveways, except for shared driveways, shall be placed a minimum of 5 feet from the property line.
3. The distance from a street corner to a driveway is measured along the right-of-way from the edge of the intersection (on the same side of the road) right-of-way to the nearest portion of the driveway and the distance between driveways is measured at the nearest portions of the driveway at the right-of-way.

Finding: Not applicable. All driveways, will be private.

B. All detached single-family dwellings, duplexes, triplexes, quadplexes and townhouses shall have driveways which meet the minimum distance from a street corner standards except when the lot size is smaller than the minimum distance required. When minimum distance cannot be met due to lot size or due to the location of an overlay district, the driveway shall be located as far away from the intersection as possible, but no more than 5 feet to the neighboring property line, as approved by the City Engineer.

Finding: Not applicable. Detached single-family dwellings, duplexes, triplexes, quadplexes or townhouses are not proposed.

C. Nonresidential or multi-family residential use driveways that generate high traffic volumes as determined by a traffic analysis shall be treated as intersections and shall adhere to requirements of OCMC 16.12.020.

Finding: Complies as proposed. The development propose entrances which are intersections and street intersection design for connections to 99E have been reviewed/coordinated with ODOT.

D. For any detached single-family dwellings, duplexes, triplexes, quadplexes, and townhouses or property developed with an ADU with multiple frontages, only one driveway is allowed per street frontage classified as a local street and in no case shall more than two driveways (one per frontage), unless otherwise approved by the City Engineer.

Two driveways shall never be granted for any property with only one frontage on a local road for any single-family detached residential property or property that contains an ADU unless required by Clackamas Fire District No. 1.

E. Cluster housing properties may be granted more than one driveway per property and per frontage meeting the spacing standards. Driveways should be combined whenever possible to limit the number of driveways per property.

Middle housing properties with only one building may be allowed one driveway for every two units, provided that spacing standards and/or driveway width requirements are met.

Middle housing properties with more than one structure shall meet the cluster housing standards.

F. Townhouses shall have one driveway approach for every two dwelling units (round up for townhouse structures with an odd number of dwellings).

G. Driveways on collectors or arterials shall be provided in such a way that no backing of a vehicle will occur from the driveway to the collector or arterial.

H. When a property fronts multiple roads, access shall be provided from and limited to the road with the lowest classification in the transportation system plan to minimize points of access to arterials and collectors. Access shall not be provided on arterial or collector roads unless there is no other alternative. At the discretion of the City Engineer, properties fronting a collector or arterial road may be allowed a second driveway, for the creation of a circulation pattern that eliminates reverse maneuvers for vehicles exiting a property if applied for and granted through procedures in OCMC 16.12.013. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the City Engineer determines that:

1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or

2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.

I. All driveway approaches shall be limited to the dimensions identified in Table 16.12.035.D.

Table 16.12.035.D Driveway Approach Size Standards

Property Use	*Minimum Driveway Approach Width*		*Maximum Driveway Approach Width*
Single-Family Detached and Duplexes	*10 feet*		*24 feet*
Townhouses	*10 feet*		*24 feet*
Triplexes, Quadplex and Cottage Clusters	*10 feet*		*36 feet*
Multi-Family	*18 feet*		*30 feet*
Commercial, Industrial, Office, Institutional, Mixed Use, and/or Nonresidential	*One-Way 12 feet*	*Two-Way 20 feet*	*40 feet*

1. Shared driveways for middle housing structures shall be minimum 18 feet and maximum 36 feet except when section J.4.a applies.

2. Driveway widths shall match the width of the driveway approach where the driveway meets sidewalk or property line but may be widened onsite (for example between the property line and the entrance to a garage). Groups of more than four parking spaces shall be so located and served by driveways so that their use will not require backing movements or other maneuvering within a street right-of-way other than an alley.

Finding: Not applicable. All driveways, will be private.

J. The City Engineer reserves the right to require a reduction in the number and size of driveway approaches as far as practicable for any of the following purposes:
1. To provide adequate space for on-street parking;
2. To facilitate street tree planting requirements;
3. To assure pedestrian and vehicular safety by limiting vehicular access points; and
4. To assure that adequate sight distance requirements are met.
a. Where the decision maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-family housing, a shared driveway shall be required and limited to twenty-four feet in width adjacent to the sidewalk or property line.

Finding: Not Applicable. No restrictions are proposed by the City Engineer.

K. For all driveways, the following standards apply.
1. Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least ten feet back into the property as measured from the current edge of sidewalk or street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the City Engineer.
2. Any driveway approach built within public right-of-way shall be built and permitted per city requirements as approved by the City Engineer.
3. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the City Engineer.

Finding: Not applicable. All driveways, will be private.

L. Exceptions. The City Engineer reserves the right to waive these standards or not allow driveway access, if the driveway(s) would cause a significant traffic safety hazard. Narrower or wider driveway widths may be considered where field conditions preclude use of recommended widths. When larger vehicles and trucks will be the predominant users of a particular driveway, turning templates may be utilized to develop a driveway width that can safely and expeditiously accommodate the prevalent type of ingress and egress traffic.

Finding: Not Applicable. No exemptions are proposed.

16.12.065 - Building site—Grading.
Grading of building sites shall conform to the state of Oregon Structural Specialty Code, Title 18, any
approved grading plan and any approved residential lot grading plan in accordance with the requirements of OCMC 13.12, 15.48, 16.12 and the public works stormwater and grading design standards, and the erosion control requirements of OCMC 17.47.

Finding: Applicable. Please refer to the findings within sections 13.12,15.48, 16.12 & 17.47 of this report.

16.12.085 - Easements.
The following shall govern the location, improvement and layout of easements:
A. Utilities. Utility easements shall be required where necessary as determined by the City Engineer.
Insofar as practicable, easements shall be continuous and aligned from block-to-block within the development and with adjoining subdivisions or partitions.
1. Specific public utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans conforming to the requirements found within the applicable design standards.
2. Conveyance of public utility easements for gas, electric, telecommunication, and fiberoptic shall be required where necessary as determined by the City Engineer. The City Engineer will require the easement unless it is found that the utility can be placed in a different location or can be placed in a smaller easement than what is required. The easement shall be located adjacent to all public rights-of-way or public access easements within private property. In the event that the provision of a public utility easement would create a conflict with achieving compliance with another part of the code, the location and width may be adjusted by the City Engineer.
a. The easement shall be 10 feet in the R-10, R-8, R-6, R-5, R-3.5, R-2, GI, and CI zones
b. The easement shall be a minimum of 5 feet in the NC, HC, I, C, MUC-1, MUC-2, MUE, MUD, and WFDD zones.
i. The applicant shall obtain a written determination from all utilities that the minimum 5 foot PUE coupled with use of a minimum of a five-foot area under the public sidewalk or parkway area is sufficient to serve the development. Where the minimum width is deemed inadequate, a modification shall be required.
c. An applicant may seek a modification to the public utility easement dedication requirement using 16.12.013.

Finding: Complies with Condition. There are no adjoining properties that are not already served by franchise utility providers. Therefore, additional easements for the benefit of franchise utilities are not required. There is an existing public water main which is located within the development property that is to remain. The development shall provide a 15-foot-wide public water main easement for the public water main running through the development property. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

B. Unusual Facilities. Easements for unusual facilities such as high voltage electric transmission lines, drainage channels and stormwater detention facilities shall be adequately sized for their intended purpose, including any necessary maintenance roads. These easements shall be shown to scale on the preliminary and final plats or maps. If the easement is for drainage channels, stormwater detention facilities or related purposes, the easement shall comply with the requirements of the public works stormwater and grading design standards.

Finding: Not applicable. New easements for unusual facilities are required for this development.

C. Watercourses. Where a development is traversed or bounded by a watercourse, drainageway, channel or stream, a stormwater easement or drainage right-of-way shall be provided which conforms substantially to the line of such watercourse, drainageway, channel or stream and is of a sufficient width to allow construction, maintenance and control for the purpose as required by the responsible agency. For those subdivisions or partitions which are bounded by a stream of

established recreational value, setbacks or easements may be required to prevent impacts to the water resource or to accommodate pedestrian or bicycle paths.

Finding: Not Applicable. The application does not affect any watercourses.

D. Access. When easements are used to provide vehicular access to lots within a development, the construction standards, but not necessarily width standards, for the easement shall meet City specifications. The minimum width of the easement shall be 20 feet. The easements shall be improved and recorded by the applicant and inspected by the City Engineer. Access easements may also provide for utility placement.

Finding: Complies with condition. The application has proposed private streets with access easements. The width of access easements shall contain the full width of the private street including the space between the back of the sidewalks proposed on either side of proposed private streets. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. Resource Protection. Easements or other protective measures may also be required as the Community Development Director deems necessary to ensure compliance with applicable review criteria protecting any unusual significant natural feature or features of historic significance.

Finding: Easements or protective measures were required with the GDP associated with this DDP.

16.12.090 - Minimum improvements—Procedures.
In addition to other requirements, improvements installed by the applicant either as a requirement of these or other regulations, or at the applicant's option, shall conform to the requirements of this title and be designed to City specifications and standards as set out in the City's facility master plan and Public Works Stormwater and Grading Design Standards. The improvements shall be installed in accordance with the following procedure:
A. Improvement work shall not commence until construction plans have been reviewed and approved by the City Engineer and to the extent that improvements are located in county or state right-of-way, they shall be approved by the responsible authority. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the preliminary plat of a subdivision or partition. Expenses incurred thereby shall be borne by the applicant and paid for prior to final plan review.

Finding: Commencement of improvement work is further restricted by requirements of section 16.12.014; see section 16.12.014 of this report for associated findings.

B. Improvements shall be constructed under the inspection and approval of the City Engineer. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. Where required by the City Engineer or other City decision-maker, the applicant's project engineer also shall inspect construction.

Finding: Complies with Condition. The developer's project engineer shall inspect construction of public improvements and stormwater management facilities at the cost of the applicant. The City will perform inspections in accordance with city policies and standards. See section 16.12.014 of

this report regarding inspection fees. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. Erosion control or resource protection facilities or measures are required to be installed in accordance with the requirements of OCMC 17.47, 17.49 and the Public Works Erosion and Sediment Control Standards.

Finding: See findings from section 17.47, 17.49 of this report.

D. Underground utilities, waterlines, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities, such as, storm, water and sanitary sewer shall be placed beyond the ten-foot-wide public utility easement within private property as defined in OCMC 16.12.85.A.2.

Finding: Complies as proposed. All streets are private; therefore, surfacing of streets may occur based on timing needs of the applicant.

E. As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer upon completion of the improvements.

Finding: Complies with Condition. As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer within 90 days of completing improvements. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

F. The City Engineer may regulate the hours of construction and access routes for construction equipment to minimize impacts on adjoining residences or neighborhoods.

Finding: Complies with Condition. The applicant shall comply with permitted hours of construction as set forth by the City Engineer for any public improvements (in existing public right-of-way or easements or which will be dedicated in public right-of-way or easements) that will not follow OCMC 9.12.023.D as stated and written in the pre-construction meeting notes. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.095 - Minimum improvements—Public facilities and services.
The following minimum improvements shall be required of all applicants for a development, unless the decision-maker determines that any such improvement is not proportional to the impact imposed on the City's public systems and facilities:
A. Transportation System. Applicants and all subsequent lot owners shall be responsible for improving the City's planned level of service on all public streets, including alleys within the development and those portions of public streets adjacent to but only partially within development. Applicants are responsible for designing and providing adequate vehicular, bicycle and pedestrian access to their developments and for accommodating future access to neighboring undeveloped properties that are suitably zoned for future development. Storm drainage facilities shall be installed and connected to off-site natural or man-made drainageways. Upon completion of the street improvement survey, the applicant shall reestablish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all

points or curvature and points of tangency of their center line, and at such other points as directed by the City Engineer.

Finding: Private streets have been proposed to meet the transportation needs of the development. Modifications to city standards have been requested. See findings from 16.12.013 regarding proposed transportation system improvements.

B. Stormwater Drainage System. Applicants shall design and install drainage facilities within a development and shall connect the development's drainage system to the appropriate downstream storm drainage system as a minimum requirement for providing services to the applicant's development. The applicant shall obtain county or state approval when appropriate. Applicants are responsible for extending the appropriate storm drainage system to the development site and for providing for the connection of upgradient properties to that system. The applicant shall design the drainage facilities in accordance with city drainage master plan requirements, OCMC 13.12 and the public works stormwater and grading design standards.

Finding: Complies with Condition. All stormwater infrastructure within the development property shall be private. Confirm that no existing stormwater systems are connected to the sanitary sewer system and disconnect them from the sanitary sewer system as needed. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. Sanitary Sewer System. The applicant shall design and install a sanitary sewer system to serve all lots or parcels within a development in accordance with the City's sanitary sewer design standards, and shall connect those lots or parcels to the City's sanitary sewer system, except where connection is required to the county sanitary sewer system as approved by the county. Applicants are responsible for extending the City's sanitary sewer system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development. The applicant shall obtain all required permits and approvals from all affected jurisdictions prior to final approval and prior to commencement of construction. Design shall be approved by the City Engineer before construction begins.

Finding: Complies with Condition.
The development does not propose new public streets within public rights of way and the city has no need for public sanitary sewer infrastructure within the development property to serve the public or any upstream developable properties. Also, the applicant has stated, “An inspection of the existing system has not been completed at this time to determine integrity of the line; however, it is anticipated that the infrastructure is likely beyond or nearing its serviceable life and will likely require replacement.” Therefore, sanitary sewer condition of approval for the master plan shall be as follows:

Existing sanitary sewer infrastructure within private property except an existing sanitary sewer manhole located at the northern most corner of the development property shall be private (to be owned and maintained by the property owner). The development shall provide a 20-foot-wide sanitary sewer easement for the sanitary sewer manhole located at the northern most corner of the development property and associated downstream sewer main. The applicant has stated that all

sanitary sewer systems that previously connected to the existing storm system has been separated prior to application of this DDP. The development shall disconnect the stormwater system from the sanitary sewer system.
Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

D. Water System. The applicant shall design and install a water system to serve all lots or parcels within a development in accordance with the City public works water system design standards, and shall connect those lots or parcels to the City's water system. Applicants are responsible for extending the City's water system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development.

Finding: Complies with Condition. The development has proposed a new water main through Water Avenue. City standards require hydrant lines come from the nearest water main whenever possible. The existing hydrant at Water Avenue will not meet this requirement if it is to remain. Other water infrastructure improvements are required from the master plan.
The development shall perform the following water infrastructure improvements as part of this DDP:

- Abandon the PRV near OR 99E & Main Street.
- Abandon the existing hydrant at intersection of Water Street and OR 99E and associated hydrant main.
- Install fire hydrants to comply with Clackamas Fire District #1.
- Provide a minimum 15-foot-wide easement that allows the right for the city to access and maintain the existing public water main contained with the development property with the first DDP.
- Replace the public water main within the development property which is part of the existing looped water main system providing two sources of supply (from Main Street and from the east of the property). The size of the new public water main shall be as follows:
  - If required fire flows is limited to 3,500 gpm, the water main within Main Street shall be 12-inch in diameter.
  - If required fire flows is 5,000 gpm or more, the water main within Main Street shall be 14-inch in diameter.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

E. Street Trees. Refer to OCMC 12.08, Street Trees.
Finding: See findings from section 12.08.

F. Bench Marks. At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the City Engineer.

Finding: Complies with Condition. The engineering plans shall provide a local benchmark, onsite, using the NAVD88 datum prior to receiving a permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

G. Other Utilities. The applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. All new utilities shall be placed underground unless the respective franchise agreements allow otherwise or unless it is physically or technically impossible to comply with applicable standards. Existing electrical lines and other wires, including but not limited to telecommunication, street lighting and fiberoptic, shall be relocated underground.
1. Exemptions to relocation of existing overhead utilities to underground for property development as follows (Only one exemption criteria is required to be exempt from this requirement):
a. No transmission or feeder lines shall be relocated underground unless approved by the City Engineer.
b. Properties with less than one acre of land area shall not be required to relocate existing overhead utilities unless required by the franchise utility.
c. Properties with less than two hundred feet of frontage on any individual roadway shall not be required to relocate existing overhead utilities unless required by the franchise utility.
d. Land divisions with five or fewer subdivided lots shall not be required to relocate existing overhead utilities unless required by the franchise utility.
2. The exemptions in G.1. do not apply if properties within the same block were required to relocate the overhead utilities within the past ten years. In those cases, the existing overhead utilities shall be relocated underground.
3. When any franchise utility (electric, gas, telecommunication, fiberoptic, street lighting or similar utility) is installed along an existing or new roadway, the utility shall be installed within the existing or proposed public utility easement unless it is physically or technically impossible.
4. These requirements do not apply to work by a franchise utility for improvement, repair, alteration or addition to their existing systems.

Finding: Complies with Condition. New franchise utilities shall be placed underground and all existing overhead utilities adjacent to the property frontage shall be relocated underground unless deemed infeasible by the City and franchise utility provider. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

H. Oversizing of Facilities. All facilities and improvements shall be designed to city standards as set out in the City's facility master plan, public works design standards, or other city ordinances or regulations. Compliance with facility design standards shall be addressed during final engineering. A development may be required to modify or replace existing offsite systems if necessary to provide adequate public facilities. The City may require oversizing of facilities to meet standards in the City's facility master plan or to allow for orderly and efficient development. Where oversizing is required, the applicant may request reimbursement from the City for oversizing based on the City's reimbursement policy and funds available or provide for recovery of costs from intervening properties as they develop.

Finding: See findings from 16.12.095 regarding oversizing of facilities.

I. Erosion Control Plan—Mitigation. The applicant shall be responsible for complying with all applicable provisions of OCMC 17.47 with regard to erosion control.

Finding: See findings from section 17.47 of this report

16.12.100 - Same—Road standards and requirements.
A. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions and the applicable street design standards of this Chapter. However, the decision-maker may approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions where any of the following conditions exist:
1. The establishment of the public street is initiated by the City Commission and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;
2. The tract in which the street is to be dedicated is within an isolated ownership either not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.

Finding: Not Applicable. The creation of a new public street is not proposed or required.

B. For any public street created pursuant to subsection A of this section, a copy of a preliminary plan and the proposed deed shall be submitted to the Community Development Director and City Engineer at least ten days prior to any public hearing scheduled for the matter. The plan, deed and any additional information the applicant may submit shall be reviewed by the decision-maker and, if not in conflict with the standards of Title 16 and Title 17, may be approved with appropriate conditions.

Finding: Not Applicable. The applicant has not proposed the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions.

C. The design and construction of public streets shall be per the standards found in this chapter and the most recent version of any City Design and Construction Standards.

Finding: Complies with condition. The development plans shall comply with all current Oregon City
Public Works design standards, specifications, codes, and policies prior to receiving a permit and beginning construction. (Also written in 16.12.010). **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.105 - Same—Timing requirements.
A. Prior to applying for final plat approval, the applicant shall either complete construction of all public improvements required as part of the preliminary plat approval or guarantee the construction of those improvements. Whichever option the applicant elects shall be in accordance with OCMC 17.50.140.

Finding: See findings from OCMC 17.50.140 regarding timing of construction of improvements and guarantee for construction of improvements.

B. Construction. The applicant shall construct the public improvements according to approved final engineering plans and all applicable requirements of this Code, and under the supervision of

the City Engineer. Under this option, the improvement shall be complete and accepted by the City Engineer prior to final plat approval.

Finding: Not applicable. There is no final plat approval associated with this development.

16.12.110 -Public improvements—Financial guarantees.
A. To ensure construction of required public improvements, the applicant shall provide the City with a performance guarantee in accordance with OCMC 17.50.140.

Finding: Please see findings from Section 17.50.140 of this report.

B. After satisfactory completion of required public improvements and facilities, all public improvements not constructed by the City, shall be maintained and under warranty provided by the property owner or developer constructing the facilities until the City accepts the improvements at the end of the warranty period as prescribed in OCMC 17.50.141.

Finding: Please see findings from Section 17.50.141 of this report.

16.12.120 Waiver of Remonstrance
The review authority may require a property owner to sign a waiver of remonstrance against the formation of and participation in a local improvement district where it deems such a waiver necessary to provide needed improvements reasonably related to the impacts created by the proposed development. To ensure compliance with this chapter, the review authority may require an applicant to sign or accept a legal and enforceable covenant, contract, dedication, easement, performance guarantee, or other document, which shall be approved in form by the City Attorney.

Finding: Complies with Condition. The property owner(s) shall sign a Restrictive Covenant Non-Remonstrance Agreement for the purpose of making water improvements in the future that benefit the property and all fees associated with processing and recording the Non-Remonstrance Agreement shall be paid prior to platting occupancy. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.125 Violation—Penalty.
Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of OCMC 1.16, 1.20 and 1.24.

CHAPTER 17.42 – FLOOD MANAGEMENT OVERLAY DISTRICT

17.42.010 - Purpose—Findings.
A. There is established in the City a flood management overlay district. The flood management overlay district is an overlay zone classification defining areas subject to periodic flooding or inundation which can result in property harm or loss, disruption of public services, hazards for public health, or added expense for public services. All conditions and restrictions of land use established by this chapter of the City's zoning ordinance shall be in addition to such restrictions and conditions as may be imposed and established in underlying zoning districts.

B. It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:
1. To protect human life and health;
To minimize expenditure of public money and costly flood control projects;
To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
2. To minimize prolonged business interruptions;
3. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
4. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
5. To ensure that potential buyers are notified that property is in an area of special flood hazard;
6. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and
7. To protect flood management areas, which provide the following functions:
a. Protect life and property from dangers associated with flooding;
b. Flood storage, reduction of flood velocities, reduction of flood peak;
c. Flows and reduction of wind and wave impacts;
d. Maintain water quality by reducing and sorting sediment loads;
e. Processing chemical and organic wastes and reducing nutrients, recharge, store and discharge groundwater; and
f. Provide plant and animal habitat, and support riparian ecosystems.

17.42.020 - Applicability.
A. This chapter shall apply to development in the flood management overlay district, which may also be referred to as the "floodplain overlay district" in this code. The flood management overlay district includes all areas of special flood hazards and all flood management areas within the City. The overlay district restricts the uses that are allowed in the base zone by right, with limitations, or as provisional uses.
B. The flood management areas which have been mapped include the following locations:
1. Land contained within the one hundred-year floodplain, flood area and floodway as shown on the Federal Emergency Management Agency flood insurance maps dated June 17, 2008, including areas of special flood hazard pursuant to **Section 17.42.040** *and the area of inundation for the February 1996 flood; and*
2. Lands that have physical or documented evidence of flooding within recorded history based on aerial photographs of the 1996 flooding and/or the water quality and flood management areas maps.
C. The standards that apply to the flood management areas apply in addition to state or federal restrictions governing floodplains or flood management areas.

Finding: Applicable. Portions of the development contains land within the Floodplain Overlay Zone.

17.42.030 - Basis for establishing the areas of special flood hazard.
The areas or special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Clackamas County, Oregon and Incorporated Areas," dated June 17, 2008, with accompanying flood insurance maps is adopted by

reference and declared to be a part of this chapter. The flood insurance study is on file at the office of the City Recorder in the City Hall.

17.42.040 - Compliance.
No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of these floodplain regulations and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a civil infraction. Any person who violates this chapter or fails to comply with any of its requirements shall be subject to the enforcement procedures of this code per OCMC 1.20 Civil Infractions and 1.24 Code Enforcement. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy.

Finding: Complies as proposed. The proposed activities are in compliance with the terms of these floodplain regulations.

17.42.050 - Abrogation and interpretation.
This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. All provisions shall be considered as minimum requirements and liberally construed in favor of the governing body. Where this chapter and another section, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restriction shall prevail.

Finding: Applicable. The applicant has been made aware of this requirement.

17.42.060 - Warning and disclaimer of liability.
The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flooding damages. This chapter shall not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

Finding: Applicable. The applicant has been provided this disclaimer.

17.42.070 - 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.

Finding: Applicable. The applicant has been made aware of this requirement.

17.42.080 - Administration.
This chapter establishes a flood management overlay district, which is delineated on the water quality and flood management areas map attached and incorporated by reference as a part of this document.

A. The following maps and studies are adopted and declared to be a part of this chapter. These maps are on file in the office of the City Recorder:
1. The Water Quality and Flood Management Areas Map, dated June 7, 1999;
2. The Federal Insurance Administration, Flood Insurance Rate Maps for Clackamas County, Oregon and Incorporated Areas dated June 17, 2008;

B. Applicants are required to provide the City with a delineation of the flood management areas on the subject property as part of any application. An application shall not be complete until this delineation is submitted to the City.
C. The City shall review the water quality and flood management areas maps during periodic review as required by ORS 197.633 (1997).
D. Development Permit.
1. A development permit shall be obtained before construction or development begins within any portion of the flood management overlay district. The permit shall be for all structures, including manufactured homes and all other development, including fill and other activities, as set forth in **Chapter 17.04** *(Definitions).*
2. Application for a development permit shall be made on forms furnished by the Community Development department. Requirements may include, but are not limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage materials, drainage facilities; and the location of the foregoing.
3. The following information is specifically required:
a. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
b. Elevation in relation to mean sea level to which any structure has been floodproofed;
c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 17.42.170E.5.; and
d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

Finding: Complies as proposed. The development has pursued development permit as required by this section of the Oregon City Municipal Code.

17.42.120 - Alteration of watercourses.
A. Notify adjacent communities and the department of land conservation and development prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration.
B. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.

Finding: Not applicable. Alteration of watercourses are not proposed.

17.42.140 - Appeals and variance procedure.
A. The purpose of this section is to ensure that compliance with this chapter does not cause unreasonable hardship. To avoid such instances, the requirements of this chapter may be varied. Variances are also allowed when strict application of this chapter would deprive an owner of all economically viable use of land.
B. This section applies to requests to vary from the standards of this chapter only. Requests to vary from other standards of this title shall be subject to the requirements of **Chapter 17.60**.

1. Variance applications made pursuant to this section shall follow the variance procedures outlined in **Chapter 17.50**.
2. In addition to the public notice requirements outlined in **Section 17.50.090**, *Metro shall be notified within fourteen days of the City receiving an application to vary the requirements of this section and within fourteen days of a decision on the variance.*
3. The requirements of **Section 17.60.020** *(Variances—Grounds) do not apply to requests to vary from the standards of* **Chapter 17.42**.
4. If an application to vary from the standards of **Chapter 17.42** *is made in conjunction with an application to vary from other standards of this chapter, the variances may be processed as one application, provided the standards applicable to each variance requested must be met before the requested variance may be granted.*

Finding: Not applicable. Appeals or variance are not requested.

C. Hardship Variance. Variances to avoid unreasonable hardship caused by the strict application of this chapter are permitted subject to the criteria set forth in this section. To vary from the requirements of this chapter, the applicant must demonstrate the following:
1. The variance is the minimum necessary to allow the proposed use or activity;

Finding: Not applicable. Appeals or variance are not requested.

2. The variance will not increase danger to life and property due to flooding or erosion;

Finding: Not applicable. Appeals or variance are not requested.

3. The impact of the increase in flood hazard which will result from the variance will not prevent the City from meeting the requirements of this chapter. In support of this criteria the applicant shall have a qualified professional engineer document the expected height, velocity and duration of floodwaters, and estimate the rate of increase in sediment transport of the floodwaters expected both downstream and upstream as a result of the variance;

Finding: Not applicable. Appeals or variance are not requested.

4. The variance will not increase the cost of providing and maintaining public services during and after flood conditions so as to unduly burden public agencies and taxpayers; and

Finding: Not applicable. Appeals or variance are not requested.

5. The proposed use complies with the standards of the base zone.

Finding: Not applicable. Appeals or variance are not requested.

D. The Planning Commission shall hear and decide appeals and requests for variances when it is alleged there is an error in any requirement, decision or determination made by the building official in the enforcement or administration of these regulations, or that enforcement of this district would result in exceptional hardship. In passing upon such applications, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this title, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
11. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
E. Upon consideration of the factors listed in subsection D of this section and the purposes of this district, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to meet the purposes of this district.
F. The City Recorder shall maintain the records of all appeal actions and the Building Official shall report any granted variances to the Federal Insurance Administration upon request.

Finding: Not applicable. Appeals or variance are not requested.

17.42.150 - Conditions for variances.
The Planning Commission, pursuant to **Chapter 17.60***, may impose such conditions as are deemed necessary to limit any adverse impacts that may result from granting relief. If a variance is granted pursuant to* **Section 17.42.140***, the variance shall be subject to the conditions set out in this section. In addition to other standards listed in* **Section 17.42.160***, the following conditions must be met:*
A. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register or identified as a locally designated historic structure and without regard to the procedures set forth in the remainder of this chapter.

Finding: Not applicable. Appeals or variance are not requested.

B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Finding: Not applicable. Appeals or variance are not requested.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Finding: Not applicable. Appeals or variance are not requested.

D. Variances shall only be issued upon a showing of good and sufficient cause.

Finding: Not applicable. Appeals or variance are not requested.

E. A determination that failure to grant the variance would result in exceptional hardship to the applicant.
Finding: Not applicable. Appeals or variance are not requested.

F. Variances as interpreted in the national flood insurance program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

Finding: Not applicable. Appeals or variance are not requested.

G. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria as set forth in this chapter.

Finding: Not applicable. Appeals or variance are not requested.

H. A variance from the elevation standard may only be issued for new construction, and substantial improvements to be erected on a lot of one-half acre or less in size, that are to contiguous and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.

Finding: Not applicable. Appeals or variance are not requested.

I. Variances shall not result in increased flood heights, additional threats to public safety, extraordinary public expenses, cause nuisances, cause fraud on or victimization of the public or conflict with existing laws or ordinances.

Finding: Not applicable. Appeals or variance are not requested.

J. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest flood elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Finding: Not applicable. Appeals or variance are not requested.

17.42.160 - Flood management area standards.
A. Uses Permitted Outright:
1. Excavation and fill required to plant any new trees or vegetation.
2. Restoration or enhancement of floodplains, riparian areas, wetland, upland and streams that meet federal and state standards provided that any restoration project which encroaches on the floodway complies with the requirements of Section 17.42.190 (Floodways).

Finding: Complies as proposed. Activities proposed that meet requirements of 17.42.160.A will be permitted outright.

B. Provisional Uses.
1. All uses allowed in the base zone or existing flood hazard overlay zone are allowed in the flood management overlay district subject to compliance with the development standards of this section.

Finding: Complies as proposed. Proposed use complies with base zone.

C. Prohibited Uses.
1. Any use prohibited in the base zone;
2. Uncontained areas of hazardous materials as defined by the Department of Environmental Quality.
Finding: Complies as conditioned. Areas of development may contain hazardous materials. The development shall confirm that construction is not proposed within areas of hazardous materials as defined by the Department of Environmental Quality.
Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

D. Site Development Standards. All development in the floodplain shall conform to the following balanced cut and fill standards:
1. This subsection does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies provided that, after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.
Finding: Not applicable. Proposed activities are not improvements in response to emergencies.

2. No net fill in any floodplain is allowed. All fill placed in a floodplain shall be balanced with at least an equal amount of soil material removed. For the purpose of calculating net fill, fill shall include any structure below the design flood elevation that has been floodproofed pursuant to subsection (E)(5) of this section.
Finding: Complies with condition. For construction proposed within the Floodplain Overlay Zone, the development shall provide cut and fill calculations to show proposed construction activities do not result in net fill. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

3. Any excavation below bank-full stage shall not count toward compensating for fill.
Finding: Not applicable. Excavation below bank-full stage is not proposed.

4. Excavation to balance a fill shall be located on the same parcel as the fill unless it is not practicable to do so. In such cases, the excavation shall be located in the same Oregon City floodplain, so long as the proposed excavation and fill will not increase flood impacts for surrounding properties as determined through hydrologic and hydraulic analysis.
Finding: Complies as proposed. The development only proposes excavation to balance fill on the development property.

5. For excavated areas identified by the City to remain dry in the summer, such as parks or mowed areas, the lowest elevation of the excavated area shall be at least six inches above the winter "low water" elevation, and sloped at a minimum of two percent towards the protected water feature pursuant to Chapter 17.49. One percent slopes will be allowed in smaller areas.
Finding: Not applicable. Excavated areas are not identified by the City to remain dry in the summer.

6. For excavated areas identified by the City to remain wet in the summer, such as a constructed wetland, the grade shall be designed not to drain into the protected water feature pursuant to Chapter 17.49.
Finding: Not applicable. Excavated areas are not identified by the City to remain wet in the summer.

7. Parking areas in the floodplain shall be accompanied by signs that inform the public that the parking area is located in a flood management area and that care should be taken when the potential for flooding exists.
Finding: Not applicable. Parking areas are not proposed in the floodplain.

8. Temporary fills permitted during construction shall be removed at the end of construction, thirty days after subdivision acceptance or completion of the final inspection.
Finding: Not applicable. Temporary fill is not proposed within the floodplain.

9. New culverts, stream crossings and transportation projects shall be designed as balanced cut and fill projects or designed not to significantly raise the design flood elevation. Such projects shall be designed to minimize the area of fill in flood management areas and to minimize erosive velocities. Stream crossings shall be as close to perpendicular to the stream as practicable. Bridges shall be used instead of culverts wherever practicable.
Finding: Not applicable. No new culverts or stream crossings are proposed.

10. Excavation and fill required for the construction of detention facilities or structures, and other facilities, such as levees, specifically shall be designed to reduce or mitigate flood impacts and improve water quality. Levees shall not be used to create vacant buildable lands.

Finding: Complies as conditioned. The applicant did not specifically respond to this code section. Excavation and fill required for the construction of detention facilities or structures, shall be designed to reduce or mitigate flood impacts and improve water quality. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. Construction Standards.
1. Anchoring.
a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
b. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movements and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebooks for additional techniques).

Finding: No applicable. New building structures are not proposed with this DDP.

2. Construction Materials and Methods.
a. All new construction, and substantial improvements, and substantial flood damage restoration for residential and non-residential buildings, including manufactured homes in subdivisions and manufactured home parks, subject to this Chapter shall follow this section.
b. All construction considered herein shall be constructed using methods and practices that minimize flood damage.
c. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
d. "Machinery and Equipment" (electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities), other than specially designed equipment, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Residential Machinery and Equipment shall be elevated to at least the base flood elevation plus one foot. Machinery and Equipment may be placed below the base flood elevation if floodproofed to the base flood elevation. Locating Machinery and Equipment below one foot above base flood elevation is permitted provided that the machinery and equipment is designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the design flood elevation. Specially designed equipment (e.g. elevator components) may be located below one foot above base flood elevation.

Finding: No applicable. New building structures are not proposed.

3. Utilities.
a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Finding: No applicable. New or replacement water supply, sanitary sewage systems are proposed within the floodplain.

4. Residential Construction
a. New construction, and substantial improvements, and substantial flood damage restoration of any residential structure shall have the lowest floor, including basement, elevated to at least one foot above the design base flood elevation referred to as the design flood elevation.
b. Full enclosed areas below the lowest floor that are subject to flooding are prohibited unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria.
i. A minimum of two openings have a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

ii. The bottom of all openings shall be no higher than one foot above grade.
iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
C. Manufactured Homes. The following standards apply to all manufactured homes to be placed substantially improved or restored after substantial flood damage on sites within Flood Hazard Overlay District. When manufactured homes in a subdivision or mobile home park are installed in flood hazard areas, they shall be elevated such that the lowest finished floor is at least one foot above base flood elevation; and, anchored according to the Oregon Residential Specialty Code.
Finding: Not applicable. Construction of residential structures is not proposed.

5. Nonresidential Construction.
a. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to at least one foot above base flood elevation; or, together with attendant utility and sanitary facilities, shall:
i. Be floodproofed so that below the design flood level the structure is watertight with walls substantially impermeable to the passage of water provided that the requirements of subsection D.2. of this section are met;
ii. Have structured components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 17.42.110B.;
iv. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection E.4.b. of this section; and
v. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the design flood level will be rated as one foot below that level).
vi. Manufactured Homes. The following standards apply to all manufactured homes to be placed or substantially improved on sites within Flood Hazard Areas.
When manufactured dwellings are installed in flood hazard areas, they shall be elevated and anchored according to the Oregon Residential Specialty Code.
Finding: No applicable. New building structures or improvement to existing building structures are not proposed.

F. Recreational Vehicles. Recreational vehicles placed on sites within Zones A1-30, AH and AE as shown on the flood insurance rate map shall:
1. Be on site for fewer than one hundred eighty consecutive days, and be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
2. Meet the requirements of subsection E.6. of this section and the elevation and anchoring requirements for manufactured homes.
Finding: Not applicable. Recreational vehicles are not proposed.

G. Below Grade Crawlspaces. Below grade crawlspaces are allowed subject to the following standards. It should be noted that there are potential increased charges to personal insurance costs for below grade crawlspaces.
Finding: Not applicable. Below grade crawlspaces are not proposed.

1.The building shall be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and effects of buoyancy can usually be addressed through the required openings stated in subsection 2. below. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.

Finding: No applicable. New building structures or improvement to existing building structures are not proposed.

2. The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one foot above the lowest adjacent exterior grade.

Finding: Not applicable. Crawlspaces are not proposed.

3. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.

Finding: No applicable. New building structures or improvement to existing building structures are not proposed.

4. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodways cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

Finding: No applicable. New building structures or improvement to existing building structures are not proposed.

5. The interior grade of a crawlspace below the BFE must not be more than two feet below the lowest adjacent exterior grade.

Finding: Not applicable. Crawlspaces are not proposed.

6. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four feet at any point. The height limitations is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.

Finding: Not applicable. Crawlspaces are not proposed.

7. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.

The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.

Finding: Not applicable. Crawlspaces are not proposed.

8. The velocity of floodwaters at the site should not exceed five feet per second for any crawlspace. For areas with floodwater velocities in excess of five feet per second, below grade crawlspaces are prohibited.

Finding: Not applicable. Crawlspaces are not proposed.

17.42.170 - Review of building permits.
Where elevation data is not available either through the flood insurance study, FIRM or from another authoritative source (Section 17.42.110), application for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness shall be made by the building official, considering use of historical data, high water marks, photographs of past floodings, etc., where available, and the provisions of this title. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

Finding: Not applicable. Elevation data is available.

17.42.180 - Subdivision standards.
A. Subdivision Proposals.
1. All subdivision proposals shall be consistent with the need to minimize flood damage.

Finding: Not applicable. The development is not proposing a subdivision.

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

Finding: Not applicable. The development is not proposing a subdivision.

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

Finding: Not applicable. The development is not proposing a subdivision.

4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty lots or five acres (whichever is less).

Finding: Not applicable. The development is not proposing a subdivision.

5. All structures and site grading developed or conducted in conjunction with a subdivision proposal shall comply with Section 17.42.160, flood management area standards.

Finding: Not applicable. The development is not proposing a subdivision.

B. The purpose of this section is to allow density accruing to portions of a property within the flood management overlay district to be transferred outside the overlay district.
1. Density transfers shall be allowed if the applicant demonstrates compliance with the following standards:
a. The density transfer is proposed as part of a subdivision.
b. Minimum density standards will not increase due to the density transfers.
c. The area of land contained in a flood management area may be excluded from the calculations for determining compliance with minimum density requirements of the zoning code.

Finding: Not applicable. The development is not proposing a subdivision. Density transfers are not proposed.

17.42.190 - Floodways.
Located within areas of special flood hazard established in Section 17.42.030 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:
A. Encroachments, including fill, new construction, substantial improvements and other development shall be prohibited unless certification by a registered professional engineer or architect is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

Finding: Not applicable. Encroachments are not proposed.

B. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood management area standards of Sections 17.42.160 through 17.42.190.

Finding: Not applicable. Encroachments are not proposed.

C. Below-grade crawlspace construction is allowed in the floodplain in accordance with the Oregon Residential Specialty Code and the Oregon State Structural Specialty Code as adopted by local building code.

Finding: Not applicable. Below-grade crawl space construction is not prosed. Only rehabilitation of an existing stormwater swale.

D. In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Finding: Not applicable. Development is not proposed within Zones A1-30 and AE.

CHAPTER 17.44 – GEOLOGIC HAZARDS

17.44.025 - When required; regulated activities; permit and approval requirements.
No person shall develop land, construct, reconstruct, structurally alter, relocate or enlarge any building or structure for which a land development, sign, or building permit is required on a property that contains an area mapped within the adopted Oregon City Geologic Hazards Overlay Zone without first obtaining permits or approvals as required by this chapter.

The requirements of this chapter are in addition to other provisions of the Oregon City Municipal Code. Where the provisions of this chapter conflict with other provisions of the Oregon City Municipal Code, the provisions that are the more restrictive of regulated development activity shall govern.

Finding: Applicable. The development property contains an area mapped within the adopted Oregon City Geologic Hazards Overlay Zone.

17.44.030 - Procedures.
No building or site development permit or other authorization for development shall be issued until the plans and other documents required by this chapter have been reviewed and found by the review authority to comply with the requirements of this chapter.

Where the development is part of an application that otherwise requires a Type III procedure, review shall occur in the manner established in Chapter 17.50 for a consolidated Type III review.

Where the development is part of an application that otherwise requires a Type II procedure, review shall occur in the manner established in Chapter 17.50 for a consolidated Type II review.

For any other proposed development not otherwise subject to review as part of a development proposal that requires land use review, review shall occur in the manner established in Chapter 17.50 for a Type II procedure.

Finding: Complies with Condition. This application meets Criteria A as the development is part of a general land use application. The developer shall obtain a city-issued permits before the commencement of any filling or grading activities. This condition may be met when the City approves construction plans and geotechnical reports that include all construction activities associated with the proposed development. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.035 - Exemptions.
The following activities, and persons engaging in same, are EXEMPT from the provisions of this chapter.
A. An excavation which is less than two feet in depth, or which involves less than twenty-five cubic yards of volume;
B. A fill which does not exceed two feet in depth or which includes less than twenty-five cubic yards of volume;
C. A combined cut and fill that does not involve more than twenty-five cubic yards of volume.

D. Installation, new construction, addition or structural alteration of any existing structure of less than five hundred square feet in building footprint that does not involve grading as defined in this chapter;
E. Installation, construction, reconstruction, or replacement of public and private utility lines in the hardscape portion of the city right-of-way, existing utility crossings, existing basalt lined drainage channels, or public easement, not including electric substations;
F. Tree removal on slopes twenty-five percent or greater where canopy area removal is less than twenty-five percent of the portion of the lot which contains twenty-five percent or greater slopes. For the purpose of this chapter, "tree" shall be as defined in OCMC 17.04.1315.
G. The removal or control of noxious vegetation;
H. Emergency actions which must be undertaken immediately to prevent an imminent threat to public health or safety, or prevent imminent danger to public or private property. The person undertaking emergency action shall notify the building official on all regulated activities associated with any building permit or City Engineer/Public Works Director on all others within one working day following the commencement of the emergency activity. If the City Engineer/Public Works Director or building official determine that the action or part of the action taken is beyond the scope of allowed emergency action, enforcement action may be taken.

Finding: Not Applicable. The application does not meet any of the criteria for an exemption to the geologic hazard code 17.44.

17.44.050 - Development - Application Requirements and Review Procedures and Approvals.
Except as provided by subsection C. of this section, an application for a geologic hazards overlay review shall include the following:
A. A geological assessment and geotechnical report that specifically includes, but is not limited to:
1. Comprehensive information and data regarding the nature and distribution of underlying geology, the physical and chemical properties of existing soils and groundwater; an opinion of site geologic stability, and conclusions regarding the effect of geologic conditions on the proposed development. In addition to any field reconnaissance or subsurface investigation performed for the site, the following resources, as a minimum, shall be reviewed to obtain this information and data:
a. The State of Oregon Department of Geology and Mineral Industries (DOGAMI) in Bulletin 99, Geology and Geological Hazards of North Clackamas County, Oregon (1979), or in any subsequent DOGAMI mapping for the Oregon City area;
b. Portland State University study entitled "Environmental Assessment of Newell Creek Canyon, Oregon City, Oregon" (1992);
c. Portland State University study, "Landslides in the Portland, Oregon, Metropolitan Area Resulting from the Storm of February 1996: Inventory Map, Database and Evaluation" (Burns and others, 1998);
d. DOGAMI Open File Report O-06-27, "Map of Landslide Geomorphology of Oregon City, Oregon, and Vicinity Interpreted from LIDAR Imagery and Aerial Photographs" (Madin and Burns, 2006);
e. "Preliminary Geologic Map of the Oregon City Quadrangle, Clackamas County, Oregon" (Madin, in press);

f. Landslide Hazards Land Use Guide for Oregon Communities (October 2019), prepared by the State of Oregon Department of Geology and Mineral Industries (DOGAMI) and the Oregon Department of Land Conservation and Development (DLCD);

g. Landslide hazard and risk study of northwestern Clackamas County, Oregon: Oregon Department of Geology and Mineral Industries, Open-File Report O-13-08, 74 map plates; Burns, W.J., Mickelson, K.A., Jones, C.B., Pickner, S.G., Hughes, K.L., Sleeter, R., 2013.
h. Mapped landslide data shall be from the city's maps as a minimum but may be supplemented with maps from items a through f above.

Finding: Complies with Condition. The geotechnical report submitted with the application does not document review of the above publications and does not address geologic stability. A revised geotechnical report shall be submitted that reviews relevant publications from 17.44.050 and provides an opinion of site geologic stability, and incorporates the review findings and opinions into their conclusions regarding the effect of geologic conditions on the proposed development. This principally applies to the geologic hazard zone and buffer along proposed Water Street. This condition may be met when the City approves construction plans and geotechnical reports that include all construction activities associated with the proposed development. **Staff has determined that it is possible, likely and reasonable, that the applicant can meet this standard through the Conditions of Approval.**

2. Information and recommendations regarding existing local drainage, proposed permit activity impacts on local drainage, and mitigation to address adverse impacts;

Finding: Complies with Condition. The geotechnical report submitted with the application does not consider local drainage or the impact of proposed activities on local drainage. A revised geotechnical report shall be submitted that provides the information and recommendations required by Section 17.44.050.A.2 regarding local drainage or the impact of proposed activities on local drainage. This condition may be met when the City approves construction plans and geotechnical reports that include all construction activities associated with the proposed development. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

3. Comprehensive information about site topography;

Finding: Complies with Condition. The geotechnical report submitted with the application does not provide information on the steep slopes along the northwest edge of the site, near Water Street. A revised geotechnical report shall be submitted that provides the information and recommendations required by Section 17.44.050.A.3. This condition may be met when the City approves construction plans and geotechnical reports that include all construction activities associated with the proposed development. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

4. Opinion as to the adequacy of the proposed development from an engineering standpoint;

Finding: Complies with Condition. The geotechnical report submitted with the application did not state whether the proposed development is adequate. A revised geotechnical report shall be submitted that provides this opinion, as required by Section 17.44.050.A.4. This condition may be met when the City approves construction plans and geotechnical reports that include all construction activities associated with the proposed development. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

5. Opinion as to the extent that instability on adjacent properties may adversely affect the project;

Finding: Complies with Condition. The geotechnical report submitted with the application did not provide an opinion on the extent that instability on adjacent properties may adversely affect the project, in particular, the cliffs along the northwest side of the site, near Water Street. A revised geotechnical report shall be submitted that provides this opinion, as required by Section 17.44.050.A.5. This condition may be met when the City approves construction plans and geotechnical reports that include all construction activities associated with the proposed development. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

6. Description of the field investigation and findings, including logs of subsurface conditions and laboratory testing results;

Finding: Complies as Proposed. The application has provided all of the information listed in 17.44.050.A.6; however, detailed review of the report will occur as part of the permit review and revisions may be requested.

7. Conclusions regarding the effect of geologic conditions on the proposed development, tree removal, or grading activity;

Finding: Complies as Proposed. The application has provided all of the information listed in 17.44.050.A.7; however, detailed review of the report will occur as part of the permit review and revisions may be requested.

8. Specific requirements and recommendations for plan modification, corrective grading, and special techniques and systems to facilitate a safe and stable site;

Finding: Complies with Condition. The geotechnical report submitted with the application did not provide requirements or recommendations to facilitate a safe or stable site relative to the steep slope along the northwest side of the site, near Water Street. A revised geotechnical report shall be submitted that provides these requirements or recommendations, if any, as required by Section 17.44.050.A.8. This condition may be met when the City approves construction plans and geotechnical reports that include all construction activities associated with the proposed development. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

9. Recommendations and types of considerations as appropriate for the type of proposed development:
a. General earthwork considerations, including recommendations for temporary and permanent cut and fill slopes and placement of structural fill;
b. Location of residence on lot;
c. Building setbacks from slopes;
d. Erosion control techniques applicable to the site;
e. Surface drainage control to mitigate existing and potential geologic hazards;
f. Subsurface and/or management of groundwater seepage;
g. Foundations;

h. Embedded/retaining walls;
i. Management of surface water and irrigation water; and
j. Impact of the development on the slope stability of the lot and the adjacent properties.
k. Construction phasing and implementation schedule as it relates to foundation excavation, allowance for stockpiles, imported backfill, site subsurface drainage or dewatering, provision for off season site protections;
l. Stormwater management; and
m. Construction methods.

Finding: Complies with Condition. The applicant has provided most of the applicable information listed in 17.44.050.A.9; however, the geotechnical report submitted with the application did not address geologic hazards related to the steep slope along the northwest side of the site, near Water Street, if any. A revised geotechnical report shall be submitted that provides additional recommendations related to geologic hazards, if any, as required by Section 17.44.050.A.9. This condition may be met when the City approves construction plans and geotechnical reports that include all construction activities associated with the proposed development. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Complies as Proposed. The application has provided sufficient information listed in 17.44.050.A.10 for this site; however, detailed review of the report will occur as part of the permit review and revisions may be requested.

11. For properties greater than one acre and any property that has any portion of its property existing within a mapped landslide, where the activity is not exempted by 17.44.35, a preliminary hydrology report, prepared by a suitably qualified and experienced hydrology expert, addressing the effect upon the watershed in which the proposed development is located; the effect upon the immediate area's stormwater drainage pattern of flow, the impact of the proposed development upon downstream areas and upon wetlands and water resources; and the effect upon the groundwater supply.

Finding: Complies as proposed. The proposal shows the majority of the existing surface to be impervious and all stormwater captured directly discharges to the Willamette River. A hydrology report is not required.

B. Review Procedures and Approvals require the following:
1. Examination to ensure that:

a. Required application requirements are completed;
b. Geologic assessment and geotechnical report procedures and assumptions are generally accepted; and
c. All conclusions and recommendations are supported and reasonable.

Finding: Complies with Condition. The applicant has met the requirements of Section 17.44.050.B.1, for the information submitted; however, some information associated with geologic hazards related to the steep slope along the northwest side of the site, near Water Street, was not provided. A revised geotechnical report shall be submitted that meets the requirements of this section for any additional geologic hazards information submitted, if any, as required by Section 17.44.050.B.1. This condition may be met when the City approves construction plans and geotechnical reports that include all construction activities associated with the proposed development. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

2. Conclusions and recommendations stated in an approved assessment or report shall then be directly incorporated as permit conditions or provide the basis for conditions of approval for the regulated activity.

Finding: Complies with Condition. The applicant has provided most of the applicable information listed in 17.44.050.B.2; however, the geotechnical report submitted with the application did not address geologic hazards related to the steep slope along the northwest side of the site, near Water Street, if any. A revised geotechnical report shall be submitted that provides additional conclusions and recommendations related to geologic hazards, if any, and which will be incorporated as permit conditions or conditions of approval, as required by Section 17.44.050.B.2. This condition may be met when the City approves construction plans and geotechnical reports that include all construction activities associated with the proposed development. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

3. All geologic assessments and geotechnical reports shall be reviewed by an engineer certified for expertise in geology or geologic engineering and geotechnical engineering, respectively, as determined by the City. The City will prepare a list of prequalified consultants for this purpose. The cost of review by independent review shall be paid by the applicant.

Finding: Complies with Condition. A geotechnical engineer provides consultation services to the City. The geotechnical consultant provide review of all geologic assessments and geotechnical reports for the City. Costs associated with geologic hazard review of the land use application by the City's geotechnical engineer shall be paid by the developer. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Not Applicable. The City Engineer has not waived any of the requirements as all requirements apply to this application.

17.44.060 Development Standards.
Notwithstanding any contrary dimensional or density requirements of the underlying zone, the following standards shall apply to the review of any development proposal subject to this chapter. Requirements of this chapter are in addition to other provision of the Oregon City Municipal Code. Where provision of this chapter conflict with other provision of the Oregon City Municipal Code, the provisions that are more restrictive of regulated development activity shall govern.
A. All developments shall be designed to avoid unnecessary disturbance of natural topography, vegetation and soils. To the maximum extent practicable as determined by the review authority, tree and ground cover removal and fill and grading for residential development on individual lots shall be confined to building footprints and driveways, to areas required for utility easements and for slope easements for road construction, and to areas of geotechnical remediation.

Finding: Complies as Proposed. Proposed development sufficiently avoids unnecessary ground and vegetation disturbance.

B. All grading, drainage improvements, or other land disturbances shall only occur from May 1 to October 31. "Land disturbance" is defined as any movement of earth, placement of earth, or movement of heavy trucks on earth, not including the right-of-way. Erosion control measures shall be installed and functional prior to any disturbances. Erosion control measures shall also be functioning and in a winterized stable condition once all land disturbance work has ceased for the year. The City Engineer may allow grading, drainage improvements or other land disturbances to begin before May 1 (but no earlier than March 16) and end after October 31 (but no later than November 30), based upon weather conditions and the recommendation and direction of the project's geotechnical engineer. The City Engineer may use the expertise of a city contracted geotechnical consultant to make the decision to allow any work before May 1 or after October 31. The City Engineer has full authority to not allow any extension of work before May 1 or after October 31. In no case shall the applicant be allowed to begin work before May 1 or complete work after October 31 if the average monthly rainfall in any individual month between September and April is exceeded.

Finding: Complies with Condition. Grading, drainage improvements or other land disturbances within mapped geologic hazard areas and buffers shall be restricted to between May 1 and October 31, unless extended by the City Engineer consistent with 17.44. The developer shall submit a work schedule which has been reviewed and approved by a licensed geotechnical engineer with regard to the viability of completing necessary project goals within the aforementioned time period. Erosion control measures and temporary protective fencing around all trees and vegetation designed for protection shall be installed prior to the commencement of grading or other soil disturbance. Erosion control measures shall be in conformance with OCMC Chapter 17.47. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. Designs shall minimize the number and size of cuts and fills.

Finding: Complies as proposed. The site is relatively flat and cuts and fills are only proposed as necessary to construct the roadways and utilities.

D. Cut and fill slopes greater than seven feet in height (as measured vertically) shall be terraced. Faces on a terraced section shall not exceed five feet. Terrace widths shall be a minimum of three feet and shall be vegetated. Total cut and fill slopes shall not exceed a vertical height of fifteen feet. Except in connection with geotechnical remediation plans approved in accordance with the chapter, cuts shall not remove the toe of any slope that contains a known landslide or is greater than twenty-five percent slope. The top of cut or fill slopes not utilizing structural retaining walls shall be located a minimum of one-half the height of the cut slope from the nearest property line.

Finding: Complies as proposed. The project does not include any areas where these cut and fill criteria are triggered.

E. Any structural fill shall be designed by a suitably qualified and experienced civil or geotechnical engineer licensed in Oregon in accordance with standard engineering practice. The applicant's engineer shall certify that the fill has been constructed as designed in accordance with the provisions of this chapter. The structural fill design must be provided prior to any fill being placed onsite. The structural fill design must contain the stamp and signature of a professional engineer licensed in the State of Oregon.

Finding: Complies with Condition. The geotechnical report has provided structural fill design recommendations. Upon conclusion of construction, the geotechnical engineer shall provide a summary letter confirming that all structural fill was constructed in accordance with their design and the provisions of 17.44.060.E. The letter shall be signed and stamped by the geotechnical engineer licensed in the State of Oregon. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

F. Retaining walls shall be constructed in accordance with the Oregon Structural Specialty Code adopted by the State of Oregon.
1. Retaining walls that are four feet or greater in height, tiered walls with a total height four feet or greater, and walls on slopes steeper than 2:1 must be designed by a professional engineer licensed in the State of Oregon which includes a stamped and signed set of plans.
2. The construction of the wall must be inspected by the professional engineer responsible for the design and must be certified prior to the structure receiving temporary occupancy. The certification must contain the stamp and signature of a professional engineer licensed in the state of Oregon.
3. All retaining walls required to be designed by a professional engineer shall be reviewed by the City, when expertise exists on staff, or by the City's consultant. When reviewed by the City's consultant, the applicant shall reimburse the City for time spent by the City's consultant to review the design.

Finding: Complies as proposed. No retaining walls are proposed for this project.

G. Roads shall be the minimum width necessary to provide safe vehicle and emergency access, minimize cut and fill and provide positive drainage control. The review authority may grant a variance from the City's required road standards upon findings that the variance would provide safe vehicle and emergency access and is necessary to comply with the purpose and policy of this chapter.

Finding: Complies as Proposed. The road proposed meets the standards in OCMC 16.12 and have been minimized providing proper drainage control.

H. Density shall be determined as follows:
1. Slope
a. For those areas with slopes less than twenty-five percent between grade breaks, the allowed density shall be that permitted by the underlying zoning district, unless further limited by the following code section;
b. For those areas with slopes of twenty-five to thirty-five percent between grade breaks, the density shall not exceed two dwelling units per acre except as otherwise provided in subsection I of this section;
c. For those areas with slopes over thirty-five percent between grade breaks, development shall be prohibited except as otherwise provided in subsection I 4 of this section.
2. Existing landslide (as shown in the Geologic Hazard Overlay Zone)
a. For those areas with historic landslides where the structure or ground disturbance will be located within any portion of the mapped landslide or buffer zone, the density shall not exceed two dwelling units per acre except as otherwise provided in subsection I of this section;

Finding: Not applicable. The development has not proposed residential properties within the Geologic Hazard Overlay Zone.

I. For properties with slopes of twenty-five to thirty-five percent between grade breaks or are located within any portion of a mapped landslide and buffer zone:
1. For those portions of the property with slopes of twenty-five to thirty-five percent or located within any portion of a mapped landslide and buffer zone, the maximum residential density shall be limited to two dwelling units per acre; provided, however, that where the entire site is less than one-half acre in size, a single dwelling shall be allowed on a lot or parcel existing as of January 1, 1994 and meeting the minimum lot size requirements of the underlying zone;
2. An individual lot or parcel with slopes between twenty-five and thirty-five percent or located within any portion of a mapped landslide and buffer zone, shall have no more than fifty percent or four thousand square feet of the surface area, whichever is smaller, graded or stripped of vegetation or covered with structures or impermeable surfaces.
3. No cut into a slope of twenty-five to thirty-five percent or located within any portion of a mapped landslide and buffer zone, for the placement of a housing unit shall exceed a maximum vertical height of fifteen feet for the individual lot or parcel.
4. For those portions of the property with slopes over thirty-five percent between grade breaks:
a. Notwithstanding any other city land use regulation, development other than roads, utilities, public facilities and geotechnical remediation shall be prohibited; provided, however, that the review authority may allow development upon such portions of land upon demonstration by an applicant that failure to permit development would deprive the property owner of all economically beneficial use of the property. This determination shall be made considering the entire parcel in question and contiguous parcels in common ownership on or after January 1, 1994, not just the portion where development is otherwise prohibited by this chapter. Where this showing can be made on residentially zoned land, development shall be allowed and limited to one single-family residence. Any development approved under this chapter shall be subject to compliance with all other applicable city requirements as well as any applicable state, federal or other requirements;

b. To the maximum extent practicable as determined by the review authority, the applicant shall avoid locating roads, utilities, and public facilities on or across slopes exceeding thirty-five percent.

Finding: Complies as Proposed. Roads and utilities are located outside of areas of slopes.

J. The geotechnical engineer of record shall review final grading, drainage, and foundation plans and specifications and confirm in writing that they are in conformance with the recommendations provided in their report.

Finding: Complies with Condition. The geotechnical engineer of record shall review final grading and drainage plans and specifications and confirm in writing that they are in conformance with the recommendations provided in their report. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

K. At the City's discretion, peer review shall be required for the geotechnical evaluation/investigation report submitted for the development and/or lot plans. The peer reviewer shall be selected by the City. The applicant's geotechnical engineer shall respond to written comments provided by the City's peer reviewer prior to issuance of building permit.

Finding: Complies with condition. The applicant's geotechnical engineer shall respond to written comments provided by the City's peer reviewer prior to issuance of building permits. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

L. The review authority shall determine whether the proposed methods of rendering a known or potential hazard site safe for construction, including proposed geotechnical remediation methods, are feasible and adequate to prevent landslides or damage to property and safety. The review authority shall consult with the City's geotechnical engineer in making this determination. Costs for such consultation shall be paid by the applicant. The review authority may allow development in a known or potential hazard area as provided in this chapter if specific findings are made that the specific provisions in the design of the proposed development will prevent landslides or damage. The review authority may impose any conditions, including limits on type or intensity of land use, which it determines are necessary to assure that landslides or property damage will not occur.

Finding: Complies with Condition. A prequalified geotechnical engineer provides consultation services to the City. The geotechnical consultant provide review of all geologic assessments and geotechnical reports for the City. Costs associated with geologic hazard review of the land use application by the City's geotechnical engineer shall be paid by the developer. (Also written in section 17.44.050.B.3) **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.070 - Access to Property.
A. Shared private driveways may be required if the City Engineer or principal planner determines that their use will result in safer location of the driveway and lesser amounts of land coverage than would result if separate private driveways are used.
B. Innovations in driveway design and road construction shall be permitted in order to keep grading and cuts or fills to a minimum and to achieve the purpose and policy of this chapter.
C. Points of access to arterials and collectors shall be minimized.

D. The City Engineer or principal planner shall verify that adequate emergency services can be provided to the site.

Finding: Not applicable. Shared private driveways are not required by the City Engineer.

17.44.080 - Utilities.
All new utilities (storm sewer, sanitary sewer, potable water, and gas), both on-site and off-site, shall be placed underground and under roadbeds where practicable. All other service utilities (including, but not limited to, electric, telephone, telecom, cable, fiberoptic) shall be placed above ground on existing poles if poles exist. If no poles exist, the service lines shall be placed underground. Every effort shall be made to minimize the impact of utility construction. Underground utilities require the geologic hazards permitting and review prescribed herein when applicable.

Finding: Complies with Condition. All new service utilities are proposed to be underground and under roadbeds. The placement of existing utilities underground within areas of geologic hazard shall be reviewed and approved by the City. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.090 - Stormwater Drainage.
The applicant shall submit a permanent and complete stormwater control plan. The program shall include, but not be limited to the following items as appropriate: Curbs, gutters, inlets, catch basins, detention facilities and stabilized outfalls. Detention facilities shall be designed to city standards as set out in the City's drainage master plan and design standards. The review authority may impose conditions to ensure that waters are drained from the development so as to limit degradation of water quality consistent with Oregon City's Title III section of the Oregon City Municipal Code Chapter 17.49 and the Oregon City Stormwater and Grading Design Standards or other adopted standards subsequently adopted by the City Commission. The review authority may also impose conditions to limit the volume, velocity, or flow rate of water such that it does not negatively impact the underlying drainageway cross section. Drainage design shall be approved by the City Engineer before construction, including grading or other soil disturbance, has begun.

A geotechnical report must include analysis and solutions for infiltration facilities located in areas where these facilities could impact nearby slopes of greater than ten percent. Infiltration shall be minimized as practicable for any site located within a geologic hazard overlay. Infiltration is not allowed for any site located in areas greater than twenty-five percent.

The project's civil or geotechnical engineer shall inspect any stormwater management feature and must certify that the stormwater management feature was constructed per plan and with the recommendations of the geotechnical engineer prior to receiving temporary occupancy. The certification must contain the stamp and signature of a professional engineer licensed in the state of Oregon.

Finding: Complies with Condition. See findings from 13.12 regarding requirements for the development to meet the Oregon City Stormwater and Grading Design Standards. The developer's geotechnical consultant shall review the drainage design for the project so that it does not negatively impact the underlying drainageway cross section and certify that the design is consistent with the conclusions and recommendations stated in their geologic assessment and

geotechnical report. The project's civil or geotechnical engineer shall inspect any stormwater management feature and must certify that the stormwater management feature was constructed per plan and with the recommendations of the geotechnical engineer.
Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

17.44.100 - Construction Standards.
During construction on land subject to this chapter, the following standards shall be implemented by the developer:
A. All development activity shall minimize vegetation removal and soil disturbance and shall provide positive erosion prevention measures in conformance with OCMC Chapter 17.47 – Erosion and Sediment Control.

Finding: Complies as proposed. The applicant proposes to minimize vegetation removal and soil disturbance. Detailed review of construction plans will occur as part of the permit review and revisions may be requested to ensure this standard is met.

B. No grading, clearing or excavation of any land shall be initiated prior to approval of the grading plan, except that the City Engineer shall authorize the site access, brush to be cleared and the location of the test pit digging prior to approval of such plan to the extent needed to complete preliminary and final engineering and surveying. The grading plan shall be approved by the City Engineer as part of the City's review under this chapter. The developer shall be responsible for the proper execution of the approved grading plan.

Measures shall be taken to protect against landslides, mudflows, soil slump and erosion. Such measures shall include sediment fences, straw bales, erosion blankets, temporary sedimentation ponds, interceptor dikes and swales, undisturbed buffers, grooving and stair stepping, check dams, etc. The applicant shall comply with the measures described in the Oregon City Public Works Standards for Erosion and Sedimentation Control (Ordinance No. 99-1013). Erosion control measures shall be in place at all times during construction to the maximum extent practicable.

Finding: Complies with Condition. See 15.48 regarding city requirements for grading. Erosion and sediment control plans shall be submitted for review and approval by the City prior to issuance of an erosion and sediment control permit. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval**

C. All disturbed vegetation shall be replanted with suitable vegetation upon completion of the grading of the steep slope area.

Finding: Not applicable. Vegetation disturbance is not proposed.

D. Existing vegetative cover shall be maintained to the maximum extent practicable. No grading, compaction or change in ground elevation, soil hydrology and/or site drainage shall be permitted within the drip line of trees designated for protection, unless approved by the City.

Finding: Not applicable. Vegetation disturbance is not proposed.

E. Existing perennial and intermittent watercourses shall not be disturbed unless specifically authorized by the review authority. This includes physical impacts to the stream course as well as siltation and erosion impacts. The City, at its discretion, is not required to but may request the examination and assessment by other State agencies to determine if impacts are acceptable.

Finding: Complies as Proposed. No watercourses exist within the site proposed in the application.

F. All soil erosion and sediment control measures shall be maintained during construction and for one year after development is completed, or until soils are stabilized by revegetation or other measures to the satisfaction of the City Engineer. Such maintenance shall be the responsibility of the developer. If erosion or sediment control measures are not being properly maintained or are not functioning properly due to faulty installation or neglect, the City may order work to be stopped.

Finding: Complies with condition. Erosion control measures shall be in conformance with OCMC Chapter 17.47. (also written in findings from 17.44.060.B) **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

G. All newly created lots, either by subdivision or partition, shall contain building envelopes with a slope of 35% or less.

Finding: Complies as Proposed. No proposed lots have building envelopes with slopes of 35% or greater.

H. The applicant's geotechnical engineer shall provide special inspection during construction to confirm that the subsurface conditions and assumptions made as part of their geotechnical evaluation/investigation are appropriate. This will allow for timely design changes if site conditions are encountered that are different from those anticipated. Inspection is required on a daily basis for any day that earth disturbance is occurring or after any rainfall event of one-half inch or greater.

Finding: Complies with Condition. The developer shall retain the services of a licensed geotechnical engineer to conduct inspections prior to and during earthworks construction activities. The geotechnical engineer shall provide reports to confirm that standards from Section 17.44.100 are met. The geotechnical engineer of record shall observe all excavations and geologic conditions exposed during construction and document that the conditions are consistent with the conditions assumed in the geotechnical evaluation. If the conditions are different than assumed in the preliminary report, the effect of the new observations shall be evaluated and mitigation provided as required. Additional geologic hazards review may be required at the City's discretion. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

I. Prior to issuing an occupancy permit, the geotechnical engineer shall prepare a summary letter stating that the soils- and foundation-related project elements were accomplished in substantial conformance with their recommendations. The summary letter must contain the stamp and signature of a professional engineer licensed in the State of Oregon.

Finding: Complies with Condition. The developer's geotechnical engineer shall certify, during construction, that structural fill used on the site meets the provided design specifications and is placed as designed. The certification shall be in writing and shall be signed and stamped by a licensed engineer in the State of Oregon. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.110 - Approval of development.
The City Engineer shall review the application and verify, based on the applicant's materials and the land use record, whether the proposed development constitutes a hazard to life, property, natural resources or public facilities. If, in the City Engineer's opinion, a particular development poses such a hazard, the City Engineer shall recommend to the review authority permit conditions designed to reduce or eliminate the hazard. These conditions may include, but are not limited to, prohibitions on construction activities between November 1st and April 30th.

Finding: Applicable. City Engineer has reviewed the application and verified, based on the applicant's materials and the land use record, whether the proposed development constitutes a hazard to life, property, natural resources or public facilities. Permit conditions have been written within this document designed to reduce or eliminate the hazard per the recommendations of the City's geotechnical consultant. A condition of approval prohibits construction activities between November 1st and April 30th.

17.44.120 - Liability.
Approval of an application for development on land subject to this chapter shall not imply any liability on the part of the City for any subsequent damage due to earth slides. Prior to the issuance of a building permit, a waiver of damages and an indemnity and hold harmless agreement shall be required which releases the City from all liability for any damages resulting from the development approved by the City's decision. The indemnity and hold harmless agreement shall be recorded on the property and run with the property.

Finding: Complies with Condition. The developer shall submit waiver of damages, indemnity and hold harmless agreement completed by all owners of property disturbed by the development prior to start of construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.130 - Compliance.
Nothing contained in this chapter shall relieve the developer of the duty to comply with any other provision of law. In the case of a conflict, the more restrictive regulation shall apply.

Finding: Applicable. This is requirement standard across all development.

17.44.140 - Appeal.
The review authority's decision may be appealed in the manner set forth in Chapter 17.50.

CHAPTER 17.47 – EROSION AND SEDIMENT CONTROL

17.47.030 - Applicability.

A. This chapter, which may also be referred to as "erosion control" in this Code, applies to development that may cause visible or measurable erosion on any property within the City limits of Oregon City.
B. This chapter does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies, provided that after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.

Finding: Applicable. The application disturbs more than 1,000 square feet of earth; therefore, erosion and sediment control standards shall be followed.

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

Finding: Complies with condition. A City issued erosion and sediment control permit shall be obtained prior to commencement of any earth disturbing activities. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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 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 erosion and sediment control incorporated by reference as part of this chapter;
2. The erosion and sediment control plan indicates that erosion and sediment control measures will be managed and maintained during and following development. The erosion and sediment control plan indicates that 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, 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 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.
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.).

Finding: Complies with condition. Erosion and sediment control plans shall be submitted for review and approval by the City prior to issuance of an erosion and sediment control permit. (Also written in 17.44) **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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 erosion and sediment control facilities shall be upgraded as needed for unexpected storm events and to ensure that sediment-laden water does not leave the site.
E. Any observation of visible or measurable 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.

Finding: Applicable. Plan approval is required be obtained per chapter 16.12. The Oregon City Erosion Control Officer ensures that the development will comply with the City's Erosion and Sediment Control Standards. The Oregon City Erosion Control Officer will access the development site and perform inspections to ensure compliance prior to any clearing and grading activities are permitted. The Oregon City Erosion Control Officer ensures implementation of an erosion and sediment control plan and the construction, maintenance, replacement, and upgrading of erosion and sediment control facilities. The Oregon City Erosion Control Officer may issue a Stop Work Order if the owner or his/her designated representative fails to implement and maintain the approved erosion control and sediment control plan until all construction is completed and approved, and vegetation, landscaping or approved finished surfaces is established.

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. 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.

Finding: See findings in Section 17.50.140.

CHAPTER 17.50 – ADMINISTRATION AND PROCEDURES

17.50.010 Purpose.
This chapter provides the procedures by which Oregon City reviews and decides upon applications for all permits relating to the use of land authorized by ORS 92, 197 and 227. These permits include all form of land divisions, land use, limited land use and expedited land division and legislative enactments and amendments to the Oregon City Comprehensive Plan and Titles 16 and 17 of this code. Pursuant to ORS 227.175, any applicant may elect to consolidate applications for two or more related permits needed for a single development project. Any grading activity associated with development shall be subject to preliminary review as part of the review process for the underlying development. It is the express policy of the City of Oregon City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.

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.

Finding: Complies as Proposed. The applicant held a pre-application conference (PA 24-17) for this proposal on June 26, 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: Complies as Proposed. The applicant met with the Two Rivers Neighborhood Association on July 11, 2024

17.50.070 Completeness review and one hundred twenty-day rule.
A. Upon submission, the Community Development Director shall date stamp the application form and verify that all of the appropriate application review fee(s) have been submitted. Upon receipt of all review fees and an application form, the Community Development Director will then review the application and all information submitted with it and evaluate whether the application is complete enough to process. Within thirty days of receipt of the application and all applicable review fees, the Community Development Director shall complete this initial review and issue to the applicant a written statement indicating whether the application is complete enough to process, and if not, what information shall be submitted to make the application complete.
B. The applicant has one hundred eighty days from the date the application was made to submit the missing information or the application shall be rejected and the unused portion of the application fee returned to the applicant. If the applicant submits the requested information within the one hundred eighty-day period, the Community Development Director shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure in subsection A of this section.
The application will be deemed complete for the purpose of this section upon receipt by the Community Development Director of:
1. All the missing information;
2. Some of the missing information and written notice from the applicant that no other information will be provided; or
3. Written notice from the applicant that none of the missing information will be provided.

C. Once the Community Development Director determines the application is complete enough to process, or the applicant refuses to submit any more information, the City shall declare the application complete. Pursuant to ORS 227.178, the City will reach a final decision on an application within one hundred twenty calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to suspend the one hundred twenty-calendar-day timeline or unless state law provides otherwise. The one hundred twenty-day period, however, does not apply in the following situations:
1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one hundred twenty-day period.
2. Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one hundred twenty-day period for the amount of time required to correct the notice defect.
3. The one hundred twenty-day period does not apply to any application for a permit that is not wholly within the City's authority and control.

4. The one hundred twenty-day period does not apply to any application for an amendment to the City's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.
D. A one hundred day-period applies in place of the one hundred twenty-day period for affordable housing projects where:
1. The project includes five or more residential units, including assisted living facilities or group homes;
2. At least fifty percent of the residential units will be sold or rented to households with incomes equal to or less than sixty percent of the median family income for Clackamas County or for the state, whichever is greater; and
3. Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of sixty years from the date of the certificate of occupancy.
E. The one hundred twenty-day period specified in OCMC 17.50.070.C or D may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed two hundred forty-five calendar days.
F. The approval standards that control the City's review and decision on a complete application are those which were in effect on the date the application was first submitted.

Finding: Complies, the application was deemed complete on December 9, 2024. The 120-day decision date for this application is April 8, 2024

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

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

Finding: Complies the application was deemed complete on December 9, 2024.

17.50.090 - Public notices.
All public notices issued by the City announcing applications or public hearings of quasi-judicial or legislative actions, shall comply with the requirements of this section.
A. Notice of Type II Applications. Once the Community Development Director has deemed a Type II application complete, the City shall prepare and send notice of the application, by first class mail, to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The applicant shall provide or the City shall prepare for a fee an accurate and complete set of mailing labels for these property owners and for posting the subject property with the City-prepared notice in accordance with OCMC 17.50.100. The City's Type II notice shall include the following information:
1. Street address or other easily understood location of the subject property and city-assigned planning file number;
2. A description of the applicant's proposal, along with citations of the approval criteria that the City will use to evaluate the proposal;
3. A statement that any interested party may submit to the City written comments on the application during a fourteen-day comment period prior to the City's deciding the application, along with instructions on where to send the comments and the deadline of the fourteen-day comment period;
4. A statement that any issue which is intended to provide a basis for an appeal shall be raised in writing during the fourteen-day comment period with sufficient specificity to enable the City to respond to the issue;
5. A statement that the application and all supporting materials may be inspected, and copied at cost, at City Hall during normal business hours;

6. The name and telephone number of the planning staff person assigned to the application or is otherwise available to answer questions about the application;
7. The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.

Finding: Complies. A public notice was sent to all properties within 300 feet of the site and signs were placed on the property within 20 days of the scheduled hearing. Copies of the public notice and affidavit of sign posting are in the record.

B. Notice of Public Hearing on a Type III or IV Quasi-Judicial Application. Notice for all public hearings concerning a quasi-judicial application shall conform to the requirements of this subsection. At least twenty days prior to the hearing, the City shall prepare and send, by first class mail, notice of the hearing to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The City shall also publish the notice on the City website within the City at least twenty days prior to the hearing. Pursuant to OCMC 17.50.080.H, the applicant is responsible for providing an accurate and complete set of mailing labels for these property owners and for posting the subject property with the City-prepared notice in accordance with OCMC 17.50.100. Notice of the application hearing shall include the following information:
1. The time, date and location of the public hearing;
2. Street address or other easily understood location of the subject property and city-assigned planning file number;
3. A description of the applicant's proposal, along with a list of citations of the approval criteria that the City will use to evaluate the proposal;
4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing and that a staff report will be prepared and made available to the public at least seven days prior to the hearing;
5. A statement that any issue which is intended to provide a basis for an appeal to the City Commission shall be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the City and all parties to respond to the issue;
6. The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal;
7. A statement that the application and all supporting materials and evidence submitted in support of the application may be inspected at no charge and that copies may be obtained at reasonable cost at the planning division offices during normal business hours; and
8. The name and telephone number of the planning staff person responsible for the application or is otherwise available to answer questions about the application.

17.50.100 - Notice posting requirements.
Where this chapter requires notice of a pending or proposed permit application or hearing to be posted on the subject property, the requirements of this section shall apply.
A. City Guidance and the Applicant's Responsibility. The City shall supply all of the notices which the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed. The City shall also provide a statement to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and

that if there is any delay in the City's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the applicable decision-making time limit in a timely manner.
B. Number and Location. The applicant shall place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the applicant shall post one copy of the notice for each six hundred feet or fraction thereof. Notices do not have to be posted adjacent to alleys or unconstructed right-of-way. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists. Notices shall not be posted within the public right-of-way or on trees. The applicant shall remove all signs within ten days following the event announced in the notice.

Finding: Complies A public notice was sent to all properties within 300 feet of the site and signs were placed on the property within 20 days of the scheduled hearing. Copies of the public notice and affidavit of sign posting are in the record.

17.50.140 – Financial guarantees.
When conditions of permit approval require a permitee to construct certain public improvements, the City shall require the permitee to provide financial guarantee for construction of the certain public improvements. Financial guarantees shall be governed by this section.
A. Form of Guarantee. Guarantees shall be in a form approved by the City attorney. Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the City. The form of guarantee shall be specified by the City engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City attorney. The guarantee shall be filed with the City engineer.
B. Performance Guarantees. A permittee shall be required to provide a performance guarantee as follows.
1. After Final Approved Design by the City. The City may request the permittee to submit a performance guarantee for construction of certain public improvements. A permitee may request the option of submitting a performance guarantee when prepared for temporary/final occupancy. The guarantee shall be one hundred twenty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City engineer.
2. Before Complete Design Approval and Established Engineered Cost Estimate. The City may request a permittee to submit a performance guarantee for construction of certain public improvements. A permitee may request the option of submitting a performance guarantee before public improvements are designed and completed. The guarantee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City engineer.
C. Release of Guarantee. The guarantee shall remain in effect until the improvement is actually constructed and accepted by the City. Once the City has inspected and accepted the improvement, the City shall release the guarantee to the permittee. If the improvement is not completed to the City's satisfaction within the time limits specified in the permit approval, the City engineer may, at their discretion, draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the City in completing the construction, including any costs incurred in attempting to have the permittee complete the improvement. Once constructed and approved by the City, any remaining funds shall be refunded to the

permittee. The City shall not allow a permittee to defer construction of improvements by using a performance guarantee, unless the permittee agrees to construct those improvements upon written notification by the City, or at some other mutually agreed-to time. If the permittee fails to commence construction of the required improvements within six months of being instructed to do so, the City may, without further notice, undertake the construction of the improvements and draw upon the permittee's performance guarantee to pay those costs.
D. Fee-in-lieu. When conditions of approval or the City engineer allows a permittee to provide a fee-in-lieu of actual construction of public improvements, the fee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City engineer. The percentage required is to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City engineer. The fee-in-lieu shall be submitted as cash, certified check, or other negotiable instrument acceptable by the City attorney.

Finding: Complies with condition. A Performance Guarantee which is equal to 120% of the estimated cost for construction of public improvements as shown in City approved construction plans shall be provided prior to receiving a permit and beginning construction. The estimated costs shall be supported by a verified engineering estimate and approved by the City engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect until the construction of all required improvements are completed and accepted by the City. The City engineer has not allowed the permittee to provide a fee-in-lieu of actual construction of public improvements. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.50.141 – Public improvements – Warranty
All public improvements not constructed by the City, shall be maintained and under warranty provided by the property owner or developer constructing the facilities until the City accepts the improvements at the end of the warranty period. The warranty is to be used at the discretion of the City engineer or designee to correct deficiencies in materials or maintenance of constructed public infrastructure, or to address any failure of engineering design.
A. Duration of Warranty. Responsibility for maintenance of public improvements shall remain with the property owner or developer for a warranty period of two years.
B. Financial Guarantee. Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, bond, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the City. The form of guarantee shall be specified by the City engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City attorney. The guarantee shall be filed with the City engineer.
C. Amount of Warranty. The amount of the warranty shall be equal to fifteen percent of the estimated cost of construction of all public improvements (including those improvements that will become owned and maintained by the City at the end of the two-year maintenance period), and shall be supported by a verified engineering estimate and approved by the City engineer. Upon expiration of the warranty period and acceptance by the City as described below, the City shall be responsible for maintenance of those improvements.
D. Transfer of Maintenance. The City will perform an inspection of all public improvements approximately forty-five days before the two-year warranty period expires. The public improvements shall be found to be in a clean, functional condition by the City engineer before acceptance of

maintenance responsibility by the City. Transfer of maintenance of public improvements shall occur when the City accepts the improvements at the end of the two-year warranty period.

Finding: Complies with condition. Maintenance Guarantee equal to fifteen percent of the estimated cost for construction of public improvements as shown in City approved construction plans shall be upon completion of construction. The estimated costs shall be supported by a verified engineering estimate approved by the City Engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The maintenance guarantee shall warrant to the City of Oregon City that construction of public improvements will remain, for a period of twenty-four (24) months from the date of acceptance, free from defects in materials and workmanship. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 12.08 – PUBLIC AND STREET TREES

12.08.015 - Street tree selection, planting and maintenance requirements.
All development shall provide street trees adjacent to all street frontages. Species and locations of trees shall be selected based upon vision clearance requirements but shall in all cases be selected from the Oregon City Street Tree List, an approved street tree list for a jurisdiction in the Metropolitan region or be approved by a certified arborist unless otherwise approved pursuant to this section. If a setback sidewalk has already been constructed or the public works department determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip or within tree-wells. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed according to OCMC 12.08.035.C.

A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage to meet the clearance distances required in subsection B below. The Community Development Director may approve an alternative street tree plan or accept fee-in-lieu of planting pursuant to OCMC 12.08.035, if site or other constraints prevent meeting the required total number of tree plantings.

B. The following clearance distances shall be maintained when planting trees:
1. Fifteen feet from street lights;
2. Five feet from fire hydrants;
3. Twenty feet from intersections;
4. Five feet from all public utilities (i.e. sewer, storm and water lines, utility meters, etc.).

C. All street trees planted in conjunction with development shall be a minimum of two inches in caliper at six inches above the root crown and installed to City specifications. Larger caliper size trees may be approved if recommended by a certified arborist or registered landscape architect.

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

E. All trees planted within the right-of-way shall be planted with root barriers at least eighteen inches in depth adjacent to the sidewalk and curb to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.

F. All trees planted beneath powerlines shall be selected based on what is appropriate for the location. In addition, the tree species shall be approved by the associated franchise powerline utility company.

G. Tree species, spacing and selection for stormwater facilities in the public right-of-way and in storm water facilities shall conform to requirements of OCMC 13.12 and the adopted stormwater and grading design standards and be approved by the City engineer.

H. Any public or street trees planted within the natural resource overlay district shall conform to the applicable requirements of OCMC 17.49, Natural Resources Overlay District (NROD).

Finding: Complies with Condition. The applicant has proposed a street tree plan that exceeds the minimum spacing requirements of one street tree for every 35 feet of frontage. Prior to project final, the applicant must demonstrate that the as built tree planting plan complies with the minimum requirement of one street tree for every 35 feet of improved street frontage. The locations of the street trees may be adjusted based on the placement of streetlights, utility meters, and other factors. Alternatively, the applicant may opt to pay a fee in lieu of planting in accordance with OCMC 12.08 if site constraints or other issues prevent meeting the required total number of minimum tree plantings.

12.08.035 - Tree removal and replacement.

*Existing street trees, trees in the right-of-way, and trees on public property shall be retained and protected during development unless removal is specified as part of a land use approval or in conjunction with a public capital improvement project, in accordance with OCMC **17.41**. Tree removal shall be mitigated by the following:*

A. A dead, diseased, or hazardous street tree, as determined by a registered arborist and approved by the City Manager or designee, may be removed if replaced with one (1) new tree for each dead, diseased or hazardous tree that is removed.

1. Hazardous trees which have raised the adjacent sidewalk in a manner which does not comply with the Americans with Disabilities Act may be removed and replaced without a report from a Certified arborist, as defined in OCMC 17.04.082.

2. All replacement trees under this section shall have a minimum one and one half (1.5) inch caliper trunk measured six (6) inches about the root crown.

*B. Removed trees that were not determined to be dead, diseased, or hazardous shall be replaced in accordance with Table **12.08.035**. All replaced street trees shall have a minimum one and one-half-inch (1.5 inch) caliper trunk measured six (6) inches above the root crown.*

Table **12.08.035**

Replacement Schedule for Trees Determined to be Dead, Diseased or Hazardous by a Certified Arborist		***Replacement Schedule for Trees Not Determined to be Dead, Diseased or Hazardous by a Certified Arborist***	
Diameter of tree to be Removed (Inches of diameter at 4-ft. height)	***Number of Replacement Trees to be Planted***	***Diameter of tree to be Removed (Inches of diameter at 4-ft. height)***	***Number of Replacement Trees to be Planted***
Any Diameter	*1 Tree*	*Less than 6"*	*1 Tree*
		6" to 12"	*2 Trees*
		13" to 18"	*3 Trees*
		19" to 24"	*4 Trees*
		25" to 30"	*5 Trees*
		31" and over	*8 Trees*

C. Removed trees shall be replaced by approved species:

1. Within the right-of-way abutting the same frontage; and

2. Subject to the requirements under OCMC 12.08.015.

D. If an applicant can demonstrate to the satisfaction of the City Manager or designee that a sufficient location to replant tree(s) according to section C is not available, the City Manager or designee may allow:
1. Installation of replacement tree(s) in one of the following alternative locations
a. Within the right-of-way abutting another property, with abutting property owner approval, or
b. On public property, with City Manager or designee approval, or
c. Within 10 feet of the right of way in the abutting private yard; or

2. As a last resort, a fee in lieu of replacing the tree(s), subject to the following:
a. The applicant must demonstrate to the satisfaction of the City Manager or designee that none of the alternative replanting option in section D.1 is sufficient for replanting.
b. Is to be placed into a City fund dedicated to obtaining trees, planting trees and/or tree education in Oregon City.

E. Exceptions:
1. Trees that are listed as invasive non-native, nuisance, prohibited, or noxious vegetation species, as defined in OCMC 17.04.605, may be removed without replacement or fee in lieu of replacement.

2. Trees in planter strips three (3) feet or less in width may be removed without replacement or fee in lieu of replacement.

Finding: Complies. Any street tree removal proposed is reviewed in accordance with OCMC 17.41.

Chapter 17.41**TREE PROTECTION, PRESERVATION, REMOVAL AND REPLANTING STANDARDS**
17.41.020 - Tree protection—Applicability.
*A. Applications for development subject to OCMC **16.08** (Land Divisions) or OCMC **17.62** (Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for those developments. Compliance with this chapter is required from the date a land use application is filed until a land division is recorded or other development approval is final.*
B. For public capital improvement projects, the city engineer shall demonstrate compliance with these standards pursuant to a Type I process.
C. Tree canopy removal greater than twenty-five percent on areas with greater than twenty-five percent slope, unless exempted under OCMC 17.41.040, shall be subject to these standards.
*D. A heritage tree or grove which has been designated pursuant to the procedures of OCMC **12.32** shall be subject to the standards of this section.*
E. A tree that has been planted pursuant to this section shall remain or shall be replaced with a new tree if removed

***Finding: Complies**. No trees 6-inch diameter or greator are located within the project area. The requirements of this chapter are met.*

CHAPTER 17.35 WILLAMETTE FALLS DOWNTOWN DISTRICT
17.35.020 - Permitted uses.
U. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;

CHAPTER 17.36 MIXED USE DOWNTOWN

17.34.020 - Permitted uses.

T. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;

Finding: Complies. Private Street /public and private entities are all permitted uses in both districts.

CHAPTER 17.49 NATURAL RESOURCES OVERLAY DISTRICT

17.49.010 Purpose.

The natural resource overlay district designation provides a framework for protection of Metro Titles 3 and 13 lands, and Statewide Planning Goal 5 resources within Oregon City. The natural resource overlay district (NROD) implements the Oregon City Comprehensive Plan Natural Resource Goals and Policies, as well as Federal Clean Water Act requirements for shading of streams and reduction of water temperatures, and the recommendations of the Metro ESEE Analysis. It is intended to resolve conflicts between development and conservation of habitat, stream corridors, wetlands, and floodplains identified in the city's maps. The NROD contributes to the following functional values:

A. Protect and restore streams and riparian areas for their ecologic functions and as an open space amenity for the community.

B. Protect floodplains and wetlands, and restore them for improved hydrology, flood protection, aquifer recharge, and habitat functions.

C. Protect upland habitats and enhance connections between upland and riparian habitat.

D. Maintain and enhance water quality and control erosion and sedimentation through the revegetation of disturbed sites and by placing limits on construction, impervious surfaces, and pollutant discharges.

E. Conserve scenic, recreational, and educational values of significant natural resources.

The NROD ecological functions listed above are planned for integration with existing neighborhoods, new residential and commercial developments. The long-term goal of the NROD is to restore and enhance stream corridors, wetlands, and forests to more natural vegetated conditions, recognizing that existing homes and other existing uses will continue in the district. This chapter does not regulate the development within the identified water resource. Separate permits from the Division of State Lands and the Army Corp of Engineers may be required for work within a stream or wetland.

17.49.070 - Prohibited uses.

The following development and activities are not allowed within the NROD:

A. Any new gardens, lawns, structures, development, other than those allowed outright (exempted) by the NROD or that is part of a regulated use that is approved under prescribed conditions. Note: Gardens and lawns within the NROD that existed prior to the time the overlay district was applied to a subject property are allowed to continue but cannot expand further into the overlay district.

B. New lots that would have their buildable areas for new development within the NROD are prohibited.

C. The dumping of materials of any kind is prohibited except for placement of fill as provided in subsection D. below. The outside storage of materials of any kind is prohibited unless they existed before the overlay district was applied to a subject property. Uncontained areas of hazardous

materials as defined by the Oregon Department of Environmental Quality (ORS 466.005) are also prohibited.
D. Grading, the placement of fill in amounts greater than ten cubic yards, or any other activity that results in the removal of more than ten percent of the existing native vegetation on any lot within the NROD is prohibited, unless part of an approved development activity.

Finding: Complies- No prohibited uses are being proposed with this application

17.49.080 - Uses allowed outright (exempted).
The following uses are allowed within the NROD and do not require the issuance of an NROD permit:
A. Stream, wetland, riparian, and upland restoration or enhancement projects as authorized by the City.
B. Farming practices as defined in ORS 215.203 and farm uses, excluding buildings and structures, as defined in ORS 215.203.
C. Utility service using a single utility pole.
D. Boundary and topographic surveys leaving no cut scars greater than three inches in diameter on live parts of native plants listed in the Oregon City Native Plant List.
E. Soil tests, borings, test pits, monitor well installations, and other minor excavations necessary for
geotechnical, geological or environmental investigation, provided that disturbed areas are restored to pre-existing conditions as approved by the Community Development Director.

F. Trails meeting all of the following:
1. Construction shall take place between May 1 and October 30 with hand held equipment;
2. Widths shall not exceed forty-eight inches and trail grade shall not exceed twenty percent;
3. Construction shall leave no scars greater than three inches in diameter on live parts of native plants;
4. Located no closer than twenty-five feet to a wetland or the top of banks of a perennial stream, or no closer than ten feet of an intermittent stream;
5. No impervious surfaces; and
6. No native trees greater than one-inch in diameter may be removed or cut, unless replaced with an equal number of native trees of at least two-inch diameter and planted within ten feet of the trail.

G. Land divisions provided they meet the following standards, and indicate the following on the final plat:
1. Lots shall have their building sites (or buildable areas) entirely located at least five feet from the NROD boundary shown on the City's adopted NROD map. For the purpose of this subparagraph, "building site" means an area of at least three thousand five hundred square feet with minimum dimensions of forty feet wide by forty feet deep;
2. All public and private utilities (including water lines, sewer lines or drain fields, and stormwater disposal facilities) are located outside the NROD;

3. Impervious streets, driveways and parking areas shall be located at least ten feet from the NROD; and
4. The NROD portions of all lots are protected by:
a. A conservation easement; or
b. A lot or tract created and dedicated solely for unimproved open space or conservation purposes.

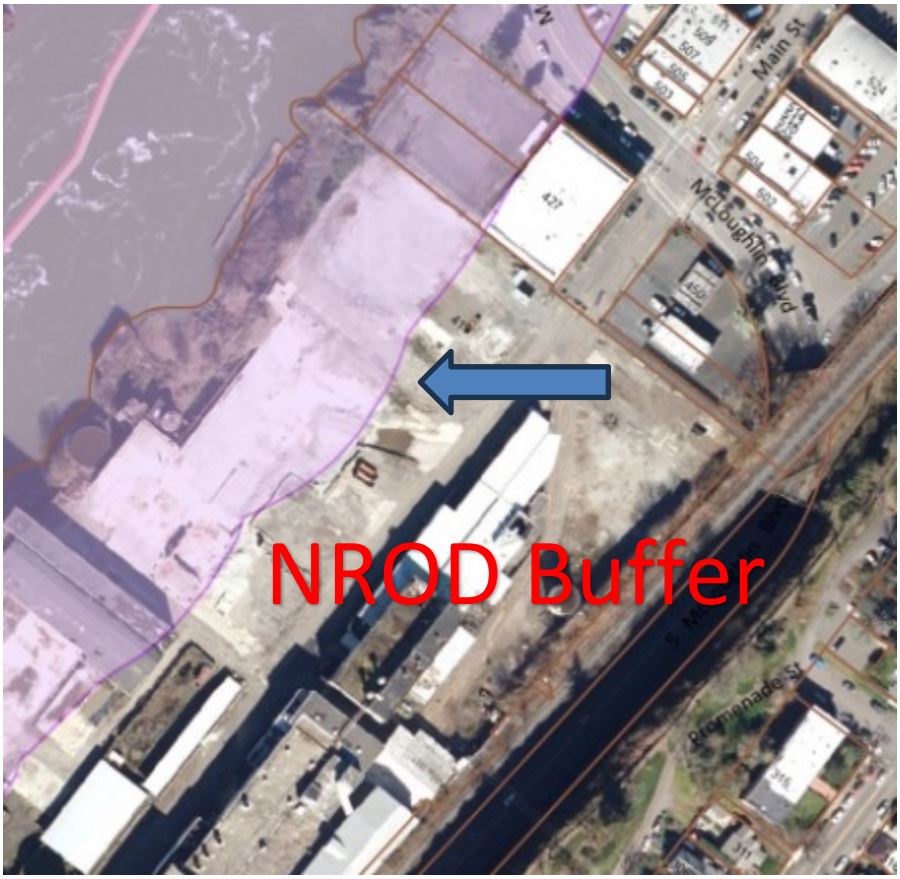
H. Site plan and design review applications where all new construction is located outside of the NROD boundary shown on the City's adopted NROD map, and the NROD area is protected by a conservation easement approved in form by the City.
I. Routine repair and maintenance of existing structures, roadways, driveways and utilities.
J. Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased.
K. Measures approved by the City of Oregon City to remove or abate nuisances or hazardous conditions.
L. Tree Removal. The Community Development Director may permit the removal of any tree determined to be a dead, hazardous, or diseased tree as defined in OCMC 17.04. Any tree that is removed in accordance with this subsection L shall be replaced with a new tree of at least one-half-inch caliper or at least six-foot overall height. An exception to this requirement may be granted if the applicant demonstrates that a replacement tree has already been planted in anticipation of tree removal, or if the existing site conditions otherwise preclude tree replacement (due to existing dense canopy coverage or other ecological reasons).
The replacement tree(s) shall be located in the general vicinity of the removed tree(s), somewhere within NROD on the property. The replacement tree(s) shall be identified on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland). The property owner shall ensure that the replacement tree(s) survives at least two years beyond the date of its planting.

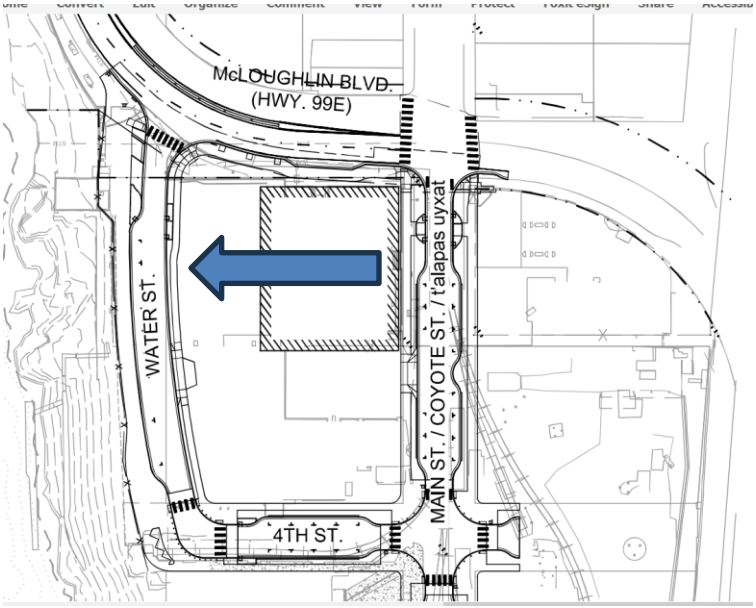
M. Planting of native vegetation and the removal of non-native, invasive vegetation (as identified on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland), or as recommended by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, arboriculture, horticulture, wildlife biology, botany, hydrology or forestry), and removal of refuse and fill, provided that:
1. All work is done using hand-held equipment;
2. No existing native vegetation is disturbed or removed; and
3. All work occurs outside of wetlands and the top-of-bank of streams.
N. Activities in which no more than one hundred square feet of ground surface is disturbed outside of the bank-full stage of water bodies and where the disturbed area is restored to the pre-construction conditions, notwithstanding that disturbed areas that are predominantly covered with invasive species shall be required to remove the invasive species from the disturbance area and plant trees and native plants pursuant to this chapter.

O. New fences meeting all of the following:
1. No taller than three and a half feet and of split rail or similar open design;

2. Two feet width on both sides of fence shall be planted or seeded with native grasses, shrubs, herbs, or trees to cover any bare ground;
3. Six inches of clearance from ground level;
4. Fence posts shall be placed outside the top-of-bank of streams and outside of delineated wetlands.
P. Gardens, fences and lawns within the NROD that existed prior to the time the overlay district was applied to a subject property are allowed to be maintained but cannot expand further into the overlay district.

Finding: Complies: OCMC 17.49.080.J, exempts development from NROD permits development "where ground level impervious surface area is not increased." Streets within tumwata village, and all other development areas where structures and other activities will be located, is entirely impervious surface. This is the result of more than a century of urban development, most recently for heavy industrial uses. Nearly every developed square foot of the site is either paved, covered by a building. Because the site is built on top of a basalt shelf, even those areas without buildings or paving are impervious. Consequently, impervious surface area is not increased due to the proposal for new streets, and this development is exempt.





Road locations are on existing surfaces

Chapter 17.62 - SITE PLAN AND DESIGN REVIEW

17.62.030 - When required.

Site plan and design review shall be required for all development of real property in all zones except the low and medium density residential districts, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to all conditional uses, cluster housing developments, multi-family uses, manufactured home parks, and nonresidential uses in all zones. Site plan and design review does not apply to activities occurring within the right-of-way except for communication facilities pursuant to OCMC ***17.80****.*

Finding: Complies. The applicant proposes constructing private streets on private property ahead of any building development. Because construction is occurring onsite, the streets are subject to the Site Plan and Design Review chapter. However, Sections 17.62.055, 17.62.056,17.62.057, 17.62.065, and 17.62.085 are related to building construction and are not applicable to this application.

The remainder of the review criteria are in Chapters 12, 13, and 16. Findings relevant to these sections can be found earlier in the staff report.

CONCLUSION AND DECISION:

Based on the analysis and findings as described above, Staff concludes that the proposed Master Plan located at 419 Main Street, 450 Main Street, 427 Main Street, Oregon City, OR 97045 , Clackamas County Tax Map 2-2E-31BD-00100, 200, 300, 500, 600, 390 can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, the Community Development Director recommends approval of Planning Files GLUA-24-00027: MAS-24-00010, NROD-24-00030, GEO-24-00006,WRG-24-00001 based upon the findings and exhibits contained in this staff report.

EXHIBITS:

Exhibit 1 Applicant's Narrative
Exhibit 1 A. Drawing Set
Exhibit 1 B. Transportation Report
Exhibit 1 C. Utility Report
Exhibit 1 D. 10-Structure Study
Exhibit 1 E. Conditions of Approval Table
Exhibit 1 F. Fencing Standards
Exhibit 1 G. Material Palette
Exhibit 1 H. FAR Analysis
Exhibit 1 I. Flood Zone Analysis
Exhibit 1 J. Vision 2.0
Exhibit 1 L. Neighborhood Association Meeting Notes
Exhibit 1 M. DDP Drawing Set
Exhibit 1 N. DDP Street Sections
Exhibit 1 O. DDP Vicinity Map
Exhibit 2 January 15, 2025 Memo from Carrie Richter, Deputy City Attorney
Exhibit 3 Conditions of Approval Matrix– City Response
Exhibit 4 Plan Sheet 9 (Transportation Network) -Revised
Exhibit 5 Public Comment
a) Neelam Dorman, Planning Manager- ODOT Region 1
b) Chrissy Curran, Deputy SHPO Concurrence Letters, 2012 & 2025
c) Jim Nicita
    i) **January 13, 2025, Planning Commission Meeting**
    ii) Reference to Exhibit 6
d) July 11, 2024 Two Rivers Neighborhood Association Meeting Minutes
Exhibit 6 ORD 14-10016 Adopting CP 14-02

tumwata village
Master Plan Amendment Application

Confederated Tribes of the
Grand Ronde Community of Oregon

Prepared by: Winterbrook Planning
In coordination with: GBD Architects and DOWL

December 10, 2024

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General Information

Applicant:	Confederated Tribes of the Grand Ronde Community of Oregon Kristen Svicarovich, P.E., Community Development Manager
Representative:	Winterbrook Planning Ben Schonberger, AICP and Grace Coffey, AICP
Property Owner:	Confederated Tribes of the Grand Ronde Community of Oregon
Site Address:	419 Main Street, 450 Main Street, 427 Main Street,
Tax Lot ID:	2-2E-31BD-00100, 200, 300, 500, 600, 390
Current Zoning:	Willamette Falls Downtown District (WFDD), Mixed Use Downtown (MUD)
Overlay Districts:	Natural Resources, Geologic Hazard, Flood Management, Willamette River Greenway
Application	General Development Plan Amendment, Detailed Development Plan, Adjustment, Flood Management, Greenway, Modifications
Procedure Type	Type III
Proposal Summary:	Proposed Master Plan Amendment to create a framework for future development of the site that reflects the values of the Confederated Tribes of the Grand Ronde Community of Oregon. Detailed Development Plan for streets and infrastructure. No specific building projects are proposed in this application. Future development can include a combination of open space, commercial, residential, and employment uses, with provisions for public access and enhancement of riparian resources.

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6. Geologic Hazards, Natural Resource Overlay, and Willamette River Greenway
7. Willamette River Greenway Zoning
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B. Transportation Report
C. Utility Report
D. 10-Structure Study
E. Conditions of Approval Table
F. Fencing Standards
G. Material Palette
H. FAR Analysis
I. Flood Zone Analysis
J. Vision 2.0
K. SHPO Compliance Letter
L. Neighborhood Association Meeting Notes

Detailed Development Plan Appendices

M. DDP Drawing Set
N. DDP Street Sections
O. DDP Vicinity Map
P. DDP Flood Zone Analysis
Q. DDP Geotechnical Report
R. DDP Stormwater Report
S. DDP Lighting and Street Tree Details

Executive Summary

The Confederated Tribes of the Grand Ronde Community of Oregon (CTGR) request Oregon City approve the *tumwata village* Master Plan Amendment. This amendment is a land use action that amends the still active Willamette Falls Legacy Project Master Plan (CP 14-02). That plan was submitted to Oregon City and approved in 2014.

Located on 23.57 acres at the south end of downtown Oregon City, *tumwata village* is a modern development that will provide a mix of open space, retail, shopping, residential, office, restaurants, and a hotel/event space for visitors and patrons. It will become a vibrant pedestrian destination that includes opportunities for public and Tribal celebration. An amended master plan will allow redevelopment of the site with a mix of uses and additional open space as depicted in the plan.

Changes from 2014 Master Plan

Substantively, changes from the approved 2014 Master Plan can be described as follows:

- Reflect Recent Changes to the Site

New plans set the baseline of existing conditions and show a more accurate version of proposed development on the site. Numerous deteriorated buildings have been removed since the plan was approved in 2014.

- Update the Approval Process

The previous plan required future development to go through a unique, ad hoc design review process. This plan simplifies future actions by relying on the city's standard approval processes.

- Increase Restoration and Open Space Areas

The new plan increases land area dedicated to habitat enhancement and open space. Refinements to development blocks and open spaces areas are shown on a revised framework plan map.

- Revise Standards for Streets in *tumwata village*

This plan sets standards for streets according to the applicant's desired dimensions and sections. Because these are slightly different from city standards, a modification is requested.

- Refine Riverwalk Development Timing

The previous plan assumed development of the public Riverwalk prior to any private development. The new plan still acknowledges Riverwalk development over time, contingent on funding. Private development is likely to proceed before full completion of the publicly-funded Riverwalk.

- Re-evaluate Historic Structures for Retention and Reuse

The new plan re-evaluates the historic analysis and preservation of structures on site. Using standards set by the National Park Service, fewer structures were determined to be eligible for protection.

New Framework Plan Summary

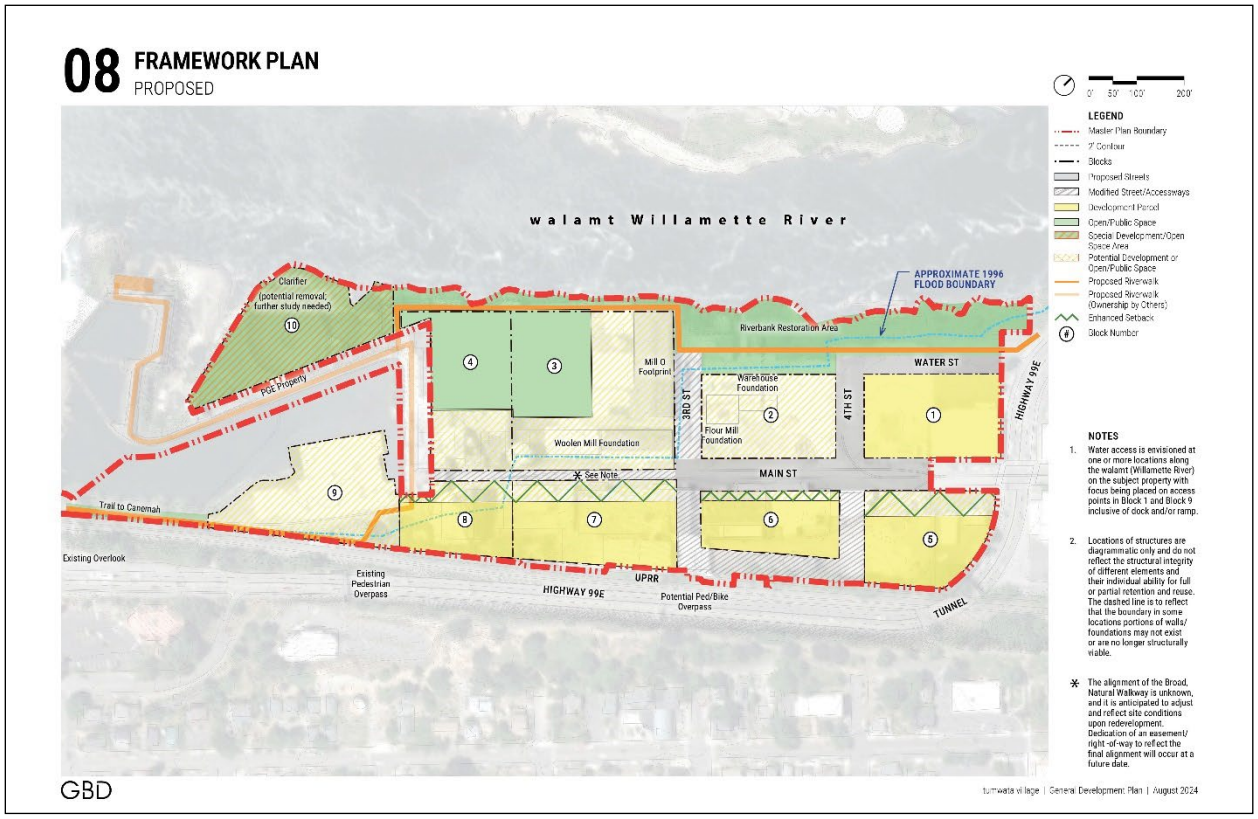


Figure 1. Proposed Framework Plan

The framework plan graphically depicts a mix of open spaces, development blocks, and street spaces for the site. Although the plan closely resembles the one approved in 2014, some elements have been updated. Using the above map as an illustrative reference, a general written description of the plan follows:

Areas closest to the river (in green) are within the 1996 flood inundation area, making these areas more suitable for open space and habitat enhancements. Conversely, areas closer to the bluffs on the north and east side of the site (in solid yellow) are mostly out of the flood area, easier to develop, and re-establish new city blocks in downtown Oregon City. In between are areas that contain several structures with opportunities for rehabilitation, but it may be difficult because they are also within the flood area (light yellow). Those parts of the site may be a mix of open space and development. A shared multi-use path along the riverfront (i.e., public Riverwalk) is located at the river's edge (orange line) and remains in the same location as in the 2014 plan. A portion of this path to the south is located on property owned by other parties (light orange line) and is therefore outside the amended master plan boundary. The public Riverwalk leads to a platform at the edge of the falls. The plan shows the location of three historic structures at the center of the site, the Woolen Mill, Flour Mill, and Warehouse Foundations, that are potentially eligible for listing on the National Register of Historic Places.

The framework plan sets a conceptual pattern for future development, with a street grid and blocks where buildings or open space areas will occur. Actual development within these blocks will take place over time as funding and designs become available. The plan identifies the location of a transportation network and circulation through the site for vehicles and pedestrians. It also identifies riverbank restoration and potential open space areas.

Land Use Actions

To accomplish the objectives above, numerous land use actions are packaged together as part of this application. Specifically, the permit application consists of the following components:

1. Amendment to General Development Plan (OCMC 17.65.80)
2. Modification of Conditions of Approval (OCMC 17.65.80 & 17.50.130.D)
3. Adjustment to Development Standards (OCMC 17.65.070)
4. Modification to Site Plan and Design Review Standards (OCMC 17.62.015)
5. Willamette River Greenway Review (OCMC 17.65.80)
6. Flood Management Overlay Review (OCMC 17.42)
7. Detailed Development Plan (for new streets) (OCMC 17.65.060)
8. Modification to Street Standards (OCMC 16.12.013)

Organization of this Document

This document is divided into three main parts. This first section, Project Narrative, provides a background and history of the *tumwata*[1] *village* site, and a summary of the proposal. This section includes an assessment of the existing conditions and recent land use history of the site, as well as the much longer timeline of the site as viewed by the CTGR. It also lays out the general approach to future development on the site.

Section 2, General Development Plan Findings, addresses the code for amending the 2014 Master Plan, for long term build-out of the site. The requirements of a General Development Plan include a comprehensive evaluation of that long term plan against numerous other sections of the code, which are therefore also part of Section 2. These are represented by items 1 through 6 in the list of land use actions above.

Section 3, Detailed Development Plan Findings, addresses another section of the master plan chapter, specific to plans that are expected in the short term. This proposal is for streets in the district. This section is represented by items 7 and 8 in the list of actions above.

[1] The indigenous language spoken by members of The Confederated Tribes of Grand Ronde is called *chinuk wawa*, and the language does not use capital letters when written. When *chinuk wawa* words such as *tumwata* are used in this document they are written in lowercase text, and for the purpose of this document they have also been italicized to draw attention to their use. As a compound proper noun, *tumwata village* is also italicized.

Section 1. Project Narrative

Background

The Confederated Tribes the of Grand Ronde Community of Oregon (CTGR) proposes a *tumwata village* master plan, which is a general development plan amendment to the Willamette Falls Legacy Project Master Plan (CP 14-02). The amendment updates the plan with a new vision that promotes a unique sense of place and embodies Grand Ronde tribal values. Located at the south end of downtown Oregon City, the plan area is shaped by *tumwata* (Willamette Falls), the largest waterfall by volume in the Pacific Northwest.

Grand Ronde Tribe, People of the Falls

The applicant and landowner, the CTGR, is a thriving sovereign nation. The Grand Ronde Tribe owns property throughout its homelands embedded within cultural, historical, economic investment, and restoration values.

Understanding the history of the Grande Ronde Tribe provides important context to the significance of this site and the proposed land-use plan. Today, the CTGR is a federally recognized tribe. However, in 1954 the CTGR's federal recognition was terminated when Congress passed the Western Oregon Termination Act. This legislation stripped the CTGR of its federal status and severed the trust relationship. Between 1954 and 1983, tribal members were a landless people in their own land. The termination policy robbed the Grande Ronde Tribe of its social, economic and political fabric, leaving a scattered population and poverty. Since restoration in 1984, the Tribe has worked tirelessly to buy back land and rebuild the Grand Ronde community throughout its homelands for tribal members and non-tribal members alike.

The Grande Ronde Tribe honors our ancestors of *tumwata* (Willamette Falls), the Clowewalla and Clackamas, by purchasing this sacred land. Nearby neighbors of this place include the Molalla, Kalapuya, Multnomah, and Watlala (Cascades). All these Tribal people and others signed the Willamette Valley Treaty of 1855 and were removed to the Grand Ronde Indian Reservation. The Clowewalla and Clackamas are culturally Chinookan peoples who spoke the Upper Chinook language. Peoples from across the region have come as travelers, traders, and guests to this place (*tumwata*). The Clowewalla and Clackamas-Tribes of the Grand Ronde Confederation, continue to be the hosts of *tumwata*, as it is at the core of their ancestral homelands.

Healing landscapes and people requires consideration of multiple scales and timelines. Success at *tumwata village* will be evident by creating active spaces intended to gather and connect people, viewsheds to surrounding natural areas, and restoration of natural resources. *tumwata village* is a celebration of perseverance and ongoing healing for the displaced Grand Ronde Tribe and families who have been historically connected to this land since time immemorial.

The guiding principle of site redevelopment and this master plan amendment is Healing. This site and its landscape has been significantly harmed by industry over the past 170 years. Environmental enhancement of the degraded landscape using native plants and providing natural areas to benefit

wildlife is essential for the physical healing of this *tumwata village*. The earliest histories of *tumwata* recall the importance of water and fishing, the river's central role continues to be a focus of this plan -- integrating its presence on site as well as renewing linkages and access to the water, to bring healing.



The Tribe's design team facilitated a series of workshops with the Grand Ronde Tribal Council from July to October 2020 to discuss redevelopment of the site. The dominant discussion topic through the workshops was a central idea of healing the site, which would become the project's ultimate goal. This goal is supported by the four Tribal Values: Spirit, Place, People, and Prosperity.

The Grand Ronde Tribe believes the *tumwata village* project goal and values is consistent with those from previous, approved plans. The Willamette Falls Legacy Project and the Willamette Falls Riverwalk Master Plan have elements that align with the current vision, and this will ensure successful restoration and redevelopment outcomes for this sacred place called *tumwata village*.

Recent Land Use History

In 2011, the Blue Heron Paper Mill filed for bankruptcy and ceased operation permanently at Willamette Falls. With this closure, a partnership group made up of State of Oregon, Metro, Oregon City, and Clackamas County began collaborating to plan for the future redevelopment of Willamette Falls.

In 2014, a team representing a collaboration between the bankruptcy trustee, a new owner of the site, and the government partnership group prepared and submitted a master plan application to Oregon City. Oregon City approved that application for what was then called a Concept Development Plan (CP 14-02) for the site, setting out a framework for future development. (Oregon City has since renamed the process "General Development Plan.") Several years later, in 2018, the same team developed the Willamette Falls Riverwalk Master Plan, with a focus on the Riverwalk Project. While not an official land use action, the Riverwalk Master Plan was a complementary planning process that followed and supported the 2014 concept plan. At the time, it was assumed a public Riverwalk would need to be implemented before redevelopment could occur on the rest of the site. However, to date neither the Riverwalk nor any other physical improvements related to the 2014 Master Plan have been constructed.

The Grande Ronde Tribe was notably missing from the Four Government Partnership Group (State of Oregon, Metro, Oregon City, and Clackamas County). The tribal members who make up the Grand Ronde Tribe today are the decedents of the people who signed the Willamette Valley Treaty of 1855,

the People of the Falls. Those tribal ancestors had their land stolen and were forcibly removed from their way of life at *tumwata* (Willamette Falls) under direct threat of violence and were relocated to the Grand Ronde Indian Reservation. The violent historic trauma of the Grand Ronde people was minimized and their way of life prior to colonization was marginalized for those re-envisioning the future of this site through the Willamette Falls Legacy Project.

To ensure tribal ancestral knowledge and teachings were celebrated, and that obligations and responsibilities to this sacred land were realized, the Grand Ronde Tribe purchased this stolen land in August of 2019. This proposed master plan amendment is another step in furthering that vision.

Existing Conditions and Proposed Changes

Site History

Indigenous history and settlement at the Willamette Falls area spans at least 13,000 years as evidenced by *ikanum* (Creation stories) referencing the Missoula Floods and *tomanawas* (The Willamette Meteorite). Further, the local archaeological record shows continuity of use for millennia. By 1800, Clackamas Chinook and Clowewalla Chinook people had long established villages at the Falls, originally referred to as *tumwata*. Both *ikanum* and colonial historians note the stewardship and host responsibilities these villages maintained in managing the fishery and landscape at the Falls and in receiving visitors to the area.

Between 1800 and 1842, the international fur trade brought different peoples to Willamette Falls. The Northwest Company and Hudson Bay Company employed English, French Canadian, Iroquois, and Native Hawaiian workers. Many of these married into local Native families. *chinuk wawa*, a long established regional trade language, became the common language for these multi-ethnic communities. This period saw greater engagement between the native communities and new arrivals. Fishery practices, seasonal understanding, and social landscapes of the region were shared by the Native American residents. Later through legal maneuvering and national doctrine toward indigenous people, these resources and practices would become the foundation for their loss of land and rights.

In 1832 the Hudson Bay Company, under Dr. John Mcloughlin, established a lumber mill at the Falls capitalizing on the convergence of River and maritime transport routes at Oregon City. Oregon City's street grid (still visible today) was platted in 1842 to take advantage of the tidal effect of the Willamette River, the established short portage routes around the falls, and the interconnection of western Oregon's interior and rapid access to the Columbia River. The establishment of the Oregon Territory in 1848 and the subsequent arrival of large numbers of Euro-American settlers via the Oregon Trail (and terminating at Oregon City) resulted in a rapidly expanding market for trade goods, agricultural products, and industry. Like many Euro-American emergent communities, mercantile models transitioned to scaled industrial activities. The 1860s saw the first of large-scale, centralized industrial activities like the first paper mill in Oregon (W.W. Buck's Pioneer Paper Company est. 1866-1867), the Oregon Woolen Mill, (est. 1866) and The Oregon City Flouring Mill (est. 1868). The latter two companies exported to national and international markets throughout the 19th century. The foundations for these mills are still present onsite today. Commercial ventures flourished on Main Street including grocery stores, barbers, hotels, saloons, and laundries. The Charman family provides one multigenerational example of economic success in this period.

Like elsewhere in the American landscape of the time, access to this economic prosperity was racially constrained by social and legal frameworks. However, like elsewhere, there were many advocating for rights and privileges for all; and targeted individuals and communities in Oregon City resisted these injustices. The Tribes (Clackamas Chinook and Clowewalla Chinook) at Willamette Falls were "removed" to the Grand Ronde Reservation by the Willamette Valley treaty of 1855. Despite this, the newly amalgamated Grand Ronde people (from throughout Western Oregon) continued to return to Willamette Falls (both legally and illegally) and many individuals chose to live in Oregon City despite the continual threat of arrest and forcible removal back to the reservation. In the early 20th century, Victoria and Eustace Howard—keepers of traditional stories and languages—lived in West Linn and worked in Oregon City.

Oregon Territorial and State Laws also stripped Native Hawaiian, African American, Chinese and other non-white Euro-American individuals of rights to citizenship, property, and/or residence. These national doctrines and social policies ebbed and flowed in different combinations in application each target population. Jacob Vanderpool, a sailor who opened a saloon and boarding house on the site in 1850 was the only Black person to have been legally expelled from the Oregon Territory. Despite these laws, Oregon City census records show a number of "black" and "mulatto" individuals living "hidden in plain sight" throughout the 19th century. By 1860, Chinese individuals were also present in Oregon City and by 1884 (two years after the passage of the Chinese Exclusion Act of 1882) a China Town on Main Street, between 3rd and 4th Streets, had emerged and become established on site. In 1886, a White lynch-mob assaulted Chinese workers in their homes at night and forcibly removed them from the city, via the 4th street dock. Despite this violence, Chinese American businesses (laundries, stores, tailors, restaurants etc.) continued to operate and adapt on site until the 1920s.

In the 20th century, large-scale industry came to dominate the site. Paper manufacture returned with the Hawley Pulp and Paper Company which expanded and slowly absorbed all of Main Street south of 4th Street, resulting in the closure of the public right of way. Newsprint from the region city mills supplied newspapers all along the west coast. This continued until the last industrial owner of the site, Blue Heron Paper Company, closed in February 2011. Thus ended more than a century of paper-making activity in Oregon City.

Existing Use and Structures

The site is currently occupied by industrial buildings and infrastructure related to the closed Blue Heron Paper Mill. The built elements of the site include remnants of previous uses. A depiction and list of existing buildings is shown in Figure 2.

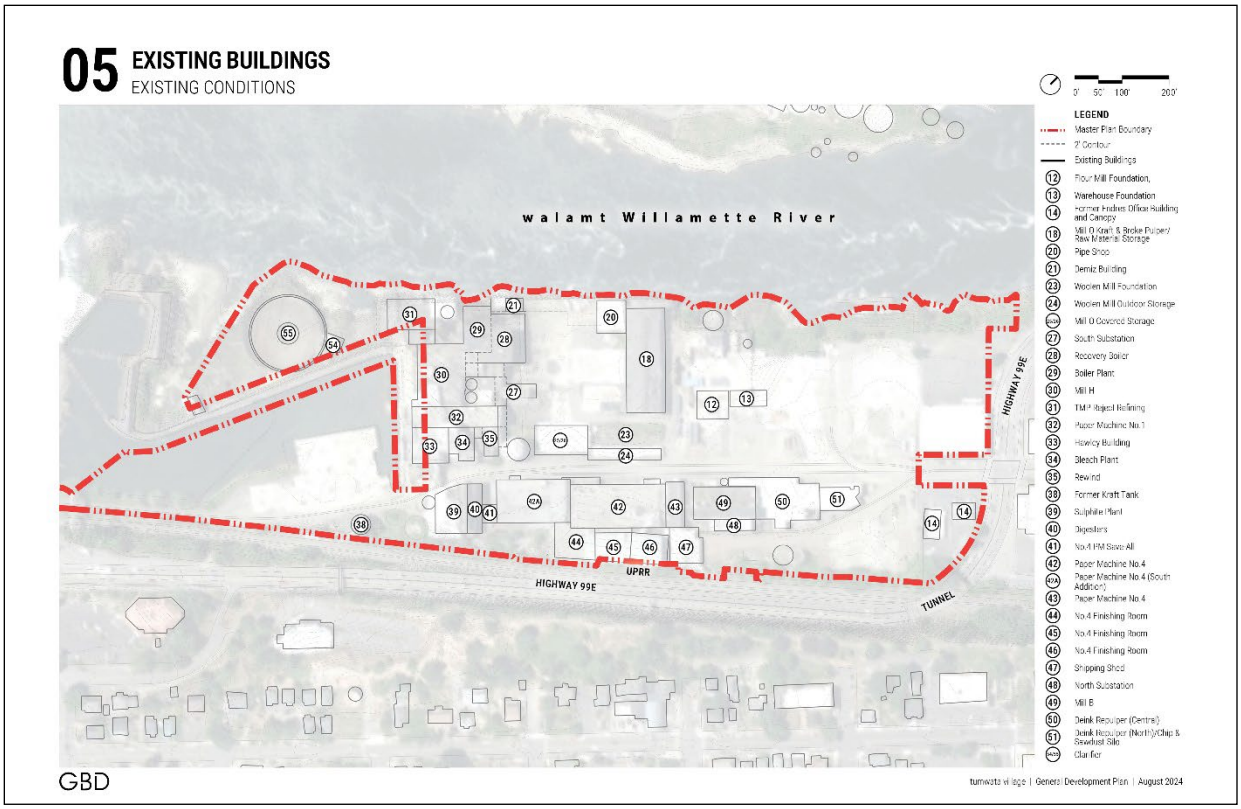


Figure 2. Existing Buildings

Since the Blue Heron Paper Mill ceased operations in 2011, the site has sat vacant. No construction has taken place on the site based on the plan approved in 2014. Demolition of several derelict or dangerous structures has occurred, with permits from the city, including a building that was severely damaged by a fire in 2020. Maintenance of on-site structures effectively stopped in the early 1980s, according to Oregon City planning and engineering staff, and buildings have continued to deteriorate.

Historic/Cultural Resources

A brief land use history of the site was described above. With regard to historic and cultural resources, tribal history goes back to time immemorial. The Grande Ronde Tribe's connection to *tumwata* (Willamette Falls) begins with the *ikanum*, the storied time, when Meadowlark and Coyote stretched a rope of hazel shoots across the river. This formed the Falls, which fell over the basalt cliffs and created a place rich in sustenance. Pacific lamprey, migrating salmon, and native plants growing along the river's edge provided the lifeways of the Indigenous peoples. The Grand Ronde Tribe has many *ikanum* centered at *tumwata*, and Grand Ronde Tribal people have maintained a deeply rooted connection to the Falls and the natural resources provided by the river since time immemorial.

A historic resources report (Appendix D) is included with the application materials to provide more details about the historic and cultural resources associated with the site. The historic analysis and documentation most relevant to this land use application begins in the 21st century, in 2002, when an application for district designation on the National Register of Historic places was denied. This was due to a lack of integrity of the buildings on the site and the remaining paper production elements.

As part of the 2014 Master Plan, a historic analysis with a relatively narrow lens focused on the development of hydroelectricity and the establishment of the paper making industry. This analysis was the basis for selecting structures and secondary elements for full or partial retention and reuse. Preserving and defining the industrial character of the site was the primary rationale for requiring full or partial retention and reuse of five structures and five secondary elements.

Since that decision, the Confederated Tribes of the Grand Ronde coordinated an updated analysis of each structure and secondary element of the through the following lenses:

- **Historical** - Analysis performed by *Historical Research Associates, Inc.* An intensive-level historical resources survey (ILS) consistent with the Oregon State Historic Preservation Office (SHPO) was completed for each of the ten structures/secondary elements, and their eligibility as it pertains to the National Register of Historic Places (NRHP) was also completed. The current evaluation (2022) of the ten structures was then compared to the prior evaluations done by George Kramer (2002), Oregon City (2012), and SHPO (2012).
- **Architectural** – Analysis performed by *GBD Architects*. Each structure/secondary element was evaluated for its current exterior and interior qualities as well as their respective site/location. A summary of the findings for each structure/secondary element is presented and then a rating for adaptive reuse both as a standalone item and within the context of the Tribe's proposed *tumwata village* Master Plan Amendment was completed.
- **Structural** – Analysis performed by *Catena Consulting Engineers*. Each structure/secondary element was observed and assessed for their structural condition, their expected structural performance and potential for renovation and/or adaptive reuse. Additionally, information regarding seismicity, soil liquefaction, lateral spread considerations, and flooding considerations are presented. Also presented are code-mandated structural retrofit and repair triggers that are applicable to each of the building structures.

Based on both the prior and current analyses, it is evident that significant degradation to most of the buildings and structures on the site has occurred. Efforts to preserve the site's industrial character, codified in the CP 14-02 land-use decision, have been significantly impaired due to the lack of site maintenance which accelerated beginning in the 1980s. Maintaining onsite infrastructure was often disregarded in an effort to cut costs for both Smurfit Newsprint and the Blue Heron Paper Company. As such, many of the identified structures had received little maintenance for nearly 40 years.

The recent analysis determined that of the ten items identified in the 2014 Master Plan, two are eligible for listing on the National Register of Historic Places (NRHP). The Woolen Mill Foundation and Flour Mill Foundation are eligible for listing on the NRHP, based on the criteria set forth by the National Parks Service. In addition, a previously-unlisted third site, the Warehouse Foundation, located north-east of the Flour Mill Foundation, has since been identified as also eligible for listing under these criteria. All three of these sites have been incorporated into the proposed *tumwata village* Master Plan Amendment for retention and reuse. See Appendix D for the 10-Structure Study Report.

Utilities

A detailed utility infrastructure analysis is provided as Appendix C. Existing utilities throughout the redevelopment area are largely private lines used to support the prior industrial operations, with limited public water and stormwater infrastructure within the vacated rights-of-way. When the site was in active

industrial use, stormwater runoff was combined with effluent from mill processes, pumped to the West Linn side of the river, treated, and discharged into the river. The closure plan—approved by Oregon Department of Environmental Quality—ended this method, and current management incorporates on-site systems and the historic mill races to treat stormwater and discharge into the river on the Oregon City side.

Existing utilities are mostly antiquated and in poor condition, and unsuitable for reuse. Secondary mill operation utilities will be removed as part of redevelopment.

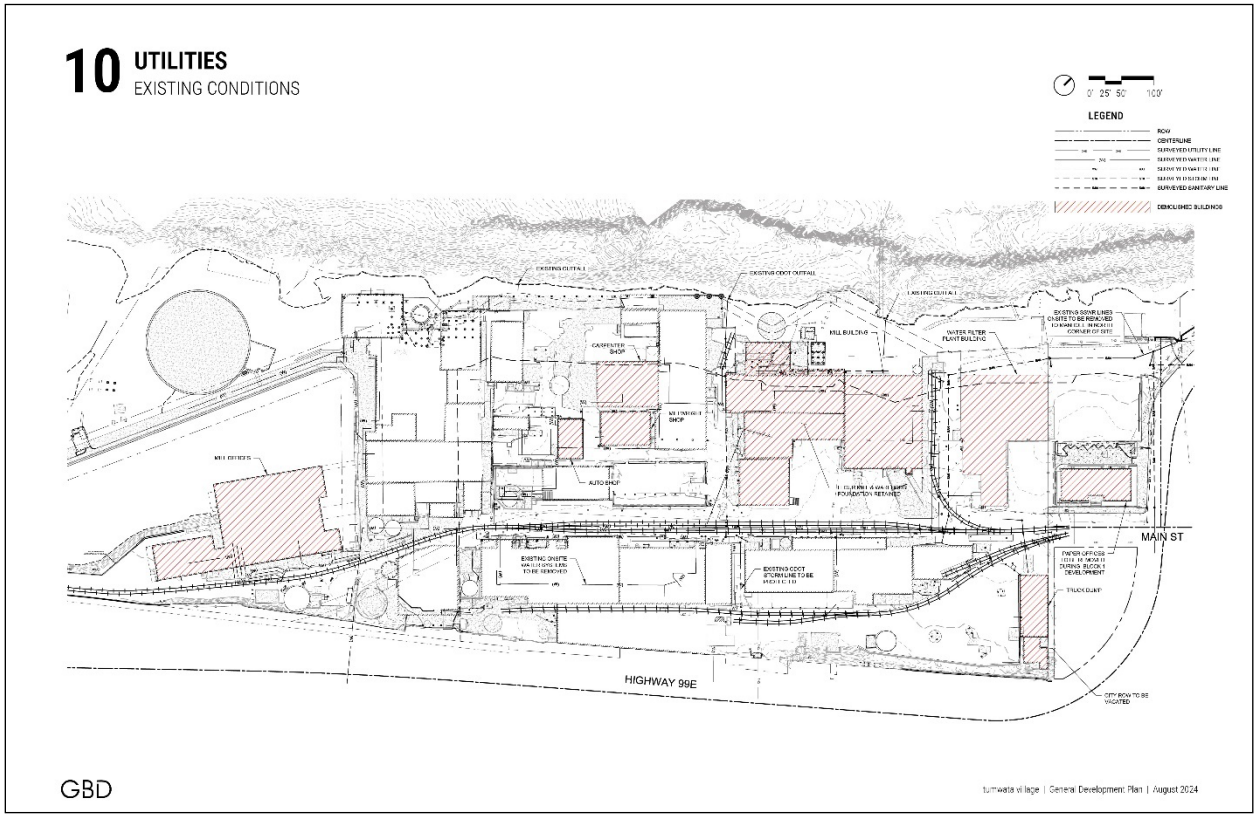


Figure 3. Utilities Plan

Water

Existing water infrastructure to the site is provided through an existing 10 inch public water main located in Main Street running north south and the former 3rd Street Right of Way extending east under the existing railroad and the highway before reaching the bluff. The line is located on the face of the bluff and is beyond its serviceable life and needs replacement

The northwest portion of the site near the admin building is served from a 6 inch public mainline located in Highway 99 to the north. This existing 6 inch service is likely to be removed or converted to a public fire hydrant along the frontage of Highway 99.

The public system in the area is currently within a high-pressure zone that exceeds 80 psi and has approximately 120 psi available at Main Street. Pressure Reducing Valves currently regulate the pressure to the former Mill site to meet the needs of the former Mill operations.

The existing site has numerous private waterlines that have been removed from service. The extensive amount of private piping on the site will very likely require removal to support the development of the street system and new private development sites.

In addition to the existing public water service to the site, the former paper Mill utilized a private water storage tank located on the top of the bluff near High St. A private 8 inch waterline fed the site from the water tank and crossed below the highway before daylighting on the west side of the highway and dropping below the railroad. This water system is assumed to be abandoned based on previous studies and conversations with the City.

Sewer

An existing sewer system that serves many of the buildings onsite has been identified through survey efforts completed by AKS. The existing sewer was located throughout the site in the vacated street right of way. An inspection of the existing system has not been completed at this time to determine integrity of the line; however, it is anticipated that the infrastructure is likely beyond or nearing its serviceable life and will likely require replacement.

From the survey information available and review of the previous conceptual studies, the majority of the onsite sewer runs to the northwest and connects to the existing Tri-City Service District Interceptor located at Water Street and Highway 99. While the Mill was operational, many onsite sewer lines that drained from the building waste lines, floor drains, etc. were interconnected between storm and wastewater and were pumped to the wastewater treatment plant before discharge. Since the closure of the Mill, wastewater from the Mill operations has ceased to enter the system, however, stormwater continues to collect in remainder floor drains and piping that makes its way into the tailraces. The site was cleaned as part of the Interim Stormwater Post-Closure Plan to comply with National Pollutant Discharge Elimination system (NPDES) requirements through the Oregon Department of Environmental Quality (DEQ). Per the Post-Closure Plan, the tailraces were cleared of accumulated sediment and waste to allow stormwater to freely flow to the river.

Stormwater

The existing development contains storm drainage infrastructure, some of which is interconnected with the wastewater collection system. This onsite conveyance system collected stormwater and industrial wastewater up until industrial activities ceased with the closure of the paper Mill. The site was cleaned in 2013 as part of a plan to comply with DEQ NPDES permit requirements, and this cleaning effort included clearing and disposing of the sediment and waste accumulated within the conveyance system. Upon completion of the cleanup activities, custom gabion rock and filter media boxes were installed at the downstream end of the system to provide water quality treatment, and site runoff was allowed to flow into the river. There are two public, piped storm mains that run through the site to existing outfalls to the river. One pipe captures localized storm drainage from the north side of the site near Main Street and 4th Avenue right of ways. The other pipe conveys drainage from the ODOT right-of-way at 99E to the river. A private outfall and/or tailrace is located near the Mill H building. The site is primarily underlain by

bedrock, with some areas containing silt loam on top of the bedrock at various depths. Due to the underlying soils and bedrock, infiltration facilities to manage stormwater are assumed to be infeasible.

Transportation

A detailed infrastructure and transportation analysis is provided as Appendices B and C.

The site is publicly accessible from only two points, the intersection of Main Street and McLoughlin Boulevard (Oregon State Highway 99E), and a small parking lot off 99E at the northwest corner of the site. A locked gate at the entrance restricts access deeper into the site.

Main Street was continuous across what is now 99E, continuing from downtown to the south end of the Willamette Falls site. A 150-foot stub of publicly-owned Main Street still exists on the site south of 99E. (The city also owns a sliver of land at the north end of the site. This narrow, unimproved alley is likely to be vacated in the coming years.) Likewise, non-motorized transportation is not open to the public. Pathways between and around buildings were established based on the industrial uses of the site. Pedestrian and bicycle access to the former industrial site is currently not permitted.

The proposed development plan for the site includes a redeveloped network of streets to serve the proposed uses within the site and provide access to the existing PGE site to the south. A wide variety of vehicles will utilize these public streets for access to the development buildings, access to the PGE site, emergency vehicles, service and deliveries, shuttles and buses for visitors and more. Additional pedestrian and bicycle circulation will link the Riverwalk, the overlook and plaza space areas to public right-of-way.

A pedestrian-friendly network of local streets will link the *tumwata village* with the rest of Oregon City's downtown. In addition to new streets, public access to the site will include pedestrian and bicycle connections. This plan establishes expectations for the general location and purpose of public access. Final configuration and location of paths and streets will be determined when building or open space is proposed. The approval of the 2014 Master Plan established a Mixed-Use Multimodal area, developed in cooperation with Oregon City and ODOT and consistent with OAR 660-012-0060. Based on modeling, future trips can be accommodated on the existing transportation network if minor improvements are made for safety and traffic flow. The 2014 Master Plan sets out a package of changes from existing conditions that would mitigate future impacts. This amendment provides an update to the trip generation analysis but does not propose substantial changes to the approach toward district development of the transportation network. Proposed development onsite will not exceed the established trip cap from the 2014 Master Plan.

This application package includes a detailed development plan for all planned streets at the site: Main Street, Water Avenue, 3rd Street, 4th Street, and Railroad Avenue. Building out these streets will be a catalyst for future development of the site. The first phase of anticipated development at the site will be the construction of new streets and utilities to serve Block 1. CTGR recently secured $2 million in Federal appropriations for this development. Consequently, this application package requests a concurrent DDP for streets in *tumwata village*. This DDP application also addresses the other streets in *tumwata village*, outside of those adjacent to Block 1, because they will follow the same pattern, and because their dimensions vary slightly from the city's engineering standards for local streets. As such, the DDP contains a modification request from these local street standards.

River Edge

Flood Zones

Because of its location on the Oregon City riverfront, areas of the site are prone to flooding. The last two major flood events to occur on the site were in 1964 and 1996.

Oregon City designates two land areas as part of its local flood management area: the Federal Emergency Management Agency-mapped 100-year floodplain, and areas inundated by the 1996 flood. The 1996 flood inundation boundary is larger than the FEMA 100-year flood zone, which covers only the southwestern portion of the site. Taken together, the city's flood management area covers 12.5 acres of the site, more than 50 percent of its total site area.

Available 1996 flood inundation information from Oregon City was used as an organizing framework for the 2014 Master Plan. However, conditions on the site have changed significantly since the flood and further hydrologic analysis was needed to establish the flood elevation. To refine the applicability of the flood management area, a civil engineering consultant hired by the applicant collected additional, on-site data to refine the 1996 flood level and establish an elevation illustrative of the new conditions. Once the final analysis report is accepted, the elevation it establishes will become the basis for the floodplain analysis in *tumwata village*. This master plan sets out a process for evaluating future, phased development based on this methodology and for determining balanced cut and fill calculations. Future development will be required to comply with the city's flood district requirements based on this new information. See Appendix I: Flood Zone Analysis for details.

Natural Resources

Natural resources on the site are related to the proximity to the river, and its 4,500 feet of shoreline. Currently, natural habitats along this reach of the Willamette River are relatively small and fragmented in part due to the presence of major highways along the river (I-205 and 99E), the railroad, and heavy industrial development along the shoreline. Habitat areas identified on this site include: Willamette River shoreline, tailraces, intake basin (lagoon), and the developed area. The shoreline is in two sections, downstream of the falls and the upstream of both the falls and lagoon. The lagoon is connected to the Willamette River and is part of the shoreline.

A variety of fish species are present in the river adjacent to the site, and numerous bird species congregate along the shoreline. Though the site itself is highly disturbed by nearly two centuries of industrial activity and development, riparian vegetation has been observed near the edges of the site. In a landscape context, habitat areas are sparse throughout the proposed project area, are relatively small in size and fragmented with low structural and species diversity.

The entire *tumwata village* site is within Oregon City's Natural Resources Overlay District, the city's environmental protection overlay. As noted in the previous master plan, projects are exempt from NROD rules "where ground level impervious surface area is not increased" (OCMC 17.49.080.J). This exemption applies even to "replacement" of existing structures. Because nearly every square foot of the site is either paved, covered by a building, or on top of a basalt shelf, virtually the entire district will qualify for this exemption. Nonetheless, the anticipated habitat and shoreline enhancement actions identified in the proposed master plan amendment are expected to result in a significant improvement to the habitat function of the site.

Willamette River Greenway

The entire Willamette Falls District is within the Willamette River Greenway (WRG), which protects the scenic, historic, and recreational qualities of the riverfront. Any development within 150 feet of the ordinary low water line requires a Greenway "compatibility review" (17.48.100.A) in future detailed development plan applications. This compatibility review emphasizes landscaped area between the new activity and the river and public access along the riverfront. Through the framework plan, this application proposes a "Greenway setback" on the site that is required for future development within the WRG. If future plans in *tumwata village* comply with the public access and restoration provisions that are demonstrated by the framework plan, the Greenway compatibility standards are presumed to be satisfied. The framework plan, the greenway setback, and the commitment to restoration and healing as a core value of the proposed master plan amendment reflect the purpose of the Willamette River Greenway.

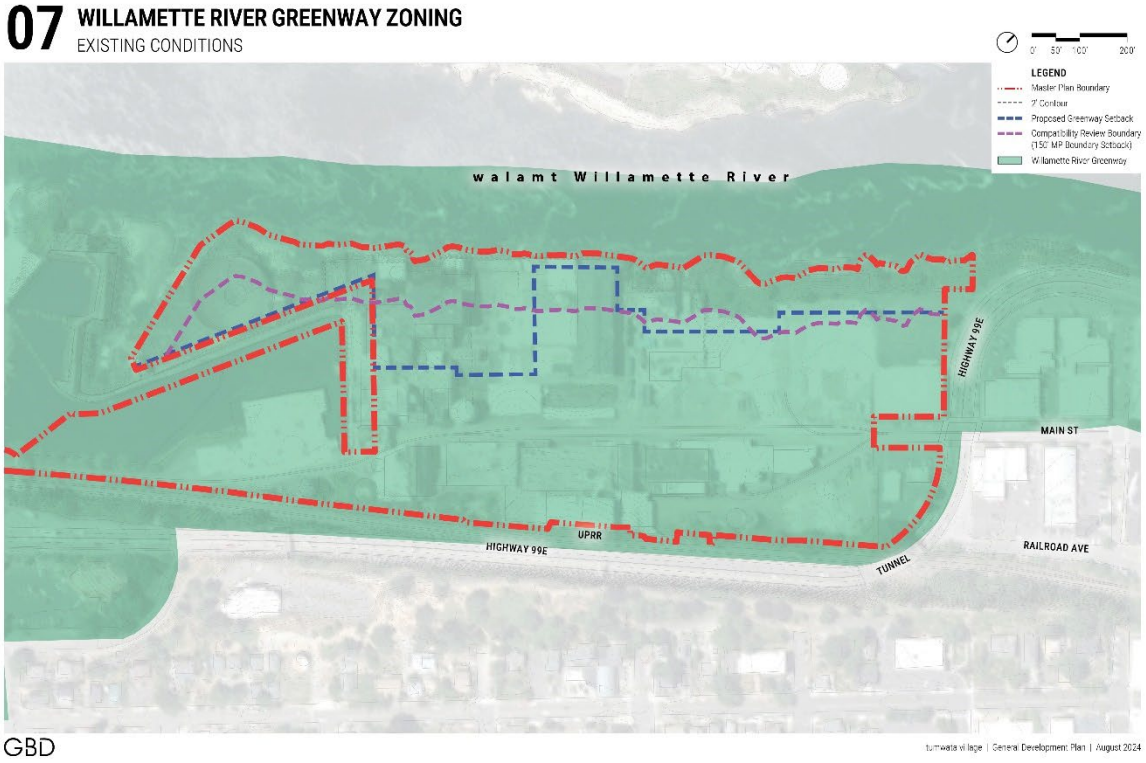


Figure 4. Willamette River Greenway

Previous Land Use Cases and Conditions

City land use files on the site go back only as far as the 1980s. While there are numerous land use review cases in the city's database relating to this property, only the current master plan has conditions that still apply to the site. That concept development plan is case file CP 14-02. File numbers for previous land use actions on the site other than the current master plan are listed below. The following cases are related to no-longer-operating industrial uses of the site that were active until the paper mill closed in 2011.

Land Use Case History

- CU 80-06
- CU 81-08
- CU 82-00
- CU 83-03
- CU 86-04
- CU 88-03
- SP 88-06
- CU 93-06
- CU 94-04
- CU 95-13
- SP 95-41
- CU 95-09
- SP 95-41
- CU 95-09
- CU 95-13
- CU 97-02
- PA 99-50
- CU 05-18
- PA 05-09
- CP 14-02

The 2014 Master Plan outlined how development would occur onsite by identifying key areas for access, open space, and development. It provided a generalized understanding that redevelopment would be consistent with rezoning, but did not develop or include all the materials of a typical master plan submittal. The next land use step, submitting a Detailed Development Plan, was never carried out. No DDPs have been applied for or approved since.

The existing 2014 Master Plan has 32 Conditions of Approval (COAs), many of which are no longer applicable. The *tumwata village* Master Plan Amendment proposes modifying that plan and its conditions. The findings in this application likewise may generate new conditions. A revised list of conditions is presented in Appendix E. This list is a combination of outstanding applicable conditions, modified conditions, and new conditions. For each 2014 Master Plan condition, this exhibit describes the justification for modifying or removing it. Modifying existing conditions of approval is allowed under the same procedures and standards as in the original application, a Type III General Development Plan review (OCMC 17.50.130.D and 17.65.080).

Master Plan Amendment

Purpose

The (CTGR) seek approval of the *tumwata village* Master Plan Amendment to allow redevelopment of the site with a mix of uses as depicted in the plan while simultaneously improving habitat conditions.

This plan is an amendment of the approved 2014 concept development plan and is consistent with its direction and principles.

In general terms, the amendment aims to achieve the following goals:

- Reflect Recent Changes to the Site

New plans set a more accurate baseline of existing conditions.

- Update the Approval Process

This plan simplifies future actions by relying on the city's standard approval processes.

- Increase Restoration and Open Space Areas

The new plan increases land area dedicated to habitat enhancement and open space.

- Revise Standards for Streets in *tumwata village*

This plan sets standards for streets according to the applicant's desired dimensions and sections.

- Refine Public Riverwalk Development Timing

The new plan still acknowledges development of the public Riverwalk over time, contingent on funding. Private development is likely to proceed before full completion of the publicly-funded Riverwalk.

- Re-evaluate Historic Structures for Retention and Reuse

The new plan re-evaluates the historic analysis and preservation of structures on site.

Land Use Requests and Document Organization

In land use action terms, this application requests the following permit approvals:

1. Amendment to General Development Plan (OCMC 17.65.80)
2. Modification of Conditions of Approval (OCMC 17.65.80 & 17.50.130.D)
3. Adjustment to Development Standards (OCMC 17.65.070)
4. Modification to Site Plan and Design Review Standards (OCMC 17.62.015)
5. Willamette River Greenway Review (OCMC 17.65.80)
6. Flood Management Overlay Review (OCMC 17.42)
7. Detailed Development Plan (for new streets) (OCMC 17.65.060)
8. Modification to Street Standards (OCMC 16.12.013)

As noted above, this document has three main sections. Section 1 is the Project Narrative and introduction that provides a summary of the plan and its historical context. Sections 2 and 3 are application findings that both derive from the master plan chapter of the Oregon City Municipal Code, Section 17.65.

Section 2 of this document contains findings responding to requirements of the general development plan amendment. This section includes findings for the GDP, which requires addressing many other sections of the code—modifying previous conditions, adjustments, site plan and design review, and

overlays for the Willamette River Greenway, natural resource and flood zones. Those findings incorporate items 1 through 6 in the list of land use actions above.

Next, Section 3 of this document is the findings related to a concurrent Detailed Development Plan for streets and infrastructure in *tumwata village*, which will be the first thing developed on the site. Thus, this section contains more detailed information for the DDP, including findings related to some of the same code sections as in the GDP, but in more detail, and specific just to streets. This section also contains a modification to street standards, to set out the specifications for infrastructure development. These findings are represented by items 7 and 8 in the list of land use actions above.

tumwata village is a testimony to perseverance. It is a place that reflects ancestral knowledge and teachings. A place where Grand Ronde's obligations and responsibilities to the plant, animal, and fish peoples is seen. It is a place where Tribal values are put into action. The Falls were a gift to our ancestors and will be a gift to our descendants until a time that no one can imagine.

Section 2 Amendment to General Development Plan

This section contains the findings for the General Development Plan, which addresses the long term build out of the site. Compliance with many other sections of the code is within the GDP requirements, thus they are also addressed here. Section 3, which is later in this document, has findings for a Detailed Development Plan, for streets. That is the only element of the proposal expected to be built in the short term.

Master Plans and Planned Unit Development (17.65)

17.65.010 Purpose and intent.

It is the intent of this chapter to foster the growth of major institutions, phased residential, commercial or mixed-use development, and other large-scale development, while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure. The city recognizes the valuable housing options, services and/or employment opportunities that these developments bring to Oregon City residents. The master plan or planned unit development process is intended to facilitate an efficient and flexible review process for major developments, support innovative and creative land development, and to provide long-term assurance to plan for and execute developments in a phased manner. To facilitate this, the master plan process is structured to allow an applicant to address larger development issues, such as adequacy of infrastructure and transportation capacity, and reserve capacity of the infrastructure and transportation system before expenditure of final design costs. The master plan or planned unit development process is further intended to promote efficiency in land development, maintenance, street systems and utility networks while providing site layouts that integrate usable and attractive open spaces, site circulation, and the general wellbeing of site users. For the purposes of this chapter planned unit developments are considered the same as master plans.

Response: The *tumwata village* Master Plan Amendment meets the purpose and intent of this Chapter by amending (OCMC 17.65.80) the original Willamette Falls Legacy Project Master Plan (CP 14-02). The *tumwata village* Master Plan Amendment shows developing the 23-acre site with mixed-use development creating a modern tribal *village* inclusive of commercial, retail, entertainment, open space, a hotel, and residential uses. The proposed amendments build upon the prior plan by defining on-site uses and infrastructure that are anticipated to be developed over the life of the plan. Included in this application are proposed updates to the previously completed infrastructure analysis for water, sewer, stormwater, transportation, and open space to serve the development.

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.

Response: This land-use application is a request for an amendment to the existing, approved Willamette Falls Legacy Project Master Plan, CP 14-02. The *tumwata village* Master Plan is a General Development Plan (GDP) Amendment. This GDP Amendment application identifies the proposed uses within the development as discussed below.

The project boundary is being amended as part of this land-use application to include the former Edres Property (458 Main Street) on the southeast corner of the OR99E/Main Street intersection, which is now currently owned by the applicant. This property was not included in the previous plan.

Where applicable, the applicant's design team has evaluated previously identified mitigation and mitigation triggers to offset the impacts of the prior Master Plan development and have re-evaluated those proposed mitigation actions based on the current development proposal. Updated mitigation and mitigation triggers are proposed where applicable. As a general note, the intensity of envisioned site development is at a level lower than what was previously anticipated. The amount of future development was evaluated through the Transportation Planning Rule (TPR) analysis in 2014 for the proposed zone change. This reduction in development reflects the Tribe's commitment to site healing and restoration. However, because it is already approved, the Tribe reserves its right to use the "capacity cap" developed under the "worst case re-development scenario" established through the Multi-Modal Area (MMA) adoption via Ordinance No. 14-1015 and the Master Plan adoption via Ordinance No. 14-1016.

Although a site phasing plan has not yet been developed, public and private improvements are expected to be constructed with Detailed Development Plans over the life of the *tumwata village* Master Plan.

17.65.030 Applicability of the master plan or planned unit development regulations.

A. Required for Large Institutional Uses. If the boundaries of an institutional development exceed ten acres in size, the proposed development shall be master planned using the regulations of this chapter. No land use review other than a Type I or II Minor Site Plan and Design Review shall be

issued for any institutional development in excess of ten acres in total acreage unless it is accompanied by or preceded by a master plan approval under this chapter. This requirement does not apply to modifications to existing institutional developments unless the modification results in a cumulative square footage increase of over ten thousand total building square feet in an existing institutional development over ten acres.

B. When Required as Part of Previous Land Use Review. The master plan or planned unit development regulations may be used to fulfill a condition of approval from a previous land use decision-requiring master planning for a development.

C. When identified in the Oregon City Comprehensive Plan. The master plan regulations are required for all properties identified for master planning in the land use section of the Oregon City Comprehensive Plan.

D. Voluntarily. An applicant may voluntarily submit a master plan or planned unit development as part of a land use review, including for residential projects.

Response: The CTGR is the applicant and owner of the site and is voluntarily submitting this master plan amendment for review. The site includes both the former Blue Heron Paper Mill site (22-acres), and an additional adjacent parcel located at 458 Main Street (former Edres property) on the southeast corner of the OR99E/Main Street intersection. The existing Master Plan, the Willamette Falls Legacy Project Master Plan (CP 14-02), is in effect and will be amended as part of this land use action. The amendment application incorporates the adjacent parcel located at 458 Main Street into the master plan boundary.

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.

Response: A preapplication conference was held on June 27, 2024. A neighborhood association meeting was held on July 11, 2024. In addition to the proposed amendment to a master plan, this application includes a Greenway Compatibility Review. A concurrent Detailed Development Plan (DDP) approval for new streets in *tumwata village* and flood development permit review is requested with this application. A Type III procedure is required for all concurrent reviews. This review will reset the planning period of 20 years.

17.65.050 General development plan.

A. Existing Conditions Submittal Requirements.

1. Narrative Statement. An applicant shall submit a narrative statement that describes the following:

a. Current uses of and development on the site;
b. For institutions, history or background information about the mission and operational characteristics of the institution that may be helpful in the evaluation of the general development plan, and information about current programs or services;
c. A vicinity map showing the location of the general development plan boundary relative to the larger community, along with affected major transportation routes, transit, and parking facilities. At least one copy of the vicinity map shall be eight and one-half inches 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:
i. Water;
ii. Sanitary sewer;
iii. Stormwater management; and
iv. Easements.

Response: Some of the noted information requested in this section was previously provided as part of the Willamette Falls Legacy Project Master Plan, CP 14-02, including diagrams and descriptions of land uses that surround the site, previous land use approvals, physical characteristics, ownership patterns, locations of trees, geologic hazards, and the establishment of a Multi Modal Mixed-Use Area.

This amendment to that plan provides updated information, where there are changes from the previous plan. The following are provided as a part of this application:

- Development and current uses on site (Sheet 1, 5 of the Appendix A: Drawing Set)
- A building inventory (Sheet 5 of Appendix A: Drawing Set)
- A vicinity map (Sheet 1 of Appendix A: Drawing Set)
- An FAR analysis (Appendix H)
- A description of Goal 5 natural resources (page 18)
- A study of potentially historic structures on site (Appendix D)
- A Transportation Report is provided as Appendix B
- A Utility Report that analyzes infrastructure facilities and capacity (Appendix C).

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.

Response: A new drawing set for *tumwata village* includes existing conditions plans, site plans, and aerial photo, are provided with this application attached as the Drawing Set.

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.

Response: The proposed duration of this amendment to the general development plan is 20 years from approval of the application.

b. The proposed development boundary. May also reference submitted maps or diagrams.

Response: The applicant is proposing a modification to the previously-approved development boundary to include an additional adjacent parcel now owned by the applicant. This new lot is located at 458 Main Street (former Edres property) on the southeast corner of the OR99E/Main Street intersection. The proposed Master Plan Amendment boundary can be seen in the Drawing Set on page 8. As shown on attached drawings, the property boundary extends upstream along the Trail to Canemah. As with the previous plan, this "cherry stem" of the existing property is within the master plan boundary.

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.

Response: The first phase of development will be the construction of new streets and utilities to serve Block 1. The Grand Ronde Tribe recently secured $2 million in Federal appropriations for street and utility improvements surrounding Block 1. This application package requests a concurrent DDP for the streets. Beyond this project, no formal phasing is proposed. The ability to complete improvements depends on market demand and conditions. Depending on market conditions, the applicant anticipates onsite development to occur over a 20-year time frame (2044).

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.

Response: The purpose of OCMC Chapter 17.65 is listed in 17.65.010:

17.65.010 - Purpose and intent.

It is the intent of this Chapter to foster the growth of major institutions and other large-scale development, while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure. The City recognizes the valuable services and employment opportunities that these developments bring to Oregon City residents. The master plan process is intended to facilitate an efficient and flexible review process for major developments and to provide them with the assurance they need over the long term so that they can plan for and execute their developments in a phased manner. To facilitate this, the master plan process is structured to allow an applicant to address the 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.

An amended master plan will allow redevelopment of the site with a mix of commercial, service, entertainment, residential, open space, and retail uses as depicted in the plan.

The 23-acre site has the potential for large-scale development to the benefit of Oregon City and the region. Redevelopment of the site creates economic development opportunities, enhances habitat and open space, provides public access, and creates new opportunities for people to experience the natural wonder of the largest falls in Oregon. *tumwata village* is a living honor to the Tribal People of the Falls and their continued persistence. It will become a thriving modern tribal village and place of prosperity and abundance. *tumwata village* will contribute to economic development both within the site and throughout Oregon City, West Linn, Clackamas County, and the State of Oregon (as it has for thousands of years). Any impacts on surrounding properties with regard to transportation and public infrastructure will be mitigated by incremental offsetting changes to public systems for accommodating new growth, that is, the transportation and public utility improvements that are identified in this plan and will be implemented concurrent with new development.

These amendments to the GDP are an important step in the future of the new district. This review process includes an assurance of compliance with the principles of and standards within the general development plan, all the requirements and information necessary for subsequent detailed development plans. Having a framework for future development on the site allows for renewal of the area to occur over time, while assuring consistency with the general principles of the plan. The general development plan and proposed amendments address the larger development needs, such as street location, layout of development and open space areas, and infrastructure capacity, while leaving details of building orientation or how uses are mixed until the detailed development phase.

The guiding principle of site redevelopment is healing. Healing landscapes and people requires consideration of multiple scales and timelines. Success at *tumwata village* will be evident by creating active spaces intended to gather and connect people, views, and resources of abundance. Ultimately, the general development plan will foster the growth of the Willamette Falls Downtown District by clearly delineating areas for new development and open space, designating public access through a grid of streets and multi-use paths along the waterfront, and ensuring a clear path forward for high-quality future projects.

The purpose of OCMC Chapter 17.35 Willamette Falls Downtown District is as follows:

> *17.35.010 - Designated.*
> *The Willamette Falls Downtown (WFD) District applies to the historic Willamette Falls site, bordered by 99E to the north and east, and the Willamette River to the west and south. This area was formerly an industrial site occupied by the Blue Heron Paper Mill and is the location of Oregon City's founding. A mix of open space, retail, high-density residential, office, and compatible light industrial uses are encouraged in this district, with retail, service, and light industrial uses on the ground floor and office and residential uses on upper floors. Allowed uses in the district will encourage pedestrian and transit activity. This district includes a downtown design overlay for the historic downtown area. Design guidelines for this sub-district require storefront facades along designated public streets featuring amenities to enhance the active and attractive pedestrian environment.*

This amendment to a general development plan continues to meet the purpose of OCMC 17.35. *tumwata village* is a modern development that will provide a mix of open space, retail, shopping, residential, office, restaurants, and a hotel/event space for visitors and patrons. It will become a vibrant pedestrian destination that includes opportunities for public and Tribal celebration, as well as local job creation.

The development blocks, street layout and arrangement of open/public space encourages pedestrian and transit activity. The master plan area is almost entirely outside of the Downtown Design District, the small portion that overlaps with the design district will be riverbank enhancement area. Tribal cultural identity will be a recurring theme throughout the site. Cultural identity will be incorporated into the design of public spaces, buildings, and infrastructure.

The site is located in the Willamette River Greenway, Natural Features, and Geologic Hazards Overlays. The purpose of these chapters is stated in OCMC 17.44.010, 17.48.020, and 17.49.010. These sections are addressed in findings below for those sections. As part of this master plan, all future development must still meet the regulations of the overlay districts as part of the detailed development plan process. As a result, the plan is consistent with the purposes of these districts.

> *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.*

Response: The applicant has reviewed the City's inventory for historic designations of structures and parcels. No historic designations were found within the proposed Master Plan boundary. The Trail to Canemah segment extends tribally-owned property south along the riverfront. There is no overlap between the Canemah Historic District and the Trail to Canemah segment or the Master Plan Boundary.

In the 2014 Master Plan, some structures onsite were identified as potentially eligible for historic protections, and the applicant has reviewed that list. A new study, attached as Appendix D, was performed to evaluate the 10 structures through the lenses of Historical Significance, Structural Stability,

Architectural Significance, and Archeological Potential. The result of the study was that the Woolen Mill Foundation, the Flour Mill Foundation, and a newly identified element, the Warehouse Foundation, are the only sites within the proposed boundary that are potentially eligible for listing on the National Register of Historic Places (U.S. National Park Service). The PGE Dam, which is not located within the proposed boundary, but is located within 250-feet of the proposed development boundary, is listed on the National Register of Historic Places. More broadly, this General Development Plan Amendment establishes a framework for future development. When buildings and open spaces are redeveloped, Detailed Development Plans must demonstrate compliance for the protection of Goal 5 resources.

With regard to natural resources, the City's Natural Resources Overlay District (NROD) implements the Oregon City Comprehensive Plan Natural Resources Goals and Policies. Resources on this site are described in the introduction and related to its proximity to the Willamette River. The associated NROD district boundary reflects the riparian resources. The NROD overlay applies to a portion of the Willamette Falls Downtown District and its requirements will be met as part of any future DDP application. The *tumwata village* Master Plan Amendment identifies enhancement opportunities for the site that will improve riparian conditions for fish and wildlife.

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;

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.

Response: The memos, mapping, analysis of the 2014 Willamette Falls Legacy Project Master Plan, and proposed amendments to the 2014 Master Plan are provided in the *tumwata village* Master Plan Amendment materials Appendix A—Appendix L.

The approved master plan included baseline assumptions for site development. Associated impacts to transportation, parking, public facilities, neighborhood livability, and natural, cultural, and historical resources were quantified, and their effects mitigated for through established Conditions of Approval as part of land-use decision CP 14-02. The proposed amendment includes additional habitat enhancements and open space that exceed the mitigation requirements of the 2014 Master Plan approval.

A baseline development package of 500,000 to 600,000 square feet of new building area was approved as part of the existing plan. A Framework Plan was also developed to serve as "base zoning" to regulate the type of development that could occur on a block-by-block basis throughout the site in addition to the zoning that was established in OCMC Chapter 17.35 Willamette Falls Downtown District (WFDD).

The applicant's site redevelopment goal is to heal the site and return much of the site to a more naturalized landscape. As such, the *tumwata village* Master Plan Amendment framework plan envisions a reduction in development onsite, with a target of approximately 300,000 square feet of buildable space. This reduction is roughly half of what was originally envisioned for construction through the 2014 Master Plan. Impacts on natural and cultural resources will be reduced from those originally evaluated in the 2014 Master Plan, however, the applicant is proposing enhancement activities that exceed the habitat and open space mitigation requirements in this amendment request.

As such, impacts to public facilities, neighborhood livability, and natural, cultural, and historical resources are universally less significant in this amended plan than in the current plan. Insofar as this standard applies, the findings of the previous plan are still valid to a less-intensive plan for development on the site. An updated Traffic Impact Analysis and Site Utility Plans are found in Appendix A and Appendix B. Proposed modifications to mitigation and mitigation timing for development impacts can be found in the Conditions of Approval table in Appendix E.

The *tumwata village* Master Plan Amendment evokes a modern tribal village with high-quality buildings and open spaces. The *tumwata village* Master Plan Amendment allows for future integration with the publicly funded Riverwalk, and heals this sacred land.

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.

Response: As part of the prior land-use process, Oregon City adopted Ordinance No. 14-1015 which created a mixed-use Multi-Modal Area (MMA) as identified in OAR 660-012-0060 for the area on either side of Main Street, south from 11th Street, through downtown and into the proposed Willamette Falls Downtown District. This boundary includes both properties owned by the applicant. In 2014, transportation impacts resulting from changes to the Comprehensive Plan were evaluated using the Transportation Planning Rule (TPR). This analysis allows for a balance between allowed land uses and the transportation system necessary to support them. The rule assesses whether proposed changes create a "significant impact" on the system. If so, mitigation must be proposed that brings the conditions back to the same level (or better) than the no-build condition.

Building on the prior analysis work completed with the 2014 Master Plan[2], this *tumwata village* Master Plan Amendment reviewed the baseline assumptions of the 2014 Master Plan and did an on-balance analysis of site impacts, provided in Appendix A.

The land use assumptions established through the 2014 Master Plan are shown below:

Table 4: Land Use Assumptions for the Willamette Falls Legacy Project Site

Scenario	Housing Units	Retail Employees	Other Employees	PM Peak Hour Vehicle Trips Ends
2035 Baseline*	0	0	289	140
2035 with Willamette Falls Redevelopment	240	219	1,453	700

* The 2035 Baseline scenario was assumed for the 2013 Oregon City TSP

[2] *Oregon City Willamette Falls Legacy Project Draft Transportation Analysis*. DKS Associates. Carl Springer and Kevin Chewuk. February 24, 2013.

The applicant's revised goals for site redevelopment are more modest in terms of total building area. This updated master plan emphasizes healing the site and returning much of it to a more naturalized landscape. As such, the *tumwata village* framework plan envisions a target of approximately 300,000 square feet of buildable space, roughly half the square footage of what was originally envisioned through the approved plan.

Nevertheless, The Grand Ronde Tribe reserves the right to use the "capacity cap" developed under the "worst case re-development scenario" of the previous analysis. This was established through the Multi-Modal Area (MMA) adoption via Ordinance No. 14-1015 and the Master Plan adoption via Ordinance No. 14-1016. The updated transportation study in this application (Appendix B) determined that anticipated trips are well within the "trip cap" established in the 2014 Master Plan. This application proposes a plan with less development, and it will continue to be within the limitations imposed in 2014.

j. For residential and mixed-use projects:
i. Proposed minimum lot area, width, frontage and yard requirements.
ii. Proposed project density in number of units per acre.
iii. Proposed residential types and number of each.

Response: The current site is comprised of two properties. One large property at 23-acres under the Willamette Falls Downtown District zoning, and a smaller property at 0.5-acres under the Mixed-Use Downtown District zoning. The proposed area is primarily intended for institutional, commercial and mixed uses. Residential uses are allowed, but the area is not intended as a primarily residential project. The proposed density and residential types are not applicable to this proposal. Future DDPs will address dimensional requirements, density, and residential types.

The Willamette Falls Downtown District does not have a minimum lot area, width, frontage or yard requirements. *tumwata village* has a minimum FAR of 1.0. There is no minimum density requirement of the underlying zone.

The Mixed-Use Downtown District does not have a minimum lot area, width, frontage and yard requirements that apply to these properties. *tumwata village* has a minimum FAR of 0.5. There is no minimum density requirement of the underlying zone.

For both parcels and zoning designations, development is regulated by FAR. Additionally, the maximum height in the Willamette Falls Downtown district is 80 feet, and the maximum height in the Mixed-Use Downtown District is 75 feet. Since the site is under a single ownership, FAR may be calculated on a district-wide basis. Following advice from Oregon City staff, the applicant has developed a methodology for calculating FAR district wide, which is detailed in Appendix H. This is a methodology that will be followed in future Detailed Development Plan applications, as each will be required by a proposed condition of approval to show compliance with the FAR requirements at that phase.

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.

Response: The proposed Framework Plan and the drawings in the Drawing Set provide plans and diagrams that provide the requested information in this section. A transportation report is provided in Appendix B. A Utility report is provided in Appendix C. The 10-structure study attached as Appendix D analyzes potentially historic resources on site. The framework plan identifies development blocks, open space areas, and a street network. No phasing or specific building sizes are proposed. More detailed programing for on-site open spaces and specific building design will be provided with Detailed Development Plans and are expected to meet current Oregon City standards.

C. Approval Criteria for a General Development Plan. The planning commission may approve an application for general development plan only upon finding that the following approval criteria are met:

1. The proposed general development plan is consistent with the purposes of OCMC 17.65.

Response: The purpose of OCMC 17.65 is as follows:

"It is the intent of this chapter to foster the growth of major institutions, phased residential, commercial or mixed-use development, and other large-scale development, while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure. The city recognizes the valuable housing options, services and/or employment opportunities that these developments bring to Oregon City residents. The master plan or planned unit development process is intended to facilitate an efficient and flexible review process for major developments, support innovative and creative land development, and to provide long-term assurance to plan for and execute

developments in a phased manner. To facilitate this, the master plan process is structured to allow an applicant to address larger development issues, such as adequacy of infrastructure and transportation capacity, and reserve capacity of the infrastructure and transportation system before expenditure of final design costs. The master plan or planned unit development process is further intended to promote efficiency in land development, maintenance, street systems and utility networks while providing site layouts that integrate usable and attractive open spaces, site circulation, and the general wellbeing of site users. For the purposes of this chapter planned unit developments are considered the same as master plans."

The *tumwata village* Master Plan Amendment is a proposed amendment to the Willamette Falls Legacy Project Master Plan, a land use action submitted and approved by Oregon City in 2014 via CP 14-02. The proposed amendments reflect modifications to the adopted CP 14-02 land-use decision to reflect the Grand Ronde Tribe's vision for the site, including its goal of healing, which is embodied in the tribal values of Spirit, Place, Prosperity, and People. The *tumwata village* Master Plan Amendment envisions onsite development that evokes a modern tribal village with high-quality buildings and open spaces.

The proposed amendments facilitate a purposeful and efficient redevelopment of the former Blue Heron Paper Mill site. The proposal integrates existing land-use assumptions and approvals with the tribe's desire to heal the site and create a modern tribal village. This application meets the purpose of the Master Plans and Planned Unit Developments chapter with a development framework plan that guides development to efficiently enact a cohesive vision for the area. The master plan and this master plan amendment facilitates analysis of adequate transportation and infrastructure and allows a cohesive vision for the future development of the site. The framework plan presents a plan for areas of development, integrated open spaces, and effective site circulation.

2. *Development shall demonstrate compliance with OCMC 12.04, 16.12, 17.62, if applicable, and 16.08, if applicable.*

Response: Relevant code sections for OCMC 12.04, 16.12 and 17.62 are reviewed below.

STREETS, SIDEWALKS AND PUBLIC PLACES (12.04)

Future DDPs will require compliance with street and sidewalk standards of OCMC 12.04, unless adjusted with a modifications process. A concurrent DDP for streets in *tumwata village* is proposed with this application. Therefore, OCMC 12.04 is applicable to the proposed street development shown in the DDP. Relevant standards are addressed in the DDP findings found in Section 3 of this document. The proposed amendments to the GDP do not preclude compliance with this chapter.

MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT (16.12)

Future DDPs likewise must comply with OCMC 16.12, unless adjusted with a modifications process. The concurrent DDP application for new streets in *tumwata village* addresses OCMC 16.12 and its relevant standards in Section 3 of this document. The proposed amendments to the GDP do not preclude compliance with this chapter.

SITE PLAN AND DESIGN REVIEW (17.62)

Specific projects, other than the proposed streets that are addressed in a concurrent DDP application, do not have the level of design detail that can respond to the requirements of a site plan and design

review submittal. Future development of buildings and open spaces will require DDPs and must demonstrate compliance with OCMC 17.62, unless otherwise adjusted for in this GDP amendment. OCMC 17.62 is applicable to the streets DDP and relevant standards are addressed in Section 3 of this document. Relevant findings for OCMC 17.62 are reviewed below.

17.62.015 Modifications that will better meet design review requirements.

The review body shall consider modification of certain site related development standards of this chapter specified below. These modifications may be approved as part of a Type II design review process.

A. Applicability.

1. This process shall apply to modifications to:
a. Landscaping in OCMC 17.62.050.A;
b. Vehicular connections to adjoining properties in OCMC 17.62.050.B.2;
c. On-site pedestrian circulation in OCMC 17.62.050.C;
d. Onsite utility location OCMC 17.62.050.G;
e. Building location in OCMC 17.62.055.D;
f. Building details in OCMC 17.62.055.I;
g. Windows in OCMC 17.62.055.J;
h. Parking lot landscaping in OCMC 17.52.060.
2. Modifications that are denied through Type II design review may be requested as a variance through the variance process pursuant to OCMC 17.60.020 or master plan adjustment pursuant to OCMC 17.65.070 as applicable.
3. Rather than a modification, applicants may choose to apply for a variance through the variance process pursuant to OCMC 17.60.020 or master plan adjustment pursuant to OCMC 17.65.070 as applicable.

B. The review body may approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

1. The modification will result in a development that better meets the applicable design guidelines; and
2. The modification meets the intent of the standard. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

Response: This amendment application proposes a "blanket" modification to a standard that regulates fencing materials in anticipation of future DDPs. This standard, OCMC 17.62.050.H.1.d, is proposed to be modified, and the above criteria are addressed following each code section below.

17.62.050 General standards.

All development shall comply with the following standards:

[…]

H. Building Materials.

1. Prohibited Materials. The following materials shall be prohibited in visible locations from the right-of-way or a public access easement unless an exception is granted by the community development director based on the integration of the material into the overall design of the structure:

a. *Vinyl or plywood siding (including T-111 or similar plywood).*
b. *Glass block or highly tinted, reflected, translucent or mirrored glass (except stained glass) as more than ten percent of the building facade.*
c. *Corrugated fiberglass.*
d. *Chain link fencing (except for temporary purposes such as a construction site, gates for a refuse enclosure, stormwater facilities, when excepted by 17.62.050.H.2.g, or when located on properties within the general industrial district).*
e. *Crushed colored rock/crushed tumbled glass.*
f. *Non-corrugated and highly reflective sheet metal.*
g. *Tarps, except for the protection of outside storage.*

2. *Special Material Standards. The following materials are allowed if they comply with the requirements found below:*
   a. *Concrete Block. When used for the front façade of any building, concrete blocks shall be split, rock- or ground-faced and shall not be the prominent material of the elevation. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than three feet above the finished grade level adjacent to the foundation wall.*
   b. *Metal Siding. Metal siding shall have visible corner moldings and trim and incorporate masonry or other similar durable/permanent material near the ground level (first two feet above ground level) except when used for a temporary structure.*
   c. *Exterior insulation and finish system (EIFS) and similar troweled finishes shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.*
   d. *Building surfaces shall be maintained in a clean condition and painted surfaces shall be maintained to prevent or repair peeling, blistered or cracking paint.*
   e. *Membrane or fabric covered storage areas are permitted as temporary structures, excluding the use of tarps.*
   f. *Vinyl or powder coated chain link fencing is permitted for city-owned stormwater management facilities, reservoirs, and other public works facilities such as pump stations, maintenance yards, and storage yards not located within the general industrial district.*
   g. *Chain link fencing is permitted in the following circumstances:*

1. *Within city-owned parks and recreational facilities.*
2. *On any property when used for a baseball or softball backstop or dugout, track and field facility, or sports court.*

I. *Temporary Structures. Temporary structures are permitted pursuant to the following standards:*

1. *Structures up to two hundred square feet: […]*
2. *Temporary structures larger than two hundred square feet may be permitted up to two times per year; and:*
   a. *Structures larger than two hundred square feet up to eight hundred square feet: […]*
   b. *Structures larger than eight hundred square feet: […]*

3. *Government owned properties are exempt from all sections of OCMC 12.08, 16.12, 17.52 and 17.62 except subsections 17.62.050.H and I and the dimensional standards of the zoning designation. […]*

Response: In general, future DDPs will comply with the above standards. However, the applicant requests modification of a fencing standard listed above for future development, due to the site's unique qualities.

Chain link fencing is typically prohibited as a building material except for temporary purposes such as construction, unless a modification is granted, or an exception is granted by the community development director, based on the integration of the material into the overall design of the structure. (See Section H.1.d above.)

As demolition and construction work will be ongoing, large portions of the site will need to be fenced off for the purposes of public health and safety. Demolition debris and construction equipment will be moving and operating on a regular basis, and these activities will need to be separated from parts of the site that will be accessible to the public. Chain link fencing is typically prohibited, except in special circumstances, which include construction sites on a temporary basis. ("Temporary" is not defined in the code.)

The applicant proposes to address fencing types and materials more broadly by requesting the adoption of a fencing policy document as part of this master plan amendment, in addition to approving the modification of this development standard. The applicant has detailed the types of fencing and situations where the fencing would be used on the site in a policy document attached as Appendix F. This fence policy document includes example photos as well as an illustrative map. To summarize, the following fencing types are anticipated:

- Long-Term Safety and Security Fencing
- Construction Fencing
- Railroad Safety and Separation Fencing
- Riverfront/NROD Fencing

Each of these has a different anticipated style, height, and degree of security required. These types and their anticipated locations are shown in the document for illustrative purposes. In addition, existing fencing along OR99E/McLoughlin Boulevard will be maintained and repaired as necessary until a specific detailed development plan is submitted for redevelopment of Block 5. Future fencing in *tumwata village* will be consistent with this policy document, which can be enforced through a proposed condition of approval.

The nature of undeveloped blocks in *tumwata village* is similar to a construction site. Because that is also one of the exceptions in the standard, the prohibition on chain link fencing in subsection H.1.d should be relaxed, provided consistency with the fence policy document. Any public facing areas of fencing will have mesh or a similar surface treatment, mitigating any visual effects to properties to the northeast, which are also separated by 99E.

Allowing the modification to this standard for long term safety and security fencing protects lives and property from potential adverse impacts of development, the primary purpose of the modified standard is to allow safety fencing while the site is being built out. The site has been severely disturbed with an

array of open holes, industrial debris, and human health risks from open lagoons, etc. The mesh covering and vinyl or powder coating for long term safety and security fencing minimizes the visual impact of the fencing while it is in use and deters trespassing. For these reasons, the proposed modification is consistent with the purpose of this section.

17.62.055 Institutional, office, multi-family, retail, and commercial building standards.

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

B. Applicability. This section applies to institutional, office, multi-family, retail and commercial buildings except accessory structures less than one thousand square feet and temporary structures.

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

D. Siting of Structures. On sites with one hundred feet or more of frontage at least sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line. 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. Multi-family developments shall be placed no farther than twenty feet from the front property line. This section does not apply to properties with less than forty feet of frontage.

A larger front yard setback may be approved through site plan and design review if the setback area incorporates at least one element from the following list for every five feet of increased setback requested:

1. Tables, benches or other approved seating area.

2. Cobbled, patterned or paved stone or enhanced concrete.

3. Pedestrian scale lighting.

4. Sculpture/public art.

5. Fountains/water feature.

6. At least twenty square feet of landscaping or planter boxes for each tenant facade fronting on the activity area.

7. Outdoor café.

8. Enhanced landscaping or additional landscaping.

9. Other elements, as approved by the community development director, that can meet the intent of this section. […]

Response: The standard above in subsection D supersedes the base zone standard in the WFDD for a 10 foot maximum setback. This is due to the language in 17.62.055(C) that states in the event of a conflict with building front setbacks, the design standard prevails.

The applicability of this standard to the site is unclear since nearly the entire master plan area is one large lot, and the only "frontage" of the site is the portion facing 99E. Internal streets in *tumwata village* will be privately-owned by the Tribe, with public easements for access, and the streets will not create lot lines or frontages in the way a traditional subdivision would. This standard may not be strictly applicable to the private street frontages in *tumwata village*. Additionally, this standard has a provision that allows a larger front setback by adding tables, benches, landscaping, etc.

As an approach to meeting the intent of the regulation for future development along private street frontages, the applicant proposes an enhanced vegetation buffer along the extension of Main Street that allows an increased setback from the street in the case that a vegetative buffer is proposed. This buffer would allow for an active and attractive pedestrian environment through enhanced landscaping features that invite the public to enjoy green landscaped corridor space leading to the river and falls. The location of this enhanced buffer is shown on the Framework Plan. Increased setbacks will include landscaping and pedestrian scale lighting, which meets OCMC 17.62.055(D)(3) and (8). One of the guiding values of *tumwata village* is Healing, this value manifested in this district through increased access to the falls, environmental remediation, and integrating green/open space. The plan envisions integrated landscaped areas throughout *tumwata village*, particularly along the extension of Main Street leading to the river.

This blanket modification to OCMC 17.62.055(D) may be implemented by approval of the modification in this general development plan amendment in a condition of approval that reads:

"*To allow for a vegetated and landscaped corridor along Main Street, within Block 5, 6, 7 and 8, the front yard setback shall be measured from the edge of the enhanced setback along Main Street, as shown on the framework plan. Increased setback allowances may still be applied per OCMC 17.62.055(D) in Detailed Development Plan applications."*

In conclusion, the proposed amendment to the general development plan is consistent with relevant provisions of OCMC 12.04, OCMC 16.12 and OCMC 17.62, as detailed above.

3. *Public services for transportation, water supply, police, fire, sanitary waste disposal, stormwater 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.*

Response: The *tumwata village* Master Plan Amendment is a proposed amendment to the Willamette Falls Legacy Project Master Plan, approved by Oregon City via CP 14-02. The 2014 Master Plan did an analysis of 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 onsite uses. That plan demonstrated that this criterion was met, and all public services were capable of serving the proposed development. Conditions of approval were written in 2014 to mitigate impacts associated with a "worst case re-development scenario" established through the Transportation Planning Rule (TPR)

zone change analysis. As noted, this amendment proposes less site development than the 2014 Master Plan.

Transportation:

Conditions of approval were written to mitigate impacts associated with a "worst case re-development scenario" established through the Transportation Planning Rule (TPR) zone change analysis. This application proposes a site development plan with less development when compared to the approved 2014 plan, therefore reducing development impacts. Still, the Grand Ronde Tribe reserves the right to use the "capacity cap" developed under the "worst case re-development scenario" established through the Multi-Modal Area (MMA) adoption via Ordinance No. 14-1015 and the Master Plan adoption via Ordinance No. 14-1016. No substantial changes to transportation conditions of approval are proposed. One mitigation project has been completed and is therefore requested to be removed from the revised conditions of approval. An updated transportation analysis is detailed in Appendix B.

Water Supply:

An analysis of the water supply is provided in the Utility Report attached as Appendix C. The proposed water system design will follow the design and construction standards of the City of Oregon City and the requirements for fire protection established by Clackamas County Fire District. Future water services and design for individual development will be established as the uses for individual lots are programmed.

Police:

Police service will be the responsibility of Oregon City Police, who currently serve the site. The city has not indicated the need for any significant change in levels of police services due to the redevelopment of the site. The Grand Ronde Tribe also has a Tribal Police Department, and under the 2011 SB412, Tribal Police officers employed by a federally recognized Indian tribe located within the boundaries of the State of Oregon have the power to enforce state law provided that certain requirements are met.

Fire:

Fire protection will be the responsibility of the Oregon City Fire Department, who currently serve the site. As the site redevelops, new and rehabilitated buildings will comply with modern building codes that include fire protection and water supply that meets fire flow standards. Streets within *tumwata village* will be private, but will be constructed to city standards that accommodate firefighting equipment. The city has not indicated the need for any significant change in levels of fire services due to the long term redevelopment of the site.

Sanitary Waste Disposal:

The existing and proposed public sewer improvements have been studied to prepare a conceptual level plan to serve the proposed development sites, existing and proposed conditions are detailed in Appendix C. The concept plan was completed assuming full buildout of the development and is expected to be refined as the project phasing is established. An existing sewer system that serves many of the buildings onsite has been identified through survey efforts completed by AKS. The existing sewer was located throughout the site in the vacated street right of way. An inspection of the existing system has not been completed at this time to determine integrity of the line; however, it is anticipated that the infrastructure is likely beyond or nearing its serviceable life and will likely require replacement. To serve

the proposed development site, a new public sewer extension is anticipated through private streets with easements. The proposed extension will be designed and installed per the City of Oregon City Public Works Design Standards.

Stormwater Management

The stormwater approach is detailed in Appendix C. The proposed stormwater management design will follow the Oregon City Stormwater and Grading Design Standards (SGDS), updated March 2020. Per Section 1.2.2.I of the SGDS, the entire project site meets the flow control exemption requirements; therefore, on-site detention is not required. The proposed stormwater management strategy will focus on water quality treatment and conveyance of on-site runoff to the proposed outfalls to the Willamette River.

Schools and Parks:

Though the proposed use is not intended to be primarily residential, there may be a residential component to mixed use development. The city has not indicated that there are additional needed facilities for schools and parks due to anticipated development. The framework plan includes large amounts of natural areas and publicly accessible open space.

4. *The proposed general development plan protects any inventoried Goal 5 natural, historic or cultural resources within the proposed development boundary consistent with the provisions of applicable overlay districts.*

Response: The *tumwata village* Master Plan Amendment is a proposed amendment to the Willamette Falls Legacy Project Master Plan, approved by Oregon City via CP 14-02.

Historic/Cultural Resources:

There are currently no locally designated historic structures (OCMC 17.40) located on the property. The Willamette Falls site is not currently located within a local or National Register Historic District. In the 2014 Master Plan, some structures onsite were identified as potentially eligible, and the applicant has reviewed that list. A study was performed to evaluate the 10 structures through the lenses of Historical Significance, Structural Stability, Architectural Significance, and Archeological Potential. It was found that the Woolen Mill Foundation, Flour Mill Foundation, and Warehouse Foundation are the only sites within the proposed boundary that are potentially eligible. The PGE Dam, which is located within 250-feet of the proposed development boundary but not within the proposed boundary, is listed on the National Register of Historic Places. This General Development Plan Amendment establishes a framework for future development and when buildings and open spaces are redeveloped the Detailed Development Plans must demonstrate compliance for the protection of Goal 5 resources.

Natural Resources

The City's Natural Resources Overlay District (NROD) implements the Oregon City Comprehensive Plan Natural Resources Goals and Policies. Resources on this site are related to its proximity to the Willamette River and the associated NROD district boundary reflects the riparian resources. The NROD overlay applies to a portion of the Willamette Falls Downtown District and its requirements will be met as part of any future DDP application. This amendment increases enhancement opportunities for the site that will improve riparian conditions for fish and wildlife. Any impacts to resources from future

development on site will be mitigated for, pursuant to the applicable chapters of this code. The *tumwata village* Master Plan Amendment demonstrates that it does not preclude or prohibit future compliance with the NROD. Though the site is on the banks of the river, the entire developed area of the site is covered with impervious surface. The NROD chapter provides an exemption for properties that do not increase impervious surface over existing conditions (17.49.080.J). This exemption is likely to be invoked for future development, since there is virtually no pervious surface on the existing site because the property is completely built out with decades of industrial development. In fact, changes to the site will likely increase pervious surface and natural functions in *tumwata village*.

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.*

Response: The *tumwata village* Master Plan Amendment is a proposed amendment to the Willamette Falls Legacy Project Master Plan, approved by Oregon City via CP 14-02. The 2014 Master Plan application also proposed a re-zone of the site. Through the rezoning process it identified anticipated impacts to the public system and surrounding community. Proposed mitigation for impacts were outlined in the Conditions of Approval. The applicant's site development proposal is anticipated to be less intense than the "worst case re-development scenario" established through the Multi-Modal Area (MMA) adoption via Ordinance No. 14-1015 and the Master Plan adoption via Ordinance No. 14-1016.

Where applicable, the applicant's design team has evaluated previously identified mitigation and mitigation triggers to offset the impacts of the prior Master Plan development and has re-evaluated those proposed mitigation actions based on the current development proposal. One modification is proposed relevant to this criterion. Because the amended plan anticipates significantly less habitable space, the applicant proposes amending the 2014 Master Plan Condition of Approval 17 to reduce both the development threshold and amount of open space required. Condition of Approval 17 required provision of 40,000 square feet open/public space at the time of completion 400,000 square feet of new habitable space. Because anticipated future development of the site will be approximately half as much as previously forecast, the applicant proposes requiring the provision of 20,000 square feet of open/public space at the time of completion of 200,000 square feet of new habitable space. 40,000 square feet will still eventually be achieved, indeed the amendment to the master plan expands open spaces in comparison to the original plan. Further elaboration on the proposed COA is found in Appendix E.

Each Detailed Development Plan approval will be consistent with the applicable provisions of the 2024 Oregon City Municipal Code. The revised master plan drawings illustrate the site and utility plans. The Grand Ronde Tribe reserves the right to use the "capacity cap" developed under the "worst case re-development scenario" established through the Multi-Modal Area (MMA) adoption via Ordinance No. 14-1015 and the Master Plan adoption via Ordinance No. 14-1016.

6. *The proposed general development plan is consistent with the Oregon City Comprehensive Plan.*

Response: The *tumwata village* Master Plan Amendment is a proposed amendment to the Willamette Falls Legacy Project Master Plan, approved by Oregon City via CP 14-02. Many of the comprehensive plan findings from the 2014 application remain relevant. The principles within the comprehensive plan

included in this amendment include urban development, promotion of redevelopment, protection of natural resources, fostering economic vitality, providing for efficient and cost-effective services, and ensuring a sense of history and place. These principles are embodied in the tribal values of Sprit, Place, Prosperity, and People. The following comprehensive plan goals and policies have been determined to be applicable to the general development plan and are addressed below. Findings focus on the proposed amendments to the 2014 Master Plan.

HEALTHY AND WELCOMING COMMUNITIES

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.

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

POLICY 2.4 Identify and protect important artistic and cultural resources and historic amenities through programs, designation, interpretive signage, and other means to increase awareness and generate appreciation.

> *STRATEGY 2.4.A Support the preservation of Oregon City's historic resources through public information, advocacy and leadership within the community, and the use of regulatory tools and incentive programs.*

Response: The proposed amendments to the 2014 Master Plan promote the Willamette River as a community benefit, the amendments expand open and public space, protect and enhance the resources along the river, and restore tribal ownership and values to a culturally significant site. The applicant and landowner, The Confederated Tribes of Grand Ronde Community of Oregon, is a thriving sovereign nation. The tribe purchased this land to ensure tribal ancestral knowledge and teachings were celebrated, and that obligations and responsibilities to this sacred land were realized. The Grand Ronde Tribe owns property throughout its homelands based on cultural, historical, economic investments, and restoration values. Success at *tumwata village* will be evident by creating both active and passive spaces intended to gather and connect people, views, and resources of abundance. *tumwata village* is a celebration of perseverance and healing for the Grand Ronde Tribe and families who have been connected to this land since time immemorial. These changes align with Policy 2.1, 2.2, and 2.4.

In the CP 14-02 land-use decision, a narrow historical lens focused on the development of hydroelectricity and the establishment of the paper making industry in the State of Oregon was used to select structures and secondary elements for full or partial retention and reuse as part of the land-use decision. The purpose of requiring the full or partial retention and reuse of structures and secondary elements was to preserve and define the industrial character of the site upon redevelopment.

The Confederated Tribes of the Grand Ronde Community of Oregon coordinated an updated analysis of each of the ten structures and secondary elements through the following lenses:

- **Historical** - Analysis performed by *Historical Research Associates, Inc.* An intensive-level historical resources survey (ILS) consistent with the Oregon State Historic Preservation Office (SHPO) was completed for each of the ten structures/secondary elements, and their eligibility as it pertains to the National Register of Historic Places (NRHP) was also completed. The current evaluation (2022) of the ten structures was then compared to the prior evaluations done by George Kramer (2002), Oregon City (2012), and SHPO (2012).
- **Architectural** – Analysis performed by *GBD Architects*. Each structure/secondary element was evaluated for its current exterior and interior qualities as well as their respective site/location. A summary of the findings for each structure/secondary element is presented and then a rating for adaptive reuse both as a standalone item and within the context of the Tribe's proposed *tumwata village* Master Plan Amendment was completed.
- **Structural** – Analysis performed by *catena consulting engineers*. Each structure/secondary element was observed and assessed for their structural condition, their expected structural performance and potential for renovation and/or adaptive reuse. Additionally, information regarding seismicity, soil liquefaction, and lateral spread considerations, and flooding considerations are presented. Also presented are code-mandated structural retrofit and repair triggers that are applicable to each of the building structures.

Based on both the prior analyses and the current analysis, it is evident that significant degradation to the site integrity has occurred. The 10-structure study is attached as Appendix D. The City's effort through the CP 14-02 land-use decision to preserve the industrial site character upon redevelopment has been impacted most significantly due to the lack of maintenance onsite which accelerated starting the mid-1980s. Maintenance of onsite infrastructure was often disregarded. As such, many of the identified structures have had little maintenance for nearly 40-years.

Based on the analysis it was determined that only two of the ten items are eligible for listing on the National Register of Historic Places (NRHP). Based on the criteria set forth by the National Park Service, the Woolen Mill Foundation, Flour Mill Foundation and a newly identified element, the Warehouse Foundation, are eligible for listing on the National Register of Historic Places. These three sites have been incorporated into the proposed *tumwata village* Master Plan Amendment for retention and reuse.

For these reasons the proposed amendments are consistent with the above goals and policies.

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

> *STRATEGY 1.6.A Encourage the development of a strong and healthy Historic Downtown retail, office, cultural, and residential center.*
>
> *STRATEGY 1.6.C Ensure land uses and transportation connections that support tourism as an important aspect of the City's economic development strategy. This includes important cultural and historical amenities.*

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

Response: The proposed amendments support *tumwata village*, a modern development that will provide a mix of open space, retail, shopping, residential, office, restaurants, and a hotel/event space for visitors and patrons. It will become a vibrant pedestrian destination and place of prosperity and abundance. *tumwata village* will contribute to economic development both within the site and throughout Oregon City, West Linn, Clackamas County, and the State of Oregon (as it has for thousands of years).

A pedestrian-friendly network of local streets will link *tumwata village* with the rest of Oregon City's downtown to further enhance economic opportunities. In addition to new streets, public access to the site will include pedestrian and bicycle connections. This plan establishes expectations for the general location and purpose of public access. Moving west toward the river or south toward the falls, one has greater and greater connection to the invaluable resource of the Willamette River, contributing to the modern landscape-based tribal village. The core attraction of the site is its spectacular natural feature: the second largest falls, by volume, in North America, behind only Niagara Falls. The key component of this amendment is public access to the site, giving the greater public a chance to safely access the falls for the first time in many decades. Also, planned active and passive open space isl located throughout the site orienting people to both the Willamette River and the falls. The plan therefore explicitly encourages river-related tourism and facilities to support it.

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

POLICY 2.4 Support and encourage transit-oriented development opportunities.

STRATEGY 2.4.A Ensure planning for transit corridors includes facilities and access management, aesthetics (including signage and building facade improvements), infill and redevelopment opportunities, high-density residential development, and business assistance to existing businesses.

STRATEGY 2.4.B Provide incentives that encourage the location of affordable housing developments near public transportation routes. Incentives could include reduction of development-related fees and/or increases in residential density (density bonuses)

Response: The proposed amendments continue to include an allowance for residential uses, though it proposes less space overall than the 2014 Master Plan. The types and number of housing units will be determined in future DDPs. The proposed plan will use land efficiently because it provides for a range of uses to mix on the same site at urban densities, and in a location that is close to existing development and public services. This site is bounded by a transit corridor, on Highway 99E. The current site is not open to the public, nor is it currently in use as an employment center, so it is not served in any real way by transit. With the anticipated redevelopment of the site, space for transit access into and through the site is being planned and service will likely to improve. Overall, the development standards and requirements for the site are highly supportive of transit-oriented development. In these ways, the proposed amendments continue to be aligned with the above goals and policies**.**

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 3.1 Promote efficient use of land and public infrastructure and plan for appropriate infill development, redevelopment, and new development.

> *STRATEGY 3.1.B Encourage the vertical and horizontal mixing of different land-use types in selected areas of the city where compatible uses can be designed to reduce the overall need for parking, create vibrant urban areas, reduce reliance on private automobiles, create more business opportunities and achieve better places to live.*
>
> *STRATEGY 3.1.E Encourage sub-area master planning for larger developments or parcels, including re-development, where it may be feasible to develop more mixed uses, or campus-style industrial parks, with shared parking and landscaping areas. Allow developments to vary from prescriptive standards if planned and approved under this provision.*

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.*

Response: This amendment to a master plan allows for district-wide planning to encourage efficient and strategic use of space on site. The area is already entirely developed with abandoned mill infrastructure and, because it sits on a basalt shelf, is impervious. Only three structures were identified for retention and reuse, the rest of the area will be appropriate for new development. Amendments to the 2014 Master Plan promote a district that has a high level of pedestrian and bicycle amenities, a mix of land uses in close proximity, and high densities that will enhance convenient and efficient transportation choices.

The development standards and use provisions that are part of *tumwata village*'s regulatory scheme will promote mixed uses and higher residential densities, along with walkable neighborhoods. The historic street pattern of downtown will be extended into *tumwata village*. A pedestrian-friendly network of local streets will link *tumwata village* with the rest of Oregon City's downtown. In addition to new streets, public access to the site will include pedestrian and bicycle connections. These strategies promote efficient use of land and public infrastructure and walkable neighborhoods, consistent with the above goals and policies.

CONNECTED INFRASTRUCTURE

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

POLICY 4.1 Identify and seek opportunities for sustainable practices in management and operation of public facilities and services.

STRATEGY 4.1.A Support development on underdeveloped or vacant buildable land within the city where public facilities and services are available or can be provided and where land-use compatibility can be found relative to the environment, zoning, and Comprehensive Plan goals.

Response: Included in this submittal is an updated utility report, attached as Appendix C, demonstrating how infrastructure will be extended to serve the site. The entire site is currently developed with impervious surfaces. These amendments to the 2014 Master Plan support development on an underdeveloped and abandoned site that is easily served by public facilities and services, thereby encouraging sustainability and energy conservation.

PROTECTED ENVIRONMENT

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

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.

Response: This plan identifies both the location and type of restoration projects that will improve the natural resources present on the site. Though degraded by a century of heavy industrial use, the riparian setting provides tremendous opportunities. As listed in the plan, future development will enhance the shoreline habitat, diversify habitat, and establish a vegetated buffer along the riverbank. The amendments to the 2014 Master Plan promote a district that has a high level of pedestrian and bicycle amenities, a mix of land uses in close proximity, and higher densities that will enhance convenient and efficient transportation choices. Restoration and efficient land use will improve air quality in Oregon City.

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.

STRATEGY 3.2.A Protect existing development from natural hazards through mitigation measures identified in the Clackamas County Hazard Mitigation Plan.

Response: This application complies with city protections provided by the city's Geologic Hazards Overlay, OCMC 17.44. These city rules are consistent with Goal 7 and protect development from inappropriate development on steep slopes. Oregon City designates two land areas as part of its local flood management area: the Federal Emergency Management Agency-mapped 100-year floodplain, and areas inundated by the 1996 flood. The 1996 flood inundation boundary is larger than the FEMA 100-year flood zone, which covers only the southwestern portion of the site. Taken together, the city's flood management area covers 12.5 acres of the 23-acre site. A site-specific hydrologic analysis is included with this application that establishes a site-specific elevation of the 1996 flood inundation boundary. This application proposes no changes to the city's flood management overlay district standards and future development will comply with city rules that are in effect at the time this master plan update is

submitted. New development will be subject to the existing flood overlay district requirements and geologic hazards overlay district requirements at the time of development, therefore the plan is consistent with the above goals and policies.

GOAL 4- Ensure the environmental and economic health of the Willamette River Greenway (WRG) as a key feature of Oregon City and the broader region

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

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

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

POLICY 4.4 Restrict new substations and power line towers in the WRG and river view corridor.

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

Response: The entire Willamette Falls Downtown District is within the Willamette River Greenway, which protects the scenic, historic, and recreational qualities of the riverfront. Allowed uses in the new zone are appropriate for lands within the greenway, as long as the development associated with these uses protects the important riverfront qualities. The proposed amendments expand the amount of natural and open spaces in *tumwata village*, the river continues to be a central focus of *tumwata village* by integrating its presence on site as well as renewing linkages and access to the Willamette River to bring healing, consistent with Goal 4.

The area is already entirely developed and impervious, any future development includes improvements to the natural environment and is expected to enhance resource values. This plan identifies both the location and type of restoration projects that will improve the natural resources present on the site. Though degraded by a century of heavy industrial use, the riparian setting provides tremendous opportunities for restoration actions. As listed in the plan, future development could expose and restore the historical shoreline, diversify habitat, and establish a vegetated buffer along the riverbank. By designating a large area of the site as ideal for open space or park uses, the plan sets a framework for a large reduction in impervious surface and an increase in landscaped area as well as public access to the river and falls. Connectivity with downtown Oregon City, shoreline restoration and enhancement and the presence of a riverfront path will allow people access to this natural resource in a way that has not been possible for over 100 years. In all the anticipated options for development of the open spaces, citizens and visitors will be able to connect with the natural environment and gain access to views and the outdoors.

There are no existing parks or recreation areas, or recreation facilities in *tumwata village*. No new substations or power line towers are proposed.

For these reasons, the proposed amendments are consistent with the above goals and policies.

7. *The proposed general development plan is consistent with the underlying zoning district(s) and any applicable overlay zone or concept plans.*

Response: The *tumwata village* Master Plan Amendment is a proposed amendment to the Willamette Falls Legacy Project Master Plan, approved by Oregon City via CP 14-02. The proposed *tumwata village* Master Plan Amendment is consistent with underlying zoning districts as well as the purpose and standards of all applicable overlay zone requirements per the following Oregon City Municipal Code Chapters:

- Chapter 17.34 Mixed-Use Downtown District (MUD) – 458 Main Street (former Edres property)
- Chapter 17.35 Willamette Falls Downtown District (WFDD)
- Chapter 17.42 Flood Management Overlay District
- Chapter 17.44 Geologic Hazards Overlay District
- Chapter 17.48 Willamette River Greenway Overlay District (WRG)
- Chapter 17.49 Natural Resources Overlay District (NROD)

Approval of the *tumwata village* General Development Plan Amendment does not specifically permit new development. Future development will be allowed for with approvals of Detailed Development Plans (DDPs) that are consistent with the applicable provisions of the Oregon City Municipal Code and the *tumwata village* Master Plan. There are no concept plans that apply to this area.

The General Development Plan Amendment and accompanying documents have been developed to comply with the Oregon City Municipal Code and include plans demonstrating the feasibility that future development under this plan can comply with the applicable requirements of these districts except where standards are allowed to be modified.

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.*

Response: The *tumwata village* Master Plan Amendment is a proposed amendment to the Willamette Falls Legacy Project Master Plan, approved by Oregon City via CP 14-02. The Amendment does include a residential component. The distance from OR 99E to the PGE Dam wall is approximately 0.23 miles. All residential development that could occur onsite will be within one-quarter mile (0.25 mile) of any other location on site. The applicant is providing for both active and passive open spaces throughout the site including open spaces designated for both passive and active uses. Using baseline assumptions for residential units, the *tumwata village* Master Plan Amendment illustrates that these standards can be satisfied with future Detailed Development Plan applications on the site.

Open space areas are identified on the framework plan. This amendment proposes less building area than the 2014 Master Plan, therefore, the applicant proposes amending Condition of Approval 17 in that plan to reduce the trigger threshold and amount of open space required. Condition of Approval 17 required 40,000 square feet open/public space at the time of completion of 400,000 square feet of new habitable space. Because the anticipated maximum build out of the site would have about half as much as was forecast in 2014, the applicant proposes requiring the provision of 20,000 square feet of open/public space at the time of completion of 200,000 square feet of new habitable space. Eventually, at least 40,000 square feet of open/public space will still be provided. Indeed, the amendment to the master plan expands open spaces compared with the previous plan. Further elaboration on the proposed condition is found in Appendix E.

> *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, single-family attached, duplex, 3—4 plex, and multi-family.*

Response: The *tumwata village* Master Plan Amendment is a proposed amendment to the Willamette Falls Legacy Project Master Plan. The plan includes allowances for mixed-use and residential development. The area-wide plan for open space areas and connectivity are defined in the proposed framework plan. This criterion can be met through future Detailed Development Plan Applications.

17.65.060 Detailed development plan.

A. Submittal Requirements[…]

Response: This application includes a concurrent DDP for new streets in *tumwata village* and Block 1 infrastructure. All the relevant standards are addressed in Section 3 of this document.

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.

Response: The *tumwata village* Master Plan Amendment is a proposed amendment to the Willamette Falls Legacy Project Master Plan, approved by Oregon City via CP 14-02. As part of this amendment, the applicant is requesting removal of two existing adjustments that were part of CP14-02. Justification for removal is provided in subsequent findings.

1. Future DDPs reviewed through Type III process.

The previous master plan was approved in an entirely different context with much less certainty about future development. Consequently, the city required all DDPs to go through a Type III process, with bespoke design guidelines that would be approved by an ad hoc design review committee. With this amendment, the applicant requests a change back to the typical, city-defined process for approval of a DDP, a Type II process subject to DDP approval criteria.

2. Future applications subject to regulations at time of submittal.

The previous master plan requested future DDP applications be subject to the rules in place at the time of their submittal. This request was approved. Regulations allow the applicant to request, "at its option," to make DDPs to be subject to regulations in effect at the time of approval of the GDP (OCMC 17.65.090). The applicant requests the city apply 2024 regulations to future DDPs.

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.

Response: The applicant acknowledges that future adjustments that are not included with this GDP Amendment will 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.*

Response: No adjustments are proposed.

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.*

Response: The applicant has not proposed an adjustment to any of the above-listed items.

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:

Response: The *tumwata village* Master Plan Amendment is a proposed amendment to the Willamette Falls Legacy Project Master Plan, approved by Oregon City via CP 14-02. The applicant is requesting that the two existing adjustments adopted as part of CP 14-02 be removed.

<u>2014 Master Plan Adjustment #1</u>

The 2014 Master Plan requested that future detailed development plans be reviewed through a Type III, rather than a Type II process, as would otherwise be required in OCMC17.65.040(C). The reason for this change was that the 2014 proposed general development plan was less specific than usual for a master plan because it was designed to be a flexible framework plan for future development. The *tumwata village* Master Plan Amendment is a proposed amendment to the Willamette Falls Legacy Project Master Plan, an approved concept development plan via CP 14-02. The applicant is also the land owner of the site. As the indigenous people of this place they intend to own the site into perpetuity as its tribal people. As such, the owner/applicant has developed an amendment to the original 2014 Master Plan that provides a level of certainty to Oregon City to understand the Grand Ronde Tribe's vision for site restoration and redevelopment. The applicant has put forth amendments to the original land-use decision which will modify the Framework Plan, the adopted Conditions of Approval, and have proposed a demonstration plan to reflect a potential site redevelopment concept. Processing future Detailed Development Plans (DDP) as Type II land-use decisions will increase review efficiencies via a staff level review rather than subsequent Planning Commission reviews and approvals each time the applicant

submits a DDP. Reducing development barriers will speed up the public's ability to access the site and experience *tumwata*.

2014 Master Plan Adjustment #2

The 2014 Master Plan requested that although regulations allow development to freeze regulations in time as of the date of the general development plan approval, future plans should instead be subject to the land use regulations in effect on the date those plans were submitted. The *tumwata village* Master Plan Amendment is a proposed amendment to the Willamette Falls Legacy Project Master Plan, approved by Oregon City via CP 14-02. The applicant is also the land owner of the site, and as the indigenous people of this place intend to own the site into perpetuity. As such, the owner/applicant has developed an amendment to the original 2014 Master Plan that provides a level of certainty to Oregon City to understand the Grand Ronde Tribe's vision for site restoration and redevelopment and requests the second adjustment repealed.

The new applicant/land owner is requesting, per OCMC 17.65.090, to use the regulations in effect on the date of its general development plan (amendment) application was initially submitted pursuant to ORS 227.178(3). This allows the applicant to understand the requirements of development with more certainty over the lifetime of the 20-year Master Plan Amendment.

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)

Response: The *tumwata village* Master Plan Amendment is a proposed amendment to the Willamette Falls Legacy Project Master Plan, approved by Oregon City via CP 14-02.

The *tumwata village* Master Plan Amendment is proposing changes to the adopted Framework Plan and Conditions of Approval. The proposed changes to the plan reflect the Grand Ronde Tribe's commitment to healing the site with a priority on restoration, which is embodied in the tribal values of Spirit, Place, Prosperity, and People.

The trigger for the proposed amendment to be a Type III review is because the applicant is proposing to expand the master plan boundary to include property at 458 Main Street (approximately 0.5-acres) on the southeast corner of the OR99E/Main Street intersection.

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.

Response: The *tumwata village* Master Plan Amendment is a proposed amendment to the Willamette Falls Legacy Project Master Plan, approved by Oregon City via CP 14-02.

The 2014 Master Plan included a request that although the master plan chapter allows development to freeze regulations in time as of the date of the general development plan approval, they wanted future DDPs instead to be subject to the land use regulations in effect on the date those plans are submitted. The applicant now requests this adjustment be rescinded and to use the regulations in effect on the date its general development plan (amendment) application is submitted, pursuant to ORS 227.178(3). This

allows the applicant to understand the requirements of development with more certainty over the life of the Master Plan and maintain consistency with long term planning goals and objectives of the city.

The applicant is formally requesting that future development within the site, including all DDPs, be vested under the applicable provisions of the 2024 Oregon City Municipal Code land use regulations with approval of the General Development Plan Amendment. This will afford future development on site within the *tumwata* Master Plan Amendment area with long term regulatory certainty and predictability.

MUD Mixed-Use Downtown District (17.34)

17.34.010 Designated.

The mixed-use downtown (MUD) district is designed to apply within the traditional downtown core along Main Street and includes the "north-end" area, generally between 5th Street and Abernethy Street, and some of the area bordering McLoughlin Boulevard. Land uses are characterized by high-volume establishments constructed at the human scale such as retail, service, office, multi-family residential, lodging or similar as defined by the community development director. A mix of high-density residential, office and retail uses are encouraged in this district, with retail and service uses on the ground floor and office and residential uses on the upper floors. The emphasis is on those uses that encourage pedestrian and transit use. This district includes a downtown design district overlay for the historic downtown area. Retail and service uses on the ground floor and office and residential uses on the upper floors are encouraged in this district. The design standards for this sub-district require a continuous storefront façade featuring streetscape amenities to enhance the active and attractive pedestrian environment.

Response: The *tumwata village* Master Plan Amendment is a proposed amendment to the Willamette Falls Legacy Project Master Plan, approved by Oregon City via CP 14-02. The applicant is proposing a modification to the development boundary to include an additional adjacent parcel owned by the applicant located at 458 Main Street (former Edres property) on the southeast corner of the OR99E/Main Street intersection. This additional parcel is located within the Mixed-Use Downtown District (MUD). The proposed Master Plan Amendment boundary can be seen in Sheet 8 of Appendix A: Drawing Set.

The proposed 2024 Framework Plan amendment designations within the proposed expansion of Block 5, include both the “Development Parcel” designation and the “Potential Development or Open/Public Space” designation.

The applicant acknowledges that proposed uses in the portion of Block 5 location within the Mixed-Use Downtown District (MUD) will need to meet the applicable zoning requirements at the time an application for a Detailed Development Plan is submitted. All future development will continue to be subject to the provisions of this chapter except where modifications have been proposed through the *tumwata village* Master Plan Amendment.

17.34.060 Mixed-use downtown dimensional standards—For properties located outside of the downtown design district.

A. Minimum lot area: None.

B. Minimum floor area ratio: 0.30.

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

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

1. Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets;

2. Property within five hundred feet of the End of the Oregon Trail Center property; or

3. Property abutting single-family detached or attached units.

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

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

G. Maximum Allowed Setbacks.

1. Front yard: Twenty feet.

2. Interior side yard: No maximum.

3. Corner side yard abutting street: Twenty feet.

4. Rear yard: No maximum.

5. Rear yard abutting street: Twenty feet.

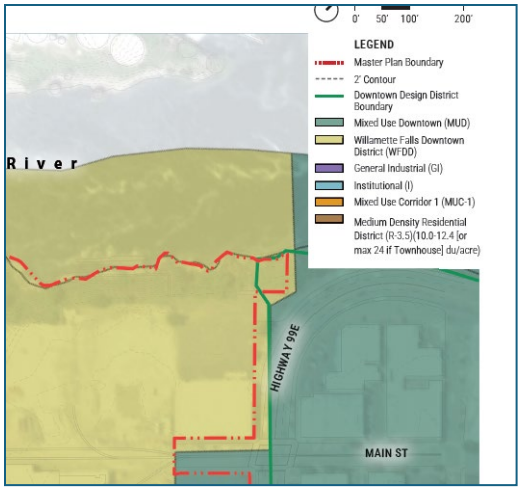
H. Maximum site coverage including the building and parking lot: Ninety percent.

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

J. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a vertical mixed-use configuration or to live/work dwellings.

Response: The *tumwata village* Master Plan Amendment is a proposed amendment to the Willamette Falls Legacy Project Master Plan, approved by Oregon City via CP 14-02. The applicant is proposing a modification to the development boundary to include an additional adjacent parcel owned by the applicant located at 458 Main Street (former Edres property) on the southeast corner of the OR99E/Main Street intersection, which is within the Mixed-Use Downtown District (MUD). This property is also located almost entirely outside of the Downtown Design District Boundary and therefore dimensional standards for development on this parcel will need to meet the requirements as listed above in 17.34.060 at the time of future development.

There is a very small portion of the site that overlaps with the Downtown Design district, as shown in the figure below. However, no development is anticipated in this area, shown on the framework plan as a Riverbank Restoration Area.



Willamette Falls Downtown District (17.35)

17.35.010 Designated.

The Willamette Falls Downtown (WFD) District applies to the historic Willamette Falls site, bordered by 99E to the north and east, and the Willamette River to the west and south. This area was formerly an industrial site occupied by the Blue Heron Paper Mill and is the location of Oregon City's founding. A mix of open space, retail, high-density residential, office, and compatible light industrial uses are encouraged in this district, with retail, service, and light industrial uses on the ground floor and office and residential uses on upper floors. Allowed uses in the district will encourage pedestrian and transit activity. This district includes a downtown design overlay for the historic downtown area. Design guidelines for this sub-district require storefront facades along designated public streets featuring amenities to enhance the active and attractive pedestrian environment.

Response: The *tumwata village* Master Plan Amendment is a proposed amendment to the Willamette Falls Legacy Project Master Plan, approved by Oregon City via CP 14-02. The *tumwata village* Master Plan Amendment is proposing a master plan boundary change which would include two zoning districts: Willamette Falls Downtown District (WFDD) and Mixed-use Downtown District (MUD). This General Development Plan Amendment has been prepared to ensure it can meet the applicable standards of this Chapter. The applicant acknowledges that proposed uses within the WFDD will need to meet the applicable zoning requirements at the time an application for a Detailed Development Plan is submitted. All future development will continue to be subject to the provisions of this Chapter.

The *tumwata village* Master Plan Amendment is proposing a modification to the Framework Plan which met the requirements of this code section. The new Framework Plan still provides for a mix of open space, retail, high-density residential, office, and compatible light industrial uses. Retail, service, and light industrial uses are still intended as ground floor uses, with office and residential uses on upper floors. Pedestrian and transit activity are encouraged and accommodated in the proposed amendment. Storefront facades will be provided along designated public streets featuring amenities to enhance the active and attractive pedestrian environment being created as part of *tumwata village*.

17.35.020 Permitted uses.

Permitted uses in the WFD district are defined as:

A. *Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, marijuana pursuant to OCMC 17.54.110, and specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed forty thousand square feet (a freestanding building over forty thousand square feet is allowed as long as the building contains multiple tenant spaces or uses);*

B. *Industrial uses including food and beverage production, limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials, and not to exceed sixty thousand square feet;*

C. *Research and development activities;*

D. *Offices, including finance, insurance, real estate, software, engineering, design, and government;*

E. *Restaurants, eating and drinking establishments without a drive-through, and mobile food units;*

F. *Parks, playgrounds, outdoor entertainment space, and community or neighborhood centers;*

G. *Museums, libraries, and interpretive/education facilities;*

H. *Outdoor markets, such as produce stands, craft markets and farmers markets;*

I. *Indoor entertainment centers and arcades;*

J. *Studios and galleries, including dance, art, film and film production, photography, and music;*

K. *Hotel and motel, commercial lodging;*

L. *Conference facilities and meeting rooms;*

M. *Public and/or private educational or training facilities;*

N. *Child care centers and/or nursery schools;*

O. *Health and fitness clubs;*

P. *Medical and dental clinics, outpatient; infirmary services;*

Q. *Repair shops, except automotive or heavy equipment repair;*

R. *Residential units—Multi-family, and 3—4 plex;*

S. *Services, including personal, professional, educational and financial services; laundry and dry-cleaning;*

T. *Seasonal sales;*

U. *Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;*

V. *Veterinary clinics or pet hospitals, pet day care;*

W. *Home occupations;*

X. Religious institutions;

Y. Live/work units;

Z. Water-dependent uses, such as boat docks;

AA. Passenger terminals (water, auto, bus, train);

BB. Existing parking, storage and loading areas, as an interim use, to support open space/recreational uses;

CC. After-hours public parking.

Response: Uses envisioned at this site include a mix of open space, retail, high-density residential, office, a hotel/event space, and compatible light industrial uses. Retail, service, and light industrial uses are still intended as ground floor uses, with office and residential uses on upper floors. The anticipated uses of the *tumwata village* site are all permitted in this zone. Compliance with specific proposals will be verified at the time of DDP application.

17.35.030 Conditional uses.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in OCMC 17.56:

A. Emergency services;

B. Hospitals;

C. Assisted living facilities; nursing homes, residential care facilities and group homes for over fifteen patients;

D. Parking not in conjunction with a primary use on private property, excluding after-hours public parking;

E. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a freestanding building with a single store exceeding forty thousand square feet;

F. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;

G. Industrial uses including food and beverage production, design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials that exceed sixty thousand square feet;

H. Public utilities and services such as pump stations and sub-stations;

I. Stadiums and arenas.

Response: Any future conditional uses would be processed concurrent with and as part of future detailed development plans.

17.35.040 Prohibited uses.

The following uses are prohibited in the WFD district:

A. Kennels;

B. Outdoor sales or storage that is not accessory to a retail use allowed in OCMC 17.35.020 or 17.35.030;

C. Self-service storage;

D. Distributing, wholesaling and warehousing not in association with a permitted use;

E. Single-family and two-family residential units;

F. Motor vehicle and recreational vehicle repair/service;

G. Motor vehicle and recreational vehicle sales and incidental service;

H. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment);

I. Marijuana production, processing, wholesaling, research, testing, and laboratories.

Response: The applicant does not anticipate any of the uses listed as prohibited in the WFDD. Compliance with use prohibitions will be made at the time of individual DDP applications.

17.35.050 Temporary uses.

A. Temporary activities are short-term or seasonal nature and do not fundamentally change the site. Examples of temporary activities include: Movie and TV filming, construction and film staging, and general warehousing. Temporary activities are not considered primary or accessory uses and require a temporary use permit be obtained from the city. The city has a right to deny or condition any temporary use permit if it feels the proposal conflicts with the purpose of the district or to ensure that health and safety requirements are met. Temporary use permits are processed as a Type II land use action.

B. The following uses may be allowed in the district on a temporary basis, subject to permit approval:

1. Outdoor storage or warehousing not accessory to a use allowed in OCMC 17.35.020 or 17.35.030;

2. Movie and Television Filming. On-site filming and activities accessory to on-site filming that exceed two weeks on the site are allowed with a city temporary use permit. Activities accessory to on-site filming may be allowed on-site, and include administrative functions such as payroll and scheduling, and the use of campers, truck trailers, or catering/craft services. Accessory activities do not include otherwise long-term uses such as marketing, distribution, editing facilities, or other activities that require construction of new buildings or create new habitable space. Uses permitted in the district and not part of the temporary use permit shall meet the development standards of the district;

C. General Regulations for Temporary Uses.

1. The temporary use permit is good for one year and can be renewed for a total of three years;

2. Temporary activities that exceed time limits in the city permit are subject to the applicable use and development standards of the district;

3. These regulations do not exempt the operator from any other required permits such as sanitation permits, erosion control, building or electrical permits.

Response: At this time the applicant is not proposing any temporary uses as defined in OCMC 17.35.050. Individual applications for DDPs will be subject to a separate review of their proposed uses and will be subject to this code.

17.35.060 Willamette Falls Downtown District dimensional standards.

A. Minimum lot area: None.

B. Minimum floor area ratio (as defined in OCMC 17.34.080): 1.0.

Response: Compliance with the minimum FAR standard is explained in Appendix H, which sets out a methodology for determining the FAR for the site as a whole. This plan demonstrates how the minimum floor area ratio of 1.0 could be met onsite through the master plan process. Within OCMC 17.35.060(B), the minimum floor area ratio (FAR) is defined by OCMC 17.34.080, that text has been included below;

> *17.34.080 - Explanation of certain standards.*
>
> *A. Floor Area Ratio (FAR).*
>
> *1. Purpose. Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.*
>
> *2.Standards.*
>
> *a. The minimum floor area ratios contained in OCMC 17.34.060 and 17.34.070 apply to all nonresidential and mixed-use building developments.*
>
> *b. 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 FARs.*
>
> *c. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.*

OCMC 17.34.080(2)(a) is not applicable to the *tumwata village* Master Plan Amendment because the site is in the WFDD. All other text is applicable. The vision for the site includes a range of buildings and uses at different sizes and scales. At build out, the total site square footage will meet the 1:1 code requirement. Each individual building project within a DDP, on its own, may not achieve the minimum 1:1 FAR, or it may greatly exceed it. The applicant will keep a record of changes to the total anticipated FAR for the site with each DDP submittal, to track progress toward meeting the code requirement. A detailed methodology for determining how to calculate DDP compliance with the FAR is detailed in Appendix H. The applicant anticipates a condition of approval confirming the methodology and outlining monitoring and compliance.

C. Minimum building height: Two entire stories and twenty-five feet, except for:

1. Accessory structures or buildings under one thousand square feet; and

2. *Buildings to serve open space or public assembly uses.*

Response: No specific buildings are proposed in this application. Future DDPs will need to show compliance with this standard.

D. Maximum building height: Eighty feet.

Response: No buildings are proposed in this application. Future DDPs will show compliance with this standard.

E. Minimum required setbacks: None. Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.

F. Maximum allowed setbacks: Ten feet.

Response: Because *tumwata village* is almost entirely comprised of one large lot, the amount of "frontage" interior to the site may not be applicable. 17.62.055(D) supersedes 17.35.060.F to allow increased building setbacks. Per 17.62.055(C), in the event of a conflict of building front setbacks the design standard prevails. The applicant has proposed a modification requiring a green setback along the historic Main Street alignment along the frontages of Block 5, 6, 7, and 8. The green setback will exceed 10 feet, and as noted in OCMC 17.35.060(E) maximum setback may be increased per OCMC17.62.055(D). There will be at least one building within *tumwata village* that is within 10 feet of the lot line, meeting this standard.

G. Maximum site coverage: One hundred percent.

H. Minimum landscape requirement: None for buildings. Landscaping for parking areas required per OCMC 17.52.

Response: Landscaping for parking areas will be met at the time of the DDP submittal.

Flood Management Overlay District (17.42)

17.42.020 Applicability.

A. This chapter shall apply to development in the flood management overlay district, which may also be referred to as the "floodplain overlay district" in this code. The flood management overlay district includes all areas of special flood hazards and all flood management areas within the city. The overlay district restricts the uses that are allowed in the base zone by right, with limitations, or as provisional uses.

B. The flood management areas which have been mapped include the following locations:

1. *Land contained within the one hundred-year floodplain, flood area and floodway as shown on the Federal Emergency Management Agency flood insurance maps dated June 17, 2008, including areas of special flood hazard pursuant to Section 17.42.040 and the area of inundation for the February 1996 flood; and*

2. *Lands that have physical or documented evidence of flooding within recorded history based on aerial photographs of the 1996 flooding and/or the water quality and flood management areas maps.*

C. The standards that apply to the flood management areas apply in addition to state or federal restrictions governing floodplains or flood management areas.

Response: The 2014 Master Plan area was located in the Flood Management Overlay Zone, as is the *tumwata village* Master Plan Amendment, see Appendix I: Flood Zone Analysis. Approximately 12.5 acres of the Willamette Falls Downtown District is within a city-defined flood management area as shown in the map below:

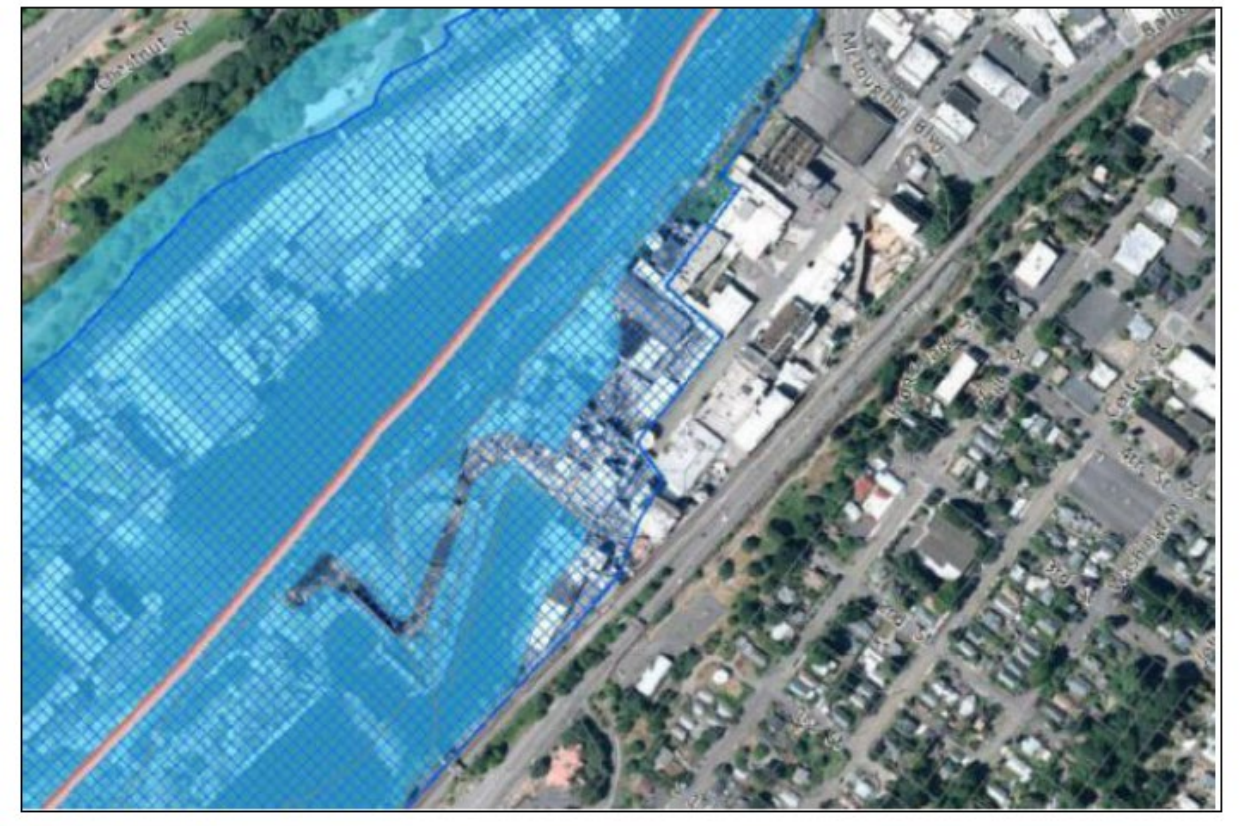


Figure 5: Flood Management Overlay

A floodplain application is submitted concurrently with this GDP amendment application. The Flood Zone Analysis is also attached as Appendix I. The memo discusses the needs and methods for establishing a modified flood plain utilizing the best available science and data onsite including the 1996 flood inundation boundary, FEMA flood elevations, historical aerial imaging, and available riverbank topography. The floodplain permit establishes elevations where site development standards related to the overlay zone are applicable. This report also includes a baseline tally of cut and fill within *tumwata village*, which will inform future floodplain applications in future DDPs. Since the overall *tumwata village* site will be developed over several phases and number of years, the established methodology will be followed at each phase of development through DDP actions. The analysis will be used as a tracking of the available storage after each phase. Due to the site sequencing, it is possible that the storage capacity after one or more phases will decrease the overall capacity, however, the overall storage at the final buildout of the master plan will show the overall capacity increase compared to the 1996 flood capacity.

17.42.080 Administration.

This chapter establishes a flood management overlay district, which is delineated on the water quality and flood management areas map attached and incorporated by reference as a part of this document.

A. The following maps and studies are adopted and declared to be a part of this chapter. These maps are on file in the office of the city recorder:

1. The Water Quality and Flood Management Areas Map, dated June 7, 1999;

2. The Federal Insurance Administration, Flood Insurance Rate Maps for Clackamas County, Oregon and Incorporated Areas dated June 17, 2008;

B. Applicants are required to provide the city with a delineation of the flood management areas on the subject property as part of any application. An application shall not be complete until this delineation is submitted to the city.

C. The city shall review the water quality and flood management areas maps during periodic review as required by ORS 197.633 (1997).

D. Development Permit.

1. A development permit shall be obtained before construction or development begins within any portion of the flood management overlay district. The permit shall be for all structures, including manufactured homes and all other development, including fill and other activities, as set forth in Chapter 17.04 (Definitions).

2. Application for a development permit shall be made on forms furnished by the community development department. Requirements may include, but are not limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage materials, drainage facilities; and the location of the foregoing.

3. The following information is specifically required:

a. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
b. Elevation in relation to mean sea level to which any structure has been floodproofed;
c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 17.42.170E.5.; and
d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

Response: The previously approved narrative/staff finding to this municipal code section still applies. The general development plan amendment application does not include any buildings. Rather, this application addresses the framework for future development. As such, this chapter continues to apply to *tumwata village* after the approval of the master plan. As part of future detailed development plan applications, compliance with the standards of this chapter will be required. Information in this section is consistent with the proposed detailed development plan for streets, which is addressed in Section 3.

A floodplain application has been submitted concurrently with this GDP amendment application. The floodplain permit will establish elevations associated with the horizontal 1996 flood plain line which will be used to determine where site development standards related to the overlay zone are applicable. This report also includes a baseline quantification of cut and fill within *tumwata village*, which will inform future floodplain applications in future DDPs. Since the overall *tumwata village* site will be developed over several phases and a number of years, the established methodology will be followed at each phase of development through DDP actions. The analysis will be used as a tracking of the available storage after each phase. Due to the site sequencing, it is possible that the storage capacity after one or more phases will decrease the overall capacity, however, the overall storage at the final buildout of the master plan will show the overall capacity increase compared to the 1996 flood capacity.

17.42.160 Flood management area standards.

A. Uses Permitted Outright:

1. Excavation and fill required to plant any new trees or vegetation.

2. Restoration or enhancement of floodplains, riparian areas, wetland, upland and streams that meet federal and state standards provided that any restoration project which encroaches on the floodway complies with the requirements of Section 17.42.190 (Floodways).

B. Provisional Uses.

1. All uses allowed in the base zone or existing flood hazard overlay zone are allowed in the flood management overlay district subject to compliance with the development standards of this section.

C. Prohibited Uses.

1. Any use prohibited in the base zone;

2. Uncontained areas of hazardous materials as defined by the Department of Environmental Quality.

D. Site Development Standards. All development in the floodplain shall conform to the following balanced cut and fill standards:

1. This subsection 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.

2. No net fill in any floodplain is allowed. All fill placed in a floodplain shall be balanced with at least an equal amount of soil material removed. For the purpose of calculating net fill, fill shall include any structure below the design flood elevation that has been floodproofed pursuant to subsection (E)(5) of this section.

3. Any excavation below bankfull stage shall not count toward compensating for fill.

4. Excavation to balance a fill shall be located on the same parcel as the fill unless it is not practicable to do so. In such cases, the excavation shall be located in the same Oregon City

floodplain, so long as the proposed excavation and fill will not increase flood impacts for surrounding properties as determined through hydrologic and hydraulic analysis.

5. *For excavated areas identified by the city to remain dry in the summer, such as parks or mowed areas, the lowest elevation of the excavated area shall be at least six inches above the winter "low water" elevation, and sloped at a minimum of two percent towards the protected water feature pursuant to Chapter 17.49. One percent slopes will be allowed in smaller areas.*
6. *For excavated areas identified by the city to remain wet in the summer, such as a constructed wetland, the grade shall be designed not to drain into the protected water feature pursuant to Chapter 17.49.*
7. *Parking areas in the floodplain shall be accompanied by signs that inform the public that the parking area is located in a flood management area and that care should be taken when the potential for flooding exists.*
8. *Temporary fills permitted during construction shall be removed at the end of construction, thirty days after subdivision acceptance or completion of the final inspection.*
9. *New culverts, stream crossings and transportation projects shall be designed as balanced cut and fill projects or designed not to significantly raise the design flood elevation. Such projects shall be designed to minimize the area of fill in flood management areas and to minimize erosive velocities. Stream crossings shall be as close to perpendicular to the stream as practicable. Bridges shall be used instead of culverts wherever practicable.*
10. *Excavation and fill required for the construction of detention facilities or structures, and other facilities, such as levees, specifically shall be designed to reduce or mitigate flood impacts and improve water quality. Levees shall not be used to create vacant buildable lands.*

E. Construction Standards.

1. *Anchoring.*
2. *Construction Materials and Methods.*
3. *Utilities.*
4. *Residential Construction.*
5. *Nonresidential Construction.*

Response: The uses proposed in the amended master plan are all uses that are allowed for under subsections A and B, in compliance with this criterion. It should be noted that no portion of the Mixed-Use Downtown District (MUD) designated land within the master plan boundary is inside of the Flood Management Overlay Zone.

All of the uses written into the new Willamette Falls Downtown District designation will be allowed in the flood zone, “subject to compliance with development standards” for flood protection. These include provisions for anchoring, construction materials, utilities, and residential and non-residential construction. Streets, which are part of a concurrent detailed development plan application addressed in Section 3, are addressed in that section. Generally, compliance with flood regulations will be determined at the time of detailed development plan submittal.

Geologic Hazards (17.44)

17.44.025 When required; regulated activities; permit and approval requirements.

No person shall engage in any of the following regulated activities within the adopted Oregon City Geologic Hazards Overlay Zone as defined in section 17.04.515 of the Oregon City Municipal Code without first obtaining permits or approvals as required by this chapter:

A. Installation or construction of an accessory structure greater than 500 square feet in area;

B. Development of land, construction, reconstruction, structural alteration, relocation or enlargement of any building or structure for which permission is required pursuant to the Oregon City Municipal Code;

C. Tree removal on slopes greater than 25 percent where canopy area removal exceeds 25 percent of the lot.

D. Excavation which exceeds two feet in depth, or which involves twenty-five or more cubic yards of volume;

The requirements of this chapter are in addition to other provisions of the Oregon City Municipal Code. Where the provisions of this chapter conflict with other provisions of the Oregon City Municipal Code, the provisions that are the more restrictive of regulated development activity shall govern.

Response: The *tumwata village* Master Plan Amendment is a proposed amendment to the Willamette Falls Legacy Project Master Plan, approved by Oregon City via CP 14-02. The site is located in the Geological Hazards Overlay Zone. The figure below was pulled forward from the 2014 submittal.



GEOLOGIC HAZARD OVERLAY DISTRICT.

Figure 6:Geologic Hazard Overlay District

Consequently, regulations within this chapter apply and future development proposals will be required to respond to its standards. As with other overlay zones, the development standards are intended to apply to the specifics of land development, not to general plans such as the first step of a two-step

master plan. Therefore, the rules of this chapter will be addressed as part of a future development application.

17.44.050 Development—Application requirements and review procedures and approvals.

Except as provided by subsection B. of this section, the following requirements apply to all development proposals subject to this chapter: […]

Response: To reiterate, all the protections of this chapter will be in effect when a detailed development plan application is requested. The information required at that time will include a geotechnical study, as listed in this section.

17.44.060 Development standards.

Notwithstanding any contrary dimensional or density requirements of the underlying zone, the following standards shall apply to the review of any development proposal subject to this chapter. Requirements of this chapter are in addition to other provision of the Oregon City Municipal Code. Where provision of this chapter conflict with other provision of the Oregon City Municipal Code, the provisions that are more restrictive of regulated development activity shall govern.

17.44.090 Stormwater drainage.

The applicant shall submit a permanent and complete stormwater control plan. The program shall include, but not be limited to the following items as appropriate: curbs, gutters, inlets, catch basins, detention facilities and stabilized outfalls. Detention facilities shall be designed to city standards as set out in the city's drainage master plan and design standards.

17.44.100 Construction standards.

During construction on land subject to this chapter, the following standards shall be implemented by the developer:

A. All development activity shall minimize vegetation removal and soil disturbance and shall provide positive erosion prevention measures in conformance with OCMC Chapter 17.47—Erosion and Sediment Control.

Response: The above quoted and truncated sections are to indicate that, as stated, all future development must comply with the standards of this chapter. That includes numerous standards related to slope stability, drainage, soil disturbance, vegetation removal, and cut and fill provisions. It also regulates stormwater methods and erosion and sediment control. None of these protections are altered as part of this application.

Willamette River Greenway Overlay District (17.48)

17.48.070 Development standards—Specific use.

In approving any development or change or intensification of use, the approving officer or body shall apply the following standards:

Considerations for Specific Uses.

A. With respect to recreational uses only: the considerations set forth in section C.3.b. of Goal 15.

B. With respect to those fish and wildlife habitats identified in the city comprehensive plan only: The considerations set forth in section C.3.d. of Goal 15.

C. With respect to those scenic qualities and views identified in the city comprehensive plan only: The considerations set forth in section C.3.e. of Goal 15.

D. With respect to timber resources only: The considerations set forth in section C.3.h. of Goal 15.

E. With respect to aggregate extraction only: The considerations set forth in section C.3.i. of Goal 15.

Response: To the extent that any of the above identified uses are proposed or located on the site, the applicable Goal 15 standards will apply. The greenway overlay does not restrict uses on the property, generally. Rather, uses that are allowed are listed in the underlying zone.

17.48.080 Development standards—General considerations.

The following considerations shall be applicable to all Willamette River Greenway permits.

A. Access. Adequate public access to the Willamette River shall be considered and provided for.

B. Protection and Safety. Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided for to the maximum extent practicable.

C. Vegetative Fringe. The natural vegetative fringe along the Willamette River shall be protected and enhanced to the maximum extent practicable.

D. Directing Development Away from the River. Development shall be directed away from the Willamette River to the greatest possible degree, provided that lands committed to urban uses within the Greenway may continue as urban uses, subject to the nonconforming use provisions of Chapter 17.58 of this title.

E. A Greenway Setback. In each application, the approving officer or body shall establish a setback to keep structures separated from the Willamette River in order to protect, maintain, preserve and enhance the natural scenic, historic and recreational qualities of the Willamette River Greenway, as set forth in the city comprehensive plan; provided, however, that the requirement to establish such setbacks shall not apply to water-related or water-dependent uses. No greenway setback standards shall apply for areas outside of the one hundred fifty-foot compatibility boundary.

F. Other Applicable Standards. The Oregon Department of Transportation Greenway Plan, the Greenway portions of the city comprehensive plan, the Willamette River Greenway statutes and the provisions of Statewide Planning Goal 15, shall also be considered in actions involving Willamette River Greenway permits.

Response: In relation to the Willamette River Greenway Requirements, the proposed framework plan is very similar to the previous plan which was approved in 2014. The amended plan proposes additional open space along the river, a riverfront access path, and development that is set back from the river. The amendments to the master plan propose to expand open space and restoration areas in the framework plan and provides further clarity on enhancement activities. The amended plan has expanded areas designated for active and passive uses as open/public space. The amended framework plan shows a development area adjacent to the Mill O Footprint, but this still maintains public access

along the river. There is planned redevelopment in the existing footprint of the Mill O Foundation. On balance, the plan expands open/public space and restoration activities along the river, meeting the intent of the Willamette River Greenway.

The plan proposes a greenway setback (as allowed by subsection E above) delineated by areas designated open space and areas designated as development. This setback is shown on Appendix A, Sheet 7, Willamette River Greenway Zoning map. The proposed setback was determined by a context-sensitive analysis reflected in the framework plan. The entire district is committed to urban uses. Within the greenway setback this general development plan proposes a multiuse pedestrian path along the riverfront that would satisfy the consideration under subsection (A). Likewise, the design of the path will determine protection and safety under subsection (B). The vegetative fringe consideration in subsection (C) can also be achieved by some of the environmental enhancements and restoration listed in this plan. The proposed plan commits to much more restoration than the adopted plan. The proposed amendments meet the purpose and standards of the WRG.

By establishing an enforceable greenway setback in this proposed framework plan, future development within *tumwata village* that is outside of the greenway setback will not require additional compatibility review, so long as development is consistent with framework plan. That is, future development must create open space in areas designated for it, maintain the greenway setback, and keep the public access between any development and the river.

17.48.100 Compatibility review.

A. In all areas within one hundred fifty feet of the Oregon Department of State Lands' mapped ordinary low-water line of the Willamette River, hereinafter referred to as the "compatibility boundary," the provisions of this subsection shall be applicable to all developments and changes or intensification of uses, so as to ensure their compatibility with Oregon's Greenway statutes, and to assure that the best possible appearance, landscaping and public access be provided.

B. All development or changes or intensifications of uses in the compatibility area shall be approved only if the following findings are made by the planning commission through a Type III review process pursuant to OCMC 17.50.

1. That to the greatest extent possible, the development or change or intensification of use provides for the maximum possible landscaped area, open space or vegetation between the activity and the river.

2. That to the greatest degree possible, necessary public access is provided to and along the Willamette River by appropriate legal means.

Response: By establishing an enforceable greenway setback in this proposed framework plan, future development within *tumwata village* that is outside of the greenway setback will not require additional compatibility review, so long as development is consistent with framework plan. That is, future development must create open space in areas designated for it, maintain the greenway setback, and keep the public access between any development and the river.

17.48.110 Prohibited activities.

The following are prohibited within the Willamette River Greenway:

A. Structural bank protection, except rip rap or a channelization used as an emergency measure only to protect existing structures. Any such rip rap or channelization to stabilize undeveloped sites shall be prohibited as well;

B. Subsurface sewage disposal drainfields within one hundred feet of the ordinary mean low-water line of the Willamette River.

(Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

Response: Structural bank protection is not anticipated on the site, nor is subsurface sewage disposal.

When the 2014 Master Plan was approved, there was a prohibition on residential structures exceeding 35 feet in Section 17.48.110. The approval of the 2014 Master Plan did not propose a change to this regulation. Since then, Section 17.48.110 has been amended to delete the prohibition on such residential structures in the Willamette River Greenway. As a result of this change, a predominantly residential building taller than 35 feet would be allowed under current rules.

17.48.120 - Additional procedural requirements.

In addition to the requirements of Chapter 17.50, the following procedural requirements shall be applicable to all matters arising out of Sections 17.48.070 through 17.48.100:

A. Applications submitted for review under Sections 17.48.070 through 17.48.100 shall be accompanied by such materials as are reasonably necessary for adequate review, including, as necessary:

1.A site and landscaping plan showing existing vegetation and development and location of proposed development for activities;

2.Elevations of any proposed structures;

3.Materials list for any proposed structures, including type and colors of siding and roofing; and

4. Cross-sections of any area within the vegetative fringe where grading, filling, timber harvesting or excavating will occur.

B. 1. Written notice, including a copy of the application, shall be sent immediately upon receipt to the Oregon Department of Transportation by certified mail, return receipt requested. The Oregon Department of Transportation shall have seven working days from the date of mailing to respond before a decision be rendered.

2.Written notice shall be given to the Oregon Department of Transportation by certified mail, return receipt requested, within seven days of the entry of a final order on the disposition of all applications made under Sections 17.48.070 through 17.48.100.

Response: The application materials include site and landscaping drawings showing locations of proposed development for activities in the Framework Plan, Appendix A, Sheet 8 . The entire site has been developed. The framework plan is conceptual and will occur in phases, therefore no elevations of proposed structures are necessary for this application. The materials palette (included as Appendix G) is

intended to guide design character of landscape and architectural structures and spaces on site and is intended for illustrative purposes.

Natural Resources Overlay District (17.49)

As clearly shown on city maps, the entire Willamette Falls Downtown District is within the NROD. Consequently, future applications for development at the site will be subject to the requirements of 17.49. The standards for developing buildings or other structures within this overlay are specific to actual development proposals, not concept planning, so review under this chapter will be done at the time a detailed development plan is proposed.

In anticipation of future development, the master plan identifies both the location and type of enhancement projects that will improve the natural resource condition of the site. Though degraded by a century of heavy industrial use, natural resources are present on the property and the riparian setting provides tremendous opportunity for habitat improvement. Future development could expose and restore the historical shoreline, increase the circulation in the lagoon and diversify habitat, and establish a vegetated buffer along the riverbank. These actions would improve the riparian resource values and improve habitat for fish, birds, and plant communities. Finally, by designating a large area of the site as ideal for open space or park uses, the plan sets a framework for a large reduction in impervious surface and an increase in landscaped area. This would have an overall benefit to the site's natural resource functions.

17.49.080 Uses allowed outright (exempted).

The following uses are allowed within the NROD and do not require the issuance of an NROD permit:

A. Stream, wetland, riparian, and upland restoration or enhancement projects as authorized by the city.

B. Farming practices as defined in ORS 215.203 and farm uses, excluding buildings and structures, as defined in ORS 215.203.

C. Utility service using a single utility pole.

D. Boundary and topographic surveys leaving no cut scars greater than three inches in diameter on live parts of native plants listed in the Oregon City Native Plant List.

E. Soil tests, borings, test pits, monitor well installations, and other minor excavations necessary for geotechnical, geological or environmental investigation, provided that disturbed areas are restored to pre-existing conditions as approved by the community development director.

F. Trails meeting all of the following:

1. *Construction shall take place between May 1 and October 30 with hand held equipment;*
2. *Widths shall not exceed forty-eight inches and trail grade shall not exceed twenty percent;*
3. *Construction shall leave no scars greater than three inches in diameter on live parts of native plants;*
4. *Located no closer than twenty-five feet to a wetland or the top of banks of a perennial stream, or no closer than ten feet of an intermittent stream;*

5. *No impervious surfaces; and*
6. *No native trees greater than one-inch in diameter may be removed or cut, unless replaced with an equal number of native trees of at least two-inch diameter and planted within ten feet of the trail.*

G. Land divisions provided they meet the following standards, and indicate the following on the final plat: […]

H. Site plan and design review applications where all new construction is located outside of the NROD boundary shown on the city's adopted NROD map, and the NROD area is protected by a conservation easement approved in form by the city.

I. Routine repair and maintenance of existing structures, roadways, driveways and utilities.

J. Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased.

K. Measures approved by the city of Oregon City to remove or abate nuisances or hazardous conditions.

L. Tree Removal. […]

M. Planting of native vegetation and the removal of non-native, invasive vegetation (as identified on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland), or as recommended by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, arboriculture, horticulture, wildlife biology, botany, hydrology or forestry), and removal of refuse and fill, provided that:

1. *All work is done using hand-held equipment;*
2. *No existing native vegetation is disturbed or removed; and*
3. *All work occurs outside of wetlands and the top-of-bank of streams.*

N. Activities in which no more than one hundred square feet of ground surface is disturbed outside of the bankfull stage of water bodies and where the disturbed area is restored to the pre-construction conditions, notwithstanding that disturbed areas that are predominantly covered with invasive species shall be required to remove the invasive species from the disturbance area and plant trees and native plants pursuant to this chapter.

O. New fences meeting all of the following:

1. *No taller than three and a half feet and of split rail or similar open design;*
2. *Two feet width on both sides of fence shall be planted or seeded with native grasses, shrubs, herbs, or trees to cover any bare ground;*
3. *Six inches of clearance from ground level;*
4. *Fence posts shall be placed outside the top-of-bank of streams and outside of delineated wetlands.*

P. Gardens, fences and lawns within the NROD that existed prior to the time the overlay district was applied to a subject property are allowed to be maintained but cannot expand further into the overlay district.

Response: The *tumwata village* Master Plan Amendment is a proposed amendment to the Willamette Falls Legacy Project Master Plan, approved by Oregon City via CP 14-02. The previously approved narrative/staff finding to this municipal code section still applies:

The most significant element of the NROD rules as it relates to the Willamette Falls district is the exemption contained in OCMC 17.49.080.J above. This section exempts from NROD permits development "where ground level impervious surface area is not increased." This exemption applies even to "replacement" of existing structures. Virtually the entire area where new development will occur in the Willamette Falls Downtown District—where structures and other development will be replaced-- is impervious surface. This is the result of more than a century of urban development, most recently for heavy industrial uses. Nearly every developed square foot of the site is either paved or covered by a building. Because the site is built on top of a basalt shelf, even those areas without buildings or paving are impervious. In the long run the anticipated development of open space on the site (per the framework plan's designation of more than 5 acres of the site for some kind of waterfront or open space use), and the anticipated habitat and shoreline restoration opportunities identified in the master plan will result in a site that has significantly less impervious surface than exists under current conditions.

As detailed in Appendix F, Fencing Standards, NROD fencing is anticipated along the Willamette River to ensure the safety of pedestrians, wildlife and plants, and is anticipated to meet the above standards exempted in 17.49.080(O) The site will also utilize temporary construction fencing within the NROD area associated with active construction activities permitted by a DDP. This application also anticipates a small portion of fencing not exempted by the above standards, addressed in findings below.

Finally, several other uses identified above could occur at the site and would be exempt from NROD permits: natural resource enhancement projects, routine maintenance and repair, and nuisance abatement. Combined with any development that doesn't increase impervious surface, these categories are likely to cover virtually all potential projects at the site.

Additionally, the proposed amendment to the framework plan expands and clarifies restoration efforts throughout the site and proposes increased open space and natural areas.

17.49.090 Uses allowed under prescribed conditions.

The following uses within the NROD are subject to the applicable standards listed in OCMC 17.49.100 through 17.49.190 pursuant to a Type II process:

A. Alteration to existing structures within the NROD when not exempted by OCMC 17.49.080, subject to OCMC 17.49.130.

B. A single-family detached residential unit or duplex on a highly constrained vacant lot of record that has less than three thousand square feet of buildable area, with minimum dimensions of fifty feet by fifty feet, remaining outside the NROD portion of the property, subject to the maximum disturbance allowance prescribed in OCMC 17.49.120.A.

C. A land division that would create a new lot for an existing residence currently within the NROD, subject to OCMC 17.49.160.

D. Land divisions when not exempted by OCMC 17.49.080, subject to the applicable standards of OCMC 17.49.160.

E. Trails/pedestrian paths when not exempted by OCMC 17.49.080, subject to OCMC 17.49.170 (for trails) or OCMC 17.49.150 (for paved pedestrian paths).

F. New roadways, bridges/creek crossings, utilities or alterations to such facilities when not exempted by OCMC 17.49.080.

G. Roads, bridges/creek crossings subject to OCMC 17.49.150.

H. Utility lines subject to OCMC 17.49.140.

I. Stormwater detention or pre-treatment facilities subject to OCMC 17.49.155.

J. Institutional, industrial or commercial development on a vacant lot of record situated in an area designated for such use that has more than seventy-five percent of its area covered by the NROD, subject to OCMC 17.49.120.B.

K. City, county and state capital improvement projects, including sanitary sewer, water and stormwater facilities, water stations, and parks and recreation projects.

L. Non-hazardous tree removal that is not exempted pursuant to OCMC 17.49.080.K.

M. Fences that do not meet the standards for exemption pursuant to OCMC 17.49.080.O.4.

Response: In the event that a future development proposal under the master plan cannot show that it is exempt, it would be "allowed under prescribed conditions" and subject to all the standards of this chapter. Because future development actions in the plan are subject to detailed development plan approval, the NROD review would occur concurrent with this process." If the proposed development is not exempt and any adjustment of standards is necessary, the application would require a Type III or Type IV development permit per OCMC 17.49.040.

The applicant anticipates a small portion of fencing that would not meet the standards for exemption in OCMC 17.49.080(O), therefore this fencing could be considered a use allowed under prescribed conditions. This fencing is described in more detail in Appendix F. The fencing would be a very small portion of fencing that would be along the existing dock access, shown in the figure below. This access is already fenced, and the applicant anticipates some repair or replacement may be necessary. This fencing would be used as safety and security fencing that would limit unauthorized access to the dock.



Figure 7: Existing dock

The fence would comply with OCMC 17.49.080(N):

> "Activities in which no more than one hundred square feet of ground surface is disturbed outside of the bankfull stage of water bodies and where the disturbed area is restored to the pre-construction conditions, notwithstanding that disturbed areas that are predominantly covered with invasive species shall be required to remove the invasive species from the disturbance area and plant trees and native plants pursuant to this chapter."

The fence would therefore meet the general development standards in 17.49.100.

Off-Street Parking and Loading (17.52)

Parking Requirements

Oregon City parking minimums do not apply for sites within ½ mile of frequent transit service, per Climate Friendly and Equitable Communities Rules (OAR 660-012-0440). As shown on the map provided by Oregon City and reprinted below, the entire master plan amendment area is within ½ mile of frequent transit service.

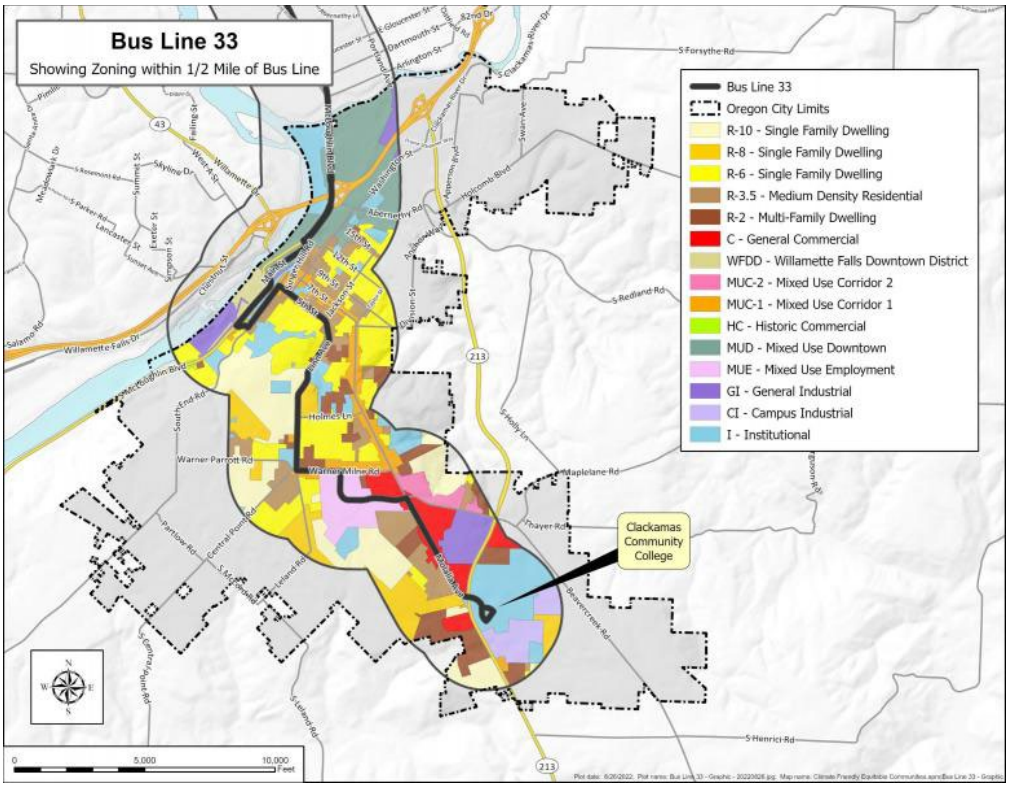


Figure 8. Area Where Parking Minimums Do Not Apply

Therefore, minimum parking standards for quantity of spaces do not apply. Future DDPs will need to demonstrate compliance with other provisions of this chapter, including Bicycle Parking Standards, Loading Areas, and Parking Lot Landscaping (unless modified).

Parking Lot Standards

The *tumwata village* plan includes parking lot arrangement where portions of Block 5 and 6 will be used as “temporary parking”, which we still anticipate will meet Chapter 17.52 standards, but development of this site has a unique approach described below.

Cleanup, demolition and subsequent redevelopment of the large site will take time and will be accomplished in phases. Temporary parking areas are necessary to support buildings and activities during the full buildout of the site. A multi-level parking structure will eventually be constructed, with the capacity to serve multiple blocks, uses and buildings. Early phases of new development are planned closer to the river while the eastern side of the site, between ‘Main’ Street and the railroad/99E, is planned to support other development, offering temporary parking, stormwater management and potentially public space/activation functions. Eventually these blocks will be developed with buildings.

Temporary parking areas on the east side of the site (Block 5 and 6) will expand as new development incrementally occurs on the west side. These parking areas will offer off-street vehicle as well as bicycle spaces for employees, residents and visitors to the site. This temporary parking will support Oregon City objectives and allow the growing series of new mixed-use buildings, publicly accessible open spaces, multi-use paths and river-centered environmental restoration areas to define *tumwata village*. These

temporary parking areas will be paved, meet stormwater standards, and will have landscaping. They are anticipated to be able to meet the standards of OCMC 17.52.060.

With regard to landscaping, these parking areas may propose a slightly different approach than is typical, such as above ground planters. A different approach to landscaping that "better meets design review requirements" is allowed as part of the site plan and design review process (OCMC 17.62.015.A.1.h). We include preliminary responses about the parking lot landscaping approach in the section below. A future DDP for the parking lots developed on Block 5 and 6 will include more specific findings. The parking areas will either meet the more objective parking lot landscaping standards in 17.52.060, or the applicant will propose an alternative landscaping plan that will better meet design review requirements, as allowed by OCMC 17.62.015.

17.52.060 Parking lot landscaping.

B. Development Standards.

1. *The landscaping shall be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area.*
2. *All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.*
3. *Parking lot trees shall be a mix of deciduous shade trees and coniferous trees. The trees shall be evenly distributed throughout the parking lot as both interior and perimeter landscaping.*
4. *Required landscaping trees shall be of a minimum two-inch minimum caliper size (though it may not be standard for some tree types to be distinguished by caliper), planted according to American Nurseryman Standards, and selected from the Oregon City Street Tree List or approved by an arborist.*
5. *At maturity, all of the landscaped area shall be planted in ground cover plants, which includes grasses. Mulch (as a ground cover) shall only be allowed underneath plants at full growth and within two feet of the base of a tree and is not a substitute for ground cover.*
6. *Landscaped areas shall include irrigation systems unless an alternate plan is submitted, and approved by the community development director, that can demonstrate adequate maintenance.*
7. *All landscaping shall be installed according to accepted planting procedures, according to American Nurseryman Standards.*

Response: Temporary surface parking lots on Block 5 and 6 are anticipated in early phases. In later phases, these lots will be replaced with a permanent parking structure. In general the landscaping standards listed above will be addressed at the time of a DDP for parking on Blocks 5 and 6, or, a design modification will be requested. A general approach to future landscaping is described below.

One of the applicant's primary redevelopment goals is to heal and restore the site through both environmental remediation and the reintroduction of native plants.

Trees and shrubs will be provided in the quantities as identified in the standards above. Yet this area of the site, which is on bedrock, may not have enough viable soil to support larger trees and shrubs.

Planting trees and shrubs in a temporary, in-ground condition may be wasteful if that location is not intended for long-term landscaping. As such, the applicant anticipates planting trees and shrubs in above ground planter areas as an interim condition. These plantings may be installed according to accepted planting procedures.

Interpretation of the standards above, and the idea of "accepted planting practices" requires discretion from city staff. The Willamette Valley has been home to the Grand Ronde Tribe since time immemorial and Tribal people have a deep and unparalleled understanding of native plants above and beyond that of the American Nurseryman Standards. Ensuring plants are managed based on their individual lifecycles and habitat functional value is key. With the selection of native plants, it is anticipated that irrigation of the native plant materials selected may not be needed outside of the two-year establishment period and an alternative plan may be submitted.

C. Perimeter Parking Lot Landscaping and Parking Lot Entryway/Right-of-Way Screening. Parking lots and associated drive aisles shall include a five-foot wide landscaped buffer where the parking lot abuts the right-of-way and/or adjoining properties. In order to provide connectivity between non-single-family sites, the community development director may approve an interruption in the perimeter parking lot landscaping for a single driveway where the parking lot abuts property designated as multi-family, commercial or industrial. Shared driveways and parking aisles that straddle a lot line do not need to meet perimeter landscaping requirements.

1. The perimeter parking lot are[a] shall include:

a. Trees spaced a maximum of thirty feet apart (minimum of one tree on either side of the entryway is required). When the parking lot is adjacent to a public right-of-way, the parking lot trees shall be offset from the street trees;

b. An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average. The hedge/shrubs shall be parallel to and not nearer than two feet from the right-of-way line. The required screening shall be designed to allow for free access to the site and sidewalk by pedestrians. Visual breaks, no more than five feet in width, shall be provided every thirty feet within evergreen hedges abutting public right-of-ways.

Response: Trees along the perimeter of the parking lot will be required. A 5 foot landscaped buffer will be required where the temporary parking area abuts the Highway 99E Right of Way. Visual screening may be achieved with native plants, trees and shrubs in above-ground planters.

D. Parking Area/Building Buffer. Except for parking lots with fewer than five parking stalls, parking areas (excluding drive aisles with no adjacent parking) shall be separated from the exterior wall of a structure, exclusive of pedestrian entranceways or loading areas, by one of the following:

1. Minimum five-foot wide landscaped planter strip (excluding areas for pedestrian connection) meeting the standards for perimeter parking lot area landscaping; or:

2. Minimum seven-foot sidewalks with shade trees spaced a maximum of thirty feet apart in three-foot by five-foot tree wells.

E. Interior Parking Lot Landscaping. Surface parking lots with more than five parking stalls shall include at least forty-five square feet of interior parking lot landscaping per parking stall to improve the

water quality, reduce stormwater runoff, and provide pavement shade. Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage. Fractions shall be rounded up when calculating the required number of plantings. Interior parking lot landscaping shall include:

a. A minimum of one tree per four parking spaces.

b. A minimum of 1.5 shrubs per parking space.

c. No more than eight contiguous parking spaces shall be created without providing an interior landscape strip between them. Landscape strips shall be provided between rows of parking shall be a minimum of six feet in width and a minimum of ten feet in length.

Response: The above standards will apply to temporary parking on Block 5 and Block 6. Trees and shrubs will be provided in the quantities as identified in the standards above. Yet this area of the site, which is on bedrock, may not have enough viable soil to support larger trees and shrubs. Planting trees and shrubs in a temporary, in-ground condition may be wasteful if that location is not intended for long-term landscaping. As such, the applicant anticipates planting trees and shrubs in above ground planter areas as an interim condition. These plantings may be installed according to accepted planting procedures.

F. Alternative landscaping plan.

Any applicant may propose an alternative landscaping plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. Alternative plans may include the use of low impact development techniques and minimized landscaping requirements. In such situations, the community development director may approve variations to the landscaping standards of OCMC 17.52.060 in accordance with subsection 1 and/or 2 below.

1. General Review Standard. The alternative shall meet the standards in OCMC 17.62.015, Modifications that will better meet design review requirements.

2. Credit for Pervious/Low Impact Development. The community development director may count up to fifty percent of the square footage of any pervious hardscaped landscape material within a parking lot that is designed and approved pursuant to the city's adopted stormwater and low impact development design standards toward minimum landscaping requirements for the site. (This includes porous pavement detention, open celled block pavers, porous asphalt, porous concrete pavement, porous turf, porous gravel, etc.).

Response: As noted, the standard above creates two options for future parking lot landscaping. At the time of a future DDP that proposed development on this lot, the applicant may either meet all the standards of OCMC 17.52, or propose an alternative landscaping plan according to this provision. The baseline requirement for the alternative plan is a “better meets design review requirements” per OCMC 17.62.015, which will be demonstrated at the time of a DDP.

Section 3 Detailed Development Plan Findings

Proposed Development:

This detailed development plan proposal is for the construction of streets and infrastructure. Unusually for a detailed development application, no buildings or structures are proposed. Typically, development of streets would simply comply with city infrastructure standards and therefore be exempt from a DDP process. Because the streets in *tumwata village* will remain under private ownership and may deviate from city street standards, their development is subject to DDP review. Specifically, the DDP proposes street sections of Main Street, Water Ave, Railroad Ave, and 3rd and 4th Streets, and infrastructure for Block 1 improvements. The street segments are shown in the image below, with a heavy dashed black line. The private streets will have public access easements and utility easements. Unless modified in this application, private streets will follow public street design and construction standards.

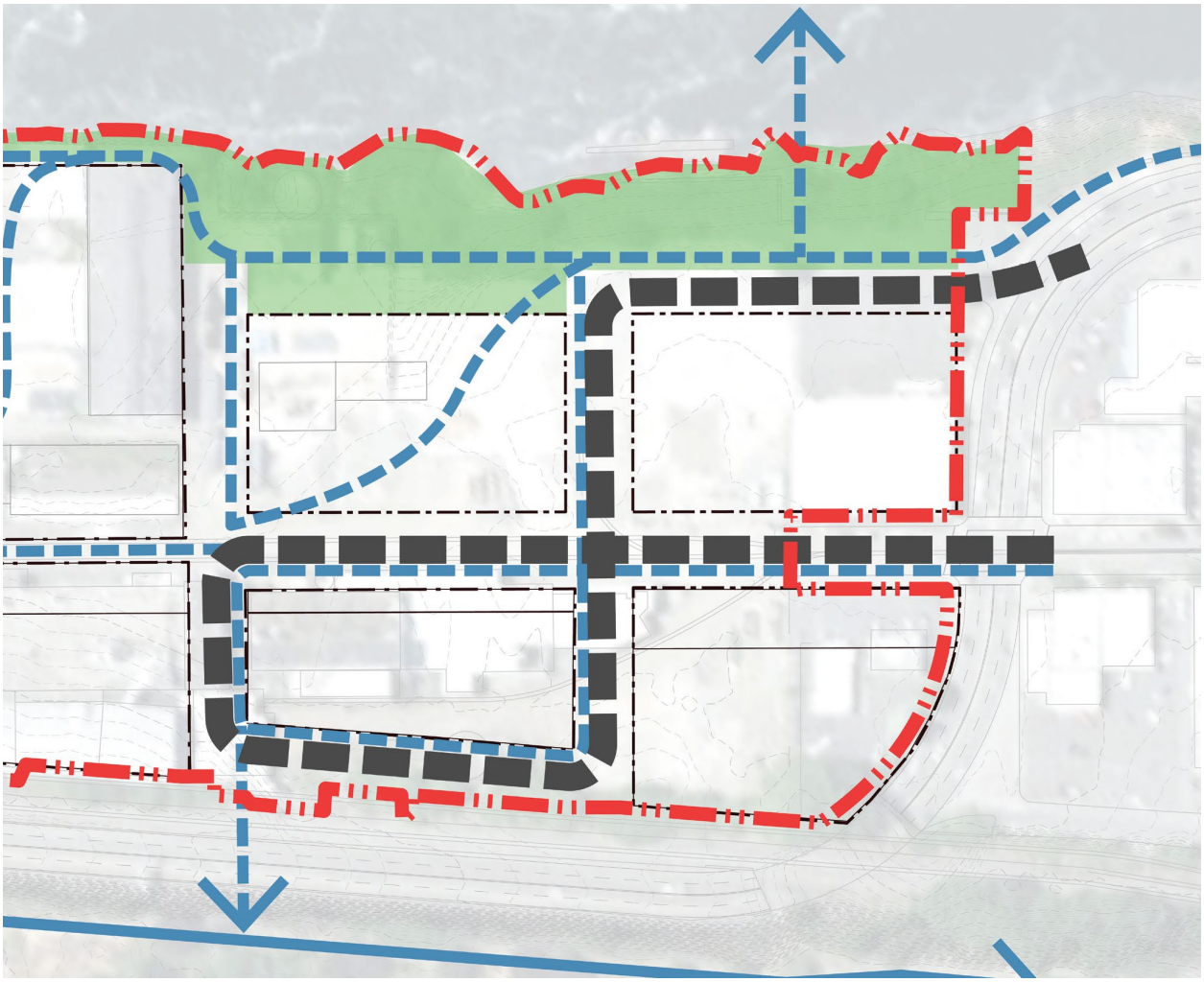


Figure 9. Street development (dashed black line)

Building out these streets will be a catalyst for future development of the site. The first phase of anticipated development at the site will be the construction of new streets and utilities to serve Block 1. CTGR recently secured $2 million in Federal appropriations for this development. This DDP application also addresses the other streets in *tumwata village*, outside of those adjacent to Block 1, because they will follow the same pattern, and because their dimensions vary slightly from the city's engineering standards for local streets. As such, the DDP contains a modification request from these local street standards.

Proposed street development is within the NROD, Willamette River Greenway, the Geologic Hazard Overlay, and the Flood Management Overlay District.

Master Plans and Planned Unit Development (17.65)

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.

Response: The GDP application contains an updated transportation trip generation analysis for the entire district to show concurrence with the original TPR analysis. This proposed DDP is for streets within *tumwata village*, which do not in themselves generate trips or create transportation impacts. Therefore, "the initial study" as stated above provides for the general development plan process equally satisfies the requirements of this particular detailed development plan application.

The relevant details identified above, are included in drawings that are part of this application. These drawings show the proposed streets in plan and section view, with information about the dimensions and provisions for utility infrastructure.

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.

Response: A utility plan is included with general development plan drawings. A map containing the above items as relevant are included in Appendix M. For this detailed development plan application, further information about proposed utilities is provided in a set of drawings from DOWL describing water, sewer, sanitary, stormwater, and private utilities. Additional detail is also provided for the infrastructure around Block 1 that is consistent with the general information in the general development plan.

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.*

Response: Detailed information about the development of streets within *tumwata village* is shown on a site plan that is included with the plan set as Appendix M . These drawings show the location and dimensions of proposed streets and infrastructure in both plan view and section view. No buildings are proposed, but all the other relevant information listed in OCMC 17.62.040 is included.

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.*

Response: No residential development is proposed as part of the DDP for streets.

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.*

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.*

Response: The approved general development is being requested concurrently with this detailed development plan. The DDP is for streets only; no buildings or other site development are proposed. A proposed street network at the north side of this site that is consistent with the pattern of the existing downtown grid, with space for vehicles and pedestrians, and utilities running under the pavement is wholly consistent with the vision of the general development and all its requirements. Likewise, all the conditions of approval associated with the new GDP and the previous CDP assume a street network like the one proposed in this DDP.

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 contained in Chapters 17.62, 17.52, 16.12, and 16.08 unless adjusted as provided in OCMC 17.65.070.*

Response: The base zone standards and all other applicable zoning regulations are addressed in subsequent sections of this narrative, including the following sections

- Chapter 12.04, Streets, Sidewalks and Public Places.
- Chapter 12.08, Public and Street Trees.
- Chapter 13.12, Stormwater Management.

- Chapter 16.12, Minimum Improvements and Design Standards for Development.
- Chapter 17.42, Flood Management Overlay District.
- Chapter 17.44, Geologic Hazards.
- Chapter 17.47, Erosion and Sediment Control.
- Chapter 17.48, Willamette River Greenway.
- Chapter 17.49, Natural Resource Overlay District.

Site Plan and Design review (17.62)

17.62.030 When required.

Site plan and design review shall be required for all development of real property in all zones except the low and medium density residential districts, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to all conditional uses, cluster housing developments, multi-family uses, manufactured home parks, and nonresidential uses in all zones. Site plan and design review does not apply to activities occurring within the right-of-way except for communication facilities pursuant to OCMC 17.80. […]

Response: Site plan and design review is required for the proposed development of streets as proposed.

17.62.050 General standards.

All development shall comply with the following standards:

A. Landscaping.

1. *Existing native vegetation is encouraged to be retained to the maximum extent practicable. All plants listed on the Oregon City Nuisance Plant List shall be removed from the site prior to issuance of a final occupancy permit for the building.*
2. *The amount of landscaping required is found in the standards for each underlying zone. Where the underlying zone does not contain and minimum landscaping standard, the minimum site landscaping shall be fifteen percent of the total site area. Except as allowed elsewhere in Title 16 or 17 of this code, all areas to be credited towards landscaping shall be installed with growing plant materials.*
3. *Pursuant to OCMC 17.49, landscaping requirements within the natural resource overlay district, other than landscaping required for parking lots, may be met by preserving, restoring and permanently protecting native vegetation and habitat on development sites.*
4. *A landscaping plan shall be prepared by a registered landscape architect for new or revised landscaped areas and parking lots. Landscape architect approval is not required for tree removal and/or installation if the species are chosen from an approved street tree list. A certified landscape designer, arborist, or nurseryman shall be acceptable in lieu of a landscape architect for projects with less than five hundred square feet of landscaping. All landscape plans shall include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within three years will cover one hundred percent of the landscape area. Plant species listed on the Oregon City Nuisance Plant list are prohibited and native species are encouraged. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees.*

5. *Landscaping shall be visible from public thoroughfares to the extent practicable.*
6. *The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation and shall comply with all requirements of OCMC 10.32, Traffic Sight Obstructions.*

Response: The proposal is for streets only; no buildings are proposed. Given the limited nature of the development proposed, provisions for landscaping or a landscaping plan are not relevant or applicable to this DDP application, however, a planting plan for streets has been provided in Appendix S. Street trees that accompany new streets are shown on plan and section drawings. Future development that includes actual buildings or open space areas will need to comply with the above standards.

B. Vehicular Access and Connectivity.

1. *Parking areas shall be located behind the building façade that is closest to the street, below buildings, or on one or both sides of buildings.*
2. *Existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements which provide connection from the right-of-way to the adjoining property shall be provided.*
3. *Parcels larger than three acres shall provide streets as required in OCMC 16.12.*
4. *Parking garage entries shall not be more than half of the streetscape.*

Response: The proposal is for streets only; no buildings or on-site parking areas are proposed. By their nature, the streets are a platform for vehicular access and connectivity. Future development will need to comply with the above standards, but the standards are not directly applicable to this DDP proposal.

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

1. *Pathways between all building entrances and the street are required. Pathways between the street and buildings fronting on the street shall be direct and not cross a drive aisle. Exceptions may be allowed by the director where steep slopes, a physically constrained site, or protected natural resources prevent a direct connection or where an indirect route would enhance the design and/or use of a common open space.*
2. *The pedestrian circulation system shall connect all main entrances, parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities on the site. For buildings fronting on the street, the sidewalk may be used to meet this standard.*
3. *The pedestrian circulation system shall connect the principal building entrance to those of buildings on adjacent sites, except within industrial zoning designations.*
4. *Elevated external stairways or walkways shall not extend beyond the building facade except for external stairways or walkways located in, or facing interior courtyard areas that are not visible from the street or a public access easement. This standard does not apply to sky-bridges or sky-ways.*
5. *On-site pedestrian walkways shall be hard surfaced, well drained and at least five feet wide. Surface material shall contrast visually to adjoining surfaces. When bordering parking spaces other than spaces for parallel parking, pedestrian walkways shall be a minimum of seven feet in width unless curb stops are provided. When the pedestrian circulation system is*

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

Response: The proposal is for streets only, no buildings or on-site parking areas are proposed, future development will need to comply with the above standards, the standards are not applicable to this DDP proposal. Streets will include pedestrian pathways, built to city standards unless modified.

D. All development shall maintain continuous compliance with applicable federal, state, and city standards.

E. Adequate public water and sanitary sewer facilities sufficient to serve the proposed or permitted level of development shall be provided pursuant to OCMC 16.12. The applicant shall demonstrate that adequate facilities and services are presently available or can be made available concurrent with development. Service providers shall be presumed correct in the evidence, which they submit. All facilities shall be designated to city standards as set out in the city's facility master plans and public works design standards. A development may be required to modify or replace existing off-site systems if necessary to provide adequate public facilities. The city may require over sizing of facilities where necessary to meet standards in the city's facility master plan or to allow for the orderly and efficient provision of public facilities and services. Where over sizing is required, the developer may request reimbursement from the city for over sizing based on the city's reimbursement policy and fund availability, or provide for recovery of costs from intervening properties as they develop.

Response: Streets as a part of this DDP will be built with adequate water, sewer, and power infrastructure to serve planned development at this part of the master plan area. These utilities will meet city design and operational standards.

F. If a transit agency, upon review of an application for an industrial, institutional, retail or office development, recommends that a bus stop, bus turnout lane, bus shelter, accessible bus landing pad, lighting, or transit stop connection be constructed, or that an easement or dedication be provided for one of these uses, consistent with an agency adopted or approved plan at the time of development, the review authority shall require such improvement, using designs supportive of transit use. Improvements at a major transit stop may include intersection or mid-block traffic management improvements to allow for crossings at major transit stops, as identified in the city's transportation system plan.

G. Screening of Mechanical Equipment. Commercial, mixed-use, institutional, and multi-family buildings shall include the following measures to screen or block views of mechanical equipment from adjacent streets according to the following requirements: […]

Response: The proposal is for streets only; no buildings are proposed. The city's TSP does not identify transit stops within *tumwata village*, and no mechanical equipment is proposed that requires screening.

Future development will need to comply with the above standards, but these standards are not applicable to this DDP proposal.

H. Building Materials. […]

Response: The proposal is for streets only; no buildings are proposed. Therefore, building material details are not applicable to this review. Future development that includes buildings will need to comply with the above standards.

J. All new utilities shall be placed underground.

1. Service poles may be allowed on private property when undergrounding service is technically or physically infeasible.

Response: As shown on the conceptual utilities plan, all new utilities will be placed underground.

K. Development shall comply with requirements of the following Oregon City Municipal Code chapters, as applicable, including but not limited to:

1. Chapter 12.04, Streets, Sidewalks and Public Places.
2. Chapter 12.08, Public and Street Trees.
3. Chapter 13.04, Water Service System.
4. Chapter 13.08, Sewer Regulations.
5. Chapter 13.12, Stormwater Management.
6. Chapter 16.12, Minimum Improvements and Design Standards for Development.
7. Chapter 17.20, Residential Design Standards for ADU's, Cluster Housing, Internal Conversions, Live/Work Units, and Manufactured Home Parks.
8. Chapter 17.40, Historic Overlay District.
9. Chapter 17.41, Tree Protection Standards.
10. Chapter 17.42, Flood Management Overlay District.
11. Chapter 17.44, Geologic Hazards.
12. Chapter 17.47, Erosion and Sediment Control.
13. Chapter 17.48, Willamette River Greenway.
14. Chapter 17.49, Natural Resource Overlay District.
15. Chapter 17.50, Administration and Procedures.
16. Chapter 17.52, Off-Street Parking and Loading.
17. Chapter 17.54, Supplemental Zoning Regulations and Exceptions.
18. Chapter 17.58, Lawful Nonconforming Uses, Structures, and Lots.
19. Chapter 17.65, Master Plans and Planned Unit Development.

Response: The following Sections on the list above are applicable to this development and are addressed in these findings.

- Chapter 12.04, Streets, Sidewalks and Public Places.
- Chapter 12.08, Public and Street Trees.
- Chapter 13.12, Stormwater Management.
- Chapter 16.12, Minimum Improvements and Design Standards for Development.

- Chapter 17.42, Flood Management Overlay District.
- Chapter 17.44, Geologic Hazards.
- Chapter 17.47, Erosion and Sediment Control.
- Chapter 17.48, Willamette River Greenway.
- Chapter 17.49, Natural Resource Overlay District.
- Chapter 17.65, Master Plans and Planned Unit Development.

17.62.065 Outdoor lighting.

B. Applicability.

1. General.

a. All exterior lighting for any type of commercial, mixed-use, industrial, institutional, or multi-family development shall comply with the standards of this section, unless excepted in subsection B.3. […]

b. The city engineer or public works director shall have the authority to enforce these regulations on private property if any outdoor illumination is determined to present an immediate threat to the public health, safety and welfare.

2. Lighting Plan Requirement. All commercial, industrial, mixed-use, cottage housing and multi-family developments shall submit a proposed exterior lighting plan. The plan shall be submitted concurrently with the site plan. The exterior lighting plan shall include plans and specifications for streetlights, parking lot lights, and exterior building lights. The specifications shall include details of the pole, fixture height and design, lamp type, wattage, and spacing of lights.

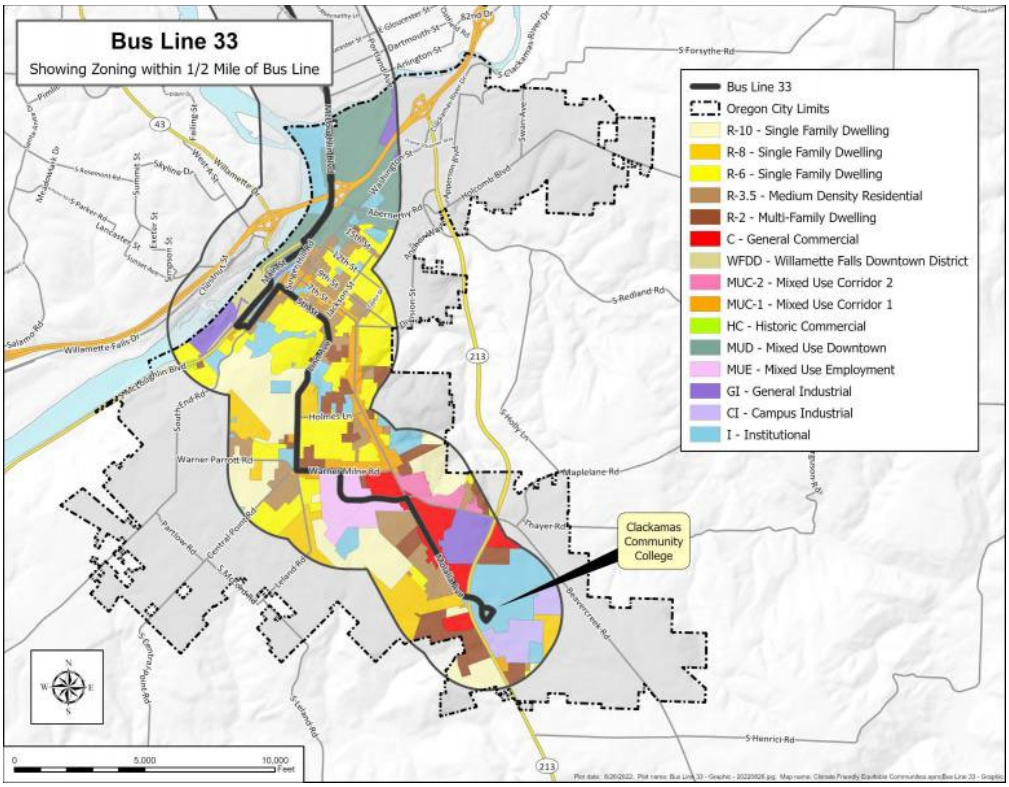
3. Excepted Lighting. The following types of lighting are excepted from the requirements of this section:[…]

b. Public street and right-of-way lighting.

Response: Proposed private street development includes street lighting. These lights will meet city standards for street lighting. The applicant's expectation is that this category of outdoor lighting meets the exception under 17.62.065(3)(b), even though they are not, strictly speaking, "public." Proposed street lighting and lighting details are shown in Appendix S and will be consistent with city design and illumination standards.

Off-Street Parking and Loading (17.52)

Per Climate Friendly and Equitable Communities Rules (OAR 660-012-0440), Oregon City parking standards apply unless, at the time of development, The proposed project is located within ½ mile of frequent transit service or meet any of the other CFEC categories. As shown in the figure below, the entire master plan amendment area is within ½ mile of frequent transit service, therefore, minimum parking standards do not apply.



Other provisions of this chapter, including Bicycle Parking Standards, Loading Areas, and Parking Lot Landscaping do not apply to the proposed development, the proposed development does not include any parking lots or buildings, just streets.

Minimum Public Improvements and Design Standards for Development (16.12)

The DDP will meet minimum public improvement and design standards for Development unless otherwise modified.

16.12.016 - Street design.

All development regulated by this chapter shall provide street improvements in compliance with the standards in Table 16.12.016 depending on the street classification set forth in the transportation system plan and the comprehensive plan designation of the adjacent property, unless an alternative plan has been adopted. The table implements the adopted transportation system plan and illustrates the maximum design standards. These standards may be reduced with an alternative street design which may be approved based on the modification criteria in OCMC 16.12.013. The steps for reducing the street design are found in the transportation system plan.

Table 16.12.016
Street Design

To read the table select the road classification as identified in the transportation system plan and the comprehensive plan designation of the adjacent properties to find the maximum design standards for the road cross section. If the comprehensive plan designation for lands on either side of the street differs, the wider right-of-way standard shall apply.

Road Classification	Comprehensive Plan Designation	ROW Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes
Local	Mixed Use, Commercial or Public/Quasi Public	62 ft.	40 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		N/A	8 ft.	(2) 12 ft. Lanes

Response: Unless modified in this application or future applications, streets in the master planning area will comply with the standards in the table above. The comprehensive plan designation of the site is Mixed-Use-Downtown. In the TSP, only one street, Main Street, is shown in the plan area as having a street classification, and that is as a "local street".

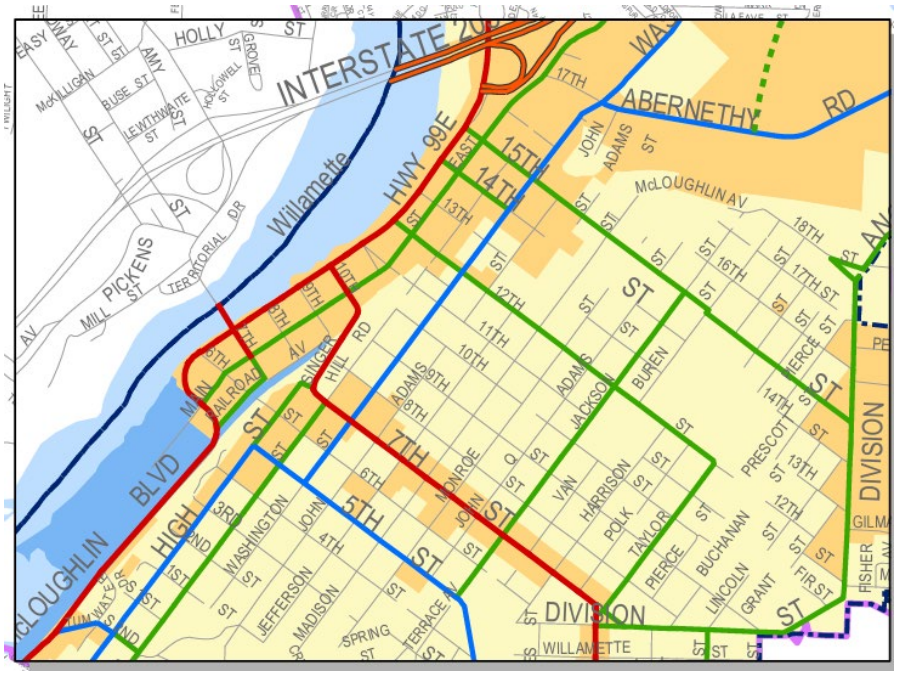


Figure 10: Detail from Oregon City TSP Map

The applicant proposes four other streets to be built in this DDP, Water Street, 3rd and 4th Streets, and Railroad Ave. None of these are shown on the TSP and therefore do not have an official street classifications. The plan for these four streets most closely align with the city's local street standards. Sections for each of the streets is shown in Appendix N.

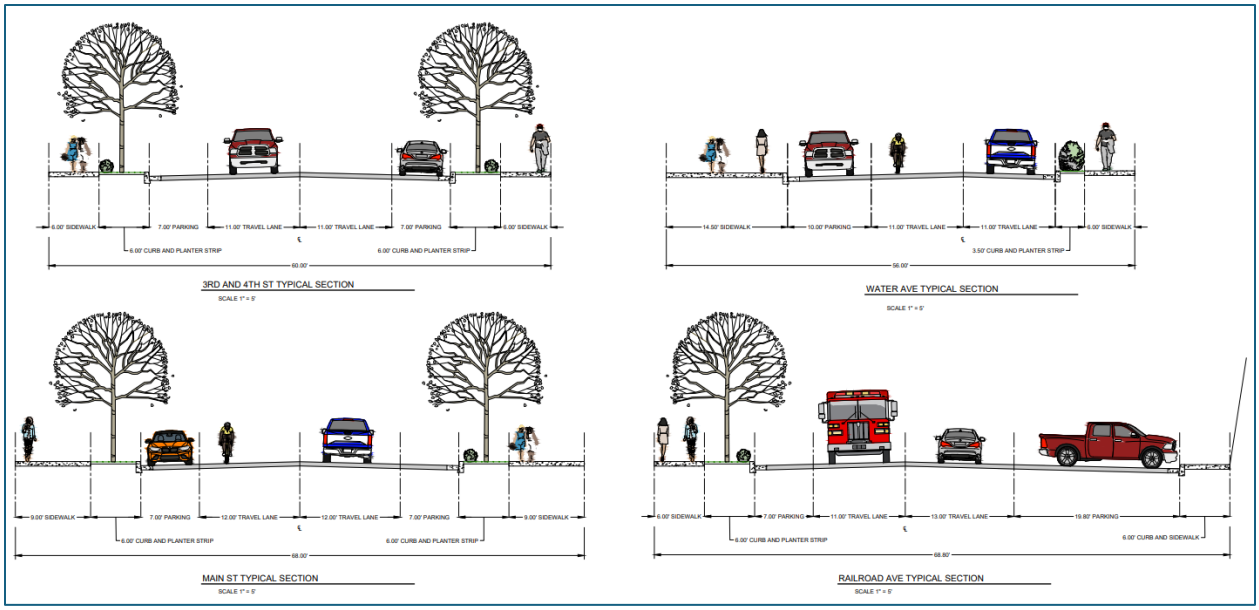


Figure 11. Proposed Street Sections

A summary table showing the widths of each street section is below:

Street	Cross Section Width	Pavement Width.	Public Access, Sidewalk and Landscape Strip	Bike Lane	Street Parking	Travel lanes
Main Street	68 ft.	38 ft.	9 ft. sidewalk and 6 ft. curb and planter strip	N/A	7 ft.	(2) 12 ft.
Water Avenue	56 ft.	32 ft	14.5 ft. sidewalk and curb and 6 ft. sidewalk next to 3.5 ft. curb and planter strip	N/A	10 ft.	(2) 11 ft.
3rd Street	60 ft.	36 ft.	6 ft. sidewalk and 6 ft. curb and planter strip	N/A	7 ft.	(2) 11 ft.
4th Street	60 ft.	36 ft.	6 ft. sidewalk and 6 ft. curb and planter strip	N/A	7 ft.	(2) 11 ft
Railroad Avenue	68.8 ft	50.8 ft.	6 ft. sidewalk and 6 ft. curb and planter strip on west side, 6 ft. curb and sidewalk on east	N/A	7 ft. and 19.8 ft. 45-degree angled parking	11 ft and 13 ft.

Private street sections shown were developed for the unique needs of the area and vary from the standard sections detailed in Oregon City's Public Works drawing, 500-502. While the widths in the sections vary, the schematic sections shown were drawn utilizing Oregon City public work drawings for monolithic curb and gutter (511) sidewalk (508) and others.

The following section compares the schematic street sections elements to the nearest applicable standard street section, “Local Street.” The requested modifications are elaborated on as follows:

- Main Street
    - The proposed paved width is 38 feet, compared to the local sections 32 feet. Additional space is needed for 7 foot curb tight parking on both sides and two 12 foot travel lanes, which aligns more closely to the existing Main Street section on the north side of 99E. Wider travel lanes are needed for fire truck movements and public transit vehicles.
    - The proposed curb and planter strip is 6 feet. There is not a specified width for the local street planter strip. Plantings within the strip will meet OCMC 12.08 standards
    - The proposed sidewalk is 9 feet and exceeds the minimum sidewalk width of 5 feet. This width is intended to activate additional pedestrian traffic movement from north to south from across 99E.
- Water Ave
    - The proposed paved width is 32 feet which matches the local sections of 32 feet. However, the proposal utilizes the paved width differently. The street will have an offset crown with two 11 foot travel lanes and a 10 foot wide parallel parking area on the west (left) side of the street section. A wider parking lane is to accommodate tour or school buses which are anticipated to access planned interpretive sites and parks within future development phases. Additional coordination is planned with TriMet for a potential transit stop.
    - The proposed curb and planter strip is 3.5 feet the east (right) side of the private street. There is no specified width for the local street planter strip. Plantings within the strip will meet OCMC 12.08 standards.
    - The proposed sidewalk widths vary between 14.5 feet on the west (left) and 6 feet on the east (right) side. Both sides exceed minimum sidewalk width. The wider sidewalk on the west side will be multi-use and have space for viewing areas of the river and loading and unloading of transit.
- Railroad Avenue
    - The proposed paved width is 50.8 feet, exceeding the local street section’s 32 foot standard. The street will have an offset crown with one 11 foot south bound travel lane on the left (west) with 7 feet of curb-tight parallel parking. On the right (east) side, the applicant proposes one 13 foot, north-bound travel lane on the right (east) side and 19.8 feet of 45 degree angled parking. The 45 degree angled parking was designed to the city’s standard in OCMC 17.52.
    - The proposed curb and planter strip is 6 feet wide on the left (west) side of the private street. There is not a specified width for the local street planter strip. Plantings within the strip will meet OCMC 12.08 standards.
    - The proposed sidewalk width is 6 feet, which exceeds the 5 foot minimum. The sidewalk on the right (east) side of the street will be curb tight to provide a landing for pedestrians entering and exiting the 45 degree angled parking spaces.
- 3rd and 4th Streets

- The proposed paved width is 36 feet compared to the local section's 32 feet. The additional space is needed for 7 foot curb-tight parking on both sides and two 11 foot travel lanes. Wider travel lanes are needed for fire truck movements.
- The proposed curb and planter strip is 6 feet. There is not a specified width for the local street planter strip. Plantings within the strip will meet OCMC 12.08 standards
- The proposed sidewalk width is 6 feet, which exceeds the 5 foot minimum.

Only Main Street has an official classification, according to the city's TSP. Because the other streets are not public streets—though they will behave as public streets—therefore a modification of the street standards may not be necessary. Nevertheless, this application incorporates modification findings for all four streets as demonstrated below.

16.12.013 - Modifications.

The applicant may request and the review body may consider modification of the standards in this chapter resulting from constitutional limitations restricting the city's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications, except for adjustments approved by the city engineer for tree preservation purposes pursuant to Section 16.12.013.A, shall be processed through a Type II land use application and may require additional evidence from a transportation engineer or others to verify compliance. Compliance with the following criteria is required:

A. Compliance with the following criteria is required:

1. The modification meets the intent of the standard;

Response: The intent of the street design standards is found in OCMC 12.04.175.

> *"The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, overlay districts, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. The arrangement of streets shall either:*
> *A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;*
> *B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved"[…]*

The proposed modification to the street standards meets the intent as stated above. Most of the streets do not extend from existing street patterns due to topographic or other physical constraints of the area. The site has hard boundaries of 99E, the bluff, railroad tracks, and the Willamette River.

The proposed modification of Main Street is minor and offers a slightly wider overall paved width that better reflects the city's existing Main Street north of 99E. It also allows increased pedestrian access areas and larger planting strips that indicate a subtle shift in development with increasingly naturalized areas towards the falls, and where the street extension loops back upon itself. Wider travel lanes are needed for fire truck movements and public transit vehicles. Larger sidewalks are intended to activate additional pedestrian traffic movement from north to south from across McLoughlin Boulevard.

Railroad Avenue, 3rd, 4th and Water Streets generally align with local street standards, with slight modifications that still allow for the safe passage of emergency vehicles. The master planned area is unique in that there are few opportunities to extend streets from adjacent lands due to environmental and topographic constraints. This results in a looped street pattern that need ample pedestrian access and opportunities to visit the falls and nearby public amenities, necessitating unique street sections.

On Water Ave, the wider parking width is to allow tour buses or school buses to have parking to access planned interpretive sites and parks. Coordination with TriMet is planned for a potential transit stop. A wider sidewalk on the west side of Water Ave will be multiuse and will have space for viewing areas of the river and loading and unloading of transit.

Railroad Ave accommodates 45-degree angled parking. The curb tight sidewalk on the east side of the street provides a landing for pedestrians entering and exiting the angled parking.

3rd and 4th street necessitate wider travel lanes for fire truck movements. The additional width of the streets are also needed for 7' curb tight parking on both sides.

The proposed street section modifications allow for pedestrian access and sidewalks, the local street standard requires 10.5 foot sidewalks including 5-by-5 foot tree wells. 3rd, 4th, and Main Street provide larger sidewalk and planter strip areas. Railroad Ave still provides a 12 foot sidewalk and planter strip. Bicycles are anticipated to share low speed lanes.

None of the proposed streets necessitate a stub to give access to future development of adjoining land. In summary, the proposed modifications to street design standards meet the intent of that section as stated in 12.04.175.

2. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;

Response: Modifications expand pedestrian routes wider than the minimum standard and provide safe routes for bikes as outlined in OCMC 16.12.023 intersections, and paths shown in the Street Circulation Exhibits in Appendix T. As discussed in the findings above, the proposed modifications to the travel lanes allow for safe passage of fire trucks, transit, as well as motor vehicles. Low speed lanes accommodate bicyclists. Generally, the modifications propose larger than required sidewalks, accommodating movement of pedestrians.

3. The modification is consistent with an adopted transportation or utility plan;

Response: No mapped streets are shown through the development in Oregon City's TSP. Streets shown on the master plan are anticipated to be private, with public access easements. These facilities will be consistent with prior approvals and they are compatible with surrounding street network. The proposed

modifications to Main Street are based on compatibility with the existing Main Street on the other side of 99E.

> *4. The modification is complementary with a surrounding street design; or, in the alternative;*

Response: The proposed modification is based on elements of existing street design to provide a cohesive appearance between streets. Street intersection design for connections to 99E have been reviewed/coordinated with ODOT. Due to topographical constraints, the other proposed streets in the area do not connect to an existing grid.

> *5. If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The City shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.*

Response: The modification is not requested for constitutional reasons. This criterion does not apply.

> *B. The following modifications shall be processed as a Type I modification by the city engineer using the criteria in OCMC 16.12.13.A:*
>
> *1. Modifications to driveway location, size, and sharing standards in OCMC 16.12.035;*
>
> *2. Modifications to sidewalk and planter strips widths and location in OCMC 16.12.016 that preserve existing street trees or trees on private property to ensure compliance with ADA standards.*

Response: Proposed modifications are addressed above and are processed concurrently with the Type III amendment to a General Development Plan, future DDPs may apply for a Type I modification for the items listed in this criterion.

Streets, Sidewalks and Public Places (12.04)

DDPs must comply with OCMC 12.04, unless adjusted with a modifications process via OCMC 16.12.

12.04.005 - Jurisdiction and management of the public rights-of-way.

> *A. The city has jurisdiction and exercises regulatory management over all public rights-of-way within the city under authority of the City Charter and state law by issuing separate public works right-of-way permits or permits as part of issued public infrastructure construction plans. No work in the public right-of-way shall be done without the proper permit. Some public rights-of-way within the city are regulated by the state of Oregon Department of Transportation (ODOT) or Clackamas County and as such, any work in these streets shall conform to their respective permitting requirements.*
>
> *B. Public rights-of-way include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including the subsurface under and air space over these areas.*

C. The city has jurisdiction and exercises regulatory management over each public right-of-way whether the city has a fee, easement, or other legal interest in the right-of-way. The city has jurisdiction and regulatory management of each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure, or other means.

D. No person may occupy or encroach on a public right-of-way without the permission of the city. The city grants permission to use rights-of-way by franchises, licenses, and permits.

E. The exercise of jurisdiction and regulatory management of a public right-of-way by the city is not official acceptance of the right-of-way and does not obligate the city to maintain or repair any part of the right-of-way.

Response: The proposed streets are not City-owned public ROW. The intent of these streets is for them to be privately owned with public access easements.

12.04.170 - Street design—Purpose and general provisions.

All development shall be in conformance with the city's public facility master plans, public works policies, standard drawings, and engineering specifications. All streets shall be reviewed and approved by the city engineer prior to construction. All streets and driveway connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat or site planning and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

12.04.270 - Standard construction specifications.

The workmanship and materials for any work performed under permits issued per this chapter shall be in accordance with the current edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city in accordance with this ordinance, in effect at the time of application. The exception to this requirement is where this chapter and the public works street standard drawings provide other design details, in which case the requirements of this chapter and the public works street standard drawings shall control. In the case of work within ODOT or Clackamas County rights-of-way, work shall be in conformance with their respective construction standards.

Response: Plans will be reviewed by the City Engineer and will be in conformance with the City's public facility master plans, public works public work policies, standard drawings, and engineering specifications, unless a modification has been approved.

Public and Street Trees (12.08).

12.08.015 - Street tree selection, planting and maintenance requirements.

All development shall provide street trees adjacent to all street frontages. Species and locations of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List, an approved street tree list for a jurisdiction in the Metropolitan region, or be approved by a certified arborist unless otherwise approved pursuant to this section. If a setback sidewalk has already been constructed or the public works department determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip or within tree wells. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed according to OCMC 12.08.035.C.

A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage to meet the clearance distances required in subsection B below. The community development director may approve an alternative street tree plan, or accept fee-in-lieu of planting pursuant to OCMC 12.08.035, if site or other constraints prevent meeting the required total number of tree plantings.

B. The following clearance distances shall be maintained when planting trees:

1. Fifteen feet from streetlights;
2. Five feet from fire hydrants;
3. Twenty feet from intersections;
4. Five feet from all public utilities (i.e. sewer, storm and water lines, utility meters, etc.).

C. All street trees planted in conjunction with development shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications. Larger caliper size trees may be approved if recommended by a certified arborist or registered landscape architect.

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

E. All trees planted within the right-of-way shall be planted with root barriers at least eighteen inches in depth adjacent to the sidewalk and curb to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.

F. All trees planted beneath powerlines shall be selected based on what is appropriate for the location. In addition, the tree species shall be approved by the associated franchise powerline utility company.

G. Tree species, spacing and selection for stormwater facilities in the public right-of-way and in storm water facilities shall conform to requirements of OCMC 13.12 and the adopted stormwater and grading design standards and be approved by the city engineer.

H. Any public or street trees planted within the natural resource overlay district shall conform to the applicable requirements of OCMC 17.49, Natural Resources Overlay District (NROD).

Response: Proposed private streets through *tumwata village* will have trees that meet all the city's minimum standards for public streets and street trees unless modified. Specific locations for these trees are shown on engineering drawings in Appendix S, and are anticipated to meet all the requirements identified above. There are no street trees on the west side of Water Avenue, along the multiuse path, because there is no landscape strip proposed and parking on the north side of the street. Instead, there will be a natural area between the path and the river. These modifications to the street sections are addressed on page 89 of this narrative. Similarly, no street trees are proposed along the frontage of Hwy 99 E. In that location, sections and standards are determined by ODOT. There will be plantings behind the sidewalk, as shown in the planting plan in Appendix S.

Stormwater Management (13.12)

13.12.080 - Submittal requirements.

A. Applications subject to stormwater conveyance, water quality, and/or flow control requirements of this chapter shall prepare engineered drainage plans, drainage reports, and design flow calculation reports in compliance with the submittal requirements of the public works stormwater and grading design standards.

B. Each project site, which may be composed of one or more contiguous parcels of land, shall have a separate valid city approved plan and report before proceeding with construction.

Response: This DDP proposal is for streets at the north side of the subject site, and to set the standards for their locations and dimensions. Detailed engineering drawings for Block 1 streets and infrastructure are provided with the submittal.

13.12.090 - Approval criteria for engineered drainage plans and drainage report.

An engineered drainage plan and/or drainage report shall be approved only upon making the following findings:

A. The plan and report demonstrate how the proposed development and stormwater facilities will accomplish the purpose statements of this chapter.
B. The plan and report meet the requirements of the public works stormwater and grading design standards adopted by resolution under OCMC 13.12.020.
C. The storm drainage design within the proposed development includes provisions to adequately control runoff from all public and private streets and roof, footing, and area drains and ensures future extension of the current drainage system.
D. Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams.
E. Specific operation and maintenance measures are proposed that ensure that the proposed stormwater quantity control facilities will be properly operated and maintained.

Response: This DDP proposal is for streets at the north side of the subject site, and to set the standards for their locations and dimensions. Detailed engineering drawings for Block 1 streets and infrastructure are provided with the submittal.

Flood Management Overlay District (17.42)

17.42.010 Purpose—Findings.

A. There is established in the city a flood management overlay district. The flood management overlay district is an overlay zone classification defining areas subject to periodic flooding or inundation which can result in property harm or loss, disruption of public services, hazards for public health, or added expense for public services. All conditions and restrictions of land use established by this chapter of the city's zoning ordinance shall be in addition to such restrictions and conditions as may be imposed and established in underlying zoning districts.

[…]

17.42.020 Applicability.

A. This chapter shall apply to development in the flood management overlay district, which may also be referred to as the "floodplain overlay district" in this code. The flood management overlay district includes all areas of special flood hazards and all flood management areas within the city. The overlay district restricts the uses that are allowed in the base zone by right, with limitations, or as provisional uses.

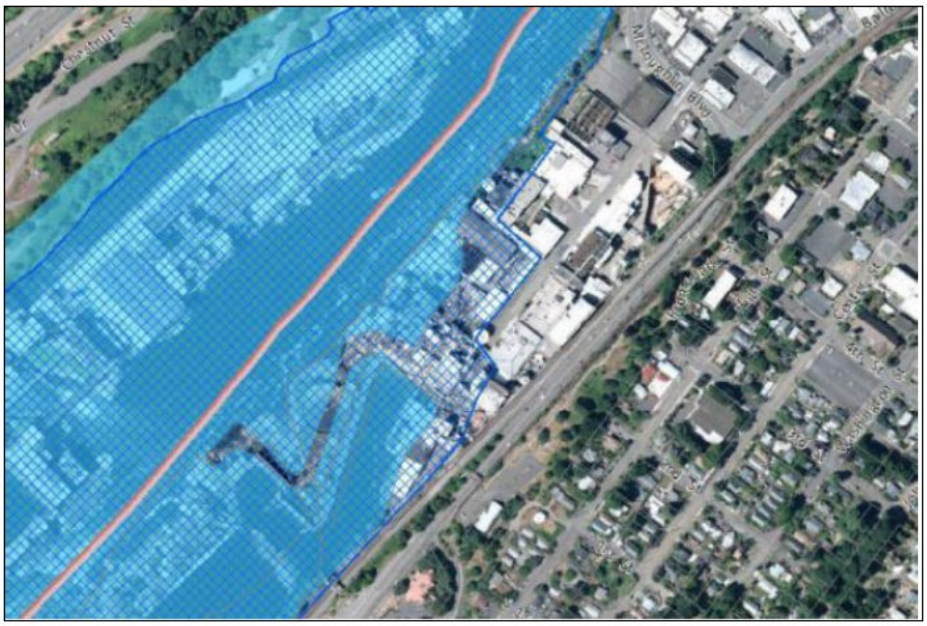
B. The flood management areas which have been mapped include the following locations:

1. Land contained within the one hundred-year floodplain, flood area and floodway as shown on the Federal Emergency Management Agency flood insurance maps dated June 17, 2008, including areas of special flood hazard pursuant to Section 17.42.040 and the area of inundation for the February 1996 flood; and

2. Lands that have physical or documented evidence of flooding within recorded history based on aerial photographs of the 1996 flooding and/or the water quality and flood management areas maps.

C. The standards that apply to the flood management areas apply in addition to state or federal restrictions governing floodplains or flood management areas.

Response: The current boundary of the flood management overlay zone is shown below. Portions of Water Street are within the elevations established in Flood Zone analysis attached Appendix I, therefore, this section applies.



17.42.080 Administration.

This chapter establishes a flood management overlay district, which is delineated on the water quality and flood management areas map attached and incorporated by reference as a part of this document.

A. The following maps and studies are adopted and declared to be a part of this chapter. These maps are on file in the office of the city recorder:

1. The Water Quality and Flood Management Areas Map, dated June 7, 1999;

2. The Federal Insurance Administration, Flood Insurance Rate Maps for Clackamas County, Oregon and Incorporated Areas dated June 17, 2008;

B. Applicants are required to provide the city with a delineation of the flood management areas on the subject property as part of any application. An application shall not be complete until this delineation is submitted to the city.

C. The city shall review the water quality and flood management areas maps during periodic review as required by ORS 197.633 (1997).

D. Development Permit.

1. A development permit shall be obtained before construction or development begins within any portion of the flood management overlay district. The permit shall be for all structures, including manufactured homes and all other development, including fill and other activities, as set forth in Chapter 17.04 (Definitions).

2. Application for a development permit shall be made on forms furnished by the community development department. Requirements may include, but are not limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in

question; existing or proposed structures, fill, storage materials, drainage facilities; and the location of the foregoing.

3. *The following information is specifically required:*
   a. *Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;*
   b. *Elevation in relation to mean sea level to which any structure has been floodproofed;*
   c. *Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 17.42.170E.5.; and*
   d. *Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.*

Response: A site-specific hydrologic analysis is included with this application as Appendix I that further refines the 1996 flood inundation boundary to establish both elevations and locations of where flood management rules apply in *tumwata village*. Information attached as Appendix P Flood Zone Memorandum provides an evaluation and plans of how proposed development in this DDP interacts with the Flood Zone. The volume analysis in this memorandum provides the anticipated flood plain capacity at the end of Block 1 construction. The change in flood capacity is a net reduction of 47.66 cubic yards. As discussed in Appendix I, specific phases of development at *tumwata village* may result in a net reduction in flood storage capacity, but overall, there will be no net reduction in flood storage capacity for the overall buildout.

17.42.160 Flood management area standards.

A. Uses Permitted Outright:

1. Excavation and fill required to plant any new trees or vegetation.

2. Restoration or enhancement of floodplains, riparian areas, wetland, upland and streams that meet federal and state standards provided that any restoration project which encroaches on the floodway complies with the requirements of Section 17.42.190 (Floodways).

B. Provisional Uses.

1. All uses allowed in the base zone or existing flood hazard overlay zone are allowed in the flood management overlay district subject to compliance with the development standards of this section.

C. Prohibited Uses.

1. Any use prohibited in the base zone;

2. Uncontained areas of hazardous materials as defined by the Department of Environmental Quality.

D. Site Development Standards. All development in the floodplain shall conform to the following balanced cut and fill standards:

1. This subsection 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.

2. No net fill in any floodplain is allowed. All fill placed in a floodplain shall be balanced with at least an equal amount of soil material removed. For the purpose of calculating net fill, fill shall include any structure below the design flood elevation that has been floodproofed pursuant to subsection (E)(5) of this section.

3. Any excavation below bankfull stage shall not count toward compensating for fill.

4. Excavation to balance a fill shall be located on the same parcel as the fill unless it is not practicable to do so. In such cases, the excavation shall be located in the same Oregon City floodplain, so long as the proposed excavation and fill will not increase flood impacts for surrounding properties as determined through hydrologic and hydraulic analysis.

5. For excavated areas identified by the city to remain dry in the summer, such as parks or mowed areas, the lowest elevation of the excavated area shall be at least six inches above the winter "low water" elevation, and sloped at a minimum of two percent towards the protected water feature pursuant to Chapter 17.49. One percent slopes will be allowed in smaller areas.

6. For excavated areas identified by the city to remain wet in the summer, such as a constructed wetland, the grade shall be designed not to drain into the protected water feature pursuant to Chapter 17.49.

7. Parking areas in the floodplain shall be accompanied by signs that inform the public that the parking area is located in a flood management area and that care should be taken when the potential for flooding exists.

8. *Temporary fills permitted during construction shall be removed at the end of construction, thirty days after subdivision acceptance or completion of the final inspection.*

9. *New culverts, stream crossings and transportation projects shall be designed as balanced cut and fill projects or designed not to significantly raise the design flood elevation. Such projects shall be designed to minimize the area of fill in flood management areas and to minimize erosive velocities. Stream crossings shall be as close to perpendicular to the stream as practicable. Bridges shall be used instead of culverts wherever practicable.*

10. *Excavation and fill required for the construction of detention facilities or structures, and other facilities, such as levees, specifically shall be designed to reduce or mitigate flood impacts and improve water quality. Levees shall not be used to create vacant buildable lands.*

E. Construction Standards.

1. *Anchoring.*

2. *Construction Materials and Methods.*

3. *Utilities.*

4. *Residential Construction.*

5. *Nonresidential Construction.*

Response: The streets proposed in this DDP application are a provisional use per subsection B above, "subject to compliance with development standards" for flood protection. Appendix P. Flood Plain Memo addresses flood plain standards for the portions of the proposed development within the boundary. The change in flood capacity is a net reduction of 47.66 cubic yards. As discussed in Appendix I, specific phases of development at *tumwata village* may result in a net reduction in flood storage capacity, but overall, there will be no net reduction in flood storage capacity for the overall buildout. Based on this analysis, the first phase of the project will meet the intent of the flood plain regulation and the capacity mitigation requirements

Geologic Hazards (17.44)

17.44.025 When required; regulated activities; permit and approval requirements.

No person shall engage in any of the following regulated activities within the adopted Oregon City Geologic Hazards Overlay Zone as defined in section 17.04.515 of the Oregon City Municipal Code without first obtaining permits or approvals as required by this chapter:

A. Installation or construction of an accessory structure greater than 500 square feet in area;

B. Development of land, construction, reconstruction, structural alteration, relocation or enlargement of any building or structure for which permission is required pursuant to the Oregon City Municipal Code;

C. Tree removal on slopes greater than 25 percent where canopy area removal exceeds 25 percent of the lot.

D. Excavation which exceeds two feet in depth, or which involves twenty-five or more cubic yards of volume;

The requirements of this chapter are in addition to other provisions of the Oregon City Municipal Code. Where the provisions of this chapter conflict with other provisions of the Oregon City Municipal Code, the provisions that are the more restrictive of regulated development activity shall govern.



GEOLOGIC HAZARD OVERLAY DISTRICT.

As clearly shown on city maps, a large portion of the site is within a Geologic Hazard Overlay District.

Consequently, the regulations within this chapter apply, a geotechnical report is attached as Appendix Q.

17.44.050 Development—Application requirements and review procedures and approvals.

Except as provided by subsection B. of this section, the following requirements apply to all development proposals subject to this chapter:

A. A geological assessment and geotechnical report that specifically includes, but is not limited to:

1. Comprehensive information and data regarding the nature and distribution of underlying geology, the physical and chemical properties of existing soils and groundwater; an opinion of site geologic stability, and conclusions regarding the effect of geologic conditions on the proposed development. In addition to any field reconnaissance or subsurface investigation performed for the site, the following resources, as a minimum, shall be reviewed to obtain this information and data:

a. The State of Oregon Department of Geology and Mineral Industries (DOGAMI) in Bulletin 99, Geology and Geological Hazards of North Clackamas County, Oregon (1979), or in any subsequent DOGAMI mapping for the Oregon City area;

b. Portland State University study entitled "Environmental Assessment of Newell Creek Canyon, Oregon City, Oregon" (1992);

c. *Portland State University study, "Landslides in the Portland, Oregon, Metropolitan Area Resulting from the Storm of February 1996: Inventory Map, Database and Evaluation" (Burns and others, 1998);*
d. *DOGAMI Open File Report O-06-27, "Map of Landslide Geomorphology of Oregon City, Oregon, and Vicinity Interpreted from LIDAR Imagery and Aerial Photographs" (Madin and Burns, 2006);*
e. *"Preliminary Geologic Map of the Oregon City Quadrangle, Clackamas County, Oregon" (Madin, in press);*

2. *Information and recommendations regarding existing local drainage, proposed permit activity impacts on local drainage, and mitigation to address adverse impacts;*
3. *Comprehensive information about site topography;*
4. *Opinion as to the adequacy of the proposed development from an engineering standpoint;*
5. *Opinion as to the extent that instability on adjacent properties may adversely affect the project;*
6. *Description of the field investigation and findings, including logs of subsurface conditions and laboratory testing results;*
7. *Conclusions regarding the effect of geologic conditions on the proposed development, tree removal, or grading activity;*
8. *Specific requirements and recommendations for plan modification, corrective grading, and special techniques and systems to facilitate a safe and stable site;*
9. *Recommendations and types of considerations as appropriate for the type of proposed development:*
    a. *General earthwork considerations, including recommendations for temporary and permanent cut and fill slopes and placement of structural fill;*
    b. *Location of residence on lot;*
    c. *Building setbacks from slopes;*
    d. *Erosion control techniques applicable to the site;*
    e. *Surface drainage control to mitigate existing and potential geologic hazards;*
    f. *Subdrainage and/or management of groundwater seepage;*
    g. *Foundations;*
    h. *Embedded/retaining walls;*
    i. *Management of surface water and irrigation water; and*
    j. *Impact of the development on the slope stability of the lot and the adjacent properties.*
10. *Scaled drawings that describe topography and proposed site work, including:*
    a. *Natural physical features, topography at two or ten-foot contour intervals locations of all test excavations or borings, watercourses both perennial and intermittent, ravines and all existing and man-made structures or features all fully dimensioned, trees six-inch caliper or greater measured four feet from ground level, rock outcroppings and drainage facilities;*
    b. *All of the features and detail required for the site plan above, but reflecting preliminary finished grades and indicating in cubic yards whether and to what extent there will be a net increase or loss of soil.*

c. *A cross-section diagram, indicating depth, extent and approximate volume of all excavation and fills.*

[11.] For properties greater than one acre, a preliminary hydrology report, prepared by a suitably qualified and experienced hydrology expert, addressing the effect upon the watershed in which the proposed development is located; the effect upon the immediate area's stormwater drainage pattern of flow, the impact of the proposed development upon downstream areas and upon wetlands and water resources; and the effect upon the groundwater supply.

B. Review procedures and approvals require the following:

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

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

17.44.060 Development standards.

Notwithstanding any contrary dimensional or density requirements of the underlying zone, the following standards shall apply to the review of any development proposal subject to this chapter. Requirements of this chapter are in addition to other provision of the Oregon City Municipal Code. Where provision of this chapter conflict with other provision of the Oregon City Municipal Code, the provisions that are more restrictive of regulated development activity shall govern.

17.44.090 Stormwater drainage.

The applicant shall submit a permanent and complete stormwater control plan. The program shall include, but not be limited to the following items as appropriate: curbs, gutters, inlets, catch basins, detention facilities and stabilized outfalls. Detention facilities shall be designed to city standards as set out in the city's drainage master plan and design standards.17.44.100 Construction standards.

During construction on land subject to this chapter, the following standards shall be implemented by the developer:

A. All development activity shall minimize vegetation removal and soil disturbance and shall provide positive erosion prevention measures in conformance with OCMC Chapter 17.47—Erosion and Sediment Control.

Response: Insofar as any section of the proposed streets that are proposed as part of this DDP application are within the Geologic Hazard overlay zone, the relevant information required above is included in this submittal. This includes a geotechnical report for the site and engineering that addresses numerous standards related to slope stability, drainage, soil disturbance, vegetation removal, and cut and fill provisions, attached as Appendix Q. It also regulates stormwater methods and erosion and sediment control. These protections are implemented as part of the streets plan and not modified as part of this application.

Erosion and Sediment Control (17.47)

17.47.030 - Applicability.

A. This chapter, which may also be referred to as "erosion control" in this Code, applies to development that may cause visible or measurable erosion on any property within the city limits of Oregon City.

B. This chapter does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies, provided that after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.

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.

Response: ESC plans will be requested and provided contemporaneous with building permit applications.

Willamette River Greenway (17.48)

17.48.080 Development standards—General considerations.

The following considerations shall be applicable to all Willamette River Greenway permits.

A. Access. Adequate public access to the Willamette River shall be considered and provided for.

B. Protection and Safety. Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided for to the maximum extent practicable.

C. Vegetative Fringe. The natural vegetative fringe along the Willamette River shall be protected and enhanced to the maximum extent practicable.

D. Directing Development Away from the River. Development shall be directed away from the Willamette River to the greatest possible degree, provided that lands committed to urban uses within the Greenway may continue as urban uses, subject to the nonconforming use provisions of Chapter 17.58 of this title.

E. A Greenway Setback. In each application, the approving officer or body shall establish a setback to keep structures separated from the Willamette River in order to protect, maintain, preserve and enhance the natural scenic, historic and recreational qualities of the Willamette River Greenway, as set forth in the city comprehensive plan; provided, however, that the requirement to establish such setbacks shall not apply to water-related or water-dependent uses. No greenway setback standards shall apply for areas outside of the one hundred fifty-foot compatibility boundary.

F. Other Applicable Standards. The Oregon Department of Transportation Greenway Plan, the Greenway portions of the city comprehensive plan, the Willamette River Greenway statutes and the provisions of Statewide Planning Goal 15, shall also be considered in actions involving Willamette River Greenway permits.

17.48.100 Compatibility review.

A. In all areas within one hundred fifty feet of the Oregon Department of State Lands' mapped ordinary low-water line of the Willamette River, hereinafter referred to as the "compatibility boundary," the provisions of this subsection shall be applicable to all developments and changes or intensification of uses, so as to ensure their compatibility with Oregon's Greenway statutes, and to assure that the best possible appearance, landscaping and public access be provided.

B. All development or changes or intensifications of uses in the compatibility area shall be approved only if the following findings are made by the planning commission through a Type III review process pursuant to OCMC 17.50.

1. That to the greatest extent possible, the development or change or intensification of use provides for the maximum possible landscaped area, open space or vegetation between the activity and the river.

2. That to the greatest degree possible, necessary public access is provided to and along the Willamette River by appropriate legal means.

Response: The construction of Water Street specifically is within the Greenway Compatibility Boundary. No buildings are proposed. This DDP is the first project within the proposed GDP amendment, and both land use actions are processed concurrently. The proposed actions include open space along the river, a riverfront access path, and development that is directed away from the river. Because of this, the proposal meets the intent of the Willamette River Greenway to expand open/public space and restoration activities along the river. The proposed development is outside of the greenway setback discussed in the GDP amendment findings and seen on Appendix A. Sheet 7: Willamette River Greenway Zoning map. Therefore, this application does not require additional compatibility review. The construction of Water Street will maintain public access between the street and the river for the publicly-funded Riverwalk.

Natural Resource Overlay District (17.49)

17.49.080 Uses allowed outright (exempted).

The following uses are allowed within the NROD and do not require the issuance of an NROD permit:

A. Stream, wetland, riparian, and upland restoration or enhancement projects as authorized by the city.

B. Farming practices as defined in ORS 215.203 and farm uses, excluding buildings and structures, as defined in ORS 215.203.

C. Utility service using a single utility pole.

D. Boundary and topographic surveys leaving no cut scars greater than three inches in diameter on live parts of native plants listed in the Oregon City Native Plant List.

E. Soil tests, borings, test pits, monitor well installations, and other minor excavations necessary for geotechnical, geological or environmental investigation, provided that disturbed areas are restored to pre-existing conditions as approved by the community development director.

F. Trails meeting all of the following:

1. *Construction shall take place between May 1 and October 30 with hand held equipment;*
2. *Widths shall not exceed forty-eight inches and trail grade shall not exceed twenty percent;*
3. *Construction shall leave no scars greater than three inches in diameter on live parts of native plants;*
4. *Located no closer than twenty-five feet to a wetland or the top of banks of a perennial stream, or no closer than ten feet of an intermittent stream;*
5. *No impervious surfaces; and*
6. *No native trees greater than one-inch in diameter may be removed or cut, unless replaced with an equal number of native trees of at least two-inch diameter and planted within ten feet of the trail.*

G. Land divisions provided they meet the following standards, and indicate the following on the final plat:

1. *Lots shall have their building sites (or buildable areas) entirely located at least five feet from the NROD boundary shown on the city's adopted NROD map. For the purpose of this subparagraph, "building site" means an area of at least three thousand five hundred square feet with minimum dimensions of forty feet wide by forty feet deep;*
2. *All public and private utilities (including water lines, sewer lines or drain fields, and stormwater disposal facilities) are located outside the NROD;*
3. *Impervious streets, driveways and parking areas shall be located at least ten feet from the NROD; and*
4. *The NROD portions of all lots are protected by:*
   a. *A conservation easement; or*
   b. *A lot or tract created and dedicated solely for unimproved open space or conservation purposes.*

H. Site plan and design review applications where all new construction is located outside of the NROD boundary shown on the city's adopted NROD map, and the NROD area is protected by a conservation easement approved in form by the city.

I. Routine repair and maintenance of existing structures, roadways, driveways and utilities.

J. Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased.

K. Measures approved by the city of Oregon City to remove or abate nuisances or hazardous conditions.

L. Tree Removal. The community development director may permit the removal of any tree determined to be a dead, hazardous, or diseased tree as defined in OCMC 17.04. Any tree that is removed in accordance with this subsection L shall be replaced with a new tree of at least one-half-inch caliper or at least six foot overall height. An exception to this requirement may be granted if the applicant demonstrates that a replacement tree has already been planted in anticipation of tree removal, or if the existing site conditions otherwise preclude tree replacement (due to existing dense canopy coverage or other ecological reasons).

The replacement tree(s) shall be located in the general vicinity of the removed tree(s), somewhere within NROD on the property. The replacement tree(s) shall be identified on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland). The property owner shall ensure that the replacement tree(s) survives at least two years beyond the date of its planting.

M. Planting of native vegetation and the removal of non-native, invasive vegetation (as identified on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland), or as recommended by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, arboriculture, horticulture, wildlife biology, botany, hydrology or forestry), and removal of refuse and fill, provided that:

1. *All work is done using hand-held equipment;*
2. *No existing native vegetation is disturbed or removed; and*
3. *All work occurs outside of wetlands and the top-of-bank of streams.*

N. Activities in which no more than one hundred square feet of ground surface is disturbed outside of the bankfull stage of water bodies and where the disturbed area is restored to the pre-construction conditions, notwithstanding that disturbed areas that are predominantly covered with invasive species shall be required to remove the invasive species from the disturbance area and plant trees and native plants pursuant to this chapter.

O. New fences meeting all of the following:

1. *No taller than three and a half feet and of split rail or similar open design;*
2. *Two feet width on both sides of fence shall be planted or seeded with native grasses, shrubs, herbs, or trees to cover any bare ground;*
3. *Six inches of clearance from ground level;*
4. *Fence posts shall be placed outside the top-of-bank of streams and outside of delineated wetlands.*

P. Gardens, fences and lawns within the NROD that existed prior to the time the overlay district was applied to a subject property are allowed to be maintained but cannot expand further into the overlay district.

Response: OCMC 17.49.080.J, exempts development from NROD permits development "where ground level impervious surface area is not increased." Streets within *tumwata village*, and all other

development areas where structures and other activities will be located, is entirely impervious surface. This is the result of more than a century of urban development, most recently for heavy industrial uses. Nearly every developed square foot of the site is either paved, covered by a building. Because the site is built on top of a basalt shelf, even those areas without buildings or paving are impervious. Consequently, impervious surface area is not increased due to the proposal for new streets, and this development is exempt.

tumwata village

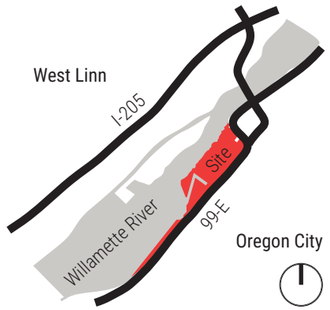
Master Plan Amendment

Oregon City, OR

October 2024

GBD

01 AERIAL PHOTO
EXISTING CONDITIONS



VICINITY MAP

0' 100' 200' 400'

LEGEND
Master Plan Boundary

walamt Willamette River

HIGHWAY 99E
HIGHWAY 99E
HIGHWAY 99E
UPRR
TUNNEL
MAIN ST
RAILROAD AVE

02 TOPOGRAPHY
EXISTING CONDITIONS

0' 50' 100' 200'

LEGEND
- Master Plan Boundary
- 2' Contour
- 10' Contour

walamt Willamette River

HIGHWAY 99E

MAIN ST

UPRR

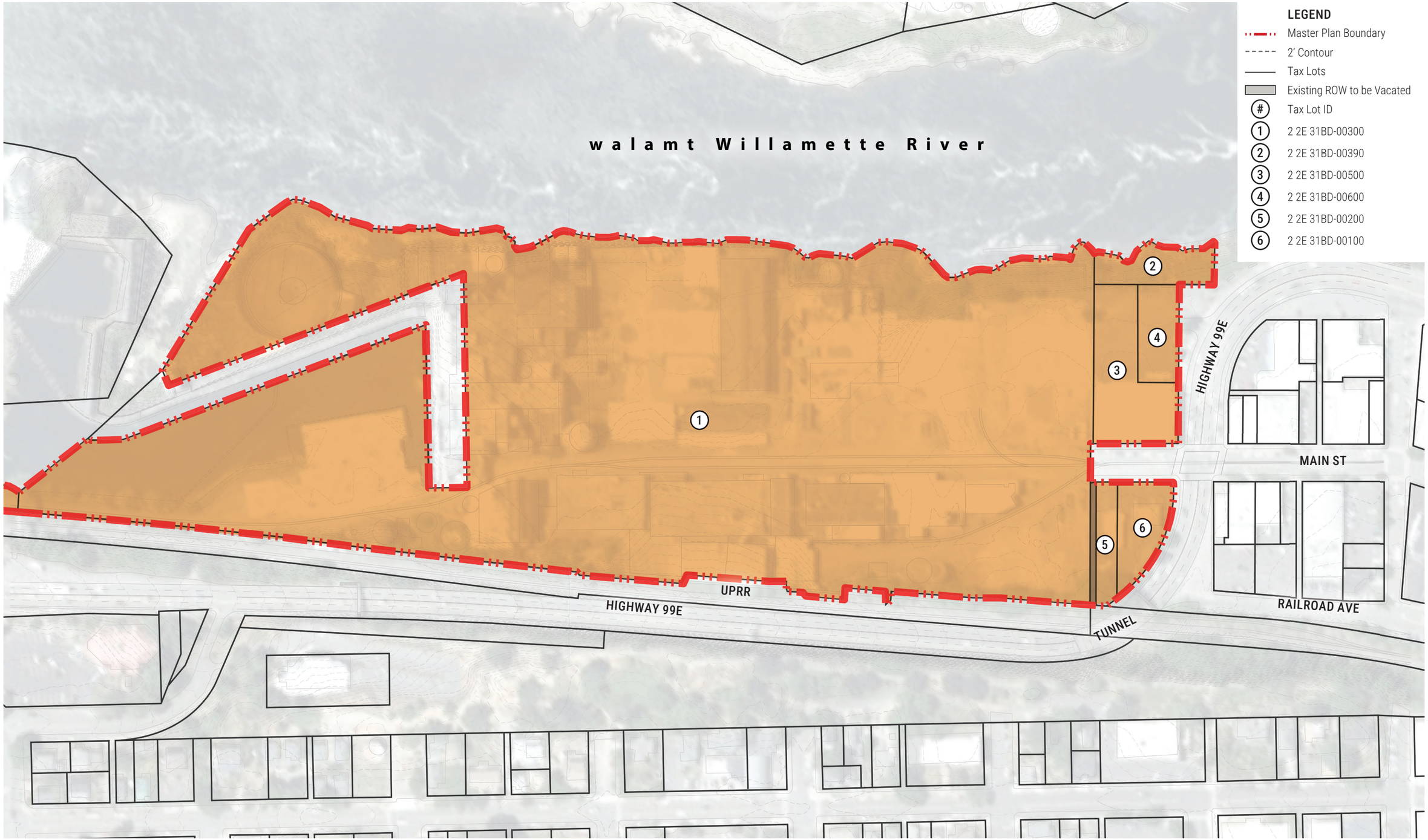
HIGHWAY 99E

TUNNEL

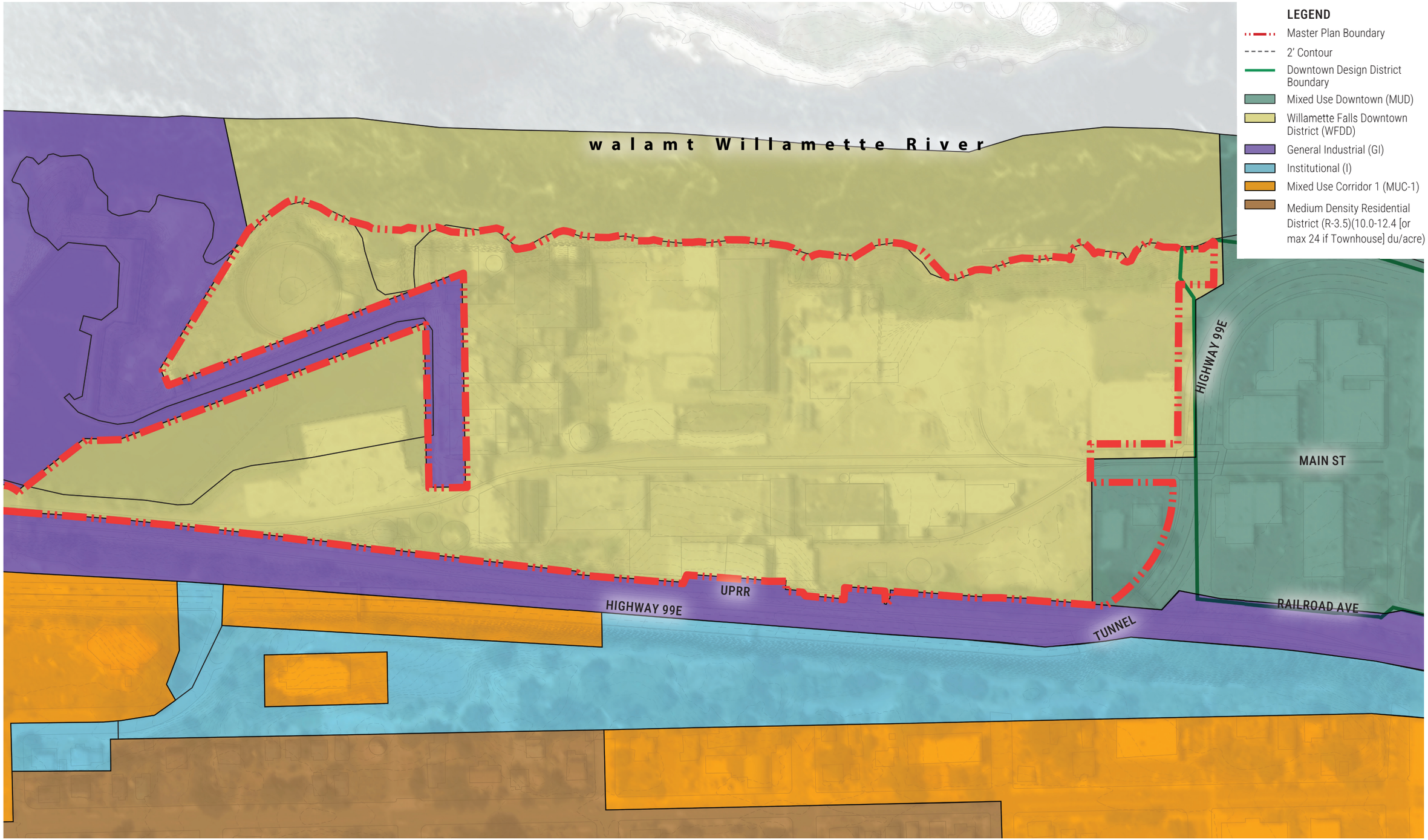
RAILROAD AVE

03 EXISTING CONDITIONS: TAX LOTS

EXISTING CONDITIONS

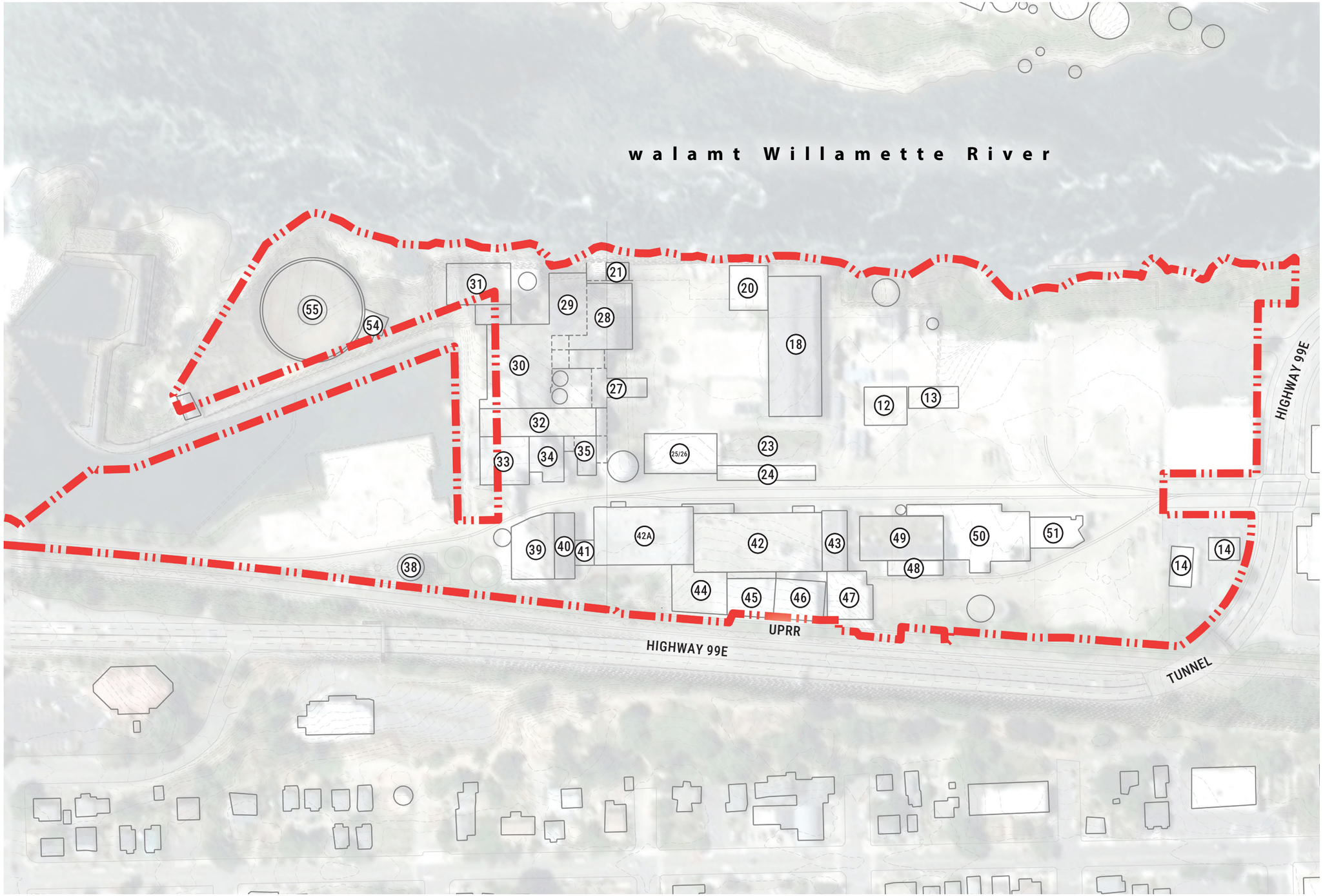


04 ZONING
EXISTING CONDITIONS



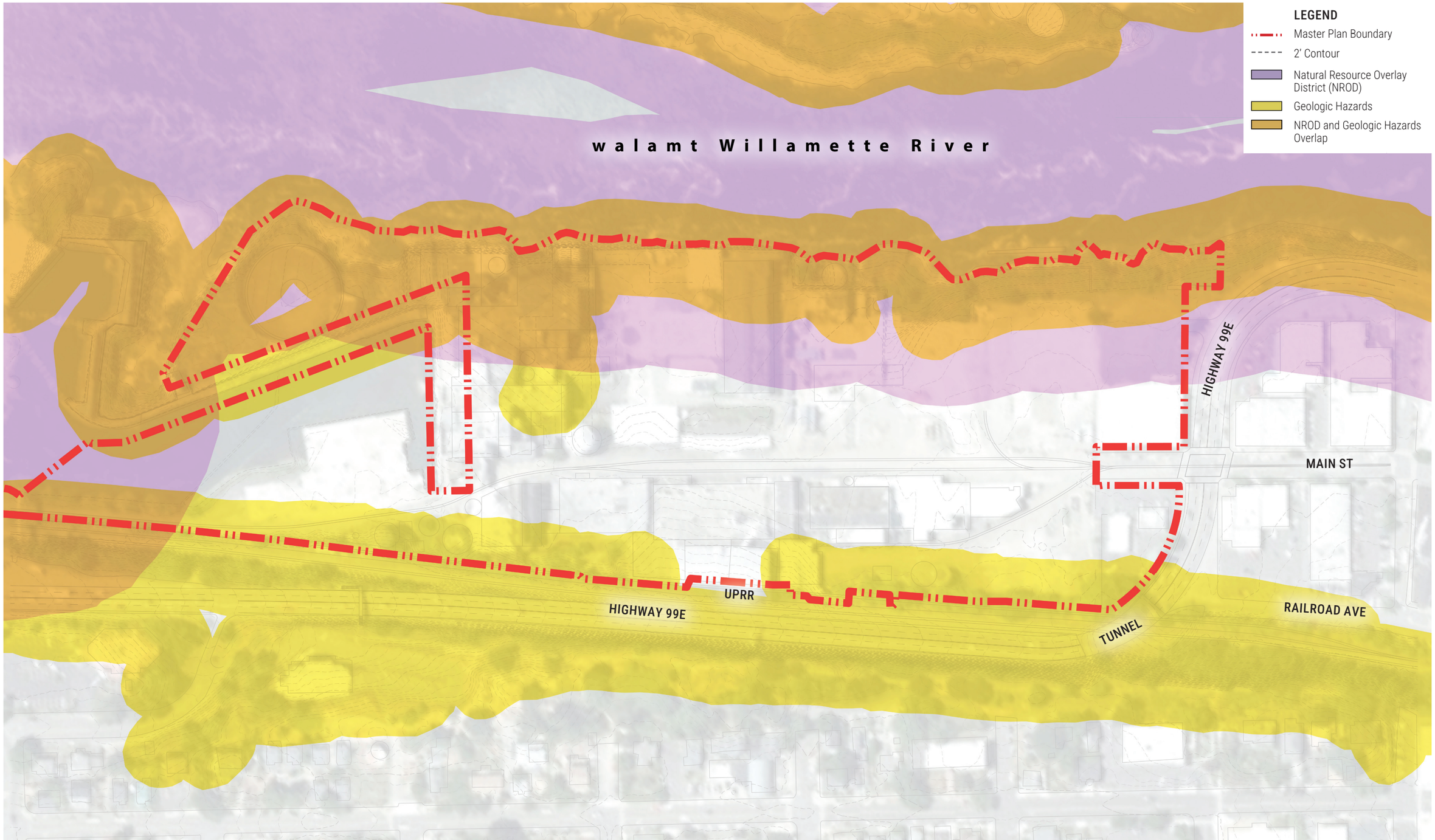
05 EXISTING BUILDINGS

EXISTING CONDITIONS



06 GEOLOGIC HAZARDS, NATURAL RESOURCE OVERLAY, AND WILLAMETTE RIVER GREENWAY

EXISTING CONDITIONS

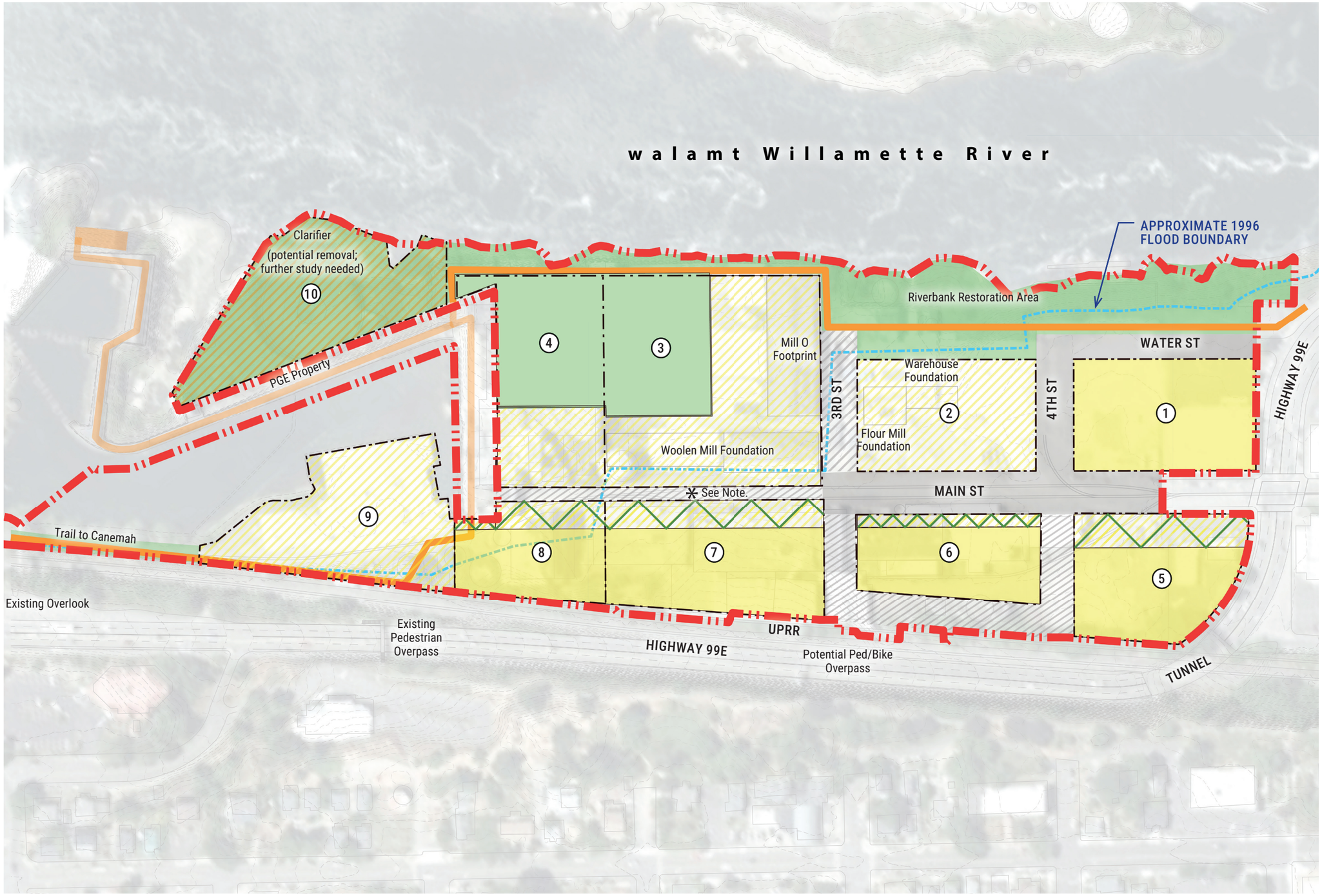


07 WILLAMETTE RIVER GREENWAY ZONING

EXISTING CONDITIONS



08 FRAMEWORK PLAN
PROPOSED



0' 50' 100' 200'

LEGEND

- Master Plan Boundary
- 2' Contour
- Blocks
- Proposed Streets
- Modified Street/Accessways
- Development Parcel
- Open/Public Space
- Special Development/Open Space Area
- Potential Development or Open/Public Space
- Proposed Riverwalk
- Proposed Riverwalk (Ownership by Others)
- Enhanced Setback
- # Block Number

NOTES

1. Water access is envisioned at one or more locations along the walamt (Willamette River) on the subject property with focus being placed on access points in Block 1 and Block 9 inclusive of dock and/or ramp.

2. Locations of structures are diagrammatic only and do not reflect the structural integrity of different elements and their individual ability for full or partial retention and reuse. The dashed line is to reflect that the boundary in some locations portions of walls/ foundations may not exist or are no longer structurally viable.

⁎ The alignment of the Broad, Natural Walkway is unknown, and it is anticipated to adjust and reflect site conditions upon redevelopment. Dedication of an easement/ right -of-way to reflect the final alignment will occur at a future date.

09 TRANSPORTATION NETWORK
PROPOSED

0' 50' 100' 200'

LEGEND
- Master Plan Boundary
- 2' Contour
- Blocks
- Proposed Streets
- Existing Pedestrian Route
- Future Pedestrian Route
- Proposed Riverwalk (Ownership by Others)
- Open/Public Space

walamt Willamette River

Potential Ped/Bike to West Linn

Future Trail Connector

Clarifier (potential removal; further study needed)

PGE Property

Riverbank Restoration Area

Mill O Footprint

3RD ST

Warehouse Foundation

Flour Mill Foundation

Future Transit Accommodations

4TH ST

WATER ST

HIGHWAY 99E

MAIN ST

Woolen Mill Foundation

Future Trail to Canemah

Existing Overlook

Existing Pedestrian Overpass

HIGHWAY 99E

UPRR

Potential Ped/Bike 99E and Railroad Overpass to McLoughlin Boulevard

TUNNEL

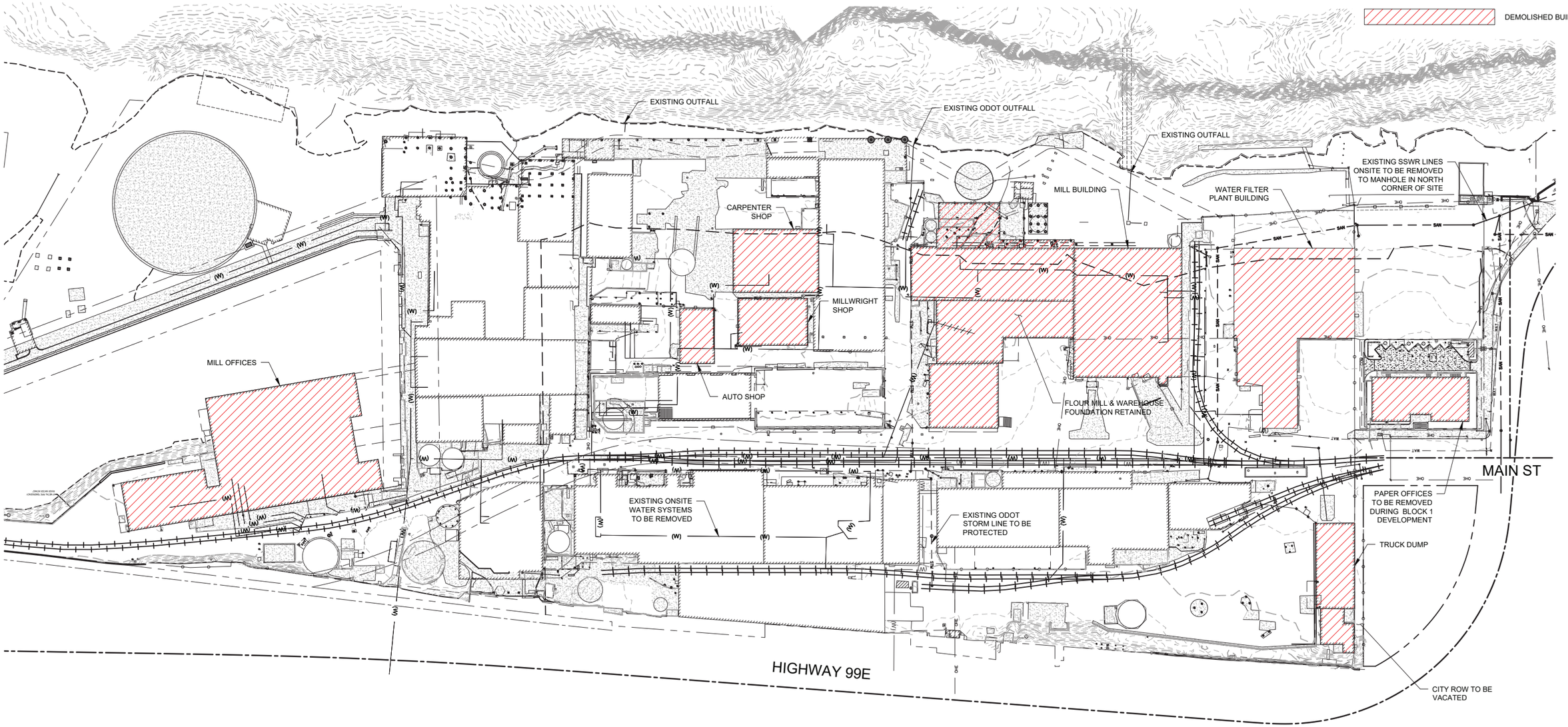
MCLOUGHLIN PROMENADE

10 UTILITIES
EXISTING CONDITIONS

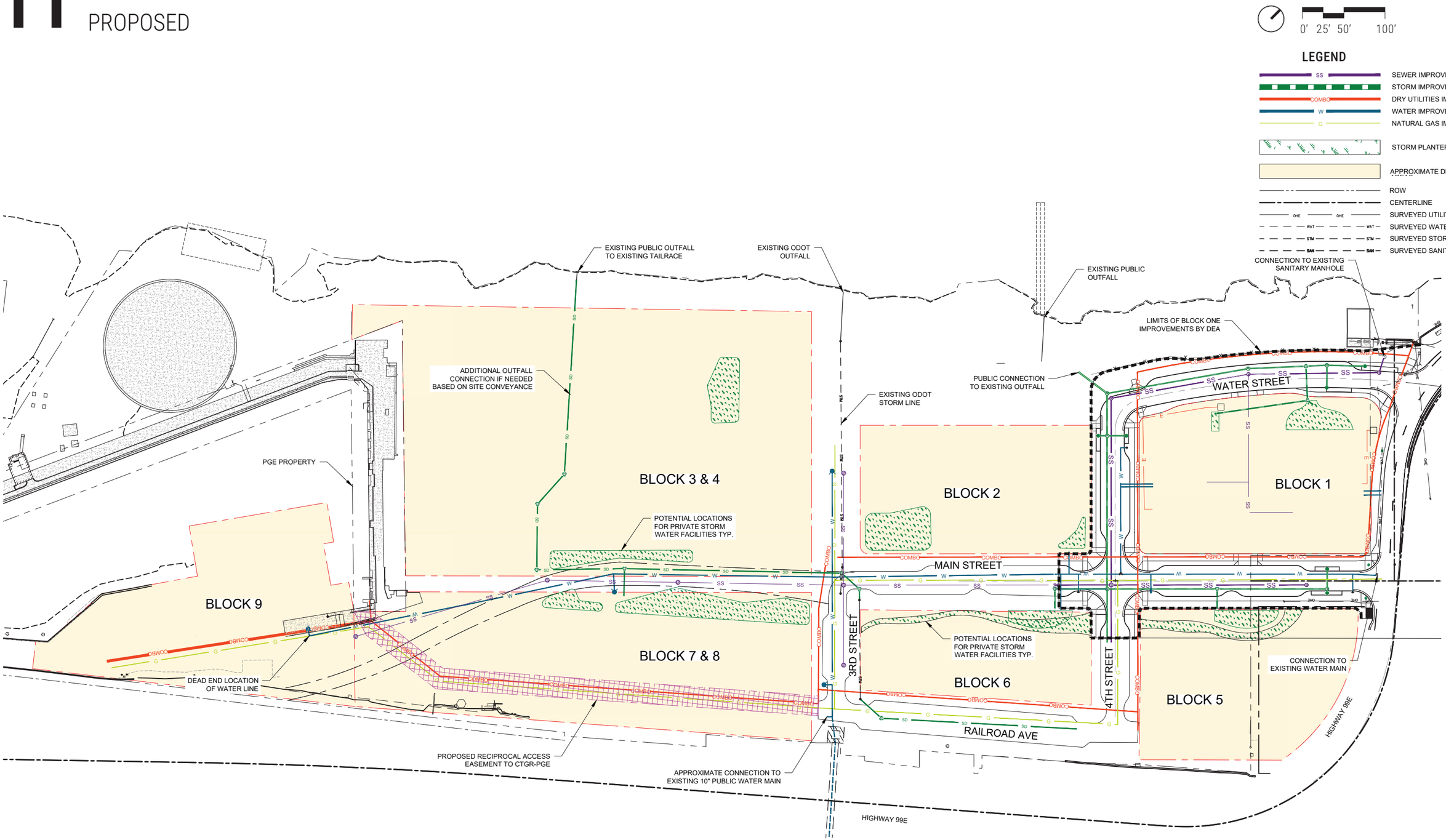
0' 25' 50' 100'

LEGEND

- ROW
- CENTERLINE
- SURVEYED UTILITY LINE
- SURVEYED WATER LINE
- SURVEYED WATER LINE
- SURVEYED STORM LINE
- SURVEYED SANITARY LINE
- DEMOLISHED BUILDINGS



11 COMPOSITE UTILITIES PLAN
PROPOSED



MEMORANDUM

TO: The Confederated Tribes of Grand Ronde
GBD Architects

FROM: Dave Simmons P.E.
Connor Denning E.I.T.
Dominic Vernon E.I.T.
Ian Buslach E.I.T.

DATE: September 8, 2022

SUBJECT: *tumwata village* Master Plan Amendment Trip Generation

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This memorandum provides a trip generation summary for the proposed *tumwata village* Master Plan Amendment located in Oregon City, Oregon. This memo was written to compare the expected trip generation for the proposed development to the Willamette Falls Legacy Project Master Plan trip generation to ensure that no additional trips are being added by the change in development. At this time, a Detailed Development Plan (DDP) for each development block is not being submitted, and the trip generation exercise presented herein is based on the current concept plans. The applicant has shown that the conceptual plan will generate no more than the 700 PM peak hour trips vested through the Willamette Falls Legacy Project Master Plan CP14-02.

Master Plan Trip Generation

In 2013, DKS Associates provided a Draft Transportation Analysis for the Willamette Falls Legacy Master Plan Project.[1] This analysis was completed as part of Appendix F in the Willamette Falls Riverwalk Master Plan CP14-02. This transportation analysis was completed using the land use assumptions for the Willamette Falls Legacy Master Plan. The analysis assumed that the area would include 240 housing units and workplaces for 1,600 employees. The transportation plan estimated that there would be 700 PM peak hour trips generated under this development scenario.

This 700 PM peak hour trips provides a guideline of what was previously approved for the area, and therefore adjustments to the land use that generate under 700 PM peak hour trips will not require further traffic impact analysis.

Proposed tumwata village

The proposed tumwata village Master Plan is split into ten “blocks”. Table 1 shows a brief description of the development on each block. This information was used to calculate the expected number of PM peak hour trips using the Institute of Transportation Engineers Trip Generation Manual 11th Edition, 2021.

[1] Springer, Carl. Chewuk, Kevin. Memo to Oregon City. *Oregon City Willamette Falls Legacy Project, Draft Transportation Analysis*. DKS Associates. February 24, 2013.

Table 1. Description of *tumwata village* Development Blocks

Block	Program	GSF
1	3-Story Office, Retail and Event Center 5-Story Residential and Retail	38,000 and 3,000and 5,000 45,000 and 2,000
2	Welcome Center Pavilion 5-Story Residential and Retail Park/Plaza/open space	2,000 56,600 and 6,000 15,000
3	5-Story Hotel	89,100
4	Restoration and Park/Open Space (8) 1-Story Cabins	20,000 3,060
5	Parking Structure	-
6	3-Story Flex and Retail[1] 3-Story Flex and Retail[1]	29,500 and 2,500 29,500 and 2,500
7	Flex Building and Retail[1]	25,000 and 5,000
8	Surface Parking and Open Space	-
9	1-Story Tribal Use Building	4,700
10	Unused	-

[1]Potential future developments

Locations with “flex” land use were selected to fall into the office land use category due to the higher volume of vehicles in this land use category compared to others. Alternative land uses can be considered at the request of the client, but these land uses will likely fall below the trips provided in the tables of this report.

The ITE Trip Generation Manual documents both the average trip rate and equation rate for determining the number of trips based on a best-fit curve. If the R^2 is greater than 0.75, ITE recommends the use of the equation rate over the average trip generation rate. The daily rate R^2 for each land use is listed below:

- Office: 0.77
- Multifamily Housing (Mid-Rise): 0.93
- Strip Retail Plaza: 0.56
- Recreational Community Center: 0.57
- Hotel: 0.78
- All Suites Hotel: 0.87
- Public Park: 0.53

The tables below include the applicable rate for each land use type to determine the estimated number of trips the given equation that provides the greater number of trips between the average rate equation and the best fit rate equation to fit a worst case scenario. The proposed developments were included in these calculations to analyze the worst-case scenario regarding

trips. The value x in the equations is a variable defined by land use type either 1000 ft of gross square feet, units, or acres.

Table 2. Estimated Trip Generation by Land Use Type* with Proposed Developments, Full site PM Peak Hour

Land Use	Land Use Number	Equation	GSF (combined)	Units (combined)	Estimated Trips
Office	710	E^(1.29)*x^(0.83)	38,000	-	74
Flex (office)	710	E^(1.29)*x^(0.83)	84,000	-	160
Multifamily Housing (Mid-Rise)	221	0.39x+0.34	-	165	65
Strip Retail Plaza	822	E^(2.72) * x^(0.71)	21,000	-	210
Recreational Community Center	495	E^(2.31) * x^(0.71)	11,700	-	78
Hotel	310	0.74x -27.89	-	96	66
Park	411	0.06*x + 22.6	35,000 (0.8 arce)	-	46
Total	-		-	-	699

***Use types determined through best available information at time of report generation**

Table 3. Estimated Trip Generation by Block, PM Peak Hour

Block	Estimated Trips
1	176
2	148
3	37
4	52
6	155
7	101
9	30
Total	699

Summary

The proposed development at *tumwata village* is forecast to generate less than 700 PM peak hour trips. This is consistent with the 700 projected PM peak hour trips provided in the 2013 Draft Transportation Analysis that was previously approved. Therefore, the traffic impacts of the current proposed development will be equal or less than the originally anticipated and future traffic impact analysis should not be necessary for the *tumwata village* Master Plan Amendment. While the exact use areas/unit counts are not fully developed at this time, the applicant anticipates that the total combined master plan will remain at or below the 700 PM peak hour trips vested through the Willamette Falls Legacy Project Master Plan CP14-02.

October 17th, 2024

The Confederated Tribes of Grand Ronde
tumwata village – Concept Design Study

Conceptual Infrastructure Design Memo

Executive Summary

The goal of this memorandum is to summarize the conceptual level infrastructure design elements for the tumwatta village Master Plan Amendment. A conceptual study was completed for the Willamette Falls Legacy Project Master Plan CP14-02 to study the utility infrastructure on the site, site circulation, and preliminary road grade profiles. The utility infrastructure focused on three main elements: Water, Sewer, and Storm. These utilities have been studied to provide one concept to serve a potential redevelopment. We understand the development will continue to refine moving forward, maintaining an understanding of the critical utility connections and constraints was the focus of the analysis with this phase.

Vehicle maneuvering was studied in multiple routes, vehicles, and access locations to get an understanding of the constraints on the site. Ensuring that emergency vehicle access, shuttle, and bus access for future visitors of the site, and service and delivery vehicles could access the site was a key element in the concept layout of the streets.

Additionally, site grades were studied to get an understanding of the future street grades and get a baseline for the approximate depth to the underlying basalt layers. Historical data and previous studies were used to gain an understanding of where the basalt layers were on the site and the impact of the basalt on extensions of utilities to serve the development. Additional data points through additional borings, ground penetrating radar (GPR) or other methods will further help refine the basalt model to identify further potential conflict points with future development and utility infrastructure; additional borings have not yet occurred.
All efforts have been completed using knowledge gained through previous studies and coordination with the City of Oregon City Planning and Engineering, Oregon Department of Transportation (ODOT), Portland General Electric (PGE) and the project team. The intent was to build off existing studies to develop and identify the critical elements as they relate to the tumwata village Master Plan Amendment design concept.

Utility Infrastructure Assessment

Water

The proposed water system design will follow the design and construction standards of the City of Oregon City and the requirements for fire protection established by Clackamas County Fire District. The attached Conceptual Public Water plan identifies the existing and proposed public water systems on the site and identifies the infrastructure anticipated to serve the proposed development site with domestic and fire protection. Future water services and design for

individual development sites or needs for the Public Riverwalk will be established as the uses for individual lots are programmed.

Existing Conditions

Existing water infrastructure to the site is provided through an existing 10" public water main located in Main Street running north south and the former 3rd Street Right of Way extending east under the existing railroad and the highway before reaching the bluff. The line is located on the face of the bluff and is beyond its serviceable life and needs replacement. In addition, based on conversations with the city, the line is potentially upwards of 20' deep at the crossing of the highway and railroad which pose challenges for reconnection and maintenance.

The northwest portion of the site near the admin building is served from a 6" public mainline located in Highway 99 to the north. This existing 6" service is likely to be removed or converted to a public fire hydrant along the frontage of Highway 99.

The public system in the area is currently within a high-pressure zone that exceeds 80 psi and has approximately 120 psi available at Main Street. Pressure Reducing Valves currently regulate the pressure to the former Mill site to meet the needs of the former Mill operations.

The existing site has numerous private waterlines that have been removed from service. An existing 10" meter is located near the intersection of Main St and 3rd Street; however, the service has been shutoff and the valves at the backflow device have been left in the closed position. The extensive amount of private piping on the site will very likely require removal to support the development of the street system and new private development sites. The approximate layout of the existing water infrastructure based on the best available data has been provided on the Conceptual Water Plan Exhibit.

In addition to the existing public water service to the site, the former paper Mill utilized a private water storage tank located on the top of the bluff near High Street. A private 8" waterline fed the site from the water tank and crossed below the highway before daylighting on the west side of the highway and dropping below the railroad. This water system is assumed to be abandoned based on previous studies and conversations with the City.

Proposed Public Water Improvements

Due to the age of the existing 10" infrastructure and the anticipated flow demands of the proposed development; a new 12" public water loop will likely be required through the site. A connection to the existing City infrastructure located in the intersection of Main Street and Highway 99 to the north will serve as the connection point for the new public loop. At the time of submission of a Detailed Development Plan (DDP), final flow calculations should be addressed with the City to determine if System Development Charge (SDC) credits apply for upsizing pipe system from 8" minimum to the 12" proposed public loop. At this time, it is assumed that the proposed development will utilize sprinklered buildings to minimize the required fire flow.

The existing 10" mainline crossing under the railroad and Highway 99 and the vertical main attached to the face of the bluff are anticipated to need replacement. Based on previous coordination with the City, it is understood that replacement options are being explored including

an alternate connection at a future planned pedestrian bridge. Coordination with City the City should occur at time of DDP submission to coordinate funds for replacement. This alternate location is shown on the Conceptual Public Water Plan near the third street alignment end of Railroad Ave.

Fire hydrants are proposed along the majority of the public street frontages to provide adequate fire flows and coverage for both the proposed development sites and the planned Riverwalk improvements. It is anticipated that approximately seven public hydrants would be installed to meet the spacing requirements of the City and Fire District. Final placement of the hydrants should be coordinated with the City and Fire District prior to installation to ensure adequate flow and coverage on the site regardless of the planned phasing.

As noted above, the public system serving the site contains extremely high pressures. The area serving the Mill site includes several Pressure Reducing Valves that were used to regulate pressure to meet the needs of the Mill operations. Per previous studies completed by Murray smith, these Pressure Reducing Valves 's should be removed, modified, or replaced in order to regulate the pressures to reasonable levels and combine the system with the City's Lower Zone and to meet the service demands of the proposed development.

Phasing

At this time, it is anticipated that the project will implement a phased construction approach. Since phasing is forthcoming, the proposed water improvements will need to be coordinated with Oregon City at the time of development to ensure that the infrastructure being installed is both capable of service the development needs and is capable of being extended in the future. Interim connections to the existing system may be required to accommodate the project phasing.

Sewer

The existing and proposed public sewer improvements have been studied to prepare a conceptual level plan to serve the proposed development sites and the potential needs of the Riverwalk Trail project. The conceptual plan was completed assuming full build-out of the development and is expected to be refined as the project phasing is established.

Existing Conditions

An existing sewer system that serves many of the buildings onsite has been identified through survey efforts completed by AKS. The existing sewer was located throughout the site in the vacated street right of way. An inspection of the existing system has not been completed at this time to determine integrity of the line; however, it is anticipated that the infrastructure is likely beyond or nearing its serviceable life and will likely require replacement.

From the survey information available and review of the previous conceptual studies, the majority of the onsite sewer runs to the northwest and connects to the existing Tri-City Service District Interceptor located at Water Street and Highway 99. While the Mill was operational, many onsite sewer lines that drained from the building waste lines, floor drains, etc were interconnected between storm and wastewater and were pumped to the wastewater treatment plant before discharge. Since the closure of the Mill, wastewater from the Mill operations has

ceased to enter the system, however, stormwater continues to collect in remainder floor drains and piping that makes its way into the tailraces. The site was cleaned as part of the Interim Stormwater Post-Closure Plan to comply with National pollutant Discharge Elimination system (NPDES) requirements through the Oregon department of Environmental Quality (DEQ). Per the Post-Closure Plan, the tailraces were cleared of accumulated sediment and wase to allow stormwater to freely flow to the river.

Proposed Conditions

To serve the proposed development site, a new public sewer extension is anticipated through the public streets or in private streets with easements. A connection to the existing manhole in the NW portion of the site near the intersection of Water Ave and Highway 99 is assumed. The proposed extension will be design and installed per the City of Oregon City Public Works Sanitary Sewer Design Manual updated August 2021.

Due to the relatively flat nature of the site in the North-South direction, the new public mainline will be placed and City minimum slopes in order to maintain depth in the system for the furthest upstream reaches. It is anticipated that the new public main located in Water Street and 4th Street will be 10” public sewer with all other mainlines being installed as an 8” line. Further detailed analysis for system capacity based on proposed development flows will be required to establish the final sizing. Per the City standards, 8” public sewer requires a minimum slope of 0.4%, while 10” requires a minimum slope of 0.3%., Per the City design standards the slope of the line be increased to 0.75% through the 400’ furthest upstream regardless of the pipe size in order to ensure flows in the system to keep the pipes clear.

Based on initial estimates for the location of the basalt layers onsite, it is assumed that a portion of the new public mainline near the intersection of Main St and 4th will require excavation through the basalt. It may be possible to raise this section of sewer out of the basalt layer, howeverthe loss of depth may preclude the upstream development site from receiving gravity services. Private lift stations may still be required if there are below ground garages, basements, or building finish floor elevations may need to be lowered to accommodate other site grades. A preliminary plan and profile of the sewer has been provided in the Concept Plans showing the location of the assumed basalt layer and is assumed to be approximately 450 lineal feet of mainline within the basalt.

Private services for the development sites should be contemplated with the installation of any mainline to avoid taps into the newly constructed line and possible street cuts. Per previous conversations with the City, all private service laterals will require backwater check valves at the property line.

Phasing

As with the other utilities, the attached Concept Plan was developed assuming full buildout. It is likely that the system could be installed in portions as the phasing of the project works through the site. Further discussions with City Engineering and Public Works staff are recommended in order to determine the appropriate phasing of the sewer improvements to coincide with the development phasing.

Stormwater

The proposed stormwater management design will follow the Oregon City Stormwater and Grading Design Standards (SGDS), updated March 2020. Per Section 1.2.2.I of the SGDS, the entire project site meets the flow control exemption requirements; therefore, on-site detention is not required. The proposed stormwater management strategy will focus on water quality treatment and conveyance of on-site runoff to the proposed outfalls to the Willamette River in compliance with the Oregon City's SGDS.

Existing Conditions

The existing development contains storm drainage infrastructure, some of which is interconnected with the wastewater collection system. This onsite conveyance system collected stormwater and industrial wastewater up until industrial activities ceased with the closure of the paper Mill. The site was cleaned in 2013 as part of a plan to comply with DEQ NPDES permit requirements, and this cleaning effort included clearing and disposing of the the sediment and waste accumulated within the conveyance system. Upon completion of the cleanup activities, custom gabion rock and filter media boxes were installed at the downstream end of the system to provide water quality treatment, and site runoff was allowed to flow into the river. There are two public, piped storm mains that run through the site to existing outfalls to the river. One pipe captures localized storm drainage from the north side of the site near Main St and 4th Ave right of ways. The other pipe conveys drainage from the ODOT right -of -way at 99E to the river. An additional private out fall and/or tailrace is located near the Mill H building. The site is primarily underlain by bedrock, with some areas containing silt loam on top of the bedrock at various depths. Due to the underlying soils and bedrock, infiltration facilities to manage stormwater are assumed to be infeasible.

Proposed Conditions

The proposed development will require stormwater treatment facilities designed to current Oregon City standards, as outlined in Chapter 4 of the SGDS. Vegetated Low Impact Development (LID)facilities are the City's preferred strategy to meet stormwater treatment requirements. These facilities will be designed using the Best Management Practices (BMPs) Sizing Tool, which was developed by Clackamas County Water Environment Services (WES). Per Section 4.3 of the SGDS, this is the preferred method of designing LID water quality treatment facilities. Appendix B of the BMP Sizing Tool User Manual provides a Sizing Factors Table, form the provided table lined facilities shall be designed such that the LID facility footprint is at least 1.5% of the contributing impervious area. To allow for uncertainty in the drainage sub basins and impervious areas, a sizing factor of 2% will be used for the preliminary design. New outfalls from the proposed redevelopment are required to be designed per Oregon City and Public Works Utility Standards. Existing out falls may also be utilized.

Phasing

Due to the size and scope of the tumwata village project and the Riverwalk project, there is potential for portions of the site to be redeveloped before regional treatment facilities are installed to manage these areas. To account for the potential that project schedules and storm facility installation does not line up as preferred, the idea of "banking" treatment capacity has

been discussed with the City. This concept would allow for a proposed regional/local facility to be designed to manage runoff from both existing and proposed impervious areas, with the existing area "banked" for future development within or outside of the catchment area. This stormwater design concept would allow for greater flexibility in the overall schedule of both projects. Since the existing site currently drains runoff directly to the river, and the end goal is to treat the entire redevelopment area in accordance with the standards listed in the SGDS, the concept of "banking" treatment capacity is a practical alternative given the size and scope of both projects.

Site Circulation

The proposed development plan for the site includes a redeveloped network of streets to serve the proposed uses within the site and provide access to the existing PGE site to the south. A wide variety of vehicles will utilize these public streets for access to the development buildings, access to the PGE site, emergency vehicles, service and deliveries, shuttles and busses for visitors and more. Additional pedestrian and bicycle circulation will link Riverwalk, the overlook and plaza space areas to public right –of- way.

Vehicle turning studies have been provided for a variety of access locations and circulation patterns. The vehicles were chosen based on the current reasonable worst-case movements anticipated at this time. A fire truck, public bus, and a WB 40 delivery vehicle were chosen for movement calculations. Results from vehicle movement data informed the conceptual layout of the streets to ensure proposed development maintained critical access for all the necessary vehicle types.

Further refinement of curb returns, intersections and driveways should be considered at the time of detailed design to ensure vehicles can navigate safely and efficiently through the site. Access to Water Avenue from Highway 99 through a right in right out approach will need to be designed and vetted through ODOT for compliance with intersection standards and safety requirements. Coordination on emergency vehicle access through the site was conceptually reviewed by Clackamas County Fire District and should be further discussed at the time of design development to ensure the safe navigation of emergency vehicles through the site.

Site Grading and Underlying Basalt

One of the major underlying issues on the site is the presence of a basalt layer at varying depths across the site. Previous geotechnical reports and borings were utilized to establish an approximate "surface" for the location of the basalt layer. This information was utilized to understand potential impacts for utilities, plantings, stormwater treatment, and impacts to the site grading.

Investigations had been completed in areas around Water Street, Main Street, and 4th Street, as well as a substantial number of borings located in the large central gathering location. These data points are profiled in the Conceptual Street Grading exhibits to provide a visual representation of the location of the rock layer beneath the future street grades. Since previous

testing did not include all streets, gaps in the data are present and the locations shown should be considered approximate.

The Tribe is currently capturing additional data through the use of LIDAR and Ground Penetrating radar to further study the location of the basalt layer. This additional data will be used to fill in the gaps from the original testing in order to provide a more comprehensive study of potential impacts.

As noted above, installation of portions of the utilities may be challening due to the presence ofthe basalt layer. The proposed sewer main, in an effort to maintain as much gravity service as feasible, does appear to be in conflict with the basalt for approximately 450 lineal feet. Similarly, the storm system may require excavation into the basalt layer in certain locations to install conveyance piping. Further analysis of conveyance pipe runs will be necessary to determine the final extent of impacts created by the basalt layer.

Transportation Analysis

Access into the tumwata village site is limited due to the railroad and topography on the east and the relatively short frontage to Highway 99E on the north. The highway frontage on the north includes a signalized intersection at Main Street and a non-signalized intersection at Water Street.

Through previous transportation studies of the development site, the City of Oregon City and ODOT have prescribed mitigation measure to ensure vehicles entering and leaving the site can do so safely while also ensuring safe travel patterns on Highway 99E. Due to the curvature of Highway 99E on either side of the signalized intersection, sight distance is a significant concern. Left turns at the current access locations pose a potential safety concern for vehicles turning into and out of the tumwata village site.

Through previous discussions with ODOT and the City, mitigation measures have been proposed to reduce the sight distance and vehicle safety concerns. The mitigation measures are as follows:

- Right in Right out intersection at Water Street and Highway 99
    - Installation of a median along the centerline of Highway 99E to prevent vehicles from making left turns on to and from Water Street.
- Removal of the Left Turn from Highway 99E northbound into the tumwata village Site at the Intersection of Main and 99E.
- Installation of a Right Turn Lane on northbound Highway 99E onto Railroad Avenue
    - This turn lane will remove the safety concern of Left Turns at Highway 99 and Main Street. This allows for vehicles to make a loop onto Railroad Ave and 6th Street before using Main Street to cross through Highway 99 and into tumwata village Site.

These mitigation measures have been discussed in concept and will provide for safer vehicle movements in and around the tumwata village site. Further refinement of these mitigation measures should be reviewed as part of the final Traffic Impact Study and during a scoping

meeting with ODOT and the City of Oregon City. A conceptual layout of these improvements is shown on the attached Conceptual Street Grading Plan. Refer to the drawings in appendix A figure 11 and Appendix T for utilities layout and street circulation plans.

10-Structure Study, 2022

In 2022, CTGR completed the *10-Structures Study* to provide a more recent and robust evaluation of the ten structures/secondary elements identified in the CP14-02 decision. The study determined that of the structures identified, two are eligible for listing on the National Register of Historic Places – the Woolen Mill and Flour Mill Foundation. In addition, a previously-unidentified third site, the Warehouse Foundation located adjacent to the Flour Mill Foundation, was also found to be eligible for listing under these criteria.

The *10-Structures Study* is a combination of three distinct chapters, assessing each of the structures identified in 2014 through three separate lenses, including:

Historical - Analysis performed by *Historical Research Associates, Inc.* An intensive-level historical resources survey (ILS) consistent with the Oregon State Historic Preservation Office (SHPO) was completed for each of the ten structures/secondary elements, and their eligibility as it pertains to the National Register of Historic Places (NRHP) was also completed. The current evaluation (2022) of the ten structures was then compared to the prior evaluations done by George Kramer (2002), Oregon City (2012), and SHPO (2012).

Architectural – Analysis performed by *GBD Architects*. Each structure/secondary element was evaluated for its current exterior and interior qualities as well as their respective site/location. A summary of the findings for each structure/secondary element is presented and then a rating for adaptive reuse both as a standalone item and within the context of the Tribe's proposed *tumwata village* Master Plan Amendment was completed.

Structural – Analysis performed by *Catena Consulting Engineers*. Each structure/secondary element was observed and assessed for their structural condition, their expected structural performance and potential for renovation and/or adaptive reuse. Additionally, information regarding seismicity, soil liquefaction, lateral spread considerations, and flooding considerations are presented. Also presented are code-mandated structural retrofit and repair triggers that are applicable to each of the building structures.

Blue Heron Mill Ten-Structures Evaluation

Blue Heron Redevelopment Project

Submitted to:
Confederated Tribes of the Grand Ronde

Submitted by:
Historical Research Associates, Inc.
Brooke Best, MS
Kirsten Freeman, MS
Libby Provost, MA
Natalie Perrin, MS

Portland, Oregon
October 2022

Historical Research Associates, Inc.

This project was implemented by HRA Principal Investigators Natalie K. Perrin, MS; Libby Provost, MA; Kirsten Freeman, MS; and Brooke Best, MS, who meet the Secretary of the Interior's professional qualifications standards for architectural history. This report is intended for the exclusive use of the Client and its representatives. It contains professional conclusions and recommendations concerning the potential for project-related impacts to cultural resources based on the results of HRA's investigation. It should not be considered to constitute project clearance with regard to the treatment of cultural resources or permission to proceed with the project described in lieu of review by the appropriate reviewing or permitting agency. This report should be submitted to the appropriate state and local review agencies for their comments prior to the commencement of the project.

Executive Summary

The Confederated Tribes of Grand Ronde (CTGR) contracted Historical Research Associates, Inc. (HRA), to complete this intensive-level historical resources survey (ILS) of 10 architectural resources for the Blue Heron Redevelopment Project (Project). The Project is located at the former Blue Heron Paper Company (BHPC), north of Willamette Falls, on the east side of the river. The location is addressed as 419 Main Street in Oregon City, Clackamas County, Oregon, and is located in Section 31 of Township 2 South, Range 2 East.

The Project is located within the boundaries of the Willamette Falls Downtown District, which is bounded by Highway 99E to the north and east, and the Willamette River to the west and south (Oregon City Municipal Code [OMC] 17.35). The *Willamette Falls Downtown District Policies and Design Guidelines* (City of Oregon City Ordinance [ORD] 14-1016, November 5, 2014) are mandatory within the district. ORD 14-1016 named five resources as Structures Identified for Retention and Reuse: Mill O, the Hawley Building, Mill B, the No. 4 Paper Machine, and the Woolen Mill Foundations. ORD 14-1016 also named five additional resources as Secondary Elements Identified for Full or Partial Retention: the Oregon City Flour Mill Foundation, the Digesters, the Horton Sphere, the Boilers, and the No. 1 Paper Machine. Retention requirements identified in ORD 14-1016 were based, in part, on resources identified as part of architectural surveys conducted in 2002 and 2012. The CTGR reevaluated nine previously evaluated resources and surveyed one unevaluated resource to identify the feasibility of retention and reuse based on conditions observed in 2022.

The assessment of a resource as a historic property is one factor that the CTGR intends to use to assess the feasibility of retention and reuse of the 10 noted resources. Other factors include architectural reuse potential and structural stability. The assessment of architectural reuse and structural stability factors were completed via separate reports. This report only considers the eligibility of the 10 resources as pertains to the NRHP.

HRA does not concur with assessments of eligibility for seven of the nine previously recorded resources (Table 5-1). While additional research is needed, HRA concurs with the previous evaluations of the woolen mill foundations and flour mill foundations. HRA recommends the woolen mill foundations eligible for listing in the NRHP as a site, specifically under Criteria C and D, for its potential significance in the area of Architecture as a work of master craftpersons. HRA also recommends the flour mill foundations eligible for listing in the NRHP as a site under Criterion D; though the resource remains unevaluated under Criterion A, in the area of Industry, and under Criterion C, for architecture, the resource seems likely to yield information in both of these areas. All other resources, including the previously unevaluated Horton Sphere, are recommended not eligible, either due to irretrievable loss of integrity or an inability to convey significance under any criteria.

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1. Introduction and Regulatory Nexus

The Confederated Tribes of Grand Ronde (CTGR) contracted Historical Research Associates, Inc. (HRA), to complete this intensive-level historical resources survey (ILS) of 10 architectural resources for the Blue Heron Redevelopment Project (Project). The Project is located at the former Blue Heron Paper Company (BHPC), north of Willamette Falls, on the east side of the river. The location is addressed as 419 Main Street in Oregon City, Clackamas County, Oregon, and is located in Section 31 of Township 2 South, Range 2 East.

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HRA conducted the ILS following the *Guidelines for Historic Resource Surveys* set forth by the Oregon State Historic Preservation Office (SHPO) (2011). An ILS is a detailed look at a resource that collects detailed physical information and research data about the property's history. Information collected through an ILS provides a solid basis for reliable National Register of Historic Places (NRHP) eligibility evaluations, and includes the methodology employed, difficulties encountered, limitations that restricted research, where useful information was or was not found, and recommendations for future research. The purpose of this survey is to evaluate the 10 resources for eligibility for listing in the NRHP. Resources deemed eligible for listing in the NRHP are *historic properties*.

The assessment of a resource as a historic property is one factor that the CTGR intends to use to assess the feasibility of retention and reuse of the 10 noted resources. Other factors include architectural reuse potential and structural stability. The assessment of architectural reuse and structural stability factors were completed via separate reports. This report only considers the eligibility of the 10 resources as pertains to the NRHP.

All findings in this report are based upon the ILS *Guidelines* and information available to HRA at the time of reporting. Should further information about these resources be available in the future, through avenues such as additional research materials or (archaeological) resource studies, the eligibility discussions could evolve.

2. Methodology

On January 18 and February 4, 2022, HRA architectural historians Natalie K. Perrin, MS; Libby Provost, MA; Kirsten Freeman, MS; and Brooke Best, MS, conducted site visits at the former BHPC. The fieldwork included Provost and Freeman photographing the exterior and interior (when possible) of the 10 architectural resources identified for this ILS, with Perrin and Provost taking notes on characteristics, materials, evidence of alterations, and architectural features (per the *Guidelines for Conducting Historic Resources Survey in Oregon*). Following survey, Provost, Freeman, and Best authored the report. Perrin provided technical review and oversight. Best, Freeman, Perrin, and Provost all meet the Secretary of the Interior's *Professional Qualifications Standards* in architectural history.

2.1 Background Research

In advance of and following survey, HRA reviewed the Oregon Historic Sites Database (OHSD) to identify resources previously recorded, evaluated, and/or determined eligible for listing in the NRHP that may be salient to the ILS. CTGR provided HRA photos, reports, maps, and other materials. HRA conducted research using these materials in addition to historic-period maps, aerial photography, and online repositories. Maps reviewed included Bureau of Land Management General Land Office (GLO), U.S. Geological Survey (USGS) topographical maps, and Sanborn fire insurance maps. Sanborn maps, aerial photography, and historic photos provided the most information about changes over time to the buildings and the surrounding area, as original drawings of the buildings were unavailable at the time of this report. Online repositories reviewed included the *Oregonian* newspaper archives and Ancestry.com.

HRA would like to acknowledge the research assistance of Briece Edwards and Michael Lewis of the CTGR.

2.2 Previous Investigations

George Kramer (2002), the City (OHSD 2012a, 2012b, 2012c, 2012d, 2012e, 2012f, 2012g, 2012h, 2012i), and the SHPO (Curran 2012) provided recommendations of eligibility for 9 of the 10 subject resources assessed in this ILS (Table 3.2-1). Only the Horton Sphere has not been previously assessed.

George Kramer evaluated the BHPC and its associated buildings and structures in 2002. Kramer assessed the BHPC along with two additional facilities: a second industrial facility, the Willamette Falls Paper Company (WFPC) located directly across the river to the northwest, and hydroelectric power facilities of Portland General Electric (PGE) located adjacent to and just south of the BHPC. Kramer recommended the BHPC, the WFPC, and PGE's hydropower related resources eligible for listing in the NRHP as part of a Willamette Falls Industrial Area historic district. Kramer did not clearly define either the area or period of significance, nor the historic district boundaries. He noted the district's significance under Criterion A, "for its role in the history of industrialization in

Oregon" and its "strong associations to the early development of both hydroelectricity and the production of pulp and paper product" (Kramer 2002:18).

In 2012, the City of Oregon City attempted to clarify and provide updated determinations of eligibility (DOE) for resources identified in Kramer's 2002 report. The City reevaluated resources and provided updated DOEs based on new or additional information (OHSD 2012a, 2012b, 2012c, 2012d, 2012e, 2012f, 2012g, 2012h, 2012i). Following the City's 2012 survey, the SHPO concluded that "there is no eligible historic district" at the former BHPC, as there were "so many additions and alterations over time to accommodate modern products and technologies. For this reason, [SHPO] assessed each building and structure for individual eligibility" (Curran 2012).

Table 3.2-1. Previous Cultural Resources Investigations Pertaining to the 10 Subject ILS Resources.

Resource	**Kramer (2002)**	**City Of Oregon City (OHSD 2012a, 2012b, 2012c, 2012d, 2012e, 2012f, 2012g, 2012h, 2012i)**	**SHPO (Curran 2012)**
Mill O	Historic/contributing	Eligible/Significant	Eligible/Significant
Hawley Building (Mill #1 Finishing Room)	Historic/contributing	Eligible/Significant	Eligible/Significant
Mill B/De-Ink Building	Historic/contributing	Eligible/Significant	Eligible/Significant
No. 4 Paper Machine	Historic/contributing	Eligible/Significant	Eligible/Significant
Woolen Mill Foundations	Historic/contributing	Eligible/Significant	Eligible/Significant
Flour Mill Foundations (No. 2 Paper Machine Site)	Non-historic/ Noncontributing	Eligible/Significant	Eligible/Significant
Mill C/Digesters	Historic/contributing	Eligible/Significant	Eligible/Significant
Horton Sphere	-	-	-
Mill G Boilers	Non-historic/ Noncontributing	Eligible/Significant	Eligible/Significant
No. 1 Paper Machine	Historic/contributing	Eligible/Significant	Eligible/Significant

2.3 Guidelines for Evaluation of Historic Properties

HRA evaluated resources using National Park Service (NPS) guidance regarding eligibility for listing in the NRHP. To be individually eligible for listing, a property must be significant within a historic context. To evaluate significance, the following five things must be determined:

1. The facet of prehistory or history of the local area, state, or nation that the property represents;
2. Whether the facet of history is significant;

3. Whether it is a type of property that has relevance and importance in illustrating the historic context;
4. How the property illustrates that history; and
5. Whether the property possesses the physical features necessary to convey the aspect of history with which it is associated (NPS 1997:7).

The significance of a resource within its historic context must relate to one or more of the following:

A. Under Criterion A, properties can be determined eligible for listing in the NRHP if they are associated with events that have made a significant contribution to the broad patterns of our history.

B. Under Criterion B, properties can be determined eligible for listing in the NRHP if they are associated with the lives of persons significant in our past (i.e., persons whose activities are demonstrably important within a local, state, or national context).

C. Under Criterion C, properties can be determined eligible for listing in the NRHP if they embody the distinctive characteristics of a type, period, or method of construction, represent the works of a master, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction (i.e., are part of a district). Discrete features, a particular building for example, may best be documented under this Criterion, though collections of resources may also have significance under Criterion C for architecture or engineering association.

D. Under Criterion D, properties may be eligible for the NRHP if they have yielded, or may be likely to yield, information important in history. To be eligible under Criterion D, the property must have, or have had, information to contribute to our understanding of human history and that information must be considered "important" (NPS 1997:21). Most commonly applied to archaeological sites, buildings, structures, and objects may be eligible under Criterion D if they are the principal source of information.

Integrity relates to how a property's physical features are tied to and convey its significance. Integrity is based on the "why, where, and when a property is important" (NPS 1997:44). In order to retain integrity, a property must retain most of the seven aspects of integrity:

- **Location**: the place where the property was constructed or where the historic event occurred.
- **Design**: the combination of elements that create the form, plan, space, structure, and style.
- **Setting**: the physical environment of a historic property.
- **Materials**: the physical elements that were combined or deposited during a particular period of time, and in a particular pattern or configuration, to form a historic property.
- **Workmanship**: the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
- **Feeling**: a property's expression of the aesthetic or historic sense of a particular period.
- **Association**: the direct link between an important historic event or person and a historic property (NPS 1997:44–45).

3. Historic Context

The robust and complex history of the location of the former BHPC has been well documented through numerous historic publications and previous resource investigations. It is only briefly summarized here, as pertains to the subject resources and land use. However, for Native peoples of the region, this place is a crossroads of many Indigenous histories and lifeways. For example, the CTGR note that the connection to *tumwata* (Willamette Falls) begins with the *Ikanum*, the storied time, when Meadowlark and Coyote stretched a rope of hazel shoots across the river. This formed the Falls, which fell over the basalt cliffs and created a place rich in sustenance. Pacific lamprey, migrating salmon, and native plants growing along the river's edge provided the lifeways of the Indigenous peoples (CTGR 2021). While each Tribal nation may have a distinct origin story and timeline, from time immemorial, Native peoples maintained a deeply rooted connection to the Falls and the natural resources provided by the river.

Following the turn of the nineteenth century, however, the character of the *tumwata* began to change. With incursion and subsequent settlement of non-Native peoples, the history of the site turned from one of traditional lifeways to one of development and industry. The first white men to reach the Willamette Falls were William Henry and Alfred Seton, clerks of the Pacific Fur Company (PFC), which was established in 1811. They built a trading post, and were soon followed by the competing British-controlled North West Company (NWC) (MIG, Inc. 2017:19–20). Expeditions into the Willamette Valley by members of these companies and the environmental degradation of the fur trade caused growing tensions with regional tribes. Attacks on local tribes (such as the Clowesallas in 1814), disadvantageous treaty negotiations, and introduced disease and plague led to the rapid decline in the population of surrounding tribes (MIG, Inc. 2017:22, 24–25).

The Hudson's Bay Company (HBC) established Fort Vancouver in 1821 under chief factor and manager Dr. John McLoughlin. In 1829, McLoughlin initiated a permanent settlement near Willamette Falls and claimed an area of land near the Falls (MIG, Inc. 2017:25–26, 28). McLoughlin developed the land during the first year, including construction of an HBC storehouse, three log houses, and a millrace meant for a sawmill. A road was also constructed, running from Green Point to the Falls, most likely the precursor to present-day Main Street in downtown Oregon City. The log houses and storehouse later burned, but McLoughlin continued development of the area. Construction on a sawmill and a flour (grist) mill located on Abernathy Island at the head of the Falls, called Mill Island at the time, was completed in 1832 (MIG, Inc. 2017:33). McLoughlin also moved to the location in the early 1840s, built a cabin, and renamed the area Oregon City (MIG, Inc. 2017:40).

In 1841, the first Oregon Trail emigrants reached the area. McLoughlin platted the settlement, which by August 1842 included 26 buildings and an area called the Mill Reserve designated as an industrial area (MIG, Inc. 2017:40). Early residents of Oregon City included missionaries and businesspeople, some of whom served roles in the provisional and territorial governments (Ballestrem 2021). Oregon City was officially incorporated as a city in 1844, becoming the first city west of the Rocky Mountains, and served as the capital of Oregon from 1845–1851 (Ballestrem 2021; MIG, Inc. 2017:42, 46).

Following the death of McLoughlin in 1857, his house and water rights were sold for various commercial endeavors. In 1861, the Willamette River flooded, and Abernathy Island and the Mill

Reserve were heavily damaged; the Oregon City Mills were a total loss (MIG, Inc. 2017:103). McLoughlin's son-in-law, Daniel Harvey, began construction on the Imperial Standard Mills in 1862 and, in 1864, construction of a woolen mill. Though the mill was initially incorporated by Mr. L. E. Pratt, it was later reincorporated as the Oregon City Manufacturing Company (OCMC). Completed in 1865, the OCMC became the third woolen mill in Oregon and the largest located west of the Mississippi River (MIG, Inc. 2017:105–107).

In 1865, Harvey sold the Mill Reserve to the People's Transportation Company, with a condition that the railroad and public highway remain. The following year, the reserve was further developed, and the Oregon City Paper Manufacturing Company (also known as the Pioneer Paper Manufacturing Company) was incorporated, becoming the first paper mill in Oregon City. The paper mill, which was built on the location of a former jail on Third Street and Water Street, was later converted into a flour mill in 1868. Other nearby businesses at this time included a mercantile, a saloon, and Barlow's restaurant located next to the woolen mill (MIG, Inc. 2017:106–110).

In the 1880s, water rights to the Falls and its adjacent land were purchased by the Oregon City Electric Company, which began providing Oregon City residences and businesses with hydroelectricity generated from the Station A plant. After merging with a Portland-based company to form the Willamette Falls Electric Company, electricity was also generated to light the streets in downtown Portland. This marked the first instance of long-distance electricity transmission in the United States (MIG, Inc. 2017:125). Though the facility has evolved over time, it is still in use and, as of 2022, is operated by PGE.

Additional flooding in 1890, the Panic of 1893, and a fire in 1903 resulted in the closure of both the woolen and flour mills by the end of 1910 (MIG, Inc. 2017:157). The woolen mill eventually reopened, building new facilities as needed.

Willard P. Hawley purchased the flour mills in 1908 and opened the Hawley Pulp and Paper Company (HPPC). Hawley also bought McLoughlin's house, donated it to a non-profit organization, and had it relocated from the growing industrial area to a spot on the bluff. With the house removed, Hawley expanded the buildings of the HPPC along Main Street toward Third Street (MIG, Inc. 2017:164, 168). By 1912, the HPPC employed approximately 250 people at its Oregon City location, produced 35 tons of paper per year, and shipped to ports along the Pacific Coast, China, and New Zealand (MIG, Inc. 2017:182). Business at the HPPC thrived from 1912, through the Great Depression, and even expanded during the war years (MIG, Inc. 2017:218, 220).

By the mid-twentieth century, the Mill Reserve was mostly dominated by the papermaking industry, though the woolen industry was also thriving. Sometime between 1911 and 1925, Mill O was added to the woolen mill building on its east side (Sanborn 1925). Around this same time, in 1923, a fire destroyed the mill buildings, after which Hawley immediately began construction on a new Hawley Building and the (adjacent, attached to the west) No. 1 Paper Machine Building (MIG, Inc. 2017:192; Sanborn 1925). Other additions, including the Mill B building in 1927 and the No. 4 Paper Machine Building in 1928, furthered the papermaking industry in Oregon City.

Despite the success experienced by HPPC, Hawley's heirs dissolved the company and sold the remaining interest to Publishers Paper Company (PPC) (MIG, Inc. 2017:252, 255). In 1952, the OCMC also sold their woolen mill property and water rights to PPC. Over its first decade in business, PPC expanded considerably (MIG, Inc. 2017:267, 283). Industrial structures such as a Horton Sphere, a spherical pressure vessel used for storage of compressed gases, was added ca.

1948, along with new boilers in the newly constructed Mill G in ca. 1949. A water filtration plant was added during this time, completed in ca. 1954, along with rebuilt pulp washers placed above pulp digesting tanks in 1956, which were designed to wash ground wood fiber to provide a whiter pulp for the paper machines. These facilities enabled the plant to provide whiter and brighter newsprint, which was used by the *Los Angeles Times*, *Deseret News* in Salt Lake City, and daily newspapers in Portland (*The Oregonian* 1953a, 1953b).

The late twentieth century was a time of change. Water Street ceased to be a thoroughfare in the 1970s, as buildings such as the Barlow House (restaurant) and the post office were removed to provide additional expansion of PPC operations (MIG, Inc. 2017:289). The Mill Reserve had, unfortunately, become "a poster child for ills of the Willamette River. *Pollution in Paradise*, produced by then journalist Tom McCall, graphically portrayed the poor condition of the Willamette River and air quality throughout Oregon, specifically highlighting the Oregon City Mill" (Museum of the Oregon Territory [MOOT] n.d.). During the late 1960s, the lagoon and clarifier were added as a solution to the sulfite liquor problem. In 1972, the mill won a "Cleaning up Pollution" award from Governor McCall (MOOT n.d.).

By the 1980s, the former woolen mill building was demolished, leaving only its basalt foundation, and several other buildings at PPC were either razed or shut down. In 1985, PPC sold to the Smurfit Paper Newsprint Division, who specialized in recycled newsprint. In 2000, Smurfit sold to the BHPC (MIG, Inc. 2017:300, 306, 309).

By the early 2000s, many of the structures located at the BHPC were only partially or no longer in use. By 2004, BHPC produced 650 tons of paper a day, but ultimately sought ways to save energy and money in the face of financial uncertainty. In 2009, the company filed for bankruptcy and, in 2011, closed permanently (MIG, Inc. 2017:300, 306, 309).

4. Survey Results

HRA's survey was limited to the 10 resources identified in ORD 14-1016 as either Structures Identified for Retention and Reuse (Mill O, the Hawley Building, the Mill B/De-Ink building, the No. 4 Paper Machine, and the Woolen Mill Foundations) or Secondary Elements Identified for Full or Partial Retention (the Oregon City Flour Mill Foundation, the Digesters, the Horton Sphere, the Boilers, and the No. 1 Paper Machine).

4.1 Mill O (ca. 1920)

Based on historic-period Sanborn maps, Mill O was built sometime between 1911 and 1925 (as such, HRA has assigned a date of ca. 1920) (Sanborn 1911, 1925). The building is located near the middle of the former BHPC, on the west side of Main Street. To the north of the building are various facilities, including the flour mill foundations (Section 4.6) and No. 3 Paper Machine. East of the building is the foundation of the former woolen mill, to which Mill O was once physically and structurally attached. On its south side is the carpentry building and the millwright shop. West of the building is the pipe tunnel and, beyond that, the Willamette River. The building was originally constructed on a sloped grade, the land around which has since been infilled (particularly to the west and south).

Because of the subsequent land infill, as of 2022 Mill O reads as three-and-a-half story building when viewed from the northwest oblique, but only a two or two-and-a-half-story building from the east. The building sits atop a concrete foundation, is rectangular in plan, and is aligned on an east–west axis. Though a primary entrance was once located on the north face (no longer extant), as originally constructed, the building had no facade, as it was built as an addition to and was structurally integral with the adjacent woolen mill to the east. Alterations over time have led to variabilities in materials and rooflines.

The north face is clad in concrete, with some concrete masonry unit (CMU) infill in window openings, and has a flat roof (Figures 4.1-2 through 4.1-4). The north face originally featured regularly spaced bays, some of which are extant with banks of three twelve-over-twelve industrial windows. Other bays have been altered, either with CMU or plywood infill, and/or via complete alteration of the opening with alternate doors or windows. The face features a variety of steel doors (with and without glass lights), original wood-sash windows, altered wood-sash windows, Lucite panels, and metal-sash sliders. The north face of Mill O also has a corrugated wall addition west of center, and a substantial shed-roofed addition attached to the building on large steel support beams above the second story. The addition connects Mill O to the No. 2 and No. 3 Paper Machine buildings to the north.

The east face of the building depicts the north massing as three stories in height due to the sloped grade. To the south is a two-story gable roof massing with a central, third-story monitor gable (Figures 4.1-1 and 4.1-2). The east face is clad in corrugated metal, with the exception of the monitor, which is clad in wood shiplap. Openings on this face include a ground level garage-style opening with no door; a ground level pedestrian-sized opening with no door; and a second-story pedestrian-sized opening with no door. Steel H-framing components are attached to the south side

of the east face; these may be acting as structural support for the east wall, as the building was originally constructed integral to the woolen mill, which was demolished. A metal guardrail fronts the facade near the ground, covering the full length except for the door openings. At the point where the two-story massing meets the northern three-story massing is a metal downspout, with part of a round metal pipe traveling halfway down the face.

Only portions of the south face of Mill O are visible or accessible, due to proximity to the adjacent carpentry building and pipe shop (Figures 4.1-5 and 4.1-6). On the second story, the south face features some bays of three twelve-over-twelve windows identical to those on the north face, though these are in poor condition; others have been infilled with CMU. On the ground level, the easternmost bay of the first story has been widened, resulting in damaged and missing concrete. The middle and west bays of the first story have three single-hung, wood-sash windows without glass. Other fenestration on the ground floor includes a small slider window, eight-over-eight windows, and plywood and CMU infill. At the ground level, long, partial window openings indicate the lower level to the building, which has been partially subsumed by land infill. From the south face, regularly spaced, square windows infilled with plywood are visible on the monitor.

Neither the west face nor the interior of the building could be accessed due to safety concerns. However, photos provided by the CTGR from September 2021 enabled assessment of the west face. From the water side, Mill O features an approximately two-story sublevel/basement, which spans the length of Mill O and several other buildings. Above this substructure, Mill O's west face is four stories to the north and three stories to the south, clad in concrete, and with a mix of window openings and types.

Parts of the first-floor interior were visible from the exterior (Figures 4.1-7 and 4.1-8). For example, the ground level featured a poured-concrete floor and open floor plan, with regularly spaced, round and square steel columns resting on individual concrete footings. The columns are attached to large, wood support beams running north–south along the ceiling. The ceiling consists of wood boards running east–west. Portions of the interior are in a state of collapse; storm damage to the roof resulted in water infiltration that has created a pancake failure of the structure from the top down.



Figure 4.1-1. Southeast corner, Mill O, view north.



Figure 4.1-2. Northeast corner, Mill O, view southwest.



Figure 4.1-3. East side of north facade, Mill O, view southwest.



Figure 4.1-4. West side of north facade, Mill O, view south.



Figure 4.1-5. East side of south face, Mill O, view northwest.



Figure 4.1-6. West side of south face, Mill O, view northeast.



Figure 4.1-7. North end of first-floor interior, Mill O, view south.



Figure 4.1-8. Loading platform on first floor, Mill O, view south.

Integrity

Original plans for Mill O were unavailable; however, photos of the building over time and examination of its physical features indicate it has gone through extensive alterations since its initial construction. Most of the original windows and doors have been infilled or altered from the original, symmetrical, multi-sash windows; this is true on all faces and in the monitor (Figures 4.1-9 and 4.1-10) (CTGR 2022). Other changes include those to the siding and massing, particularly notable via the corrugated siding on its east face, which was likely added following demolition of the woolen mill. It also appears that a portion of the east side of the building was removed, as it no longer abuts the woolen mill foundation; that area would have housed the secondary entrances as noted in historical photos (see Figure 4.1-9) (MIG, Inc. 2017:219). The City's 2012 evaluation noted this fact, stating that the building was a concrete structure but that the east wall was wood frame, also stating the former footprint was reduced when the wall was reconstructed (OSHD 2012a). Additionally, the addition of the structure to the north face (between 1977 and 1980) altered the original character and massing of the building (City of Oregon City 2022).

From its date of construction (ca. 1920), Mill O retains integrity of location, as it sits on its original footprint. However, removal, replacement, and addition of surrounding buildings resulted in a loss of integrity of setting, specifically the loss of the formerly attached woolen mill to the east and the addition on the north. The building also suffers from a loss of integrity of design, materials, and workmanship, having again lost its attached woolen mill to the east, as well as numerous alterations to massing, cladding, roofing, windows, doors, and fenestration. Further, the infill of surrounding lands has altered the profile of the resource that, combined with other loss of historical fabric, resulted in loss of integrity of feeling and association. The building is no longer sufficiently intact to convey association as a building involved in the woolen or papermaking industry.



Figure 4.1-9. Photo of woolen mill and Mill O (*right*), view southwest, 1926. Image courtesy of Old Oregon Photos.



Figure 4.1-10. Partial view of Mill O's south face in background, upper right, 1947. Image courtesy of CTGR.

Evaluation

Kramer (2002) assessed Mill O as historic and contributing when he evaluated it for consideration as part of the Willamette Falls Industrial Area historic district; however, Kramer incorrectly noted that the building was constructed in 1903. Based on Sanborn maps, the building was constructed between the years of 1911 and 1925 (Sanborn 1911, 1925); because of this, HRA has dated the resource to ca. 1920. The City reevaluated the resource in 2012, noting the date of construction of ca. 1918 based on evidence from historical Sanborn maps, which they acknowledged depicted the building first in 1925 and is absent in the previous Sanborn made in 1911. The City also assessed the building as eligible and significant (OHSD 2012a).

The area where Mill O is located was originally developed for the OCMC in the 1860s. An 1888 Sanborn map depicts the area bounded by Third Street to the north, Main Street to the east, Water Street to the west, and the tail race to the south. A number of associated OCMC buildings are depicted at the south and west sides of the block, with several businesses on the northeast corner fronting Main Street (Sanborn 1888). By 1900, the businesses were replaced with a large addition to the woolen mill, which extended the block's full length along Main Street. A boiler house is also depicted in the middle of the block (Sanborn 1900)

By 1911, several newer buildings are shown, including a machine shop on the west side and a small, wood-frame sweat house and attached shed on the northwest corner, where Mill O would later be built (Sanborn 1911). By 1925, a long, rectangular three-story building is shown at this location, later known as Mill O. The building abutted the woolen mill to the east and its different functions are labeled for each floor: shipping and machine shop on the first floor, weaving on the second floor, and garment factory on the third floor (Sanborn 1925). Based on aerials, the dye house to the south was removed sometime between 1944 and 1955, and the tail race was filled in by 1974 (City of Oregon City 2022).

Criterion A

Mill O began as an annex to the OCMC Woolen Mill and was later converted to serve a variety of purposes for the papermaking industry. These purposes included storage and warehouse space, in addition to a lab located on the western end of the building (MIG, Inc. 2017:308).

Under Criterion A, the OCMC might be significant for its local contribution to the growth of Oregon City in the area of Commerce, as a primary driver of industry and employer for Oregon City from 1865 until its acquisition in 1952 by the PPC. Further, the PPC may also convey significance within this criteria and area of significance from the mid-twentieth century until, perhaps, its acquisition by Smurfit Paper Newsprint Division in 1985. (Note that the period of *operations* does not necessarily equate to the period of *significance*.) However, as the SHPO has previously noted, there is not a "significant concertation, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development" remaining of the OCMC/PPC to justify eligibility of any resources in the context of a historic district (Curran 2012; NPS 1997:5). Therefore, Mill O must be assessed individually, as a building, for significance within its context within the OCMC and, arguably, the PPC.

Mill O was constructed ca. 1920 and served in a support role for the OCMC and later the PPC. However, mere association with the OCMC/PPC and its historic trends in local commerce is not enough to qualify under Criterion A. The property must have a specific association and that association must be important (NPS 1997). There is no evidence Mill O played an important role in local commerce or any other area of significance. Further, due to changes over time, the building no longer retains sufficient integrity to convey significance from its period of construction (ca. 1920) nor any period of association with the OCMC (i.e., 1865–1952) or PPC (1952–1985). As Mill O does not have a specific association to events or pattern of events that made a significant contribution to the broad patterns of local, state, or national history, and does not retain integrity, it is not eligible for listing in the NRHP under Criterion A.

Criterion B

Research did not reveal a direct association of the resource with the lives of significant persons. The OCMC was a corporation, making it unlikely that the construction or operation of Mill O was directly associated with the lives of any particular individual. Additionally, research conducted using historic newspapers and Ancestry.com did not uncover a person with a strong association to this specific building. As Mill O does not have a specific association to the lives of significant persons, it is not eligible for listing in the NRHP under Criterion B.

Criterion C

Mill O may have originally embodied a type, period, or method of construction, but changes over time have altered any distinctive characteristics it once had. Although the rectilinear plan of the building is still present, altered massing, fenestration, and removal of a section of the eastern side of the building and demolition of the associated woolen mill resulted in an irretrievable loss of integrity. The building is not the work of a master, does not possess high artistic values, and is not part of a district. As Mill O does not have a specific association with any design of construction significance, it is not eligible for listing in the NRHP under Criterion C.

Criterion D

Mill O was built using common construction methods and well-known materials. It is therefore unlikely to answer important research questions or yield information about human history that can only be answered by the actual physical material, design, construction methods, or interrelation of these. As the building is unlikely to yield information important to prehistory or history, it is not eligible for listing in the NRHP under Criterion D.

Conclusion

HRA recommends Mill O (ca. 1920) not eligible for listing in the NRHP due to an inability to qualify under any criteria of significance and an irretrievable loss of integrity.

4.2 Hawley Building (1923)

The Hawley Building was built in 1923. The building is located on the south side of the former BHPC, west of Main Street. Attached to the north side of the building is the bleach plant, to the east is the sulfite plant, to the south is the intake basin, and to the west is the No. 1 Paper Machine Building (Section 4.10). Mill D is attached to the west side of the No. 1 Paper Machine Building, as are two other buildings. Additionally, an elevated and enclosed walkway is located on the Hawley Building's east face at its second story, attaching it to the sulfite plant located across Main Street to the east. The primary (south) facade faces a portion of the intake basin and the cleared former site of the Mill E offices.

The Hawley Building is four stories, with a square plan, and made of concrete (Figures 4.2-1 and 4.2-2). The roof features a parapet with a shallowly pitched, stepped-up, centered section that speaks to the building's original gable roof (now a flat roof). Below the parapet are the faint marks of the "Hawley Pulp and Paper Company" lettering. The facade is divided into three bays by two shallow pilasters. Each floor has three openings for a continuous band of windows, though all windows throughout the building have been altered. The fourth story features banks of four, metal-frame, fixed windows flanked by a fixed-over-hopper window on each side. The third story has banks of metal-frame, fixed-over-hopper windows. The second story also has continuous hopper-over-fixed windows, though the first and third bay's far left windows have been replaced with a metal, louvered vent and the middle bay of windows infilled with concrete. The first floor's middle bay is open, except a small section on the left, which is infilled with concrete and corrugated plastic siding. The

left bay is partially infilled with concrete and plywood. The first floor's right bay is open, with a section of the corrugated plastic siding. Metal stairs with metal railings are located on the left side of the facade, reaching a landing on the second story, then leading to the roof of the No. 1 Paper Machine Building located on the west side of the building.

The east face of the Hawley Building is divided into three bays on the south facade (Figure 4.2-3). As with the primary facade, original window openings are altered and infilled, including fixed-over-hopper windows. On the right bay of the second story, the enclosed walkway connects the east face with the building across the street. Two large holding tanks clad in ceramic tile are located in front of the building on the east face.

The north face is only visible at the left (east) bay, due to the attached bleach plant building, and all window openings are infilled (see Figure 4.2-2). The west face is attached to the No. 1 Paper Machine Building on the first story (Figure 4.2-4). Like the east face, the upper three stories of the west face are divided into three bays. The right (south) side of the face has a series of metal ladders leading to metal slab doors on the third and fourth floors, fronted by metal landings with railings. Windows on the west face include banks of metal framed, hopper-over-fixed windows; single, square casement windows; and infilled openings. Metal beams and other metal components are attached to the west face.

The roof of the Hawley Building is flat, with built-up roofing and a surrounding parapet. A small, rectangular CMU structure located on north side of the roof has an opening with no door to access the stairs to the fourth floor. West of center against the south parapet is a raised rectangular platform with metal corrugated siding around the north, east, and west sides, and built-up roofing on top.

Most of the interior is open, with concrete floors (Figures 4.2-5 through 4.2-8). All floors of the building have sprinkler systems running along the ceilings. Upper levels are supported by large, square, cast concrete columns. At the ground level, the west wall is open to the No. 1 Paper Machine Building (see Figure 4.2-5). A small CMU room is located to the right of the primary entrance, which is accessed through an opening where double doors were once located. Just north of this is a large room with CMU walls and a sloped ceiling angling downward to the west from the main east wall. The room is accessed from a series of steel slab doors. On the north side of the first level is another L-shaped room with CMU walls that do not reach the ceiling; it has several large, fixed windows and is accessed from metal doors on either the north or south side. A rectangular freight elevator is also located along the north wall; it is enclosed on three sides with concrete and accessed on its east side. On the north side of the east wall is a large, metal sliding door on tracks, and in the northeastern corner of the first floor is a metal spiral staircase to access the building's second floor. Additionally, located on the west side of the floor is a people mover, which is a single person, conveyor belt elevator system.

The second floor of the building also consists of a large open space, concrete floors, and regularly spaced, hexagonal, cast concrete support columns (see Figure 4.2-6). The southeast corner features a concrete and tiled structure with a partial wall and metal railings around the top perimeter. Against the east wall is a large metal utility structure with numerous pipes leading up through the ceiling; it sits on a rectangular metal grate with a concrete perimeter. Other concrete perimeter outlines and platforms are located at various places, indicating past equipment locations. In the northwest corner, a concrete ramp with metal railings leads to the roof of the No. 1 Paper Machine Building through

an opening with no door. A large opening on the north side of the east wall provides access to the enclosed walkway to the Sulfite Plant.

The third floor also features open space, concrete floors, and hexagonal, cast concrete support columns (see Figure 4.2-7). There are numerous areas of a low, rectangular concrete perimeters, some of which are further sectioned off by smaller rectangular areas. One is located against the north wall and surrounds a series of square and rectangular concrete platforms and a yellow, metal railing. The other rectangular perimeter is located against the east wall and to its north is a large, rectangular metal grate in the floor. The west side of the floor has a few raised concrete areas and a small section of yellow, metal railings on its north side.

The fourth floor of the building is also a large open space, with a concrete floor and ceiling (see Figure 4.2-8). The concrete support columns are square, smaller than the other floors, and step outward at the top. A large middle section of the floor is differentiated by a low concrete perimeter and surrounds a series of raised concrete platforms with square sections of metal mesh attached at regular intervals. Between this area and the south wall is a recessed area in the floor surrounded by a metal railing. A slightly higher rectangular perimeter located on the north side of the east wall surrounds a large hexagonal platform. The west part of the floor also includes raised concrete platforms that are randomly placed. A portion of the west side of the back north wall was removed, exposing the fourth floor of the Bleach Plant next door. A short set of metal stairs with rails are in front and slightly to the west of the freight elevator.



Figure 4.2-1. Southeast corner of the Hawley Building (*center*) with the substantially altered No. 1 Paper Machine Building (*left*), view northwest.



Figure 4.2-2. Northeast oblique of the Hawley Building, view southwest.



Figure 4.2-3. East face of the Hawley Building, view west.



Figure 4.2-4. West face of the Hawley Building from roof of the No. 1 Paper Machine Building, view northeast.

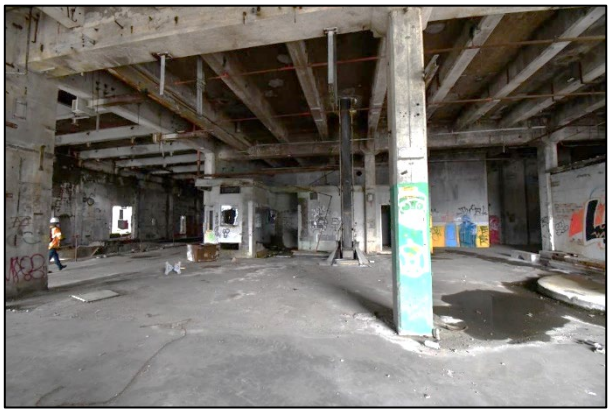


Figure 4.2-5. First-floor interior of the Hawley Building, view north.

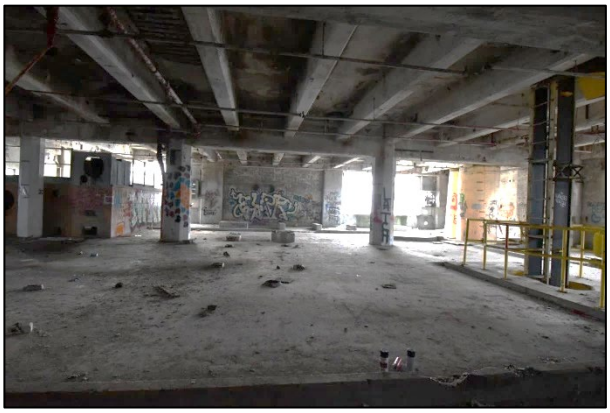


Figure 4.2-6. Second-floor interior of the Hawley Building, view south.



Figure 4.2-7. Third-floor interior of the Hawley Building, view south.

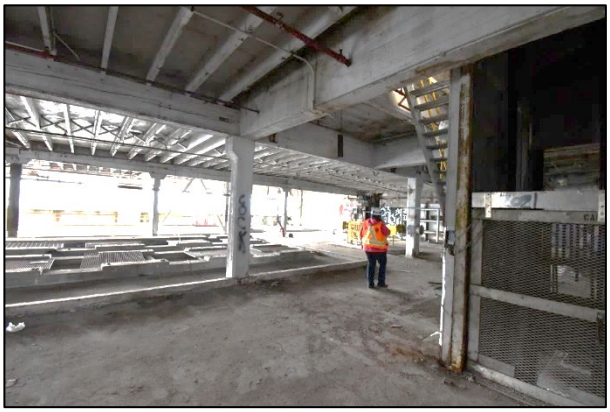


Figure 4.2-8. Fourth-floor interior of the Hawley Building, view south.

Integrity

Original plans for the Hawley Building were unavailable; however, photos of the building over time and examination of its physical features indicate it has gone through extensive alterations since its construction date (1923). Many of the original openings for windows and doors have been infilled, altered, or expanded. A 1924 photo depicts the original side-by-side, eight-over-eight, single-hung windows covering the full length of each window bay. On the first floor, the middle bay had similar windows with a central entrance below (Figure 4.2-9) (MIG, Inc. 2017:196). A 1950 photo depicts the second-story windows on the facade as replaced with either CMU, glass block, or some other infill (Figure 4.2-10). A 1979 photo further depicts changes to the windows, with the upper two floors of the facade in a variation of the current fixed/hopper combination (Figure 4.2-11) (MIG, Inc. 2017:291).

Additional changes to the exterior include an addition off the north side and a steel-frame structural system attached to the west facade and extending over the No. 1 Paper Machine Building's roof. The interior of the building has been extensively modified as well, with walls removed and otherwise altered or damaged. Additionally, all equipment was removed from the building at an unknown date, leaving platforms and perimeters once randomly situated on each floor with little context of historic use.

From its date of construction (1923), the Hawley Building retains integrity of location, as it sits on its original footprint. However, changes over time to its surroundings have resulted in an arguable loss of integrity of setting. For example, the tail race originally located north of the building complex was infilled, substantial alterations occurred to the attached No. 1 Paper Machine Building (see Section 4.10), Mill H was constructed ca. 1949, and Mill E was razed in 2021. Alterations to the building, including infill and replacement of original windows and doors, loss of interior components, and the addition of the bleach plant on the north face have diminished the building's integrity of design, materials, and workmanship. These alterations have led to a loss of integrity of feeling and association, as the building no longer conveys its historic character as a building constructed for the papermaking industry.

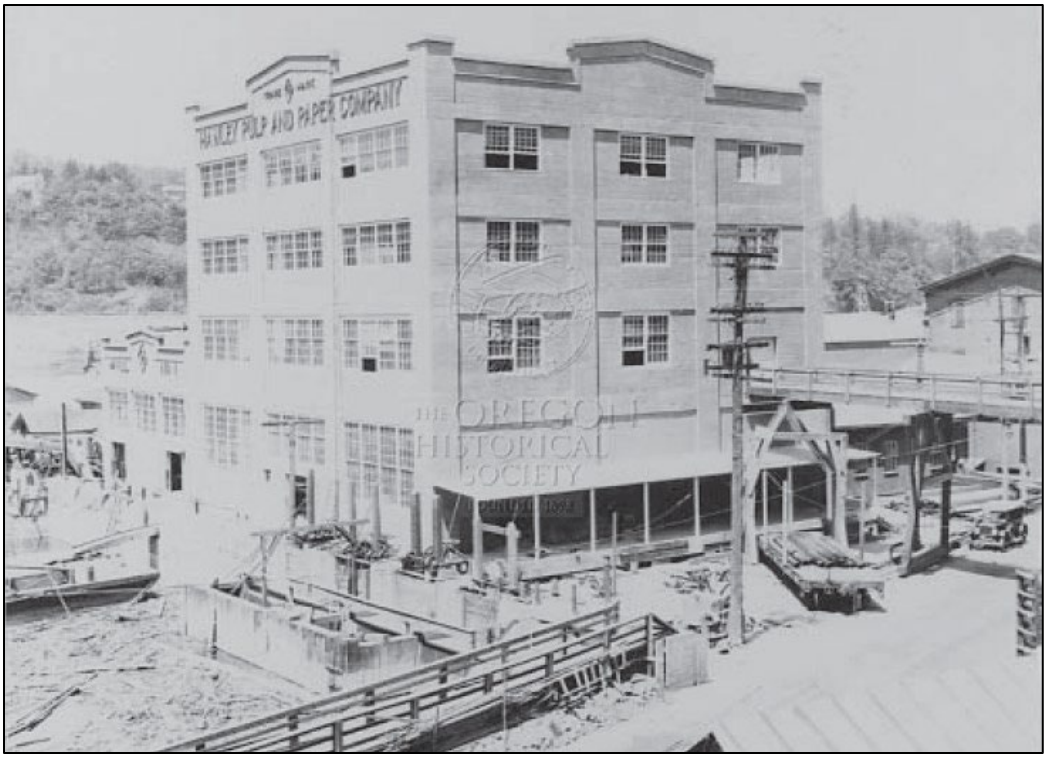


Figure 4.2-9. South and east faces of the Hawley Building shortly after construction, 1924. Image courtesy of the Oregon Historical Society.



Figure 4.2-10. South facades of the Hawley Building and No. 1 Paper Machine Building, 1950. Image courtesy of OHSD.



Figure 4.2-11. Upper stories of the Hawley Building's south facade, 1979.

Evaluation

Kramer (2002) assessed the Hawley Building, which he referred to the building as the Mill #1 Finishing Room/Bleach Plant, as historic and contributing to the Willamette Falls Industrial Area historic district (Kramer 2002:12). The City reevaluated the resource in 2012, also assessing it as eligible and significant, though the City noted that, the building had been "somewhat modified" (OHSD 2012b).

The area where the Hawley Building and No. 1 Paper Machine Building are located was first developed by John McLoughlin. By 1845, McLoughlin had four total mills in operation at the so-called Mill Reserve (two sawmills and two flour mills). Additionally, businesses and residences were along or near Main Street (MIG, Inc. 2017:46, 50–51). In 1854, the People's Transportation Company blasted out an area for a water basin just south of the future location of the Hawley Building and No. 1 Paper Machine Building, providing a deeper body of water for riverboats to dock and offload (MIG, Inc. 2017:65). Around this time, McLoughlin transferred management responsibilities for the mills to his son-in-law, Daniel Harvey (MIG, Inc. 2017:66).

A major flood in 1861 destroyed the mill buildings, but Harvey immediately started rebuilding. The Imperial Standard Mills (later the Imperial Mills, who specialized in flour production) were constructed in the mid-1860s north of the basin (MIG, Inc. 2017:104–106). A Sanborn map from 1884 depicted Imperial Flour Mill as a five-story, wood-frame mill on the future location of the Hawley Building. To the south, a partially vacant, two-story building aligned north–south, which was used for storage of wool and flour on the second story. Attached at the north end of the storage building was a general warehouse aligned east–west, which connected to a steamboat landing to the

west. A water flume and tailrace aligned north from the basin on the east side of the flour mill underneath the storage building to the south. Across Main Street to the east was a building used for cleaning machinery and wheat bins, with a building for storage attached to its south side. The Phoenix Hotel was just north of these buildings (Sanborn 1884).

In 1885, following bankruptcy of the Imperial Mills, Portland Flouring Mills purchased its parcels, associated buildings, and water rights for one dollar (MIG, Inc. 2017:124). By 1888, small additions were constructed off the mill and its associated buildings. An iron conveyor and walk over was added between the flour mill and the grain warehouse (the future location of the sulfite plant). To the northeast, across the street from the mill, was a building for the Portland Cement Company Works (Sanborn 1888). By 1900, the City Water Works Pump House had been added north of the mill (Sanborn 1900). In 1911, the flour mill had been converted to Hawley Pulp & Paper Company's Mill B and had expanded north and absorbed the water works building. Additionally, to the west, the former grain warehouse had expanded for pulp grinding and was called the east side mill (Sanborn 1911).

A 1923 fire destroyed the mill buildings, after which Hawley immediately began construction on the subject building (MIG, Inc. 2017:192). By 1925, the new Hawley Building was complete, and included beaters on the first floor, paper cutting on the second floor, and paper warehouses on the third and fourth floors. The No. 1 Paper Machine Building (adjacent, attached to the west) was constructed simultaneously. Also by 1925, the east side mill, labeled Mill H, had additions on its northwest corner (Sanborn 1925). By 1940, the tail race was extant and the area to its north has been further developed (City of Oregon City 2022). By 1955, Mill E was constructed to the south. A clarifier was constructed west of the basin area prior to 1972, and the tail race was filled in by 1974 (City of Oregon City 2022).

Criterion A

The Hawley Building, constructed in 1923, was historically associated with the HPPC. Papermaking in the industrial area near the Willamette Falls began first with the Oregon City Paper Manufacturing Company (also known as the Pioneer Paper Manufacturing Company) in 1866. This initial foray into paper production was short-lived, and the enterprise converted to a flour mill in 1868. In 1908, HPPC began paper production near the Falls, using the former Imperial and Portland Flouring Mills building. After that building was destroyed in a 1923 fire, the subject Hawley Building and No. 1 Paper Machine Building were constructed.

By 1912, the HPPC employed approximately 250 people at its Oregon City location and produced 35 tons of paper, which was shipped to ports along the Pacific Coast in addition to places as far away as China and New Zealand (MIG, Inc. 2017:172). The HPPC remained successful during the Depression and even expanded during the war years (MIG, Inc. 2017:218, 220). By the mid-twentieth century, the Mill Reserve was mostly dominated by the papermaking industry (MIG, Inc. 2017:252). Despite the success experienced by HPPC, Hawley's heirs sold its remaining interest and dissolved the company, making PPC the new owners in 1948 (MIG, Inc. 2017:255). In 1952, the OCMC sold its woolen mill and water rights to PPC (MIG, Inc. 2017:267). Over its first decade in business, PPC expanded considerably, though by the 1980s, business proved to be less successful. PPC sold its mills to the Smurfit Paper Newsprint Division, which later sold to the mills to the BHPC in 2000 (MIG, Inc. 2017:283, 300, 306).

Under Criterion A, the HPPC/PPC might be significant for its local contribution to the growth of Oregon City in the area of Commerce, as a primary driver of industry and employer for Oregon City from 1908 until, perhaps, its acquisition by Smurfit Paper Newsprint Division in 1985. (Note that the period of *operations* does not necessarily equate to the period of *significance*.) However, as the SHPO has previously noted, there is not a "significant concertation, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development" remaining to justify eligibility of any resources in the context of a historic district (Curran 2012; NPS 1997:5). Therefore, the Hawley Building must be assessed individually, as a building, for significance within its context within the HPPC and PPC.

The Hawley Building was originally used as a bleach plant and was later known as the finishing room (OHSD 2012b). Other than these titles, there is little information to elaborate on the exact operations the building served over the years, except to note that the building served one role among many in the papermaking process. Mere association with the HPPC and PPC and any historic trends in local commerce is not enough to qualify under Criterion A. The property must have a specific association and that association must be important (NPS 1997). There is no evidence the Hawley Building played an important role in local commerce or any other area of significance; while it played a role in bleaching and later finishing processes for a signature product, it was but one facility required to create the product. Further, due to changes over time, the building no longer retains sufficient integrity to convey significance from its period of construction (1923) with the HPPC, nor any period of association with the PPC (i.e., 1948–1985). As the Hawley Building does not have a specific association to events or pattern of events which made a significant contribution to the broad patterns of local, state, or national history, and does not retain integrity, it is not eligible for listing in the NRHP under Criterion A.

Criterion B

Research did not reveal a direct association of the resource with the lives of significant persons. The HPPC and PPC were corporations, making it unlikely that the construction or operation of the Hawley Building was directly associated with the lives of any specific individual. As the Hawley Building does not have a specific association to the lives of significant persons, it is not eligible for listing in the NRHP under Criterion B.

Criterion C

The Hawley Building originally, and with the adjacent and historically associated No. 1 Paper Machine Building, embodied a type, period, or method of construction, specifically a twentieth century reinforced concrete industrial building. Although the square plan of the building(s) and the distinctive parapet are still present, numerous changes (including an addition to the north, extensive modifications to the interior and exteriors, and the infill and replacement of all original multi-light, steel-frame sash windows) resulted in an irretrievable loss of integrity. The building is not the work of a master, does not possess high artistic values, and is not part of a district. As the Hawley Building does not have a specific association with any design of construction significance, it is not eligible for listing in the NRHP under Criterion C.

Criterion D

The Hawley Building was built using common construction methods and well-known materials. It is therefore unlikely to answer important research questions or yield information about human history that can only be answered by the actual physical material, design, construction methods, or interrelation of these. As the building is unlikely to yield information important to prehistory or history, it is not eligible for listing in the NRHP under Criterion D.

Conclusion

HRA recommends the Hawley Building (1923) not eligible for listing in the NRHP due to an inability to qualify under any criteria of significance and an irretrievable loss of integrity.

4.3 Mill B/De-Ink Building (1927)

The Mill B/De-Ink Building was completed in 1927. The building is located within the former BHPC complex, directly north of the No. 4 Paper Machine/Paper Machine Warehouse (Section 4.4) and south of a truck dump facility. The building is surrounded by associated buildings within the complex: to the west is Mill O (Section 4.1), No. 2 Paper Machine Building, and the Butler Building. Railroad Avenue (State Route 99E) extends along the eastern edge of the building.

The Mill B/De-Ink Building has a rectangular plan aligned on a north–south axis, with the facade on the west face. The building has been expanded over time to encompass the three-story primary massing (Building 49) at the south end and two large, attached one-story massings at the north end (Buildings 50 and 51). The primary massing, known as Mill B, sits atop a poured-concrete foundation with spread and strip footings. The rectangular block has a flat roof with parapet, featuring a Moderne style concrete cornice. A taller monitor roof extends the length of the rear (east) side of the main roof. The building is characterized by its reinforced concrete frame with large window bays containing a combination of CMU with a parge coat, board-formed concrete, and glass-block units. The glass-block windows are evenly spaced across the upper two floors of the west and south elevations. Two- and six-light steel-frame awning sash windows are visible in some locations.

The north extension (Building 50) consists of a steel-frame building sheathed in corrugated metal siding and capped by a low-pitched side-gabled roof. The northernmost extension (Building 51) is constructed of poured concrete and steel frame sheathed in corrugated/ribbed metal siding (IRI 1991:1; Winterbrook 2014:6). Various ancillary structures including tanks, sheds, and piping are located around the perimeter of the building. A metal canopy at the building's southwest corner connects to the No. 4 Paper Machine North Addition (Building 43) to the south.

The west facade of the Mill B/De-Ink Building fronts onto a concrete roadway, which serves as an extension of Main Street (Figures 4.3-1 through 4.3-4). The primary block is seven bays wide and three stories in height, plus a partially exposed basement level and fourth-floor monitor roof at the rear (east) side. A tall, one-story shed wing projects from the three northern bays and wraps around to incorporate the north face of the primary massing. A recessed loading dock, known as the pulper, is located near the midsection of this wing. Two large sliding-track metal doors are positioned at the

south end. To the south of the shed wing is a freestanding glazed terra-cotta tank and concrete loading dock, sheltered by a shed roof supported by two metal posts. A drive-in dock with a concrete ramp is positioned to the south. The large opening contains a rolltop overhead door. At the south end is a steel loading dock/enclosure entered from the south side and a large circular opening in the southernmost bay of the first floor. The upper portion of the circular opening is covered in corrugated metal sheathing. The second-floor window fenestration, which is partially obscured by the ancillary extensions and structures, has been infilled with painted glass block. Some of the infilled bays contain a six-light, steel-frame awning window. The third-floor level features seven bays with glass-block units with small metal vents at the upper opening.

Mill B's north face is tied into a tall, one-story rectangular extension, consisting of a pole-barn building with a low-pitched side-gabled roof (see Figure 4.3-3). The original north elevation, now functioning as an interior wall, is three bays wide and contains two large openings on the east and middle bays. The west bay is infilled with corrugated metal cladding and plywood. The wing extension contains two open bays; the southern portion, which wraps around the west facade of the primary massing, is sheathed in corrugated metal. Another tall, narrow building projects from the north end of the wing extension. It is constructed of poured concrete with metal cladding at the upper walls.

The south face is three bays wide and has been modified over time, including the addition of door openings at the first-floor spandrel bays and glass-block infill and sash replacements at the upper two floors (Figures 4.3-5 and 4.3-6). At the west end, the first floor contains a single metal door set into a wall cutout infilled with CMU. The central bay features a solid, board-formed concrete wall with no openings. The east bay contains an opening without a door framed by a steel I-beam header. The opening is flanked by glass-block windows with board-formed concrete at the base; the door is no longer intact. The second floor contains banks of steel-frame, with both fixed and operable awning sash; all of the windows have been painted white. At the third floor, two of the bays contain glass-block windows with louvered metal vents at the upper opening. The southeast corner retains much of its original fabric, including a projecting tower at the upper level that incorporates the fourth-floor monitor roof. The tower contains a door opening, surmounted by a bank of steel-frame fixed and awning windows, painted white. A steel I-beam is mounted to the top of the opening.

The rear (east) face is four stories in height, incorporating the monitor roof across its length (Figure 4.3-7). A large, rectangular cantilevered wing at the five northern bays is supported by steel framing, clad in corrugated metal, and capped by a flat roof. Corrugated metal-clad double doors are located at the wing's north end; no other openings are present. A transformer substructure, known as the North Substation, is located below the elevated wing, which extends to the north and south of the building's elevation. The area is enclosed with a low chain-link fence. At the south end, a corner tower projects from the upper level, incorporating the fourth-floor monitor roof. At the southernmost bay, a metal landing with tubular railing is located at the second floor. Most of the bays along this elevation are board-formed concrete with infilled CMU openings. To the north of Mill B's primary massing is a lower, one-story concrete wing that connects to a taller, corrugated metal wing with a large overhead door. Another long, narrow metal-clad building extends from the northwest corner and contains a solid metal door.

The interior of Mill B is three stories tall, plus a basement level and fourth-story monitor roof on the rear (east) side (Figures 4.3-8 through 4.3-10). Each floor is relatively open space with minimal interior partitions. The three-story portion features evenly spaced concrete beams that support the

structural floor framing of concrete beams, girders, and slab floors (Shiels Obletz Johnsen 2013). Loading docks at the north and south ends of the west facade lead into a tall open space, revealing the second-floor window fenestration. A circular concrete cutout is located at the southwest corner of the space. It is evident that the original second floor was removed from the interior, evidenced by the ledge shadowing, creating a two-story volume with tall concrete beams supporting deep concrete girders and a concrete slab floor. The interior walls are a mix of painted board-formed concrete with some CMU infill, and the flooring is poured concrete. An elevated steel deck is located at the north side of the west bay. The upper deck is accessed by a metal staircase at the south side. A one-story concrete wall located between the concrete columns divides the west and center bays. A tubular metal railing extends across the top of the wall. The basement and upper floors were not accessible, due to safety concerns.



Figure 4.3-1. Mill B/De-Ink Building, south and west elevations, view northeast.



Figure 4.3-2. Mill B/De-Ink Building, southwest corner, view northeast.



Figure 4.3-3. Mill B/De-Ink Building, ca. 1960s steel-frame addition, west elevation, view southeast.



Figure 4.3-4. Mill B/De-Ink Building, ca. 1960s addition, north and west elevations, view southeast.



Figure 4.3-5. Mill B/De-Ink Building, south and east elevations, view northwest.



Figure 4.3-6. Mill B/De-Ink Building, southeast corner showing projecting tower and monitor roof, view north.



Figure 4.3-7 Mill B/De-Ink Building, rear (east) and north elevations showing elevated corrugated metal-clad addition, view southwest.

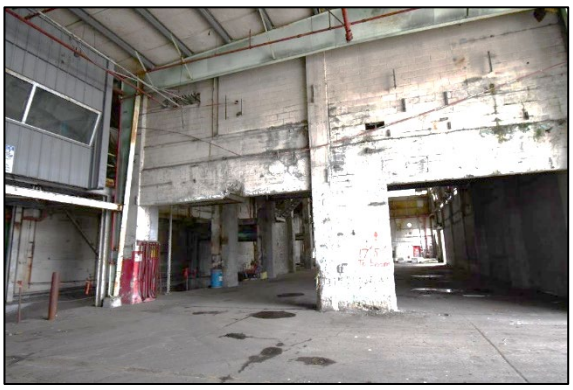


Figure 4.3-8. Mill B/De-Ink Building, original north elevation (now interior wall), view south.

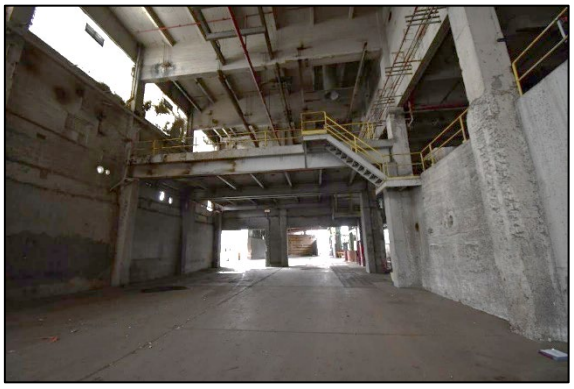


Figure 4.3-9. Mill B/De-Ink Building, interior showing two-story height west bay with steel decking, view north.

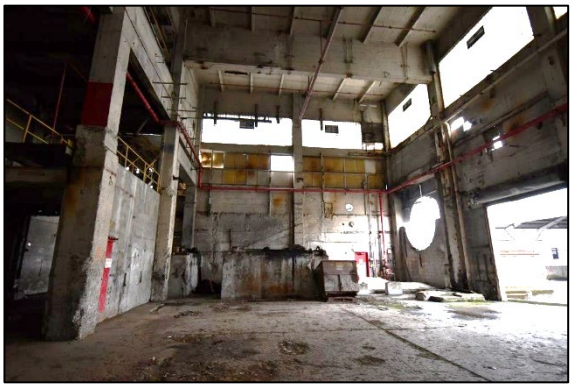


Figure 4.3-10. Mill B/De-Ink Building, interior of west bay showing circular opening *(right)* and machinery remnants, view south.

Integrity

Original plans for the Mill B/De-Ink Building were unavailable; however, photos of the building over time and examination of its physical features indicate it has gone through extensive alterations since its construction date in 1927. The most noticeable alteration, as depicted in a 1953 photo, is the replacement of the original multi-light steel-frame windows with glass-block and CMU infill (Figure 4.3-11). The interior fabric and layout have been extensively modified, including removal of the second floor.

A 1925 Sanborn map shows "Portland Elec. Power Co's Freight Ho. (Elec. Ry.)" situated at this location; the subject resource was not yet depicted (Sanborn 1925). Construction photos from 1927 show Mill B as a long rectangular building. The 1950 Sanborn map, as well as historic photos from the 1950s, show a steel crane extending from the northwest corner of Mill B, with two concrete pulp tanks located to the east. The building footprint was expanded in ca. 1960, with two large concrete and steel-frame additions that were appended to the north end (see Figures 4.3-3 and 4.3-4). As a result of the northern extensions, the exterior openings on Mill B's north elevation were altered. An elevated flat roof wing was also constructed at the rear (east) elevation.

From its date of construction (1927), the Mill B/De-Ink Building retains integrity of location, as it sits on its original footprint. The building does not retain integrity of setting: as originally constructed and as described in the 2012 report, No. 4 Paper Machine Building and Mill B together formed "an impressive industrial streetscape on the east side of Main Street" (OHSD 2012c; Shiels Obletz Johnsen 2013). That streetscape was dismantled on Main Street at the BHPC, which in the 1920s included commercial and residential buildings that have since been subsumed by industrial development. While the building retains its reinforced concrete construction, Moderne cornice detail, and rear monitor roof, extensive alterations to the building's original massing, cladding, fenestration, and interior fabric and layout have diminished integrity of design, materials, and workmanship. The loss of physical integrity has led to a loss of integrity of feeling and association.

Evaluation

Kramer (2002) assessed the Mill B/De-Ink Building as historic and contributing when it was evaluated as part of the Willamette Falls Industrial Area historic district (Kramer 2002). The City reevaluated the resource in 2012 and concurred that the Mill B (De-Inker) was eligible for listing in the NRHP; the De-Ink ONP Repulper/Mill B extension, however, was recommended not eligible (OHSD 2012c, 2012d). Following the 2012 resurvey, the SHPO concluded that the BHPC was not eligible as a historic district due to loss of integrity but classified the Mill B/De-Inker building as individually eligible (Curran 2012:1–2).

Mill B/De-Ink building was completed in 1927, as part of HPPC's expansion. The original Mill B, along with No. 1 Paper Machine Building, was destroyed in a fire in October 1923. The building was rebuilt at a new location at the corner of Third and Main Streets, "on the site of the recently demolished Portland Railway Light & Power Company (PRLPC) freight shed" (MIG, Inc. 2017:208). A 1925 Sanborn map depicts the area bounded by Fourth Street to the north, Main Street to the west, SPRR Main Line to the east, and Third Street to the south. "Portland Elec. Power Co's Freight Ho. (Elec. Ry.)" is shown at the northeast corner of Main and Third Streets, with a platform extending from the northeast corner, connecting to a small paint house and oil house. A paint shop,

office, and machinery storage are shown to the northwest on this block. The Electric Railway aligned along the east side, heading southwards through HPPC's Mill 4 and Warehouse No. 2 (Sanborn 1925). Historic photos from 1927 show the building under construction and the bluff to the east. The building featured fireproof reinforced concrete-frame construction, large expanses of multi-pane, steel-frame windows, and a rear monitor roof (Figures 4.3-11 and 4.3-12).

A 1950 Sanborn map shows Mill B at its corner location, with notes describing its construction and layout, including an interior finished in plaster, containing a workshop on the first floor (west side), concrete mixing vats (first floor south end), and grinder room on the second floor (north side). The rear (east) section included a switch board (first floor), motors (second floor), mixing (third floor), and a screen room (fourth floor). A steel crane extended from the northwest corner of the building and the transformer yard was located at the building's rear side. A small, detached building at the southeast side was labeled Laboratory (Sanborn 1950). A 1948 aerial photo shows Mill B with transformers along the rear (east) side and two circular tanks to the north (Figure 4.3-13). The 1959 aerial photo depicts an open steel-frame structure at the building's north end (Figure 4.3-14).

According to the 2012 resurvey, a metal-clad northern extension, known as the De-Ink ONP Repulper, was appended to the building's north side in 1953 (OHSD 2012c, 2012d). Historic photos from the 1950s dispute this date. For example, the 1953 photo shows the north elevation containing large, metal double doors at the upper wall and an overhead steel track connecting to a crane structure (Figure 4.3.15). The photo also shows Mill B's primary (west) facade featuring multi-light, steel-frame windows at the first floor, with the upper floors altered with smaller steel-frame sash set into CMU infill (on the second floor) and glass-block units (third floor). An aerial photo from 1959 also indicates that the open steel-frame structure was still extant at the north end, further disputing the 1953 construction date for the northern extension (see Figure 4.3-14). It appears the building footprint was expanded ca. 1960s with a large concrete and steel-frame wing at the north end. The second northern extension may have been added around this same time.



Figure 4.3-11. Mill B/De-Ink Building under construction, showing north and west elevations, view southeast, 1927 (MOOT n.d.).



Figure 4.3-12. Mill B/De-Ink Building showing original multi-light, steel-sash windows, fourth floor monitor roof, and North Substation at rear (east) side, October 1927 (MOOT n.d.).

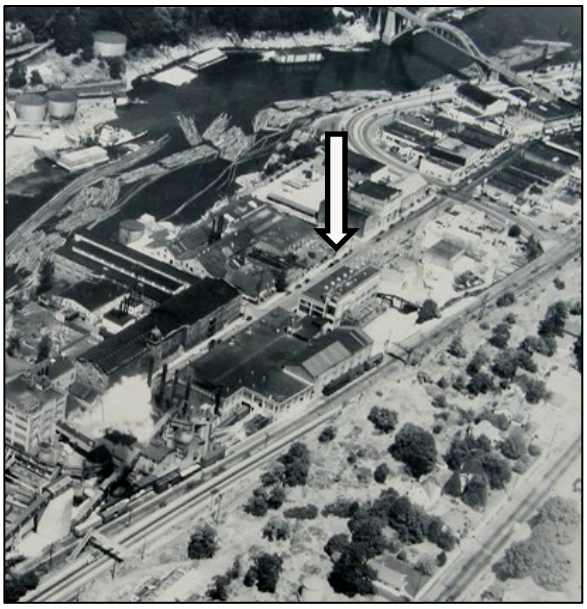


Figure 4.3-13. 1948 aerial photo showing Mill B (*denoted by arrow*) with transformers at rear (east) and two circular tanks (north) (MOOT n.d.).

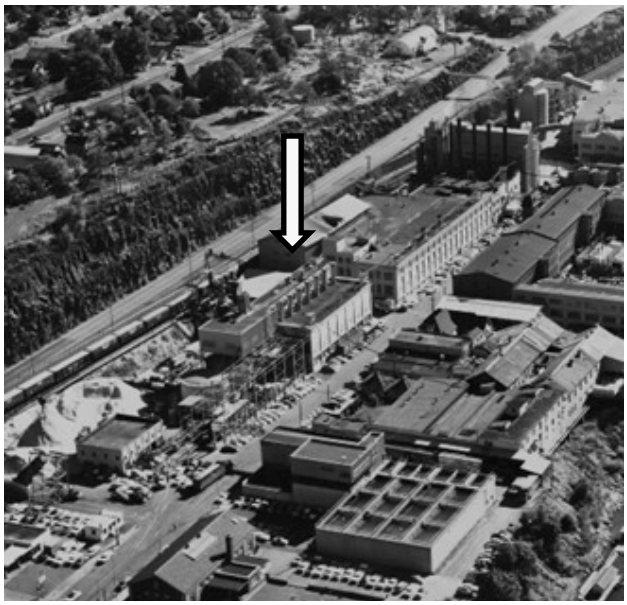


Figure 4.3-14. 1959 aerial photo showing Mill B (*denoted by arrow*) with open steel-frame structure at north end (MOOT n.d.).



Figure 4.3-15. Mill B/De-Ink Building (*left foreground*) and No. 4 Paper Machine Building (*left rear*), view southeast December 1953 (MOOT n.d.).

Criterion A

The Mill B/De-Ink Building was historically associated with paper production of the HPPC, which was founded in 1908. Under Criterion A, HPPC and its subsequent owner, Publishers Paper, might be significant for its local contribution to Oregon City's development in the area of Commerce, as a major industry and employer for Oregon City from 1908 until its acquisition by Smurfit Paper Newsprint Division in 1985; it should be noted that the period of *operations* does not necessarily equate to its period of *significance*. However, as the SHPO has previously noted, there is not a "significant concertation, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development" remaining to justify eligibility of any resources in the context of a historic district (Curran 2012; NPS 1997:5) Therefore, the Mill B/De-Ink Building must be assessed individually, as a building, for significance within its context associated with HPPC and PPC.

Completed in 1927, the Mill B/De-Ink Building was built in connection with the remodeling of No. 4 Paper Machine Building. In January 1920, Hawley had plans to sell his paper mill to a syndicate; however, the deal fell through and, two years later, he announced plans to "construct a new mill, the fourth time that the plant would double its output since it began operating" (MIG, Inc. 2017:192). In October 1923, a fire destroyed the original Mill B and led to the construction of the subject building, which housed a new paper machine. By 1927, HPPC owned all the property in the area east of Main Street and south of Fourth Street (MIG, Inc. 2017:208). The HPPC remained successful throughout the Depression and World War II era and, by the mid-twentieth century, the Mill Reserve was mostly dominated by the papermaking industry (MIG, Inc. 2017:218, 220, 252). Despite its growth and success, Hawley's heirs sold their remaining interest, dissolving the company. PPC became the new owners in 1948, operating it as a wholly owned subsidiary of The Times Mirror Company. PPC was able to create "a full line of production to feed the newspaper market and secure newsprint for their parent company, Times Mirror" (MIG, Inc. 2017:252, 255). The company experienced rapid plant expansion during its first decade, including purchase of the adjacent OCMC Woolen Mill. By the 1980s business proved to be less successful: PPC sold to the Smurfit Paper Newsprint Division, which later sold to the mills to the BHPC in 2000 (MIG, Inc. 2017:283, 300, 306).

The Mill B/De-Ink Building was associated with local commerce as a part of the HPPC industrial development. However, mere association with historic trends is not enough to qualify under Criterion A. The property must have a specific association and that association must be important (NPS 1997). No evidence was uncovered that the Mill B/De-Ink Building played an important role in commercial development of either the HPPC or the region. Further, due to extensive changes over time, the resource lacks integrity to convey significance from its period of construction (1927) or any period of association with HPPC (i.e., 1927–1940s) and/or PPC (i.e., 1948–1985). As such, the Mill B/De-Ink Building does not appear to qualify under Criterion A.

Criterion B

Research did not reveal a direct association of the resource with the lives of significant persons with a known connection to the paper company. Willard P. Hawley acquired the Mill Reserve in 1908 and greatly expanded, operating the paper mills from 1908 until 1948 when he sold his interests to other investors (MIG, Inc. 2017:252, 255). HPPC had been in operations as a corporation for half a

century, making it unlikely that the construction or operation of the Mill B/De-Inker Building was directly associated with the lives of any specific individual. As the Mill B/De-Inker Building does not have a specific association to the lives of significant persons, it is not eligible for listing in the NRHP under Criterion B.

Criterion C

The Mill B/De-Ink Building originally embodied a type, period, or method of construction, specifically that of a twentieth century reinforced concrete industrial building. Like the No. 4 Paper Machine Building to the south (see Section 4.4), the building is characterized by its multi-story, structural concrete-frame massing with large window spans. The open volume of the interior is not original, as is clearly evidenced by the ledge shadowing indicating removal of interior floors. Both buildings were constructed in a cast-in-place, concrete-frame industrial style, a utilitarian configuration noted for its large, open floor plans (to house machinery) and ample light and ventilation characterized by expanses of window glazing composing the bulk of the exterior wall surface (Mortenson 2015:3, 21). However, numerous changes (including additions to the north and west sides, which obscure the original concrete framing and fenestration, and replacement of most of the original multi-light, steel-frame sash windows) have altered the building's most distinctive characteristics. It is no longer a representative example of the type, period, or method of construction of a twentieth century reinforced concrete industrial building. Further, the building does not represent the work of a master; or possess high artistic values; or represent a significant and distinguishable entity whose components may lack individual distinction (i.e., is part of a district). As such, the Mill B/De-Ink Building does not appear to qualify under Criterion C.

Criterion D

The Mill B/De-Ink Building was built of common construction methods and well-known materials and is unlikely to answer important research questions or yield information about human history that can only be answered by the actual physical material, design, construction methods, or interrelation of these resources. As the building is unlikely to yield information important to prehistory or history, it is not eligible for listing in the NRHP under Criterion D.

Conclusion

HRA does not concur with the 2012 evaluation and recommends Mill B/De-Ink Building not eligible for listing in the NRHP due to an inability to qualify under any criteria of significance and an irretrievable loss of integrity.

4.4 No. 4 Paper Machine (1928)

The No. 4 Paper Machine Building, also known as Mill 4, was completed in 1928. The building is located within the former BHPC complex, directly south of the Mill B/De-Ink Building (Section 4.3) and north of the Digesters and Horton Sphere (Sections 4.7 and 4.8, respectively). The building is surrounded by other industrial buildings within the complex: to the west are the Mill O storage

buildings (Section 4.1) and woolen mill foundations (Section 4.5). Railroad Avenue (State Route 99E) extends along the eastern edge of the building.

The No. 4 Paper Machine Building has a rectangular plan aligned on a north–south axis, with the facade on the west elevation. The building has evolved over time and comprises a three-story primary massing at the midsection, flanked by a taller massing at the south end and a tall, narrow massing at the north end. Detached support buildings are located at the building's rear (east) side, which range in date from 1911 up to 1977 (IRI 1991; Winterbrook 2014:6).

The main building massing sits atop a poured-concrete foundation with a basement. The rectangular central block has a flat roof with parapet, featuring a Moderne style concrete cornice. A taller monitor roof extends the length of the rear (east) side of the main flat roof. The building is characterized by its reinforced concrete frame with large window bays containing a combination of CMU with a parge coat, board-formed concrete, and glass-block units. The glass-block windows are evenly spaced across the upper two floors of the west elevation. Two- and six-light, steel-frame awning sash windows are visible in some locations. The southern extension is similar to the primary central massing, consisting of a reinforced concrete frame with large, infilled window bays. The northern extension consists of a steel-frame rectangular building sheathed in corrugated metal siding and capped by a flat parapet roof. The north wing is connected to the Mill B/De-Ink Building via a metal-clad gable roof canopy at the northwest corner.

The west facade of the building fronts onto a concrete roadway, which serves as an extension of Main Street (Figures 4.4-1 through 4.4-5). The central block is twelve bays wide and three stories in height, plus the daylight basement level and fourth-floor monitor roof. The first-floor bays feature board-formed concrete panels; the bays near the midsection contain small square window openings. The second- and third-floor bays contain CMU infill with louvered metal vents centered at the upper opening. The northernmost four bays have a cantilevered, corrugated metal-clad enclosure positioned at the first-floor level. The enclosure is supported by a steel post-and-beam structure and is capped by a flat roof with a tubular railing. Solid metal double doors are positioned at the underside at the north end. Two aluminum-frame sliding-track windows are located at the north side; mechanical equipment is located on the rooftop. A rectangular, two-story projection located at the south end partially obscures the southernmost four bays. The reinforced concrete-frame projection contains no window openings and terminates in a flat roof; the north side contains a solid metal door at the first and second floor, with an exterior metal staircase providing access to the second-floor entry. At the north end of the west facade is a slightly projecting northern extension that ties into the original (1928) north elevation. An exterior metal staircase, positioned at the juncture between the two north wings and central block, leads to a metal-clad stair landing at the second-floor level. The wing is clad in concrete and corrugated metal and terminates in a flat parapet roof. A rectangular, elevated enclosure extends across its length. The enclosure is supported by angled steel framing and capped by a flat roof with a tubular metal railing. The west facade's south end has a taller, four-story, reinforced concrete-frame wing that ties into the original south elevation. The wing is eight bays wide and features a flat roof. Window bays consist of a combination of board-formed concrete, corrugated/ribbed metal, while some do not have cladding or infill. An exterior metal staircase with tubular railing is located at the midsection of the wing. A large, solid metal sliding-track door is positioned near the south end at the first floor.

The north face is incorporated into a tall rectangular extension, known as the No. 4 Paper Machine North Addition (Figure 4.4-2 and 4.4-6). The original north elevation could not be accessed. The

extension's north elevation is clad in ribbed metal and features an overhead door opening at the northwest side; it is connected to Mill B via a metal-clad canopy. There are no openings on the upper wall surface.

The south face is tied into a taller, four-story rectangular extension known as the No. 4 Paper Machine South Addition (see Figures 4.4-3, 4.4-4 and 4.4-5). The original south elevation is no longer present; only the structure for the wall now remains and is completely open to the extension. The extension's south elevation is a solid concrete wall with no window openings, and it appears that another building used to abut it. A concrete slab extends from the rear (east) side at the second-floor level and connects to the building to the south. A metal staircase located at the west side leads to an exposed subterranean level.

The rear (east) face is four stories in height, incorporating the full-length roof monitor. Several wings are appended along this elevation, including a three-story, concrete building (No. 4 Finishing Room and Warehouse/No. 4 Southern Warehouse) at the southeast corner; a three-and-a-half-story, wood-frame building (No. 4 Finishing Room and Warehouse/No. 4 Central Warehouse); and a three-and-a-half-story, wood-frame building (No. 4 Finishing Room and Warehouse/No. 4 Northern Warehouse). A one-story loading/shipping shed is situated at the northeast end. The shed is an open, prefabricated steel building with a gable roof.

The interior of the main massing of the No. 4 Paper Machine is three stories tall, plus a basement and third-story mezzanine level on the rear (east) side (Figures 4.4-7 through 4.4-10). Each floor is relatively open space with minimal interior partitions. The structural framing consists of concrete columns, girders, and slab floors (Shiels Obletz Johnsen 2013). The basement level consists of a rectangular middle section running north–south, open to the other floors and up to the ceiling. Large, square, concrete columns line the middle section on the east and west sides, supporting the upper first floor along the east and west walls. The south end of the basement level has several large rectangular holes and raised concrete platforms with remnants of metal plates and fasteners where machinery was once located. The upper stories were not accessible in this portion of the building, but from the basement opening, some components were visible. Sitting on the first-story concrete floor are regularly spaced, steel support columns and some concrete columns supporting a second floor with enclosed concrete walls. A few door openings lead inside this area. A metal platform on an east–west axis was used to access this floor. The ceiling of this section of the building was made of wood and metal structural components. A large square duct system ran along the ceiling. A few skylights were present on the ceiling in addition to large, round, metal industrial lighting.

The south addition interior's first floor was open. A rectangular hole, which is a continuation from the main building, was roped off in the middle of the floor. In the northeastern corner of the floor is a small metal room with three large windows, mostly likely once a control room for machinery. The east wall projects inward at its second story and the overhang was supported by large, square columns. The ceiling is made of wood (like the main massing) and has a cross braced metal structural system attached and projecting from it. A large rectangular wood section is attached to the metal structure on the ceiling just the above the rectangular hole in the floor. The south end of the addition features a second-story mezzanine supported by large concrete columns and bordered by metal railings. The second-story mezzanine level feature a circular, tiled holding tank in its southeast corner and to its west is a large, raised rectangular platform with a series of metal grates on top. On its east side are three small concrete rooms that do not reach the ceiling. Some of the rooms have

door openings and many have damaged walls. A system of large metal pipe ran along the ceiling. The third-story portion of the building was not accessible.



Figure 4.4-1. No. 4 Paper Machine Building, west elevation showing original massing, view southeast.



Figure 4.4-2. No. 4 Paper Machine Building, west elevation showing north addition, view northeast.



Figure 4.4-3. No. 4 Paper Machine Building, west elevation, showing South Addition in background, view southeast.



Figure 4.4-4. No. 4 Paper Machine South Addition, southwest corner, view northeast.



Figure 4.4-5. No. 4 Paper Machine South Addition, west elevation, view northeast.



Figure 4.4-6. No. 4 Paper Machine Building, north elevation of north addition, view southwest.



Figure 4.4-7. No. 4 Paper Machine Building, basement interior of main massing, view south.

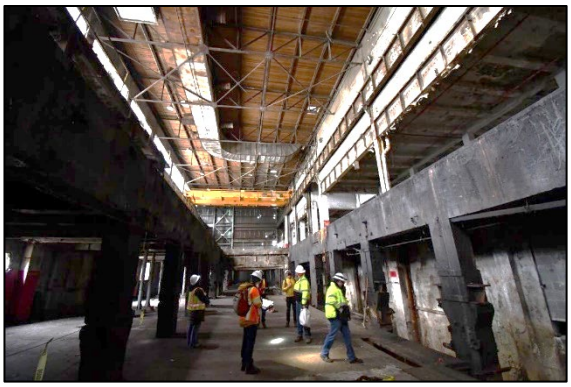


Figure 4.4-8. No. 4 Paper Machine Building, basement interior of main massing look up at other stories, view north.



Figure 4.4-9. No. 4 Paper Machine Building, first-floor interior of south addition, view north.



Figure 4.4-10. No. 4 Paper Machine Building, south massing on second level mezzanine, view east.

Integrity

Original plans for the No. 4 Paper Machine Building were unavailable; however, photos of the building over time and examination of its physical features indicate it has gone through numerous expansions and alterations since its construction in 1928 (Figures 4.4-11 through 4.4-15). The primary massing of the No. 4 Paper Machine Building encompassed a taller southern extension, the No. 4 Paper Machine South Addition, both of which were constructed simultaneously. The most noticeable alteration, as depicted in early 1950s historic photos, is the replacement of the original multi-light, steel-frame windows with glass-block units and CMU infill (see Figures 4.4-13 and 4.4-14). The building footprint was expanded ca. 1970 with a tall, narrow massing (Building 43) at the north end of the primary massing, obscuring the original concrete framing and window fenestration. As a result, the 1928 massing was altered, with both the north and east elevations engulfed by these additions and exterior openings infilled with CMU. The interior fabric and layout have been extensively modified, including removal of the second-floor concrete slab floor, framing, interior walls, and machinery.

From its date of construction (1928), the No. 4 Paper Machine Building arguably retains integrity of location, as it sits on its original footprint, though it has been altered and expanded to the point that the 1928 footprint is largely obscured. The building does not retain integrity of setting: as originally constructed and as described in the 2012 report, No. 4 Paper Machine Building and Mill B together formed "an impressive industrial streetscape on the east side of Main Street" (OHSD 2012e; Shiels Obletz Johnsen 2013). That streetscape was dismantled on Main Street at the BHPC, which in the 1920s included commercial and residential buildings that have since been subsumed by industrial development. While the building retains its reinforced concrete construction and Moderne cornice detail, extensive alterations to the building's original massing, cladding, fenestration, and interior fabric and layout have diminished integrity of design, materials, and workmanship. These extensive physical changes have resulted in a loss of integrity of feeling and association.

Evaluation

Kramer (2002) assessed the No. 4 Paper Machine Building as historic and contributing when it was evaluated as part of the Willamette Falls Industrial Area historic district (Kramer 2002). The City reevaluated the resource in 2012 and concurred that the No. 4 Paper Machine Building was eligible for listing in the NRHP (OHSD 2012e). Following the 2012 resurvey, the SHPO concluded that the BHPC was not eligible as a historic district due to loss of integrity but assessed the No. 4 Paper Machine Building and No. 4 Paper Machine Warehouse as individually eligible (Curran 2012:1–2).

The No. 4 Paper Machine Building, also known as Mill 4, was completed in 1928. As noted in the 2012 resurvey, the No. 4 Paper Machine complex evolved over time, with a portion of the building (labeled H.P. & P. Co's W,Ho. No. 2) first shown on a 1911 Sanborn Map. Other buildings in this proximity include "O.C.E.D. Hose Ho. No 2" at the northwest corner, boarding and lodging, a dwelling, and "H.P. & P. Co's Off." The "City Watering, Filtering & Plumbing Plant" was located to the south (Sanborn 1911). Kramer (2002) credited initial construction of the No. 4 Paper Machine Building with a period of HPPC expansion beginning in 1916, at which time HPPC purchased the subject parcel and constructed a new mill for Paper Machine No. 4 (Mill 4). That mill, which extended south from Third Street to Mill C on the east side of Main Street, "covered the land previously occupied by the McLoughlin House, the Barlow House, the Cliff House, and the City's water filtering plant, among other previous uses" (MIG, Inc. 2017:184). In 1919, a new "North End" was constructed adjacent to the paper machine building that was known as the "Finishing House," built by Hurley-Mason; it was further expanded in 1925, apparently built jointly with the No. 4 Paper Machine Building (OHSD 2012e). A 1925 Sanborn map shows Mill 4 consisting of a long, L-shaped complex, including a storage/warehouse/paper cutting building to the north; paper machine at the midsection; and pulp factory/boiler house to the south (Sanborn 1925). The 2012 resurvey states that the "1916-1919 building enclosure was completely replaced in 1928," adding that there "may be some portions of the north and east exterior walls from the 'Finishing House'" (OHSD 2012e). The building was expanded in conjunction with a new newsprint machine, "which at the time was the largest and fastest of its type in the western United States." V. D. Simons (Chicago, Illinois) served as the engineer in charge of the project. The south addition (Building 42a) was built in 1928, at the same time the No. 4 Paper Machine Building was being rebuilt. Subsequent additions expanded the building complex, including the northernmost extension (Building 43) and shipping shed, both constructed in 1977 following the closure of Third Street (OHSD 2012e).

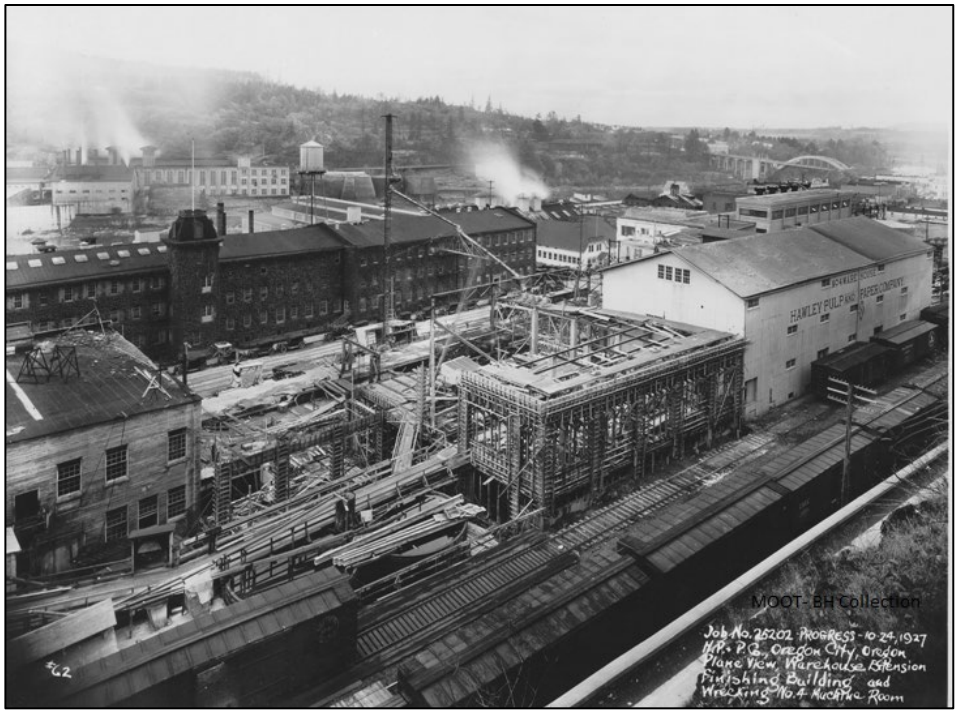


Figure 4.4-11. 1927 aerial photo of the No. 4 Warehouse (*right*) and No. 4 Paper Machine Building under construction (*middle*) (MOOT n.d.).



Figure 4.4-12. 1948 aerial photo showing the No. 4 Paper Machine Building (left of center) (MOOT n.d.).



Figure 4.4-13. No. 4 Paper Machine Building to south (*right side*), showing north end of main building with multi-light steel-frame windows and glass-black infill at upper story, 1952 (MOOT n.d.).



Figure 4.4-14. Mill B/De-Ink Building (*left foreground*) and No. 4 Paper Machine Building (*left background*), view southeast December 1953 (MOOT n.d.).

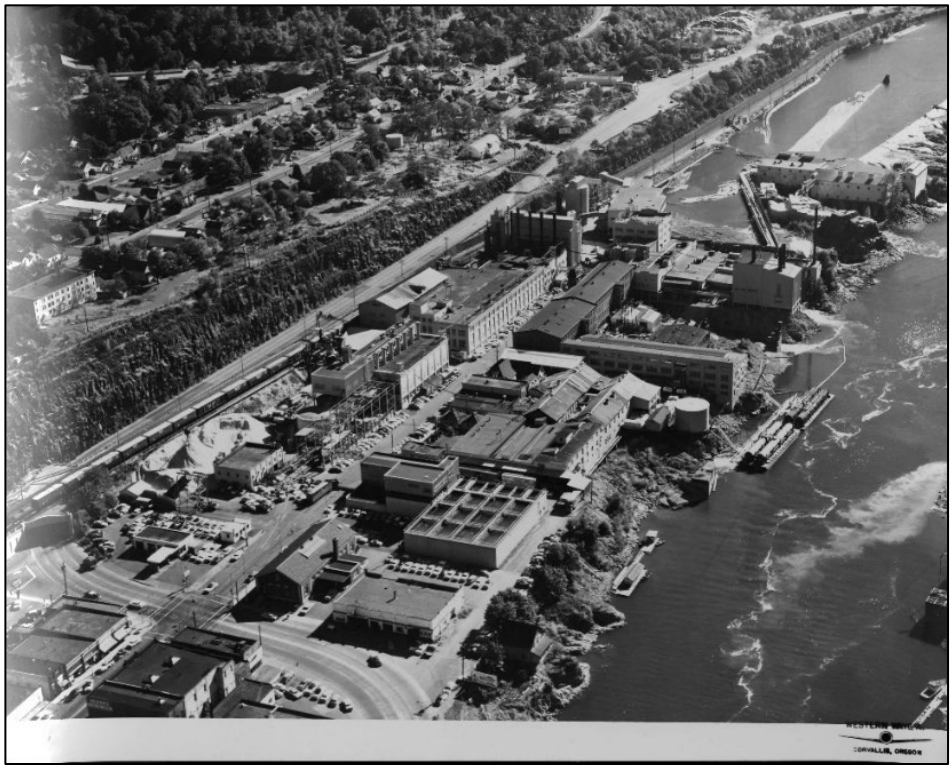


Figure 4.4-15. 1959 aerial photo showing the No. 4 Paper Machine Building (center) (MOOT n.d.).

Criterion A

The No. 4 Paper Machine Building was historically associated with paper production beginning with the HPPC. Under Criterion A, HPPC and its subsequent owner, Publishers Paper, might be significant for its local contribution to Oregon City's development in the area of Commerce, as a major industry and employer for Oregon City from 1908 until its acquisition by Smurfit Paper Newsprint Division in 1985; it should be noted that HPPC's and PPC's period of *operations* does not necessarily equate to its period of *significance*. However, as the SHPO has previously noted, there is not a "significant concertation, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development" remaining of the OCMC/PPC to justify eligibility of any resources in the context of a historic district (Curran 2012; NPS 1997:5). Therefore, the No. 4 Paper Machine Building must be assessed individually, as a building, for significance within its context associated with HPPC and PPC.

Completed in 1928, the No. 4 Paper Machine Building was built as part of HPPC's expansion, including the construction of the Mill B/De-Ink Building directly north. In January 1920, Hawley had plans to sell his paper mill to a syndicate; however, the deal fell through and, two years later, he announced plans to expand and double operations' capacity. At the time of its completion, the No. 4 Paper Machine Building housed a "new newsprint machine that was the largest and fastest of its type in the western US, at a cost of two million dollars" (MIG, Inc. 2017:208). The HPPC remained successful throughout the Depression and World War II era, and by the mid-twentieth century, the Mill Reserve was mostly dominated by the papermaking industry (MIG, Inc. 2017:218, 220, 252). Despite the facility's growth and success, Hawley's heirs sold their remaining interest, dissolving the company, and PPC became the new owners in 1948. PPC operated it as a wholly owned subsidiary of The Times Mirror Company, where they were able to create "a full line of production to feed the newspaper market and secure newsprint for their parent company" (MIG, Inc. 2017:252, 255). The company experienced rapid plant expansion during its first decade, including purchase of the adjacent OCMC Woolen Mill. By the 1980s, business proved to be less successful; PPC sold its mills to the Smurfit Paper Newsprint Division, which later sold the mills to the BHPC in 2000 (MIG, Inc. 2017:283, 300, 306).

The No. 4 Paper Machine Building was associated with local commerce as a part of the HPPC industrial development. However, mere association with historic trends is not enough to qualify under Criterion A. The property must have a specific association and that association must be important (NPS 1997). No evidence was uncovered that the No. 4 Paper Machine Building played an important role in commercial development of either the HPPC or the region. Further, due to extensive changes over time, the resource lacks integrity to convey significance from its period of construction (1928) or any period of association with HPPC (i.e., 1928–1940s) and/or PPC (i.e., 1948–1985). As such, the No. 4 Paper Machine Building does not appear to qualify under Criterion A.

Criterion B

Research did not reveal a direct association of the resource with the lives of significant persons with a known connection to the paper company. Willard P. Hawley acquired the Mill Reserve in 1908 and expanded the paper mills from 1908 until 1948, when he sold his interests to other investors (MIG, Inc. 2017: 252, 255). HPPC had been in operations as a corporation for half a century, making it

unlikely that the construction or operation of the No. 4 Paper Machine Building was directly associated with the lives of any specific individual. As the No. 4 Paper Machine Building does not have a specific association to the lives of significant persons, it is not eligible for listing in the NRHP under Criterion B.

Criterion C

The No. 4 Paper Machine Building originally embodied a type, period, or method of construction, specifically that of a twentieth century reinforced concrete industrial building. Like the Mill B/De-Ink Building to the north, the No. 4 Paper Machine Building is characterized by its multi-story, structural concrete-frame massing with large window spans. Both buildings were constructed in a cast-in-place concrete-frame industrial style, a utilitarian configuration noted for its large, open floor plans (to house machinery) and ample light and ventilation characterized by expanses of window glazing composing the bulk of the exterior wall surface (Mortenson 2015:3, 21). However, numerous changes (including additions and alterations obscure the original concrete framing and fenestration, and most of the original fenestration has been altered. It is no longer a representative example of the type, period, or method of construction of a twentieth century reinforced concrete industrial building. Further, the building does not represent the work of a master; or possess high artistic values; or represent a significant and distinguishable entity whose components may lack individual distinction (i.e., is part of a district). As such, the No. 4 Paper Machine Building does not appear to qualify under Criterion C.

Criterion D

The No. 4 Paper Machine Building was built of common construction methods and well-known materials and is unlikely to answer important research questions or yield information about human history that can only be answered by the actual physical material, design, construction methods, or interrelation of these resources. As the building is unlikely to yield information important to prehistory or history, it is not eligible for listing in the NRHP under Criterion D.

Conclusion

HRA does not concur with the 2012 evaluation and recommends the No. 4 Paper Machine Building not eligible for listing in the NRHP due to an inability to qualify under any criteria of significance and an irretrievable loss of integrity.

4.5 Woolen Mill Foundations (1865, 1890)

The woolen mill building was constructed between 1865 and 1890. The extant visible resource includes only the battered stone foundation walls and other remnants that likely denote the former location of machinery elements.

As constructed, the woolen mill was a *building*, the classification of which is defined by the NPS as "created principally to shelter any form of human activity" (NPS 1997:4). However, the building was

demolished in 1980–1981, leaving only the foundation. As such, the resource no longer meets the NPS definition of a *building*.

New architectural members added in ca. 1990 including a partial roof covering and pole barn, could be considered as a *structure*, the classification of which is defined by the NPS "to distinguish from buildings those functional constructions made usually for purposes other than creating human shelter" (NPS 1997:4). However, the portions of the resource that would enable it to qualify as a structure are non-permanent additions not constructed during the historic period. As such, the resource, does not meet the NPS definition of a *structure*.

HRA evaluated the resource as a *site*, which the NPS defines as "a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing structure" (NPS 1997:5).

The woolen mill foundations are located within the former BHPC complex on the west side of Main Street (Figures 4.5-1 through 4.5-12). To the north is the foundation of the former flour mill (Section 4.6), to the west are Mill O (Section 4.1) and the millwright shop, to the east is the No. 4 Paper Machine Building (Section 4.4), and to the south are the No. 1 Paper Machine and Hawley Buildings (Section 4.10 and 4.2, respectively).

The woolen mill foundations depict the former building's rectangular plan, which was aligned on a north–south axis. The resource comprised two sections: the south end included the original woolen mill (1865), inclusive of the mill race, and to the north was the woolen mill extension (1890) (see Figures 4.5-3 through 4.5-6). The woolen mill foundations were constructed of random-coursed, stacked basalt, with some original brick intact above the foundations. Metal-frame pole-barn structures, constructed ca. 1990, are incorporated throughout, particularly in the central-southern portion, along the east wall in the north portion, and smaller features throughout (see Figures 4.5-7 through 4.5-10). In the southeastern corner, within the footprint of the foundations, is a roughly three-story conical silo/holding tank and associated structures (see Figure 4.5-11).

The full extent of the foundation is visible on the west face, where the foundation is situated on grade (see Figures 4.5-1 through 4.5-4). At its north projecting section, a door opening is positioned at the south side, and another is located near the middle with a concrete frame. Window openings that have been infilled with CMU are equally spaced between each door opening. A large round metal pipe runs along the upper wall and continues across the recessed southern portion of the west face. The south portion is sheltered from the elements by a taller metal-frame roof structure with deep eaves. Diagonal metal is attached to metal brackets on the upper wall of the pole-barn structure. A large door opening near the midsection contains a sliding-track wood door. Like the northern portion, window openings are regularly spaced and infilled with CMU. Both wall sections are constructed of random-coursed, stacked basalt; no brickwork is extant. Above the foundation wall is a section of the pole-barn wall clad in ribbed metal siding. The metal pipe continues across the top of the wall southward and wraps around to the south face. The south end of the foundation wall beyond the pole barn is largely obscured by overgrown vines. A wood-frame door opening is located near the middle of this section and to its south are three projecting low, concrete walls. To their south is a low projecting concrete perimeter wall that surrounds a deep lower level with water at the bottom. A lower portion of the foundation wall can be seen here and features a mill race. Resting on the projecting perimeter wall and extending south to a walkway on the south side of the foundation structure is a metal grated platform attached to the wall behind it.

The south face has partial openings for former windows and is covered in moss (see Figure 4.5-12). It is fronted by concrete columns supporting a building to the south and a concrete walkway with metal railings leading to Main Street. The metal pipe continues to run along the top before directing downward under the street. A metal grated platform is raised slightly above the foundation wall on its east side and is attached to a portion of the wall.

The north face of the foundation appears to have been removed. It is now bounded by the steel tapered column supports for the roof structure covering Third Street. Chain-link fencing with privacy slat inserts is located on the east side and on the west side a concrete wall has been added. The area between the fence and concrete wall is left open to access the interior of the foundation footprint.

The east face's north section is obscured by chain-link fencing with privacy slat inserts (see Figure 4.5-5). The south end's middle portion begins to go below grade and only the corrugated metal walls from the pole barn can been seen from Main Street. The wall in this area is sheltered by the pole barn's overhanging roof. The southernmost section of the foundation is only visible at its southeast corner, where the large holding tank and concrete platform have been added to the south section of the eastern boundary.

Inside the foundation footprint, an opening on the north facade of the woolen mill provides vehicle access; it slopes downward, forming a ramp into a graveled middle section (see Figure 4.5-7). To the west the floor appears to be concrete, with moss covering. To the west of the ramp is a small shipping container. West of the shipping container are ruins of a former concrete structure comprised of three round columns and remnant of a ceiling at the top. A small, shed-roofed structure supported by four round poles is located at the southwest corner of the area (see Figure 4.5-8). The east wall features a ribbed metal shed-roofed structure attached to the upper portion of the wall with short metal poles (see Figure 4.5-7). The west side of the roof is supported by regularly spaced, round metal poles. Regularly spaced, CMU infilled window openings are recessed into the foundation walls. The south end of the area has remnants of a stone wall but is open in the middle and provides access to the covered southern part of the foundation footprint.

As previously noted, a metal-frame pole barn covers the interior northern section of the southern foundation walls (see Figures 4.5-9 and 4.5-10). The structure consists of steel posts resting on concrete pads and supporting steel beams. It is capped by a low-pitched gable roof sheathed in ribbed metal siding. The east and west sides rest atop the rubble stone foundations and are clad in ribbed metal siding. The north and south walls are fully enclosed in ribbed metal sheathing and contain a large overhead door opening. All of the regularly spaced, CMU infilled window openings on the west wall have wood lintels. The east wall features an arched door opening that has been filled in with concrete. The wide door opening on the south side of the west wall is also topped with a wood lintel. The south end of the west wall, where the door opening is located, is basalt on the bottom and brick on the upper two-thirds. A large opening in the pole barn's south wall leads to the open southernmost area of the foundation footprint.

The south, open section of the foundation consists of the original wall on the west and south sides (see Figures 4.5-11 and 4.5-12). A portion of the original east wall is exposed on the north end of the area. The remainder of the original east wall has been covered or removed, as there is a concrete platform with a large holding tank in this location. The floor is likely concrete under vegetative growth, and walls are covered in moss and other vegetation. Metal stairs with a landing access the

area from Main Street (above and to the east), as the foundation is below grade on the east side. A low concrete wall separates the holding tank to the east from the rest of the area. Connected at the base of the west wall, south of the wood-frame door opening, is a large concrete platform approximately two feet tall. The northwest corner of the area features a remnant of the former brick wall.



Figure 4.5-1. Partial west wall of woolen mill foundations, view northeast.



Figure 4.5-2. West wall of woolen mill foundations, including southern uncovered portion (above millrace), view east.



Figure 4.5-3. Southwest oblique (*left*) of woolen mill foundations, view northeast.



Figure 4.5-4. Northwest corner of woolen mill foundations, view southeast.



Figure 4.5-5. East wall of north woolen mill foundations as seen from Main Street, fronted by chain-link fencing and privacy slat inserts, view northwest.



Figure 4.5-6 South end of west face of woolen mill foundations and millrace, view northeast.



Figure 4.5-7. Interior of north woolen mill foundation footprint, view north.



Figure 4.5-8. Interior southwest corner of north woolen mill foundation footprint, view southwest.



Figure 4.5-9. Pole barn covering central portion of woolen mill foundations, view north.



Figure 4.5-10. Pole barn covering central portion of woolen mill foundations, view southwest.



Figure 4.5-11. Near south end of woolen mill foundations, with pole barn (*left*) and holding tank (*right)*, view east.



Figure 4.5-12. Interior of south end of woolen mill foundations, detail of wall and window openings, view west.

Integrity

Original plans for the former woolen mill building were unavailable; however, historic photos of the building over time indicate it went through at least one expansion (in 1890) following its construction in 1865 and was structurally integral to at least one additional building (Mill O, ca. 1920, see Section 4.1). In ca. 1990, a partial roof covering (Building 24) was constructed at the north end and a metal-frame pole barn inserted into the central-southern portion of the foundation footprint. Though the building was demolished in 1980–1981, portions of the nineteenth-century basalt foundation walls were retained, indicating "the sunken cellar area once occupied by this early building" (Kramer 2002:11).

From its date of construction (1865, with additions/expansions in 1890), the woolen mill foundation retains integrity of location, as it sits on its original footprint. Integrity of setting from the periods of construction is diminished by many changes to its original surroundings, such as the demolition of commercial and residential buildings associated with Main Street and early development in the Mill Reserve, and the addition of surrounding industrial buildings and structures. As a *building*, the resource no longer retains integrity of design, materials, or workmanship, as the vast majority of the resource was demolished in the 1980s. However, as a *site*, wherein the location itself possesses historic or archaeological value, the tapered basalt foundation walls exhibit integrity of design, materials, and workmanship of the original footprint of one of the earliest mills in the reserve, particularly the monumental substructure required to support the facility on a precarious position along the river in an area prone to flooding and an industry prone to fire. The woolen mill foundations, as a site, retain integrity of feeling and association, and convey the historic character of a mid-nineteenth century industrial building constructed of massive local basalt.

Evaluation

Kramer (2002) assessed the woolen mill foundation as historic and contributing when it was evaluated as part of the Willamette Falls Industrial Area historic district (Kramer 2002). The City reevaluated the resource in 2012 and concurred that the woolen mill foundation was eligible for

listing in the NRHP (OHSD 2012j). Following the 2012 resurvey, the SHPO concluded that the BHPC was not eligible as a historic district due to loss of integrity but classified the resource as individually eligible (Curran 2012:1–2).

The site was historically associated with the OCMC Woolen Mill, originally completed in 1865, built upon a foundation of tapered Columbia River basalt. The OCMC Woolen Mill became the third woolen mill in Oregon and the largest located west of the Mississippi River. The woolen mill was incorporated in 1864 by L. E. Pratt, and was later reincorporated as the OCMC. By 1866, minority owners Ralph and Isaac Jacobs purchased all stock and become dual owners (MIG, Inc. 2017:105–107; OHSD 2012j).

Following a fire in 1872, the mill building was rebuilt on the original (1865) masonry foundation walls (Kramer 2002; OHSD 2012j). A map from 1884 depicts the area bounded by Third Street to the north, Main Street to the east, Willamette River to the west, and the retaining basin tail to the south. The woolen mill is depicted as a rectangular building occupying the southern half of the block, fronting Main Street. Commercial buildings directly north included a saloon, barber, grocer, and boarding house. A dye house, forge, and tannery were positioned on the west side of the block (Sanborn 1884).

In 1890, the OCMC constructed an addition that doubled the size of the woolen mill. An 1890 Sanborn map shows the woolen mill's northern extension labeled as being under construction (Sanborn 1890). By 1892, the addition was complete, and the mill comprised two adjoined rectangular buildings extending the full block along Main Street. To the west were several associated buildings, including a dye house and soap factory. On the opposite side of Main Street were several commercial buildings, including the Cliff House, lodging and boarding houses, and a fire house. Portland Cement Works was located to the southeast (Sanborn 1892). A Sanborn map from 1900 depicts the woolen mill interior layout consisting of looms (first floor) and storage (third floor), with rooms in the northern portion for spinning, spooling, and knitting (first floor) and, in the southern portion, weaving (first floor), carding (second floor), and spinning (third floor). A flume was depicted at the southeast corner of the mill complex (Sanborn 1900).

In July 1903, another fire destroyed several of the woolen mill buildings; following the fire, newly constructed buildings included the Mill O annex, which was "connected directly to the main mill structure" (MIG, Inc. 2017:157; see Section 4.1). A comparison of Sanborn maps from 1911 and 1925 indicates expansion during this period in the area between Third and Water Streets (MIG, Inc. 2017:182). By 1925, the area had further developed, with Mill O to the northwest and a boiler house to the west. The tail race at the mill's southwest corner led to the river (Sanborn 1925). Several historic photo from the 1920s show the woolen mill covered with ivy and a projecting tower at the southeast end; the completed Mill O building is shown attached at the northwest side (Figures 4.5-13 and 4.5-14). A 1948 aerial photo shows the woolen mill building complex with Mill O extending from the backside (west), looking northeast (Figure 4.5-15). Another photo, dated May 11, 1949, documents the boiler house (Section 4.9) under construction, with the three-story brick woolen mill in the background (Figure 4.5-16). Numerous changes occurred around and to the woolen mill building throughout the twentieth century, culminating in its demolition in 1980–1981 (Kramer 2002:11).



Figure 4.5-13. 1926 photo of woolen mill with Mill O in background (*right side*), view southwest.

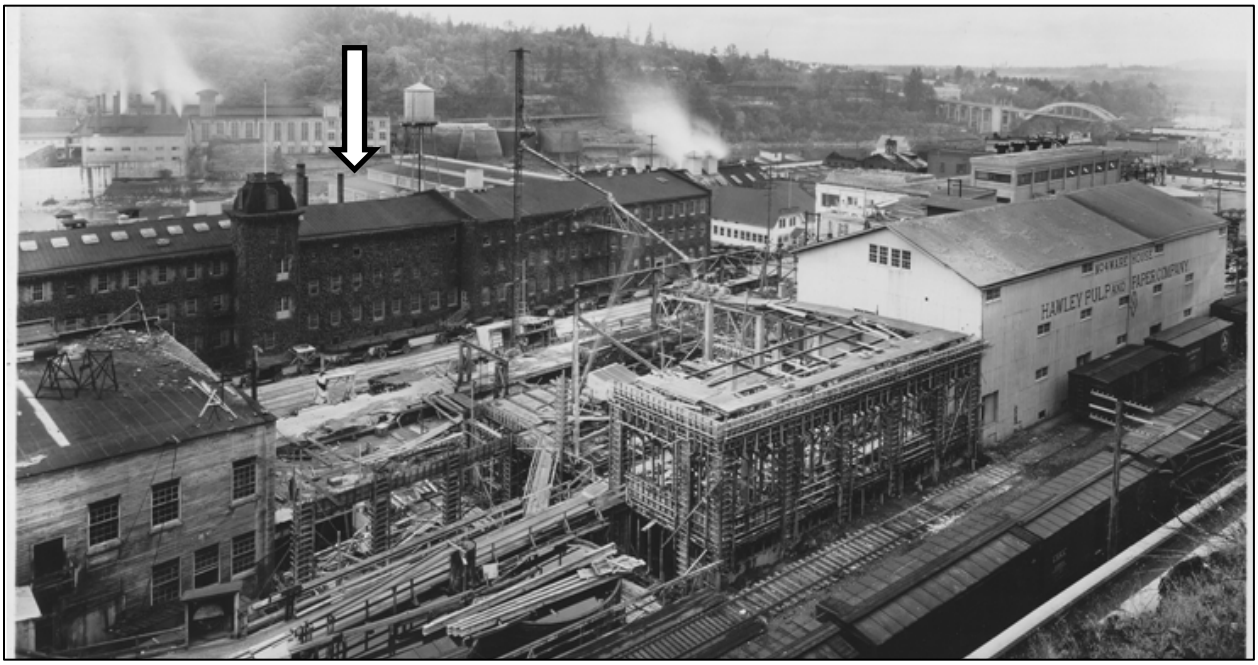


Figure 4.5-14. 1927 aerial image depicting the No. 4 Paper Machine Building under construction to east (*right*) of the woolen mill building (*denoted by arrow*), view northwest. Image courtesy of MOOT, BH Collection.

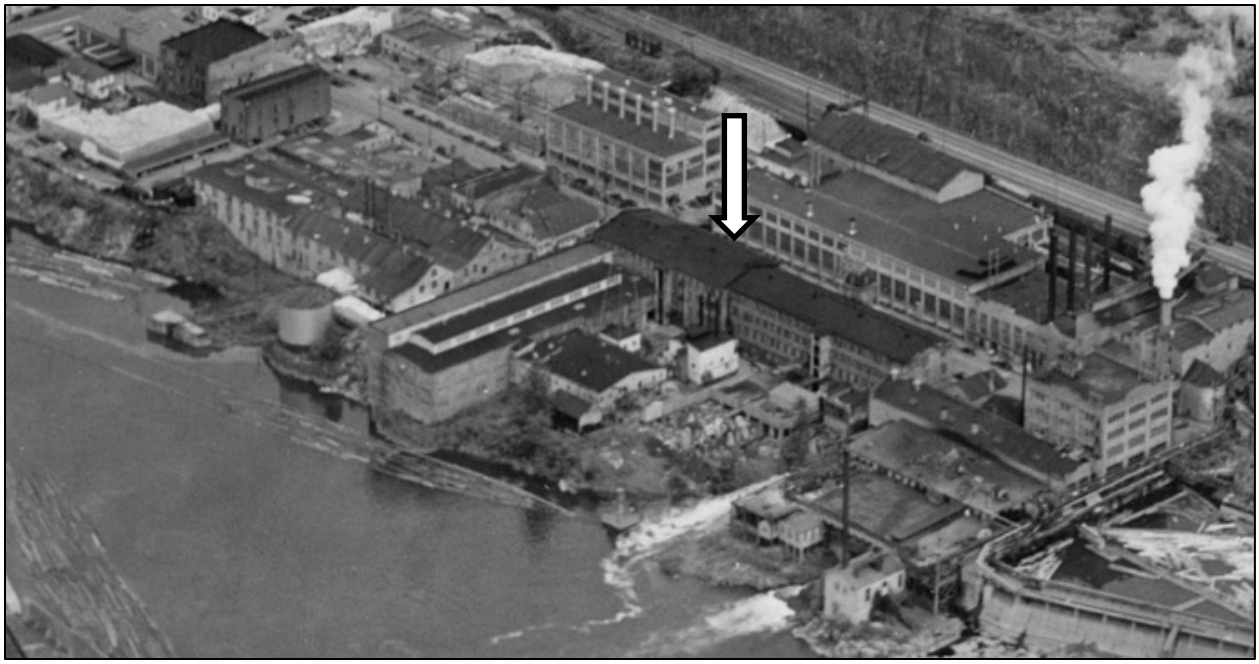


Figure 4.5-15. 1948 aerial imagery depicting the woolen mill building complex (*denoted by arrow*) and Mill O connected to the northwest (*left*), view northeast. Image courtesy of CTGR.

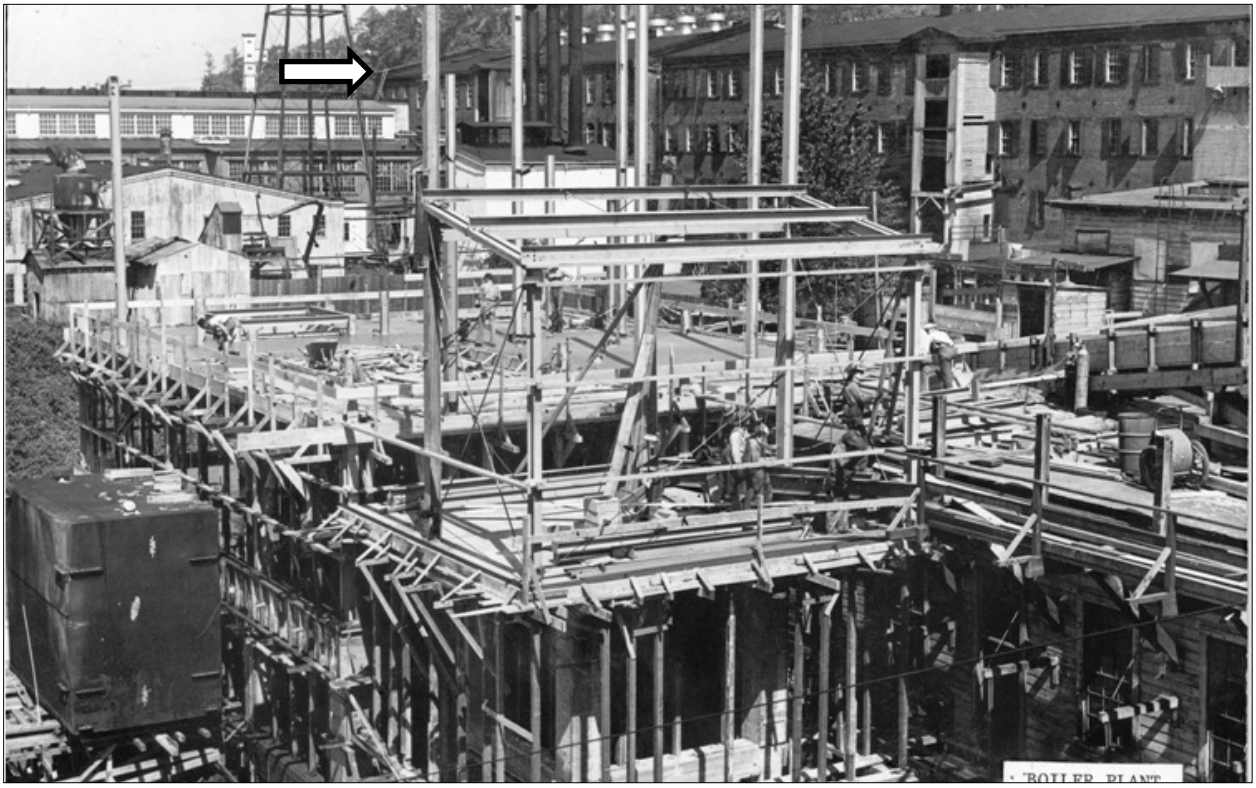


Figure 4.5-16. Photo of Boiler Plant under construction, May 11, 1949, showing three-story brick woolen mill in the background (*indicated by arrow*). Image courtesy MOOT, BH Collection.

Criterion A

The woolen mill was historically associated with OCMC. Under Criterion A, OCMC would be significant for its local contribution to Oregon City's development in the area of Commerce, as a major industry and employer for Oregon City from 1865 until its closure in 1952; it should be noted that OCMC's period of *operations* does not necessarily equate to its period of *significance*. However, as the SHPO has previously noted, there is not a "significant concertation, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development" remaining of the OCMC to justify eligibility of any resources in the context of a historic district (Curran 2012; NPS 1997:5). Therefore, the woolen mill foundations must be assessed individually for significance within its associated context with OCMC.

Initially constructed in 1865, the woolen mill was built as part of OCMC's initial period of growth. At the time of its completion, the OCMC's woolen mill was "the third in Oregon and the largest west of the Mississippi" (MIG, Inc. 2017:107). The woolen mill increased the employment capacity of Oregon City and "changed the character of the local workforce by employing Chinese men as laborers starting during the 1850s. By the end of the 1860s, more than 150 [Chinese men] were employed at the mill" (MIG, Inc. 2017:117, 119).

Following a flood in 1861, the People's Transportation Company was organized and, between 1865 and 1866, the basin south of the mill was expanded, allowing for passenger travel by steamboat. This included construction of a basin dam and wood crib rock-filled wall to create the navigable canal. A warehouse was also built next to the Imperial Mills, allowing the transfer of goods from the upper river level down to the lower level (MIG, Inc. 2017:107).

On November 23, 1872, a fire destroyed the woolen mill building, though the masonry walls survived. Due to the mill's importance to the local economy, it was rebuilt that same year on its original masonry foundation. Historic photographs indicate that the 1872 mill building stood three stories tall, and an 1881 article described:

> The most prominent structure that greets the eye of a traveler on the Willamette river at Oregon City is a massive building, which from the activity that is apparent both within and without, stamps it as a manufactory of some kind. On close inspection it turns out to be the mill of the Oregon City Manufacturing Company […]. It has frontage on the Main Street of over 200 feet and is said to be 60 feet in width […]. Back of this are several large wooden buildings which are used in dyeing, sorting and storing the wool. [MIG, Inc. 2017:123]

By the early twentieth century, paper production shifted commercial activities north of Fifth Street. Operations at the woolen mills also thrived during this period. "By 1912, the mill was using up to two million pounds of wool annually with an output of around one million dollars" (MIG, Inc. 2017:174). During World War I, the woolen mills expanded production with the expectation of creating an additional 150 jobs. During this period "women were also more integrated into the mills' workforce in various capacities" (MIG, Inc. 2017:117). By the mid-twentieth century, however, the woolen mill was in decline and ceased operations in 1955.

The OCMC played a central role in local commerce from its initial construction in 1865. The random-coursed basalt foundations are the oldest remnants of the OCMC, which is itself a remnant of one of the oldest industrial buildings in Oregon City. While the OCMC role was significant in

local history for the role it played in Commerce, the woolen mill foundation as a site does not retain sufficient integrity to convey that significance under Criterion A. Were the building intact, the resource would likely convey significance for association to OCMC's early industrial development. Unfortunately, the woolen mill foundations, as a site, do not have a specific association with events or pattern of events that made a contribution to the broad patterns of local, state, or national history. HRA recommends the resource is not eligible for listing in the NRHP under Criterion A.

Criterion B

Research did not reveal a direct association of the resource with the lives of significant persons. The woolen mill was initially incorporated in 1864 by L. E. Pratt; however, the corporate structure underwent changes almost immediately, when it was reincorporated as the OCMC. By 1866, Ralph and Isaac Jacobs purchased all stock in the OCMC. While the Jacobs family operated the mill for two generations (MIG, Inc. 2017:106–107), the OCMC was a corporation in operation for half a century, making it unlikely that the mill's construction or operation was directly associated with the lives of any particular individual. As the resource does not have a specific association to the lives of significant persons, it is not eligible for listing in the NRHP under Criterion B.

Criterion C

The woolen mill foundations, as a site, arguably embody a type, period, or method of construction, specifically the monumental basalt construction required for a mid-nineteenth century industrial building. The resource retains the outline of the mill building's rectilinear plan and the random-coursed, basalt foundation walls that once supported the industrial facility. More importantly, however, the resource may be the work of a master craftsperson: though little (if anything) is currently known about the masons employed to construct the foundations and associated mill race in 1865, and the subsequent addition in 1890, the quality of construction indicates completion by a person or persons with exceptional masonry skills. While additional research is required to confirm or deny significance as the work of a master craftsperson, HRA recommends the site retains sufficient integrity to convey significance in the area of Architecture and may be eligible for listing in the NRHP under Criterion C.

Criterion D

As noted regarding Criterion C, the woolen mill foundations were built of seemingly exceptional construction methods using local materials. Study of the foundations has the potential to answer important research questions or yield information about human history that can only be answered by the actual physical material, design, construction methods, or interrelation of these resources. For example, who were the masons employed for the initial (1865) construction and were they somehow related to those who completed the (1890) addition? How did the construction methods employed enable the foundations to withstand floods, fires, and subsequent earth modifications associated with the regrading of Main Street and further development of the area as a heavy industrial facility? With the resource likely to yield information important to the history of local masonry practices, HRA recommends the site eligible for listing in the NRHP under Criterion D.

Conclusion

While additional research is needed, HRA concurs with the 2012 evaluation and recommends the woolen mill foundations eligible for listing in the NRHP as a *site*, specifically under Criteria C and D, for its potential significance in the area of Architecture as a work of master craftpersons. The recommended period of significance is 1865–1890, the period of initial construction through the addition to the north. The recommended boundary is the footprint of the foundations, inclusive of the adjacent/attached mill race to the south. Resources located within the footprint of the site that are not directly associated with basalt masonry construction from the recommended period of significance are not eligible/noncontributing to the recommended site (i.e., the pole barn and holding tank).

4.6 Flour Mill Foundations (ca. 1866)

The flour mill was built ca. 1866 by W. W. Buck for the Oregon City Paper Manufacturing Company (OCPMC). Portions of the original foundation (basement level) and first floor walls of the ca. 1866 building are extant and were incorporated into later construction efforts, including a ca. 1909 expansion, following which it housed the No. 2 paper machine. The extant building, known as the No. 2 Paper Machine Building, is in a state of severe deterioration (Figures 4.6-1 through 4.6-8). It is located near the middle of the former BHPC, on the west side of Main Street. To the north is Mill D, to the east is the Butler Building, to the south is Mill O (see Section 4.1), and to the west is the No. 3 Paper Machine Building.

HRA evaluated the resource via two separate resource classifications. First, HRA assessed the resource as a *building*, defined by the NPS as "created principally to shelter any form of human activity" (NPS 1997:4). This classification is appropriate as the resource is an extant building, even though it is in a state of severe deterioration. HRA also evaluated the foundations as a *site*, defined by the NPS as "a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing structure" (NPS 1997:5).

Flour Mill Foundations

The original foundation (ca. 1866) is rectangular in plan, made of basalt, and aligned on a north–south axis. Portions of the ca. 1866 foundation walls are extant on the west, south, and east sides of the mill. The west foundation wall has exposed stonework on interior and exterior faces. A linteled doorway is extant on the southern side of the exterior face and an outflow archway below the basement floor on the interior face of the wall; these openings match those pictured in historic photographs (see Figure 4.6-12). Likewise, an interior face of the south wall features exposed stonework. The exterior face of the south wall is partially visible in a void under 3rd Street, at the location of a power room, added in ca. 1890 (Michael Lewis, personal communication 2022). The power room houses an approximately 4-foot-diameter, wire-wrapped, stave pipe that feeds into a metal turbine casing. A doorway of dressed stone connects the power room with the basement interior at the east end of the south wall. The interior face of the east wall is visible; the exterior face

is buried under fill. The ca. 1866 north wall can be traced in the current basement floor as an alignment of basalt blocks.

On the first floor, remnants of the ca. 1866 mill are visible on the west and south walls, which is consistent with the basalt foundation visible in historic photographs. Openings in both walls correlate with windows and doorways in historic photographs (Figures 3a, 3b, and 3c). At the southeast corner, original brickwork is keyed into the stone foundation. The north end of the west wall is truncated by later demolition. The south end of the east wall is also truncated by later demolition, but ghosting of brick alignments overlay the east wall basalt and are visible on later-period poured-concrete pillars. The north half of the east wall is brick. The northeast corner of the wall is intact, with a truncated north wall that suggests the brick is original. The north wall is otherwise no longer extant.

On the second floor, the north half of the east wall comprises brick. The south wall is brick, which may be original, surrounded by concrete elements and a roofline consistent with the 1909 conversion to a gable roof. The west wall shows a single course of basalt foundation underlying brick courses surrounded by later concrete elements. Both the east and west walls are the same height as the concrete walls in the 1909 mill expansion to the north, indicating a likely date for some of the substantial alterations to this portion of the building.

The 1909 mill expansion occurred to the north of the ca. 1866 footprint. There, the east and west walls comprised poured concrete. The west wall incorporates a basalt foundation at its base, the location of which is consistent with a ca. 1860s warehouse associated with the flour mill (Michael Lewis, personal communication).

East of the ca. 1866 flour mill foundation are a series of structures added in ca. 1925 (Sanborn 1925); by 1943, the walls were in the configuration extant at the time of this survey, with some discontinuities in wall alignments that likely reflect 1910–1940 elements later incorporated into a shed roof off the flour mill.

Not all the extant brick and basalt walls were historically associated with the initial flour mill or its later expansions for paper production. For example, there is a two-story gable-roofed structure northeast of the northeast corner of the flour mill. The northeast corner of this structure incorporates a fragment of brick wall that overlies a basalt foundation. This fragment of wall is in a location consistent with a store owned by a Mr. Charman in 1884 (Sanborn 1884). The brick building is visible in lithographs from 1858 and a photograph by Carlton Watkins from 1867 (see Figure 4.6-10). The extant configuration of the structure and its foundation dates to ca. 1943 (Sanborn 1900, 1911, 1925, 1943).

No. 2 Paper Machine Building

As previously noted, built above and partially on the ca. 1866 flour mill foundation are the remnants of the No. 2 Paper Machine Building (ca. 1909–ca. 2000). The exterior surfaces (a combination of basalt, brick, and concrete) have been mostly covered with parging. The second story of the building no longer has a roof and has been left open to the elements. The building is part of a larger massing of buildings attached to one another, consisting of the No. 3 Paper Machine Building to the west, Mill D to the north, and the Butler Building to the east. Only the building's first story and portions of the basement were accessible due to safety concerns (see Figures 4.6-6 through 4.6-8).

The south face of the building is only partially extant, as the building is severely deteriorated. The first story is partially below grade, with two large entrances on each end. Both entrance openings have large, metal sliding doors on tracks. Built and attached to the facade above the second story is a large wooden platform with metal railings running almost the full length of the facade. The platform forms an overhang to the first story, supported by three large, steel bracing members equally spaced between the two entry doors and four metal columns. The platform is attached to a steel column, which supports a corrugated metal roof attached to the north side of Mill O. The wood platform, which fronts the second story, is accessed by metal stairs with a metal handrail off its east side and installed against the south face. The second story features a large opening with steel framing, left of center. Attached to its immediate left is another opening comprising half of its height and two-thirds its width, also framed in steel. On the right side of the second story is a smaller single entry without a door. As noted, the roof is absent, and the top of the south face is deteriorated. On the east side, the former roofline slopes downward in a uniform line, indicating the eventual alteration of the roof to a double gable. On the east side of the south face, above the stairs, is a large window opening covered by plywood. A round metal pipe emerges from the interior of the first floor and travels east across the face, where it enters the Butler Building.

The west face of the building is partially visible from the interior of the No. 3 Paper Machine Building, which is attached to the west side of the building (see Figures 4.6-3 and 4.6-4). The south end of the second story of the face has a taller area to the north and then steps down to a smaller section on the south. Both sections consist of a wall with mostly exposed brick, with some areas of the surface still covered with parging. The south section features a large, vertical, rectangular window opening that has been infilled with CMU. To the north is a section of windows with four side-by-side single panes, followed by a partial window bank. Below this band of windows is another one of the same size, with five sections side by side. Most of the windows have been covered in plywood. To the left of the windows is a wood door. In the stepped-up section along the top are two long, horizontal window openings that have been covered in plywood. Four large steel beams from the No. 3 Paper Machine Building penetrate the upper portion of the wall, along with three roof trusses with corrugated infills. The first story of the west face could not be accessed, but a portion of the west foundation wall was visible from the lower level.

Only a portion of the north face of the building was visible due to the attachment of Mill B. The eastern, shorter section of the No. 2 Paper Machine Building was visible from the parking lot south of the Butler Building. This small section had a brick wall with parging, topped by a gabled roof. About halfway down the wall extended a long, shed-roofed addition attached to the east face of the longer west section of the building. The shed roof extended the full section of the face, was clad in corrugated metal, and supported by a single square column on its northeast corner. On the far left of the face was an opening with a large, metal sliding door on tracks.

The east face of the No. 2 Paper Machine Building is only partially visible on its north side, due to the Butler Building attached on the south side (see Figure 4.6-2). The visible north side of the face is a single story on the second level of the building. The wall is made from brick with parging, with only a partial shed or flat roof. On the north end of the face is a long vertical hopper-over-fixed window and, to its left, a similar elongated window. Centered to the left is a large square window covered with plywood. On the far northern side of the face, a wood-frame structure has been added on the roof to support a series of electrical cables. A small amount of the eastern gabled section of the building's east face was visible, projecting on its lower two-thirds.

The upper story of the building is, as noted, missing a roof, and is accessed from metal stairs leading to a wooden platform fronting the area (see Figure 4.6-5). The upper story could not be accessed due to safety concerns, but much of it was visible from the platform. The upper story floor and walls appeared to be reinforced concrete, much of it is deteriorating, with some corrugated metal siding. Sections of exposed brick, sometimes covered by a shed-roofed addition clad in corrugated metal and/or with steel framing and cross bracing, were also visible. The back (north) wall featured a metal double door covered with a corrugated metal shed roof. The northern most part of the is divided by regularly spaced pilasters, forming eight bays. A large steel beam aligned north to south was supported by two metal columns.

The first story of the building consists mainly of a large open floor made of concrete (see Figure 4.6-3). The back, northern end of the floor was inaccessible and roped off due to safety concerns but included a door opening. A section of the east side of the floor has higher ceilings on its south side and its north side is separated from the west side of the floor by a wall. On the west side of the wall are concrete stairs leading to the upper level. To the immediate west of these stairs is another set of concrete stairs with metal railings leading to the lower level. This southern section does not have a ceiling or roof, only surrounding walls. Most of the floor includes large square concrete columns attached to large steel support beams running the length of the ceiling, with additional metal (most severely corroded) and/or brick support columns.

Interior features include various configurations of windows (including some nine-over-nine sash, wood-frame, and those infilled with CMU); sections of brick and basalt masonry walls; metal pipes; variable ceiling heights with supporting columns; dividing walls and enclosed areas, many without a ceiling/roof; remnants of metal wall ties; and a hodgepodge of rectangular concrete structures and metal grated platforms attached to walls and floors.

As noted, the lower (basement) levels of the building have walls made from the original (ca. 1866) basalt foundation (see Figure 4.6-4). Above and around these, large square concrete columns are regularly spaced to support the reinforced concrete beams spanning the ceiling, with randomly placed metal columns also providing support. To the immediate left of the entrance opening on the northwest side of the room is a large, tiled holding tank. Another identical tank is located beside it to the north. Along the east wall, on a raised concrete platform, are a series of connected metal wheels from old machinery in the power room (see Figure 4.6-8). Another metal wheel is located against the back, north wall. Corroded metal piping runs along the ceiling and a section of large metal pipe is located at the north end of the room. The floor of the room is covered in debris.



Figure 4.6-1. Upper south facade of flour mill foundations, view north.



Figure 4.6-2. North end of east face of flour mill foundations, view west.



Figure 4.6-3. South end of west face of flour mill foundations, view northeast.



Figure 4.6-4. West face of flour mill foundations, south side.



Figure 4.6-5. Upper floor of flour mill foundations, view north.



Figure 4.6-6. First floor of flour mill foundations, view northeast.



Figure 4.6-7. Northeast portion of first floor of flour mill foundations, view north.



Figure 4.6-8. Basalt basement and machinery in flour mill foundations, view north.

Integrity

Original plans for the flour mill building were unavailable; however, photos of the building over time and examination of its physical features indicate it has gone through extensive alterations since its construction in ca. 1866. The original rectilinear building was gabled, with a chimney centered on each end (Figure 4.6-9). By ca. 1888, the roof was modified with the addition of a monitor, noted on an 1888 Sanborn as a "front side light gabled roof" (Sanborn 1888). A photo from the 1890s depicts this alteration, with the monitor added to the middle of the building with a shallowly gabled roof and the eave returns of the original gable still extant on the east and west faces (Figure 4.6-11). The building's roof was modified again by 1911, at which time the monitor was removed and eight skylights adorned the east side; a small shed-roofed addition had also been added to the north face (Sanborn 1911) (Figure 4.6-13). Further additions, subtractions, and alterations would occur to the building throughout the twentieth century.

The building was originally constructed on a basalt foundation, the footprint of which is, as noted, partially extant. The building was also originally constructed with exposed brick walls (Figures 4.6-9 and 4.6-10); the brick exterior was covered in a parge coat by the 1890s (see Figure 4.6-11). Where the original brick walls remain, the parging is cracked and missing in many areas. Additionally, the brick is severely deteriorated and crumbling in many areas.

At some point, a small, shed-roofed building was attached on the building's west side. It appears the land in front of the building was infilled over time, as only the upper two-and-one-half stories can currently be seen from Third Street. The original (ca. 1866) fenestration of the building is almost non-existent, with only a few examples extant (as noted above). The primary south facade is also basically unrecognizable. Original window openings are absent, and very large openings have been added on the top floor. Other original window openings of the building have been expanded or filled in with CMU. The building interiors are in a deteriorated condition, especially on the top floor, where the missing roof has left the interior open to the elements for some time.

From its date of construction (ca. 1866), the flour mill *building* retains integrity of location, as it sits on its original footprint. Integrity of setting from the period of construction is diminished by many changes to its original surroundings, such as the demolition of commercial and residential buildings

associated with Main Street and early development in the Mill Reserve, and the addition of surrounding industrial buildings and structures, particularly the roof structure over Third Street. Extensive alterations to the building's massing, roof, height, cladding, and fenestration have diminished the flour mill's integrity of design, materials, and workmanship. The building has been so severely altered that it no longer conveys integrity of feeling or association.

Integrity of the resource as a *site*, where the location itself possesses archaeological value regardless of the value of the *building* (NPS 1997:5), is harder to quantify. As discussed in detail below, the flour mill foundation may be a contributing feature eligible for its information potential within a period of ca. 1866, the year of initial construction, to 1907, the last year it functioned as a flour mill before being acquired (in 1908) and converted to paper production for the HPPC. As a potential contributing feature to such a site, the foundations retain integrity of location, design, materials, workmanship, feeling, and association and convey significance for their information potential. Integrity of setting is lost due to the many changes to both the building itself and the surrounding Mill Reserve.

Evaluation

Kramer (2002) assessed the former flour mill building, which he called the Paper Machine No. 2 Site, as non-historic and noncontributing when he evaluated it for consideration as part of the Willamette Falls Industrial Area historic district. Kramer dated the resource to 1910 but noted an earlier industrial volume may have existed at this location (Kramer 2002:11). The City reevaluated the resource in 2012, calling it the No. 2 Paper Machine Site, and dated the building's foundations to 1888. The City assessed the resource as eligible and significant, noting that it had high cultural and interpretive value (OHSD 2012f). SHPO concurred that the No. 2 Paper Machine Site was eligible (Curran 2012:1–2).

The area was first developed by John McLoughlin, who sited a jail on this location at Third Street and Water Street (MIG, Inc. 2017:108). In 1866, the lot was purchased by W. W. Buck to be used for the OCPMC (also called the Pioneer Paper Manufacturing Company), with construction completed in the fall of the same year. An article in the *Clackamas Review* indicated this was the first paper mill in the Pacific Northwest (Nicita 2014a); HRA was not able to confirm this information. Buck's enterprise failed within a year, and the mill was acquired in 1868 by George Marshall, J. D. Miller, and Charles P. Church. The building (also known as the brick mill, due to its brick siding) was converted to a flour mill, and the Oregon City Flouring Mills (OCFM) was established. The OCFM bought the Imperial Flour Mills in 1877 but, following the 1884 recession, sold its mills, warehouses, and water rights to the Portland Flouring Mills (PFM) for a dollar in 1885 (MIG, Inc. 2017:123–124).

The first (1884) Sanborn map of the area depicts the building as three stories, with a two-story storage building attached to its north side and a one-story addition attached to the north side of the west face. The block between Third and Fourth Streets appears to have mostly consisted of buildings associated with the OCFM, with minimal other businesses. Along Main Street was a saloon, barbershop, drugstore, and general merchandise store owned by T. Charman and son. Across Main Street was an undertaker and buildings associated with the large population of Chinese workers at the time (Sanborn 1884).

By 1888, many businesses had changed, with the addition of a jewelry store, import and hardware store, and a restaurant off Main Street. The flour mill (labeled as part of the Portland Flouring Mill Company) had been altered with the monitor roof addition. In front of the building (to the south) was an area outlined and labeled "turbine wheel under platform" (Sanborn 1888). The platform and tail race are depicted in an 1892 photo (Figure 4.6-12) and appear to be extant beneath the current facility (the power room).

In 1890, the northern annex to the woolen mill (located across Third Street) was under construction (Sanborn 1890). By 1892, the Main Street area added more businesses on both sides of the street. The flour mill added a tail race from the turbine wheel located in front of the flour mill building to the river. The small building formerly attached on the west side of the building was no longer present (Sanborn 1892).

By 1911, a pulp storage platform built on posts was added on the west side of the building and, as previously noted, the mill's roof had been altered with skylights (Sanborn 1911). By 1925, the building, known as Mill D, was converted to paper production. To the west, the No. 3 Paper Machine Building had been constructed, and the block was filled with buildings and storage areas devoted solely to the Hawley Pulp & Paper Company (Sanborn 1925).



Figure 4.6-9. Photo of flour mill building with original roof, ca. 1870. Photo from CLR p. 108.

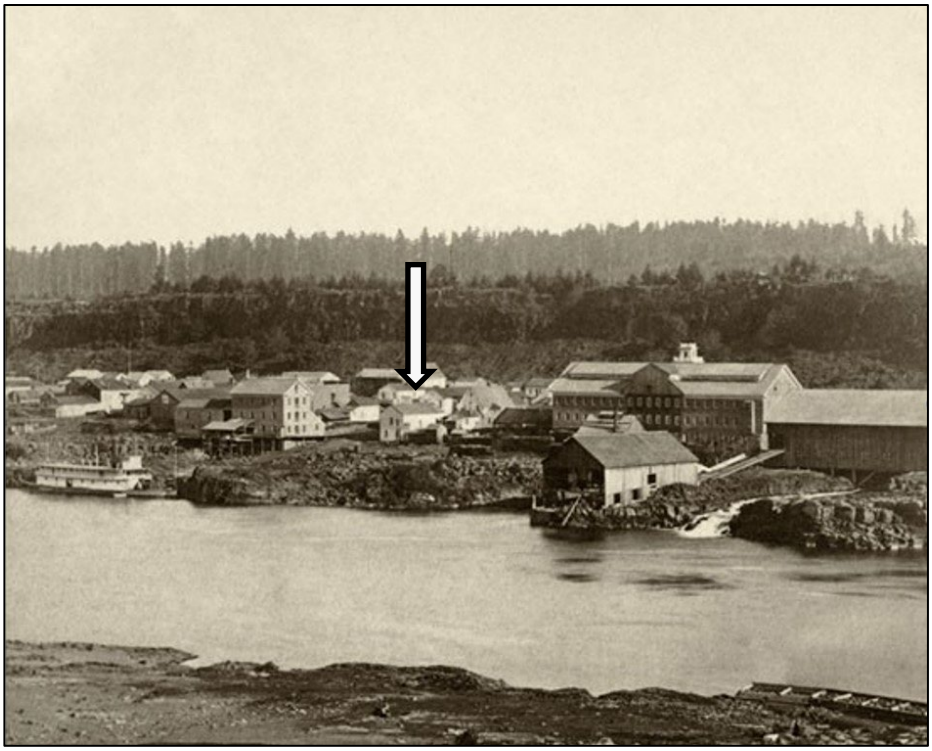


Figure 4.6-10. From a stereoview panel series of Oregon City created by Carleton Watkins in 1867. Flour mill building indicated by arrow. Image courtesy of CTGR.

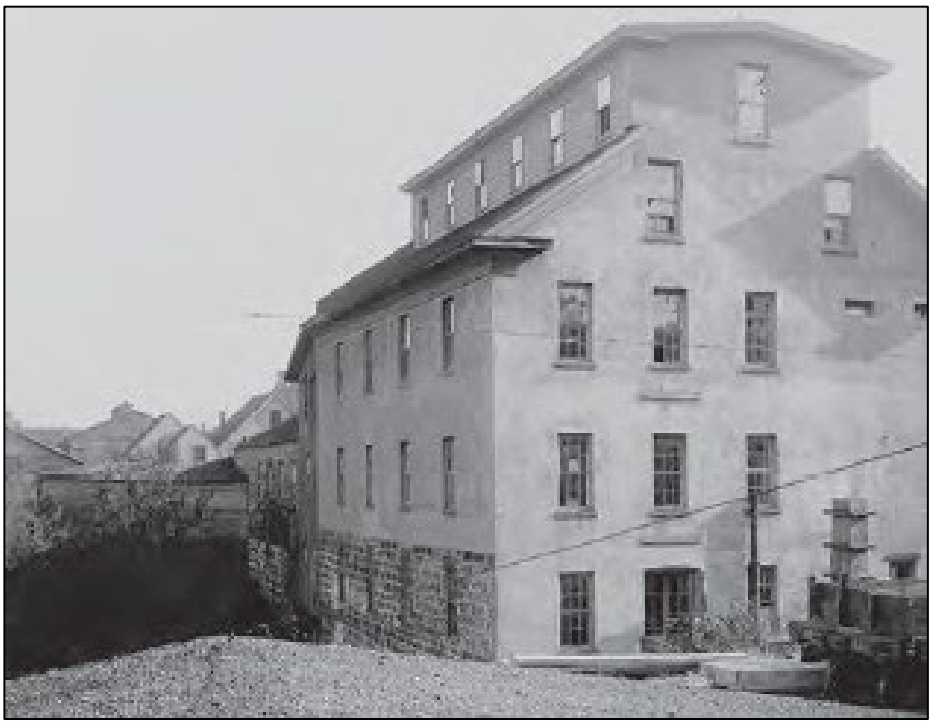


Figure 4.6-11. Photo of flour mill building after roof alteration, ca. 1890s. Image from CLR p. 136.

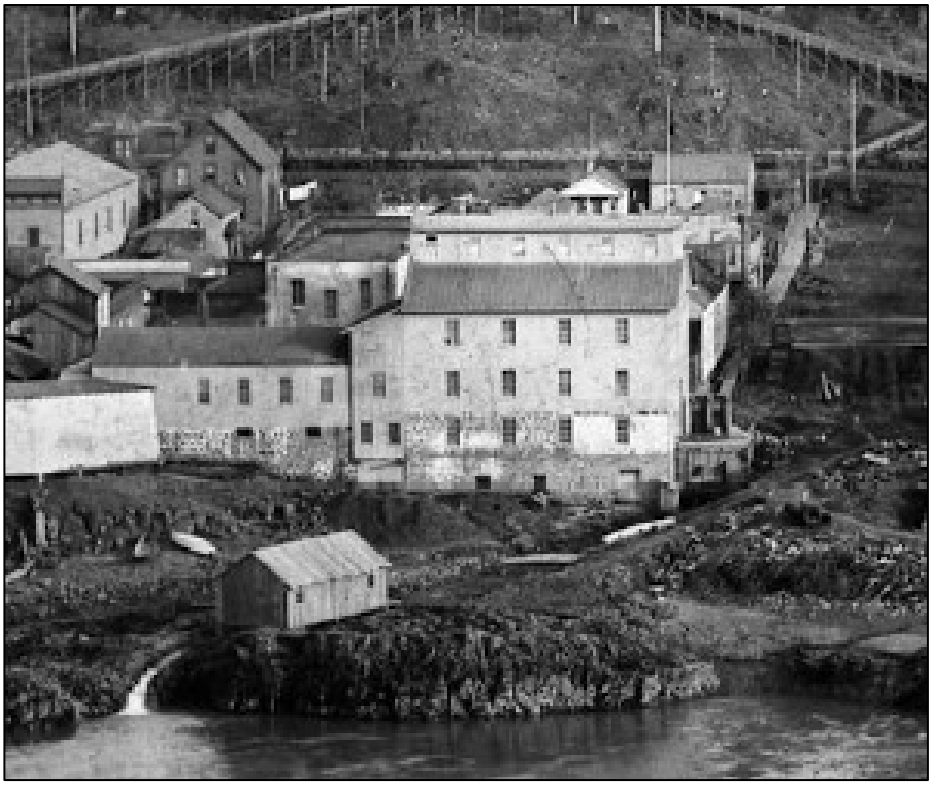


Figure 4.6-12. 1892 photo depicting the then Portland Flouring Mill Company Building and its associated tailrace.

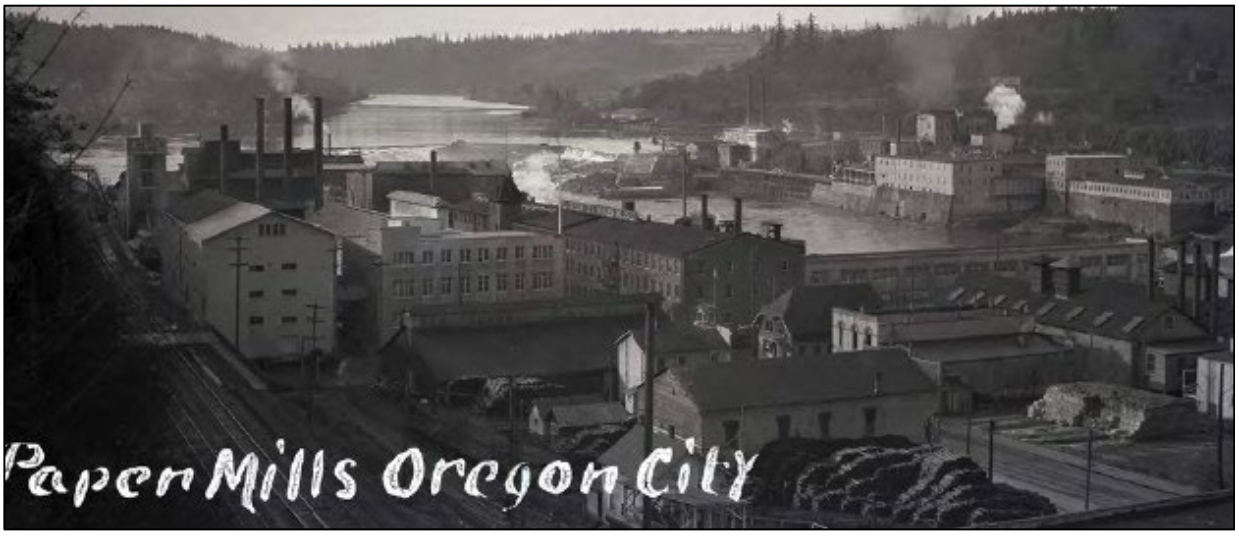


Figure 4.6-13. By ca. 1925, a building with skylights *(right)* was on the location of the former flour mill building. Photo from CLR p. 198.

As a Building

Criterion A

The flour mill *building*, constructed ca. 1866, was historically associated with paper and flour production. Companies occupying the building over the years included the OCPMC, OCFM, PFM, HPPC, and PPC. Under Criterion A, these corporations could be significant for their local contribution to Oregon City's development in the area of Commerce, as a driver of industry and employer for Oregon City almost continuously from ca. 1866 until its closure in 1982; it should be noted that the periods of *operation* do not necessarily equate to a period of *significance*. However, as the SHPO has previously noted, there is not a "significant concertation, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development" remaining of the OCMC to justify eligibility of any resources in the context of a historic district (Curran 2012; NPS 1997:5). Therefore, the flour mill building must be assessed individually.

The building was originally constructed by W. W. Buck in ca. 1866 for the OCPMC, though that business failed in less than a year. The building was acquired for use as a flour mill in 1868, a function it served until 1902 under two companies (OCFM and PFM). The mill halted operations for seven years during and following the Depression of 1893, (MIG, Inc. 2017:148). In 1908 Willard P. Hawley purchased the PFM, and the building was converted to paper production for the HPPC (MIG, Inc. 2017:164). In 1909, renovations to the building were completed, following which the renamed Mill D housed the No. 2 paper machine. By the mid-twentieth century, the Mill Reserve was mostly dominated by the papermaking industry (MIG, Inc. 2017:218, 220, 252). In 1948, the facility was transferred to PPC (MIG, Inc. 2017:252, 255). PPC experienced rapid plant expansion during its first decade, including purchase of the adjacent OCMC Woolen Mill site. By the 1980s business proved to be less successful and, after 30 years, PPC sold to the Smurfit Paper Newsprint Division, which later sold to the mills to the BHPC in 2000 (MIG, Inc. 2017:283, 300, 306).

The building began and ended its career in paper production, associated first with the OCPMC (ca. 1866), and later with HPPC (1908–1948), PPC (1948–1985), Smurfit (1985–2000), and BHPC (2000–2011). The building was also associated with flour production under the OCFM (1868–1885) and PFM (1885–1902). Numerous changes over the building's lifetime resulted in an irretrievable loss of integrity and an inability to convey significance from either its period of construction (ca. 1866) nor any period of association with either the paper or flour industries. Due to an irretrievable loss of integrity, the building cannot convey significance in the area of Commerce and is not eligible for listing in the NRHP under Criterion A.

Criterion B

Research did not reveal a direct association of the resource with the lives of significant persons. The building was used by flour and paper corporations over the years, making it unlikely that the construction or operation of the mill was directly associated with the lives of any particular individual. The building had an association to W. W. Buck, who started the OCPMC for which the building was initially constructed. However, that association dates to ca. 1866, and as previously noted, the building suffers from an irretrievable loss of integrity from its period of construction. HRA did not identify another specific person from the various flour and paper companies with a

direct association to this building. Tangentially, the Grand Ronde may have evidence that the building's use as a flour mill aided in the production of food staples that were sent to the reservation (Kirsten Svicarovich, personal communication 2022). While that aspect of the building's history is illustrative of the facility's use in the surrounding community, it is unlikely to be demonstrably important in the understanding of the role of reservations to the Tribes; or in the role of the import of Euromerican food sources to Tribes, the diets of indigenous persons, or the alterations such importation had to traditional lifeways. As the former flour mill does not have a direct association to the lives of significant persons or groups of people, it is not eligible for listing in the NRHP under Criterion B.

Criterion C

The flour mill *building* may have originally embodied a type, period, or method of construction, but changes over time have altered any distinctive characteristics it once had. Several changes to the roof, additions to the building, degradation of brick walls, and infill/alterations to original window and door openings have resulted in an irretrievable loss of integrity. The building is not the work of a master, does not possess high artistic values, and is not part of a district. Due to an irretrievable loss of integrity, the building cannot convey significance and is not eligible for listing in the NRHP under Criterion C.

Criterion D

The former flour mill *building,* inclusive of its various alterations over time, was built using common construction methods and well-known materials and was substantially altered over time. The *building* does not have the potential to answer important research questions or yield information about human history that can only be answered by the actual physical material, design, construction methods, or interrelation of these resources. As the building is unlikely to yield information important to prehistory or history, it is not eligible for listing in the NRHP under Criterion D.

As a Site

Criterion A

As with all evaluations, assessment of the resource as a *site*, where the location itself possesses archaeological value regardless of the value of the *building* (NPS 1997:5), requires consideration of the resource (in this case, the foundations as a feature of the flour mill) within a given area (presumably, Industry) and period of significance. As noted above, the flour mill foundations are a feature that may be eligible for association with paper and flour production in the Mill Reserve within the period of ca. 1866, the year of initial construction, to 1907, the last year the facility functioned as a flour mill before being acquired (in 1908) and converted to paper production for the HPPC. (Following acquisition in 1908 and reconstruction in 1909, the facility evolved continuously through the closure of the BHPC in 2011.) As a *site*, it is unknown if the foundations retain sufficient integrity to convey significance within the area of Industry, as a manufacturing facility, and period of significance (ca. 1866–1907). As such, the site remains unevaluated under Criterion A.

Criterion B

As with assessment of the resource as a *building,* assessment of the resource as a *site* did not reveal a direct association of the resource with the lives of significant persons or groups of people. It is not eligible for listing in the NRHP under Criterion B.

Criterion C

The flour mill foundations, as a *site*, embodies a type, period, or method of construction, specifically the monumental basalt construction required for a mid-nineteenth century industrial building. At least a portion of the outline of the flour mill building's rectilinear plan is evident in the exposed foundation remnants, and areas of unexposed foundation are likely extant. The resource may also be the work of a master craftsperson: though little (if anything) is currently known about the masons employed to construct the foundations, the quality of construction of the visible portions indicates completion by a person or persons with exceptional masonry skills. Additional research is required to confirm the construction methods of the portions of the foundation that are not visible, and to confirm or deny significance as the work of a master craftsperson. HRA recommends the site unevaluated for listing in the NRHP under Criterion C.

Criterion D

As noted regarding Criterion C, the flour mill foundations may be built of exceptional construction methods using local materials. Study of the foundations has the potential to answer important research questions or yield information about human history that can only be answered by the actual physical material, design, construction methods, or interrelation of these resources. For example, who were the masons employed for the initial (ca. 1866) construction, the adjacent warehouse (ca. 1867, a separate but functionally associated resource), and were they somehow related to those who completed the woolen mill foundations (see Section 4.5)? How did the construction methods employed enable the foundations to withstand floods and subsequent earth modifications associated with the grading of land to the south and west, and further development of the flour mill as an evolving industrial facility through 1907? With the resource likely to yield information important to the history of local masonry practices, HRA recommends the site eligible for listing in the NRHP under Criterion D.

Conclusion

While additional research is needed, HRA concurs with the 2012 evaluation and recommends the flour mill foundations eligible for listing in the NRHP as a *site*. Though the resource remains unevaluated under Criterion A, in the area of Industry, and under Criterion C, for architecture, the resource seems likely to yield information in both of these areas and is recommended eligible under Criteria D, for its information potential. The recommended period of significance is ca. 1866–1907, the period of initial construction until it was acquired and converted to paper production for the HPPC. The recommended boundary is the footprint of the foundation of the original ca. 1866 building, though the boundary is likely to expand to include, at minimum, the adjacent warehouse foundation (a separate but functionally associated resource/feature).

4.7 Mill C/Digesters (1956)

Two adjoining massings, Mill C (1956) and the sulfite plant (1956), are positioned within the former BHPC complex just south of the No. 4 Paper Machine Building (Section 4.4) and directly north of the Horton Sphere (Section 4.8). Within Mill C are the digesters, which date to ca. 1950. Mill C fronts an extension of Main Street and to the west and Railroad Avenue (State Route 99E) to the east. A cylindrical, clay tile-clad structure covered by a concrete slab roof is positioned to the north of Mill C.

The Mill C massing is approximately five stories in height, with an irregular plan aligned on a north–south axis, with the facade on the west elevation (Figures 4.7-1 through 4.7-5). The sulfite plant, a three-and-one-half-story massing, adjoins Mill C to the south. The combined massings sit atop a poured-concrete slab foundation and are clad in Transite siding, with some sections patched with corrugated metal panels. The narrow northern portion of Mill C terminates in a raised monitor-like roof, while the sulfite plant has a modified shed roof.

The north end of the west face contains a door opening with a sliding track above the opening; the door is no longer intact (see Figures 4.7-1 and 4.7-2). A smaller door opening is located near the midsection. An aluminum-frame, sliding-track window is positioned at the upper wall of the monitor roof portion. A louvered metal vent is located at the upper level of the shed extension near the midsection. At the south end, on the angled extension is a single metal door at the first floor near the midsection. Three large openings spaced across the second-floor level contain louvered metal vents at the upper portion. Two of the openings have been infilled with corrugated panels. A larger opening is located at the upper wall at the south end, which contains a metal hoist at the top of the opening. An elevated, enclosed walkway at the south end connects to the No. 1 Paper Machine Building to the west (see Figures 4.7-2 and 4.7-3). The walkway is supported by metal posts with diagonal cross bracing.

The south face is four stories tall and features a monolithic wall with no openings (see Figure 4.7-3). The Horton Sphere is situated adjacent to the building, at the west side of the south face near the road. The south face steps up at the rear (east) end to incorporate an extension supported by large metal posts. The rear extension is structurally tied into the hillside by steel I-beams. The east face was not accessible.

On the north face, several openings have been infilled with corrugated metal (see Figures 4.7-1 and 4.7-5). At the west end, a door opening is positioned on the basement level. Louvered metal vents are spaced across the upper wall and monitor roof section. Several window openings are still intact at the upper floors and contain multi-light, steel-frame sash windows with lower awnings. An elevated, cantilevered metal landing is positioned near the midsection at the second-floor level.

The interior of Mill C is five stories in height, plus a partial basement and wood chip conveyance loft, or hopper, and served as an enclosure for the multi-story digesters (Figures 4.7-6 through 4.7-8). The interior is largely open, designed to house the five-story cylindrical digesters fabricated of riveted steel. Interior framing consists of steel columns, steel beams, and concrete or wood flooring. A system of metal catwalks and platforms are located between the digesters (see Figure 4.7-7) (Winterbrook 2014:5).



Figure 4.7-1. Mill C and sulfite plant, north and west elevations. No. 4 Paper Machine South Addition visible at right, view southeast.



Figure 4.7-2. Mill C and sulfite plant, west elevation showing elevated covered walkway at south end (*right side*), view east.



Figure 4.7-3. Sulfite plant, south and west elevations showing Horton Sphere, view northeast.



Figure 4.7-4. Roofline of Mill C and sulfite plant, southwest oblique, as viewed from the roof of the Hawley Building, view northeast.



Figure 4.7-5. Mill C, north elevation, view southeast.



Figure 4.7-6. Mill C, interior showing top of digesters, view northwest.



Figure 4.7-7. Mill C, interior showing digesters, view east.



Figure 4.7-8. Sulfite plant, interior massing south of digesters, view southeast.

Integrity

The present massing for Mill C appears to be a replacement of an earlier building in this same location. That building, a wood-frame grain warehouse, was depicted on an 1892 Sanborn map as "Grain Elev" (N) and "Grain W.Ho/G Bins in Bulk/Flour & Grain W. Ho. 2d/Separator 2d" (S). Platform at rear side of warehouse" (Sanborn 1892). By 1909, the grain elevators were converted to house two 25-foot-tall digesters; by 1925, six digestor were housed in the facility (Sanborn 1925). In ca. 1950, the extant five-story digesters replaced the smaller objects, necessitating complete reconstruction of the former wood-frame grain buildings. Based on historic-period documentation, including photos, HRA has assumed that the extant digesters were installed in the partially dismantled wood-frame grain elevator, which was then systematically dismantled following construction of the extant steel-frame Mill C. Neither original plans for the wood-frame grain elevator and associated buildings, nor the

The most noticeable alteration of the 1956 construction is the increase in height of Mill C and the addition of the Sulfite Plant, which was appended to Mill C's south face in 1956 (Figures 4.7-9 through 4.7-13). Photos from 1956 indicate that the original Mill C building was transformed both internally and externally, including resheathing and installing new digesters and other equipment. As noted, the internal structure was converted to primarily steel-frame construction, indicating that the former wood-frame building was largely replaced. Other changes include the pop-out elevator cupolas and extensions towards Main Street. Interior elements, such as the original 25-foot-tall digesters, wood foundations, wood floor panels surrounding the digesters, chip bin and chip conveyor, and blow pit, were all replaced/upgraded at this time. From its initial date of construction (ca. 1890), Mill C has been completely obliterated. However, due to the relatively systematic method in which it was rebuilt/replaced in the 1950s, it is difficult to completely distinguish the ca. 1890s massing from the extant 1956 massing. Interestingly, as pertains to the retention requirements identified in ORD 14-1016, it appears only the digesters, as *objects*, were intended for retention, not the physical structure of Mill C and/or the sulfite plant.

When viewed from the reconstruction date of 1956, at which point the new digesters had been ensconced in the new Mill C volume with the attached sulfite plant, the facility retains integrity of location, setting, design, materials, workmanship, feeling, and association.

Evaluation

Kramer (2002) assessed the Mill C/Digesters as contributing when he evaluated the Willamette Falls Industrial Area historic district. Kramer described the resource as consisting of "two basic halves, the 'digesters' on the north and a sulphite [sic] plant on the south" (Kramer 2002:10). However, the 2002 report incorrectly noted the Mill C/Digesters were constructed ca. 1890–1910, and that they were installed in a former wood-frame grain elevator of the Imperial Mills that was refurbished into Mill C (Kramer 2002; MIG 2017:172–173). The City's 2012 resurvey disputed Kramer's finding, noting a construction date between 1954 and 1956 based on historic photos depicting the sulfite plant and digester building under construction in 1954. However, the City concurred that the building was eligible for listing in the NRHP (OHSD 2012g). Following the 2012 resurvey, the SHPO concluded that the BHPC was not eligible as a historic district due to loss of integrity but classified the Mill C/Digesters as individually eligible (Curran 2012:1–2).

As previously noted, Mill C began its life ca. 1890 as a grain elevator associated with the Imperial Mills, though all evidence of that resource was obliterated during the 1956 reconstruction. Mill C and its associated digesters were installed as part of HPPC's expansion of the Mill Reserve site in 1908, when Willard P. Hawley purchased the flour mills with plans to open new paper mills. Imperial Mill buildings were transformed both internally and externally, including the former wood-frame grain elevator and warehouse. As reported by *The Oregonian*, "In the old grain warehouse on the east side of the street (Mill C) there will be two digesters, 12 x 25 feet, and the necessary equipment for producing 25 tons of pulp daily" (MIG, Inc. 2017:123–124, 138, 164, 166). Mill C began operations in March 1909 (MIG, Inc. 2017:165). From its start, Mill C "began to transmogrify into an industrial behemoth that bore little resemblance to the original wheat warehouse and grain elevator, and whose influence extended throughout the paper mill" (Nicita 2014b). This included the addition of two stories to the building to serve as warehouse space. A large warehouse (now known as the No. 4 Paper Machine Building, see Section 4.4) was built to the north to store sulfur; a plank walkway connected the warehouse to Mill C.

A 1911 Sanborn map depicts the interior layout of Mill C, including two digesters positioned below a chip bin (in the monitor roof) at the front (west) portion of the former grain elevator and a wood chipper and acid plant (including magnesite grinding, a lime vat, and sulfurous acid manufacturing) in the rear portion (Sanborn 1911). Along the railroad tracks to the north were two large acid tanks and a sulfur burning house, which "generated the sulphur [sic] dioxide gas that, reacting with either lime or magnesium, formed the liquor... On the second floor, also in the rear, 'pulp washing and pressing' operations refined the cooked pulp – likely by 'wet machines' that, according to Witham, created sheets folded into 'laps' – and a doorway led to the warehouse for storage of the laps before transport across the elevated truckway to Mill B" (Nicita 2014b).

A third digester was installed in 1913. By 1916, expansion plans were made to house digesters in the north half of the building and a sulfite plant in the south half. A June 22 article in the *Morning Enterprise* announced the installation of additional wet machines and other pulp making machinery, along with electric elevators and concrete footings. Also in 1916, Hawley built a new boiler plant with tall smokestacks between Mill C and the No. 4 Paper Machine Building (Nicita 2014b).

A 1925 Sanborn map depicted the former grain elevator housing six digesters as well as pulp vats. A wood pulp bin was appended to the southeast side of the warehouse. A boiler house was positioned to the north between Mill C and the No. 4 Paper Machine Building. A small laboratory and steel

crude oil tank were located to the south (Sanborn 1925). According to a 1926 Meldrum Survey of the HPPC plant, "the northern portion, 50' x 132' in size, was identified as 'Digester and Wet Machine Building,' while the southern portion, 40' x 107' in size, was in use as a warehouse" (Kramer 2002).

A 1920 publication by G. S. Witham was summarized in a 2014 article by James Nicita and described the transformation of Mill C and the role of the sulfite mill in the pulp and papermaking process. The process

> entailed placing wood chips into the domed top of a cylindrical two-to-three-story "digester," assembled from steel plates and giant rivets. A "liquor" of sulphurous [sic] acid filled the digester. Steam heat and pressure "cooked" the chips until the latter broke down into the cellulose fibers. A valve in the conical bottom of the digester opened and the accumulated pressure forced the pulp out–an event known colorfully as "blowing the digester"–and into a vat, or "blow pit." The sulphite [sic] pulp was then washed, processed, and manufactured into paper elsewhere in the mill. [Nicita 2014b]

Further expansion took place during the 1930s and 1940s. "Warehouse No. 2 had extended Mill C's influence northward; the 1944 construction of Mill E in the basin extended it southward…By 1947 a conveyor carried wood chips from Mill E to the top of a new chip silo. A second conveyor rose from the silo's base to a monitor roof atop Mill C, where a magnet removed nails and such before yet another conveyor deposited the chips into the bin above the digesters" (Nicita 2014b).

The mills were producing a considerable amount of paper, especially for *Life* and *Time* magazines. Despite this, Hawley's heirs sold their remaining interest, dissolving the company. The Times Mirror Corporation acquired their interest along with several others to form a subsidiary, PPC, in 1950. That same year, PPC "became the first mill to use sawmill chips rather than logs in the papermaking process" (MIG, Inc. 2017:255). Mill C was modernized and upgraded during this period of growth, including installation of new digesters and other equipment. A 1950 Sanborn map shows the small laboratory replaced by a globe-shaped acid tank, known as the Horton Sphere (see Section 4.8, Sanborn 1950).

By 1954, Mill C was rebuilt, with the exterior clad in Transite, an asbestos cement panel (see Figure 4.7-11). On the west facade, an interior metal staircase extended the full six-story height. Banks of small windows lined the upper levels of the north elevation. At that time, to the south, portions of the wood-frame mill buildings were still intact, though the building that abutted the south elevation was being demolished to make room for the sulfite plant. While previous interpretation of a 1954 photo (see Figure 4.7-12) was that the lower portion of the building was excavated further into the basalt (OHSD 2012g), HRA interprets the photo as possibly depicting work for the new steel framing, which Hoffman Construction Co. completed in 1956. According to one retired mill worker, the contractors "cut holes in the original wooden structure and inserted the new steel beams before removing the wood" (Nicita 2014b). Previous researchers noted that, at its height, "Mill C was the picture of an industrial powerhouse: an economic engine that embodied an era of paper-mill prosperity in Oregon City…It was an extraordinary evolution from a single, humble wheat railroad warehouse in 1880." In 1983, the sulfite mill occupying the southern half of Mill C was closed (MIG, Inc. 2017:300).

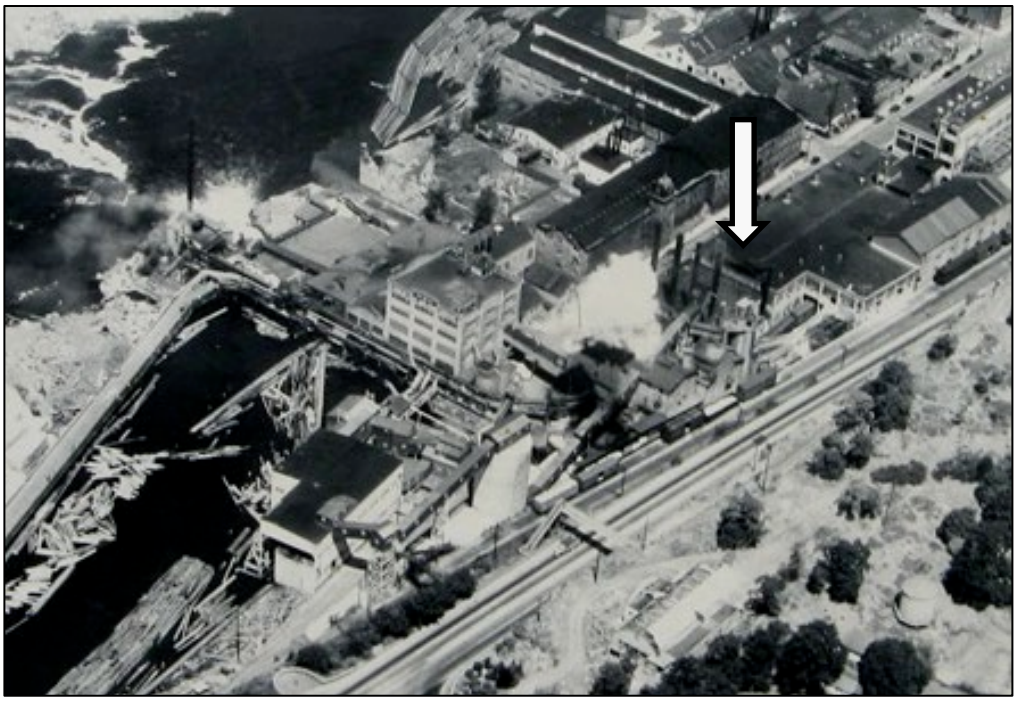


Figure 4.7-9. 1948 aerial photo showing Mill C/Digesters (denoted by arrow) (MOOT n.d.). Note the smaller massing of Mill C as compared to the smokestacks.

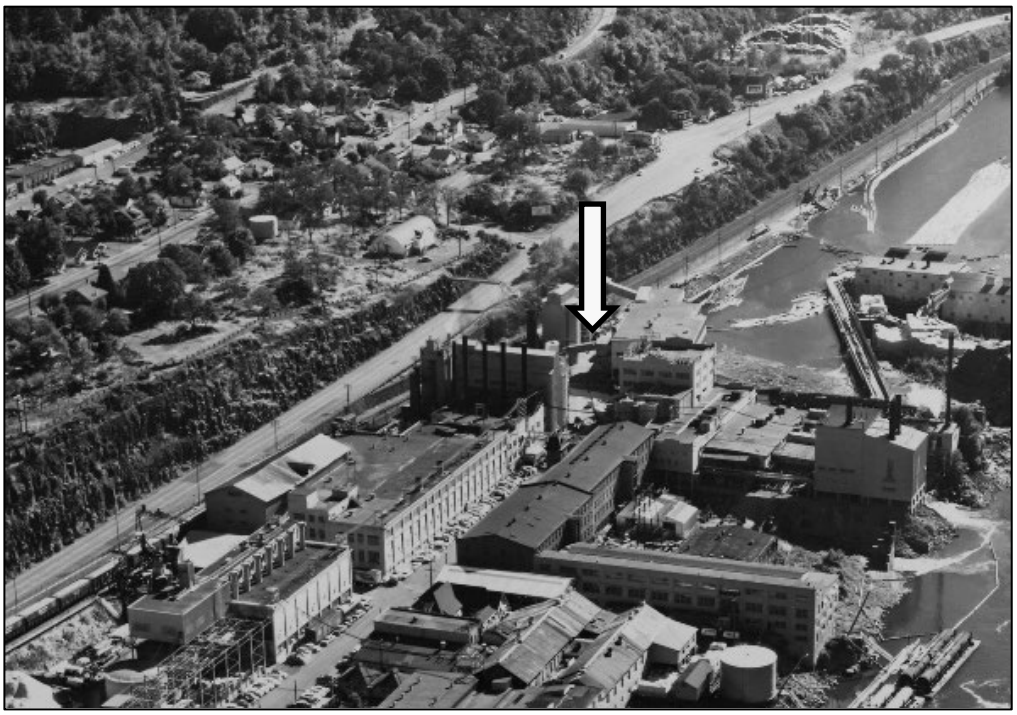


Figure 4.7-10. 1959 aerial photo showing Mill C/Digesters (denoted by arrow) (MOOT n.d). Note the taller massing on Mill C as compared to the smokestacks.



Figure 4.7-11. 1954 photo showing Mill C/Digesters building reclad in corrugated Transite siding (MOOT n.d.).



Figure 4.7-12. 1954 photo showing interior of Mill C/Digesters (MOOT n.d.).

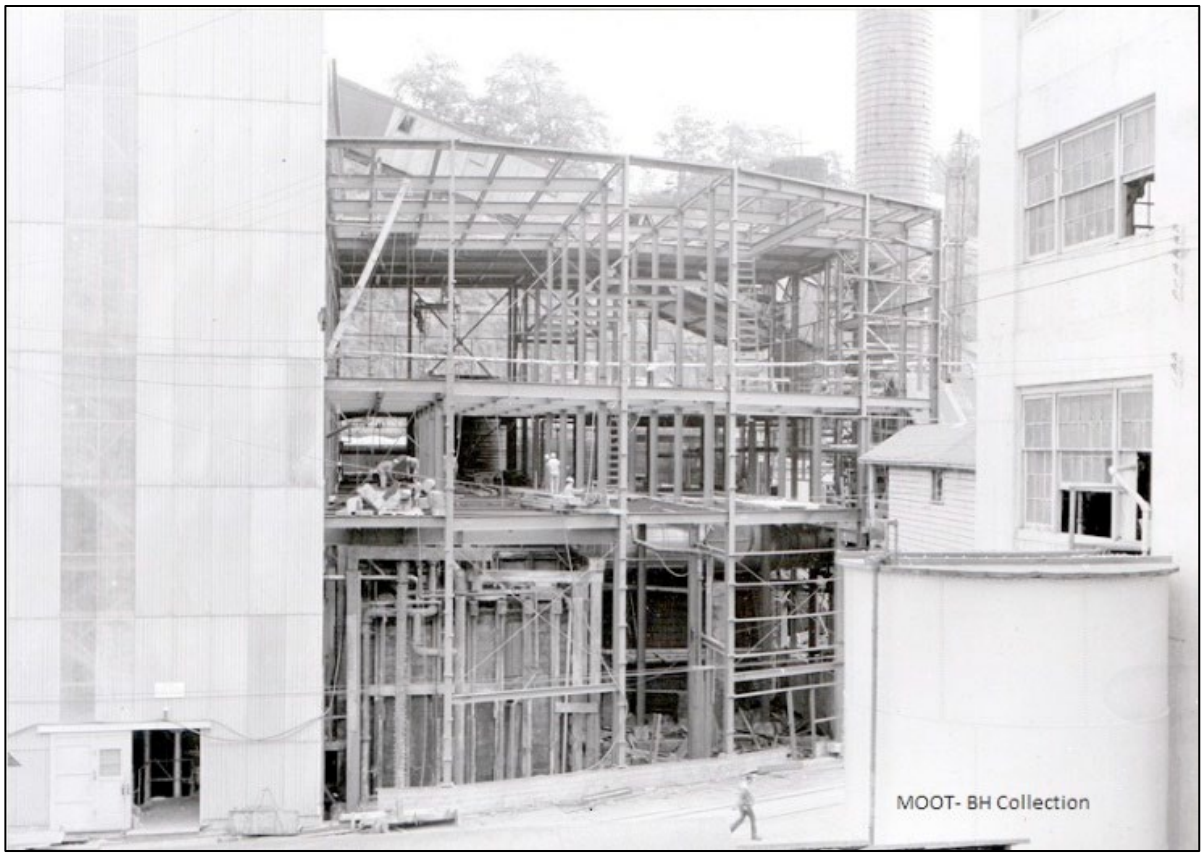


Figure 4.7-13. 1956 photo of Sulfite Plant under construction, appended to the south elevation of the digester building (MOOT n.d).

Criterion A

The Mill C/Digesters were historically associated with paper production beginning with the HPPC in 1908. Under Criterion A, HPPC and its subsequent owner, Publishers Paper, might be significant for its local contribution to Oregon City's development in the area of Commerce, as a major industry and employer for Oregon City from 1908 until its acquisition by Smurfit Paper Newsprint Division in 1985; it should be noted that HPPC's period of *operations* does not necessarily equate to its period of *significance*. However, as the SHPO's previous determination stated, the site lacks a "significant concertation, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development" to be eligible as a historic district (Curran 2012; NPS 1997:5). Therefore, the Mill C/Digesters must be assessed individually, as a building, for significance within its context associated with HPPC and PPC.

The extant Mill C/Digesters were completed in 1956, and served as the primary digesters for HPPC's operations. However, mere association with the site's industrial papermaking history and its historic trends in local commerce is not enough to qualify under Criterion A. The resource must have a specific association and that association must be important (NPS 1997). There is no evidence that Mill C or the Digesters played an important role in local commerce or any other area of

significance. While previous researchers have noted the evolution of Mill C from a "humble wheat railroad warehouse in 1880" to "the picture of an industrial powerhouse," this statement, while prosaic, does not accurately portray the resource's construction history. The resource does not retain integrity from its initial period of construction associated with the Imperial Mills (ca. 1890–1910), nor does it have a significant association with any period of association with HPPC (i.e., 1928–1940s) and/or PPC (i.e., 1948–1985). HRA recommends the Mill C/Digesters not eligible under Criterion A.

Criterion B

Research did not reveal a direct association of the resource with the lives of significant persons with a known connection to the paper company. The HPPC and PPC were corporations, making it unlikely that the construction or operation of the digesters was directly associated with the lives of any particular individual. As the digesters do not have a specific association to the lives of significant persons, it is not eligible for listing in the NRHP under Criterion B.

Criterion C

The extant Mill C/Digester building does not embody a type, period, or method of construction; instead, it appears to have been somewhat arbitrarily constructed to resemble the predecessor grain elevator which the 1956 resource obliterated and replaced. The building is not the work of a master, does not possess high artistic values, and is not part of a district. As Mill C/Digesters does not have a specific association with any design or construction significance, it is not eligible for listing in the NRHP under Criterion C.

The digesters, as *objects*, do not appear to be significant under Criterion C, as, without the earlier (ca. 1910–1925 digesters) they do not convey significance as an embodiment of the transition, variation, or evolution of digesters of the twentieth century.

Criterion D

Mill C/Digesters were built of common construction methods and well-known materials and are unlikely to answer important research questions or yield information about human history that can only be answered by the actual physical material, design, construction methods, or interrelation of these resources. As the building is unlikely to yield information important to prehistory or history, it is not eligible for listing in the NRHP under Criterion D.

Conclusion

HRA does not concur with the 2012 evaluation and recommends the Mill C/Digester Building, and its associated digesters, not eligible for listing in the NRHP due to an inability to qualify under any criteria of significance.

4.8 Horton Sphere (ca. 1948)

The Horton Sphere was constructed ca. 1948. The structure is located within the former BHPC complex, to the south of the Mill C/Digesters (Section 4.7) and Sulfite Plant. The object is surrounded by industrial buildings within the complex, including the associated sulfite plant to the north.

The Horton Sphere is a spherical-shaped tank fabricated of riveted steel (Figures 4.8-1 through 4.8-6). The object sits atop a poured-concrete slab and is elevated on a steel support structure.



Figure 4.8-1. Horton Sphere, showing adjacent sulfite and digester buildings, view northeast.



Figure 4.8-2. Horton Sphere, showing lower concrete structure to east (*right*) and south wall of sulfite building, view west.



Figure 4.8-3. Horton Sphere, showing underside of riveted steel sphere raised on steel legs, view east.



Figure 4.8-4. Horton Sphere with sulfite and digester buildings directly north and elevated conveyance at west face, view north.



Figure 4.8-5. Horton Sphere and detail of sulfite building with elevated conveyance, view southeast.



Figure 4.8-6. Horton Sphere, view northwest.

Integrity

Original plans for the Horton Sphere were unavailable; however, photos of the structure over time and examination of its physical features indicate it has undergone very few changes since its construction date (ca. 1948). The Horton Sphere retains integrity of location, setting, design, materials, workmanship, feeling, and association.

Evaluation

The Horton Sphere was not assessed in Kramer's 2002 survey as part of the Willamette Falls Industrial Area historic district (Kramer 2002). The 2012 resurvey also did not evaluate the structure.

Prior to the addition of the Horton Sphere in ca. 1948 and its associated sulfite plant (completed in 1956), the No. 4 Paper Machine Warehouse was used to store sulfur, with a plank walkway connecting the warehouse to Mill C. A 1911 Sanborn map depicts a large, 50,000-barrel crude oil steel tank to the south of Mill C/Warehouse No. 1. Two large acid tanks and a sulfur burning house are shown to the northeast of Mill C, along the railroad tracks (Sanborn 1911). The sulfur burning house "generated the sulphur [sic] dioxide gas that, reacting with either lime or magnesium, formed the liquor" (Nicita 2014b). Expansion plans in 1916 included transforming Mill C to house a sulfite

plant in the south half, with digesters in the north half (Nicita 2014b). A 1925 Sanborn map depicts a large, steel crude oil tank to south of Mill C and a small laboratory at the southwest corner, in the proximate location of where the Horton Sphere was later constructed; other buildings included a boiler house, positioned to the north between Mill C and No. 4 Paper Machine, and additional acid tanks to the northeast (Sanborn 1925).

By the late 1940s, the laboratory building was replaced by a steel acid tank, now known as the Horton Sphere (Figures 4.8-7 and 4.8-8). A 1948 aerial photo shows the sphere structure at the southwest corner of Mill C, with the elevated conveyor system between Mill E and monitor roof atop Mill C. By 1950, the mills were producing a considerable amount of paper, especially for *Life* and *Time* magazines. Despite this, HPPC was dissolved and acquired by the Times Mirror Corporation to form a subsidiary, PPC, and "became the first mill to use sawmill chips rather than logs in the papermaking process" (MIG, Inc. 2017:255). Mill C was transformed and modernized in 1956, including installation of new digesters and other equipment (Nicita 2014b).



Figure 4.8-7. 1948 aerial photo showing Horton Sphere (denoted by arrow). Mill C/Digester building is shown with conveyor system between Mill E to monitor roof atop Mill C (MOOT-BH Collection).



Figure 4.8-8. Overview of Horton Sphere and sulfite building, with Mill C behind (OHSD).

Criterion A

The Horton Sphere was historically associated with HPPC and its successor, PPC. Under Criterion A, HPPC and PPC might be significant for their local contribution to Oregon City's development in the area of Commerce, as a major industry and employer for Oregon City from 1908 until its acquisition by Smurfit Paper Newsprint Division in 1985; it should be noted that the period of *operations* does not necessarily equate to its period of *significance*. However, as the SHPO's previous determination noted, the site lacks a "significant concertation, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development" to be eligible as a historic district (Curran 2012; NPS 1997:5). Therefore, the Horton Sphere must be assessed individually, as an object, for significance within its context associated with HPPC and PPC.

The Horton Sphere was constructed ca. 1948 and served in a support role for the paper mill. However, mere association with the industrial papermaking history and its historic trends in local

commerce is not enough to qualify under Criterion A. The resource must have a specific association and that association must be important (NPS 1997). There is no evidence the Horton Sphere played an important role in local commerce or any other area of significance. Therefore, it is not eligible for listing in the NRHP under Criterion A.

Criterion B

Research did not reveal a direct association of the resource with the lives of significant persons. The HPPC and PPC were corporations, making it unlikely that the construction or operation of the Horton Sphere was directly associated with the lives of any particular individual. As the Horton Sphere does not have a specific association to the lives of significant persons, it is not eligible for listing in the NRHP under Criterion B.

Criterion C

The Horton Sphere does embody a type of construction, that of a mid-twentieth century spherical pressure vessel used for storage of compressed gases. However, the object does not appear to convey significance as an embodiment of the transition, variation, or evolution of Horton spheres. The object is not the work of a master, does not possess high artistic values, and is not part of a district. HRA recommends the resource not eligible under Criterion C.

Criterion D

The Horton Sphere was built of common construction methods and well-known materials and is unlikely to answer important research questions or yield information about human history that can only be answered by the actual physical material, design, construction methods, or interrelation of these resources. As the building is unlikely to yield information important to prehistory or history, it is not eligible for listing in the NRHP under Criterion D.

Conclusion

HRA recommends the Horton Sphere not eligible for listing in the NRHP due to an inability to qualify under any criteria of significance.

4.9 Mill G Boilers (ca. 1949)

The Mill G Boilers/Recovery Boiler and Boiler Plant was constructed between 1949 and 1950. The construction date is based on historical photographs from 1949 showing portions of the building under construction, and a review of a Sanborn map from 1950, in which the subject building is not depicted (CTRG 2021; Sanborn 1950). The building is located within the former BHPC complex, along the Willamette River, directly northwest of Mill H, and is surrounded by other industrial buildings.

The Mill G Boilers Building is utilitarian, rectilinear in massing (both in footprint and volume), and constructed of steel beams clad in corrugated metal and Transite siding (Figures 4.9-1 through 4.9-17). The building footprint comprises a multi-story rectangular portion, known as the Boiler Plant, and at the southwest side another multi-story rectangular portion, known as the Recovery Boiler. The Recovery Boiler is offset and connected at the east side. Lower flat roof wings connect the two sections along the north side. A lower, shed-roofed wing is located at the northwest side. The southwest portion of the building (the boiler plant) is elevated on a system of steel columns and concrete piers, resting on concrete footings attached to the rock seawall. The building appears to share foundations for the pipe chase that extends along the west side (Shiels Obletz Johnsen 2013). The boiler building has a low-pitched shed roof, while the recovery boiler building terminates in a slightly taller flat roof.

The north face features small window openings along the upper wall, and a one-story wing that extends from the east side (see Figures 4.9-1 through 4.9-3). The west face abuts a concrete seawall and features a two-story shed-roofed wing at the north side. A taller shed-roofed wing positioned at the south side contains several large metal smokestacks projecting from the roof.

The interior of the boiler building is three stories high, plus subfloor (basements) levels, and houses four boilers (see Figures 4.9-9 through 4.9-17). Exposed interior framing consists of a combination of steel and concrete columns resting on concrete footings, supporting steel beams and concrete floors. The majority of the interior is open.



Figure 4.9-1. Mill G/Boilers, north and east faces of recovery boiler, view southwest.



Figure 4.9-2. Mill G/Boilers, north and west faces of recovery boiler, showing lower shed-roofed wing at right, view south/southeast.



Figure 4.9-3. Mill G/Boilers, north face, view southeast.



Figure 4.9-4. Mill G/Boilers, upper east face in background, view southwest.



Figure 4.9-5. Mill G/Boilers, detail of exterior cladding, view north.

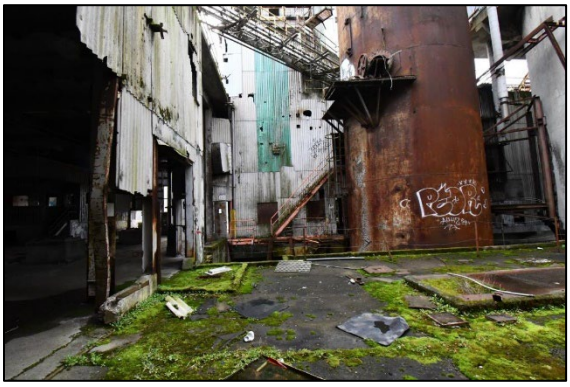


Figure 4.9-6. Mill G/Boilers, detail of exterior, view south.



Figure 4.9-7. Mill G/Boilers, detail of stacks, view south.



Figure 4.9-8. Mill G/Boilers, north elevation, view southwest.



Figure 4.9-9 Mill G/Boilers, basement level, showing concrete and metal supports.

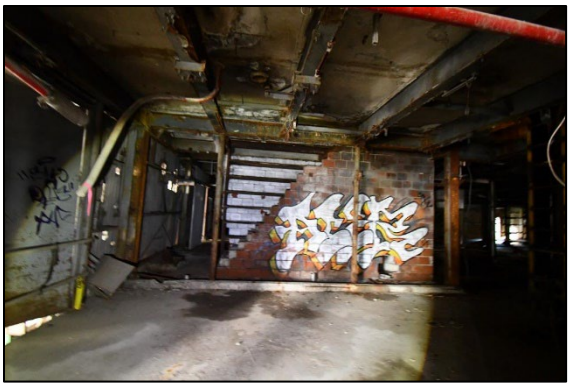


Figure 4.9-10. Mill G/Boilers, interior.

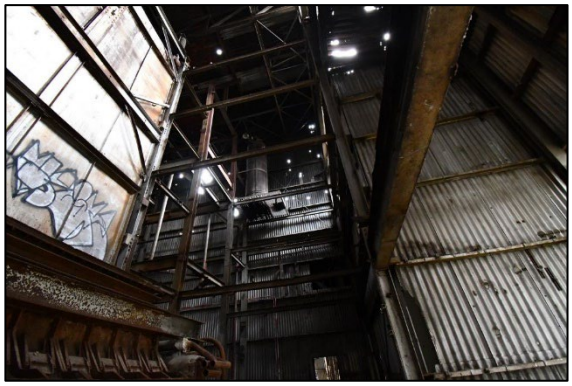


Figure 4.9-11. Mill G/Boilers, interior, showing multi-level steel framing.

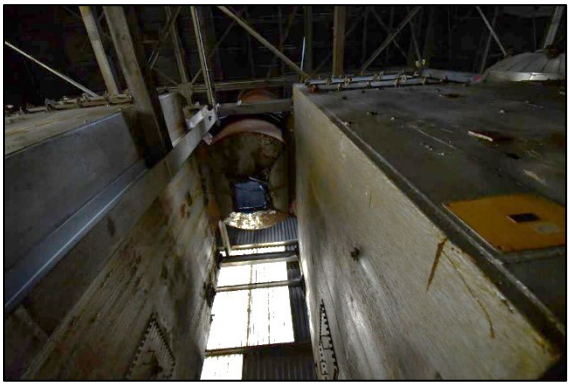


Figure 4.9-12. Mill G/Boilers, interior detail of boilers.



Figure 4.9-13. Mill G/Boilers, interior.



Figure 4.9-14. Mill G/Boilers, interior showing boilers.



Figure 4.9-15. Mill G/Boilers, interior.

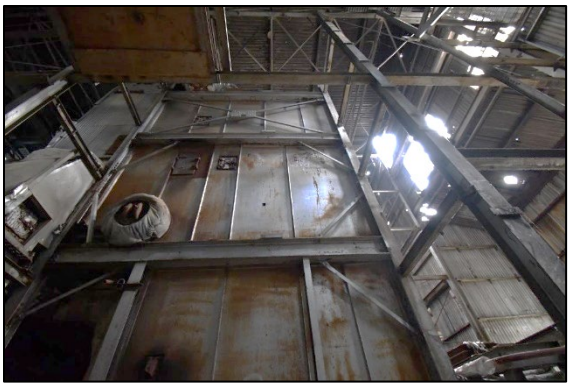


Figure 4.9-16. Mill G/Boilers, interior showing boilers.



Figure 4.9-17. Mill G/Boilers, interior showing all 4four boilers.

Integrity

Original plans for the Mill G Boilers were unavailable; however, photos of the building over time and examination of its physical features indicate it has gone through extensive alterations since its construction date ca. 1949. An examination of its physical features indicate that the associated boiler recovery building may have been constructed in 1955–1956, while the boiler plant dates from 1949 and was likely completed by 1950 (Figures 4.9-19–4.9-21). The most obvious alteration to the building envelope is the cladding, which at the time of survey in 2022 was a combination of ribbed metal and Transite siding.

A 1950 Sanborn map depicts HPPC's Mill B, associated with the Imperial Mill, situated at this location, with a small machine shop shown at the northeast end; the subject resource is not depicted, though a smaller boiler house is shown to the east (Sanborn 1950). A photo dated May 11, 1949, depicts the boiler plant under construction and shows an adjacent wood-frame building (to the south) being tied into the new building (Figure 4.9-19). A 1954 aerial photo shows the rectangular, multi-story boiler plant at this location, just north of the intake basin; the southeast corner appears to be attached to a lower warehouse building (Figure 4.9-23). The recovery boiler, while it may have been constructed as early as 1955–1956, was completed by 1959 (Figure 4.9-24).

From its date of construction (ca. 1949), the Mill G Boilers retain integrity of location and setting. Integrity of design, materials, and workmanship is diminished due to various alterations, including the addition of the Recovery Boiler, and repairs that do not appear to have been completed using in-kind materials. However, the boilers for which the building was constructed, are extant, enabling the resource to retain integrity of feeling, and association.

Evaluation

Kramer (2002) assessed the Mill G Boilers as non-historic and noncontributing when it was evaluated as part of the Willamette Falls Industrial Area historic district. As previously noted, the 2002 report noted the Boiler Plant constructed in 1955–1956, stating that the original Mill H was "substantially razed and remodeled to its present configuration" in 1955 (Kramer 2002). The 2012 resurvey disputes Kramer's finding, noting the building was constructed in 1949 based on photographs showing the boilers being installed in a steel-frame structure (see Figures 4.9-19 and 4.9-22). The 2012 resurvey recommended the building eligible for listing in the NRHP (OHSD 2012h). Following the 2012 resurvey, the SHPO concluded that the BHPC site was not eligible as a historic district due to loss of integrity, but classified the Mill G Boiler building as individually eligible (Curran 2012:1–2).

This portion of the industrial complex was the former Mill H, owned by Crown Willamette Pulp and Paper Company (CWPPC). According to the 2017 MIG report, CCPPC's pulp mill (Mill H) was built sometime after 1900 near a former storage building (MIG, Inc. 2017:166). A 1911 Sanborn map depicts the Crown-Columbia Pulp & Paper Co's East Side Mill in this location, directly north of the basin. Other associated buildings on the block include HPPC's Mill B to the east and the OCMC Woolen Mill complex to the north; the tail race divided the two areas (Sanborn 1911).

The 1925 Sanborn map shows Mill H abutting the No. 1 Paper Machine Building to the east, with an elevated walkway along the mill's west side and a planked ferry slip at the north side. To the north and northeast were a dye house and woolen mills. A small, rectangular boiler house was situated within the woolen mill complex (Sanborn 1925).

In 1928, CWPPC merged with Zellerbach Corporation (MIG, Inc. 2017:157). By 1950, the Sanborn map depicts the Mill H building integrated into HPPC's Mill B to the south and relabeled as part of Mill B. A machine shop is shown at the northeast end and a smaller boiler house is depicted to the east of the Wool Dryer 1st/Picking & W. Ho. (Figure 4.9-18). The subject building is not yet depicted on the map (Sanborn 1950).

According to the 2017 MIG report, construction of the "new Mill H took into account the locations of previously blasted tailraces and the likelihood of flooding. As the footprint of this and adjacent buildings expanded, it took over sites previously used by the woolen mills" (MIG, Inc. 2017:251). The Mill H property was purchased by PPC in the 1950s. An aerial photo of the PPC site in 1954 shows the rectangular, multi-story boiler plant situated in this location along the Willamette River, just north of the Intake Basin; the photo does not appear to show the adjacent Recovery Boiler massing, only the Boiler Plant (Figure 4.9-23). The southeast corner appears to be incorporated into Mill B (City of Oregon City 2022). It is unclear exactly when the Recovery Boiler was added, though it is depicted in a 1959 photo (Figure 4.9-24).

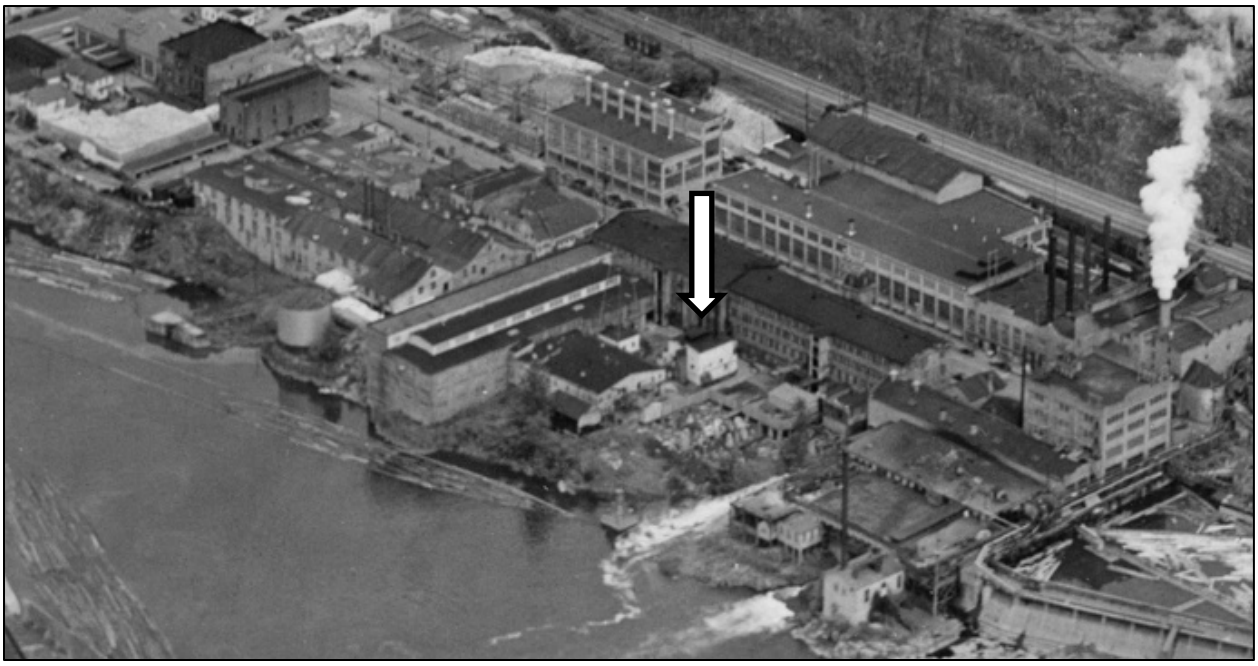


Figure 4.9-18. 1947 aerial imagery depicting former boiler plant (*denoted by arrow*) in alternate location, view east. Image courtesy of CTGR.

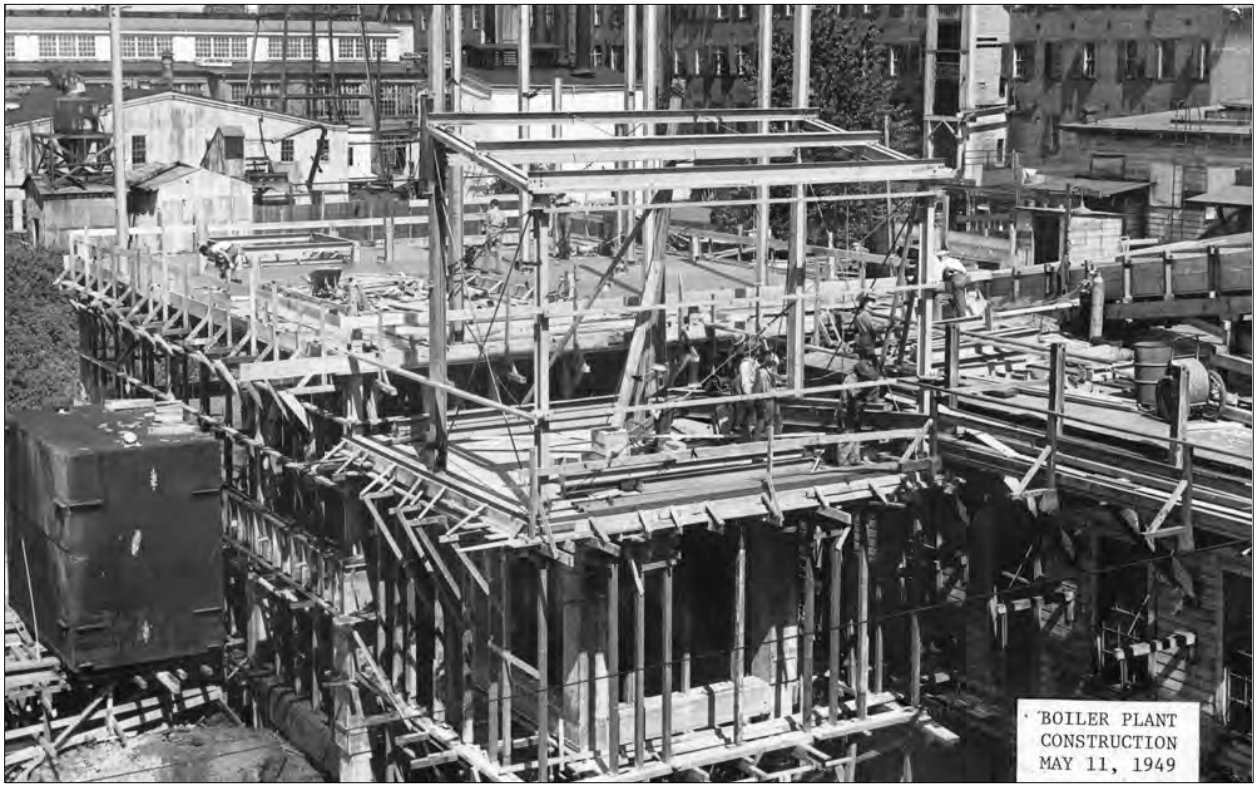


Figure 4.9-19. Boiler plant under construction, May 11, 1949. The new building appears to tie into an adjacent wood-frame building (*lower right side*). Image from MIG, Inc. 2017:250.



Figure 4.9-20. 1949 photo showing Mill H reconstructed into the primary boiler plant. Image courtesy of CTGR.



Figure 4.9-21. 1949 photo showing reconfiguration of Mill H into Boiler Plant. Image courtesy of CTGR.



Figure 4.9-22. 1949 photo showing Boiler Plant steel framing under construction. Mill B machine shop is shown to south (lower right side). Image courtesy of CTGR.



Figure 4.9-23. 1954 aerial photo showing PPC industrial site, with the multi-story Boiler Plant at the southwest end (center left), on the Willamette River and just north of the Intake Basin. Image courtesy of CTGR.



Figure 4.9-24. 1959 aerial photo showing Mill G/Recovery Boiler and Boiler Plant (upper right side). Image courtesy of MOOT n.d.

Criterion A

The Mill G Boilers Building was likely not yet in operation when Crown Zellerbach Corporation/ PPC purchased the HPPC, though it likely came online shortly thereafter. Under Criterion A, the PPC might be significant for its local contribution to the growth of Oregon City in the area of Commerce, as a major industry and employer for Oregon City from 1950 until its closure in 1985; it should be noted that PPC's period of *operations* does not necessarily equate to its period of *significance*. However, as the SHPO's previous determination noted, the site lacks a "significant concertation, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development" to be eligible as a historic district (Curran 2012; NPS 1997:5). Therefore, the Mill G Boilers must be assessed individually, as a structure, for significance within its context associated with Publishers Paper.

The Mill G Boilers were constructed ca. 1949, with additions by 1959, and served as the primary boiler for PPC's operations. However, mere association with the site's industrial papermaking and its trends in local commerce is not enough to qualify under Criterion A. The resource must have a

specific association and that association must be important (NPS 1997). There is no evidence the boiler building played an important role in local commerce or any other area of significance. Further, due to changes over time, the building no longer retains sufficient integrity to convey significance from its period of construction (ca. 1949) nor any period of association with PPC (1950–1985). As the boiler building does not have a specific association to events or pattern of events that made a significant contribution to the broad patterns of local, state, or national history, it is not eligible for listing in the NRHP under Criterion A.

Criterion B

Research did not reveal a direct association of the resource with the lives of significant persons with a known connection to the paper company. The PPC was a corporation, making it unlikely that the construction or operation of the Mill G Boilers were directly associated with the lives of any particular individual. As the Mill G Boilers do not have a specific association to the lives of significant persons, it is not eligible for listing in the NRHP under Criterion B.

Criterion C

The boiler building does not embody a type, period, or method of construction, is not the work of a master, does not possess high artistic values, and is not part of a district. The building is utilitarian in form and massing, constructed in a rectilinear volume only to house the boilers and associated features within. As the Mill G Boilers do not have a specific association with any design or construction significance, it is not eligible for listing in the NRHP under Criterion C.

The boilers, as *objects*, do not appear to be significant under Criterion C, as, without the earlier boilers they do not convey significance as an embodiment of the transition, variation, or evolution of boilers of the twentieth century.

Criterion D

The boiler building was built of common construction methods and well-known materials and is unlikely to answer important research questions or yield information about human history that can only be answered by the actual physical material, design, construction methods, or interrelation of these resources. As the building is unlikely to yield information important to prehistory or history, it is not eligible for listing in the NRHP under Criterion D.

Conclusion

HRA does not concur with the 2012 evaluation and recommends Mill G, inclusive of the Recovery Boiler and Boiler Plant, not eligible for listing in the NRHP due to an inability to qualify under any criteria of significance.

4.10 No. 1 Paper Machine (1923)

The No. 1 Paper Machine Building was built in 1923. The building is located on the south side of the former BHPC, west of Main Street. To the north of the building are the woolen mill foundations (Section 4.5), attached to its east side is the Hawley Building (Section 4.2), and to its south is the intake basin.

The No. 1 Paper Machine Building is one story, rectangular in plan, and aligned on a north–south axis with its primary facade located on its south elevation (Figures 4.10-1 through 4.10-8). The building sits atop a concrete slab foundation and features a flat roof with built-up roofing surrounded by a parapet. The building is made of reinforced concrete covered with a deteriorating coat of white paint. Only the south and north faces are exposed, as the building is attached to other buildings on its east (Hawley Building) and west faces.

The primary facade of the No. 1 Paper Machine Building resembles the Hawley Building, as the two buildings were constructed simultaneously (see Section 4.2). The facade's roof features a parapet with a shallowly pitched, stepped-up, centered section (see Figures 4.10-1 and 4.10-2). The building is divided into three bays. In the middle bay is a large opening with louvered metal sheeting covering the upper third of the entrance. To the left (in the east bay) is a shorter opening, with the same width as the other opening.

A portion of the west face of the building can be seen from the interior of Mill H, where four openings on the face access the interior of that building (see Figure 4.10-7). The northernmost portion is a large metal sliding door on tracks; just south of it is a large opening without doors. Located in the middle of the face is a large opening where windows were once located and to the far south is a small opening without a door. On the north end of the west face is a large platform, which runs along the south side of Mill H. A large metal pipe runs the length of the face before ending on the south wall of Mill H and traveling underground. Other smaller pipes are also attached at various parts of the face.

The north face of the building is hard to access and can only be partially viewed (see Figure 4.10-3). Its roofline and basic features are identical to that of the south facade. Centered on the upper portions of each bay is a small, metal louvered vent and the middle and east bays both contain two, identical, equally spaced horizontal slider windows. The bottom part of the facade is mostly obscured, but it appears there are three large openings in each bay that lead to the lower (subterranean) level of the building.

Upon entering the building from its main entrance on the south face, the interior is one large open space (see Figure 4.10-4). The floor and walls are concrete, while the ceiling comprises wood boards supported by regularly spaced steel beams. There are two square skylights with metal framing extending downward, in addition to several small ventilation openings. A large rectangular recessed area in the floor is located off center to the west and comprises nearly the full length of the building running north–south. The recessed section is divided into three parts, with shorter south and middle sections, and a longer northern section comprising about half the length of the building. Remnants of metal plates and fasteners indicates parts of machinery were removed from the area

The east interior wall of the building has an open south section and a concrete wall on the north. The south section is open aside from a few large, rectangular concrete columns, allowing access to the Hawley Building to the east. The north section is divided into regular bays, separated by shallow

pilasters. On the south side of the wall is a large, metal sliding door on tracks and two additional single, metal doors are located north of this on the wall. The north wall of the building has three bays divided by two shallow pilasters. Centered at the top of each bay is a small, metal, louvered vent. The middle and east bays have two square equally spaced horizontal slider windows. Located in the northwest corner in front of the west bay is an irregularly shaped, small, concrete room with a height halfway to the ceiling. It features a single door on its east side and a fixed rectangular window. The west wall of the building features a continuous concrete wall divided into regularly spaced bays, divided by shallow pilasters and wall openings to Mill H. On the far south side is an opening and, toward the middle of the wall, a large rectangular opening partway up the wall, indicating a large window or series of windows was once located there. To the north of the window opening is another large opening probably containing double doors at one time and north of that is a metal sliding door attached to tracks located on the exterior. An opening without a door to the far north leads outside, just north of Mill H. The interior of the south concrete wall consists of the two large openings on the east and middle bays.

The roof of the No. 1 Paper Machine Building is flat, clad in built-up roofing (see Figure 4.10-8). On its north and south sides are the gabled center and stepped-up sides of the roof's parapet. A ghost mark located on the south parapet indicated the roof was originally gabled (which is confirmed by historical photographs). On the east side of the parapet is a metal landing; a ladder to its west provides access to another landing and series of ladders to access the roof of the Hawley Building. Near the midpoint of the roof is a raised steel framed structure attached to the Hawley Building, crossing over to Mill H and down onto the western edge of the roof. Additionally, a ramp with a metal railing off the west portion of the north side of the roof provides access to the Mill H roof. Round exhaust pipes and square ventilation outlets line the middle and far east section of the roof. On the southwest side of the roof is a rectangular, plywood, gabled cupola with metal mesh covered windows on each face and a corrugated metal roof providing further ventilation to the building's interior below.



Figure 4.10-1. South face of No. 1 Paper Machine Building.



Figure 4.10-2. South face of No. 1 Paper Machine Building and Hawley Building to east.



Figure 4.10-3. North face of No. 1 Paper Machine Building, view southwest. Woolen mill foundation in foreground.



Figure 4.10-4. Interior of No. 1 Paper Machine Building, view north.



Figure 4.10-5. South side of floor depression of No. 1 Paper Machine Building.



Figure 4.10-6. North side of depression and lower level of No. 1 Paper Machine Building.

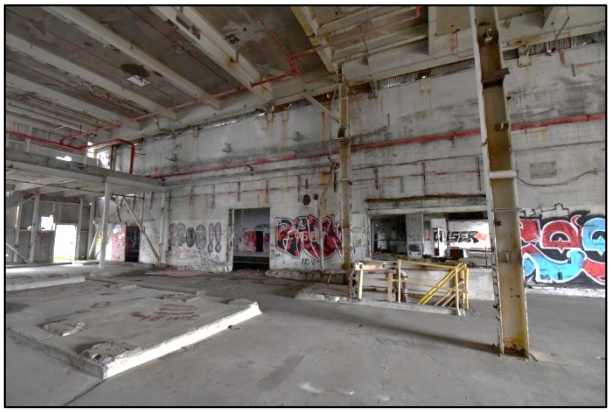


Figure 4.10-7. Partial view of west face of No. 1 Paper Machine Building, view east.



Figure 4.10-8. No. 1 Paper Machine Building roof, view north.

Integrity

Original plans for the No. 1 Paper Machine Building were unavailable; however, photos of the building over time and examination of its physical features indicate it has gone through many alterations since its construction date (1923). When examining the different faces of the building, it is apparent that many of the original openings for windows and doors have been filled in, altered, or even expanded on the exterior and interior. The south facade of the building originally had multi-sash windows like those of the Hawley Building, which were located on the upper portion of each bay. Also, based on a 1924 photo, it appears the east and west bays had access doors (Figure 4.10-9) (MIG, Inc. 2017:196). By 1954, the window on the west and middle bays were infilled and the east bay had what appears to be two rows of three separate windows, one on top of the other (Figure 4.10-10) (CTGR 2022).

Additional changes to the exterior include the transition of the roof from gabled to flat. Ghost marks located on the inside of the south parapet outline a gable shape and an aerial photo from 1947 depicts the roof as gabled with a monitor (Figure 4.10-11) (CTGR 2022). Also added to the exterior was a steel framed platform and staircase leading to the roof of the building. The interior no longer features the paper machine.

From its date of construction (1923), the No. 1 Paper Machine Building retains integrity of location, as it sits on its original footprint. Changes to surrounding buildings, structures, and landscape features have resulted in diminished integrity of setting. For example, the tail race that ran directly in back of the building was filled and previous buildings on the west side were removed and later replaced with Mill H (Sanborn 1925). Alterations to the building, including infill and replacement of original windows and doors, loss and damage to interior components and the addition of Mill H on the east side, have diminished the No. 1 Paper Machine Building's integrity of design, materials and workmanship. Additionally, the building does not retain integrity of feeling and association, as it can no longer convey its association as a building tied to the papermaking industry of the twentieth century.

Evaluation

Kramer (2002) assessed the No. 1 Paper Machine Building as historic and contributing when he evaluated it for consideration as part of the Willamette Falls Industrial Area historic district (Kramer 2002:12). The City reevaluated the resource in 2012 and concurred that the resource was eligible (OHSD 2012i).

The history and changes over time to the area where the No. 1 Paper Machine Building is located has been detailed above in the evaluation of the Hawley Building, as they are connected and were constructed at the same time (see Section 4.2). Briefly, the area where the Hawley Building and No. 1 Paper Machine Building are located was first developed by John McLoughlin as the Mill Reserve. In 1854, the People's Transportation Company blasted out an area for a water basin just south of the future location of the Hawley Building and No. 1 Paper Machine Building, providing a deeper body of water for riverboats to dock and offload (MIG, Inc. 2017:65). A major flood in 1861 destroyed the mill buildings, but Harvey immediately started rebuilding. The Imperial Standard Mills (later the Imperial Mills, who specialized in flour production) were constructed in the mid-1860s north of the basin (MIG, Inc. 2017:104–106). In 1885, following bankruptcy of the Imperial Mills,

PFM purchased its parcels, associated buildings, and water rights for one dollar (MIG, Inc. 2017:124). By 1911, the flour mill had been converted to HPPC's Mill B, housing No. 1 Paper Machine, and had expanded north and absorbed the water works building. Additionally, to the west, the former grain warehouse had expanded for pulp grinding and was called the east side mill (Sanborn 1911).

A fire in October 1923 destroyed Mill B and its associated paper machine inside; in its place, a bleach plant was constructed. Hawley immediately began construction on the subject building and by 1925, the new No. 1 Paper Machine inclusive of the Hawley Building (adjacent, attached to the east) (MIG, Inc. 2017:192, 196).

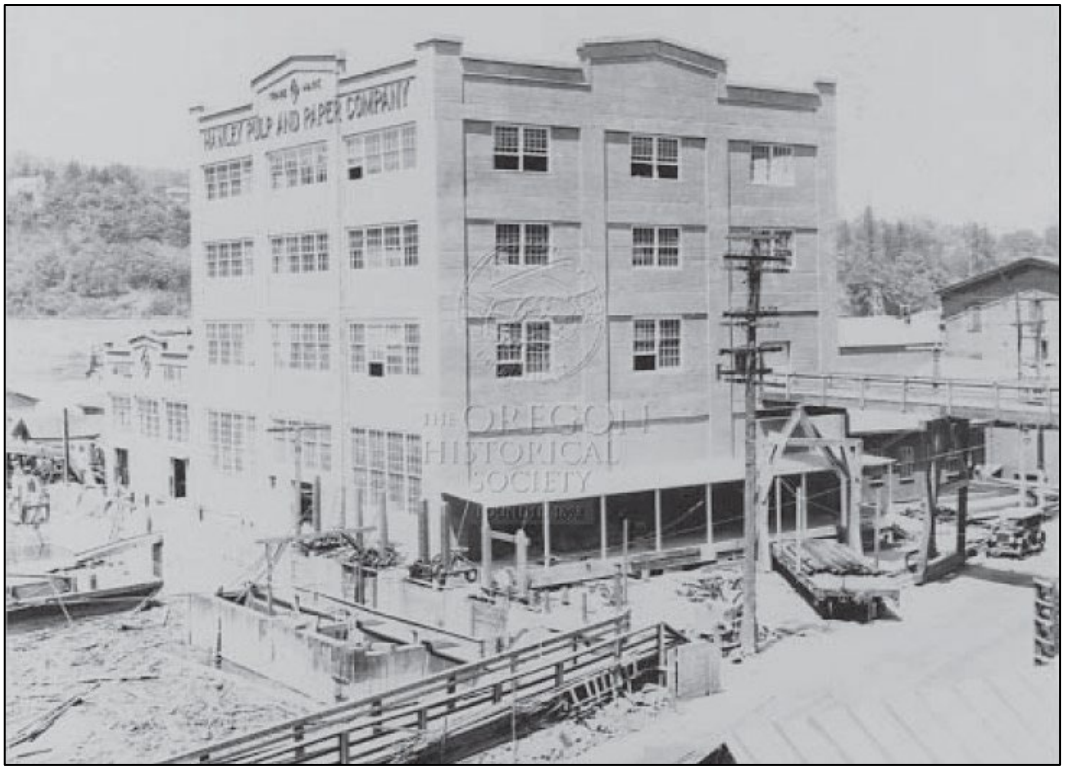


Figure 4.10-9. South facade of No. 1 Paper Machine Building, east and west bays open on first floor, 1924. Image courtesy of CTGR.

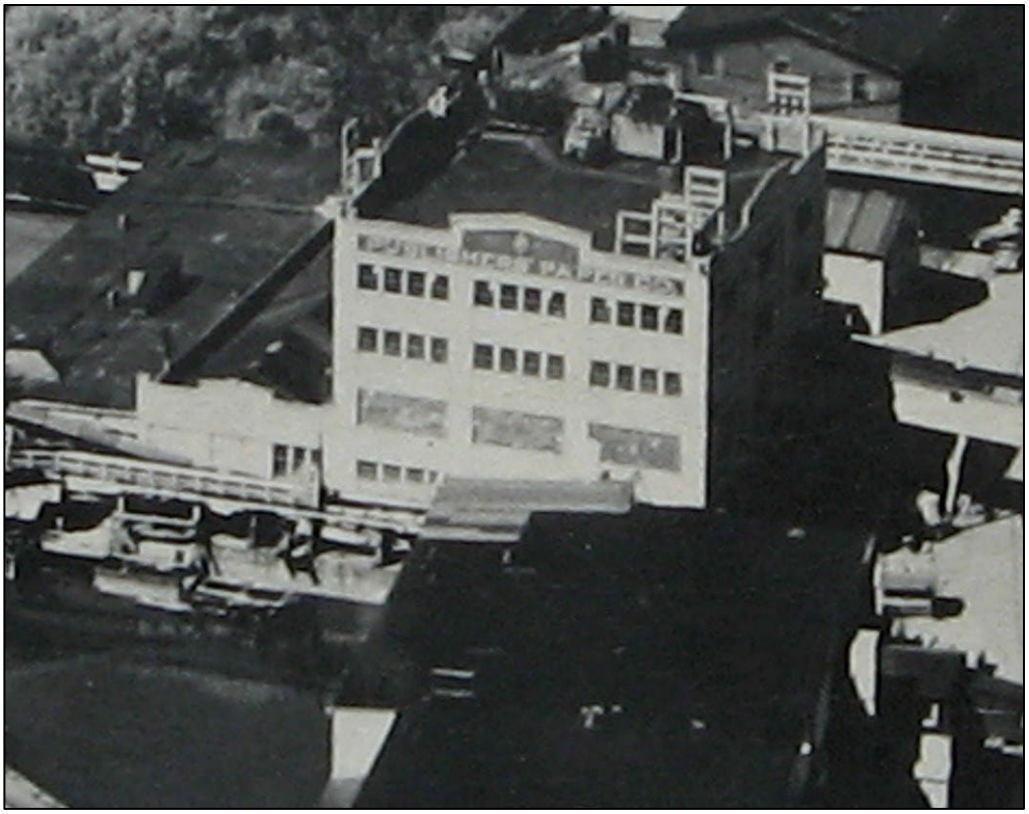


Figure 4.10-10. South facade of No. 1 Paper Machine Building, west and middle bays have been filled, 1954. Image courtesy of CTGR.

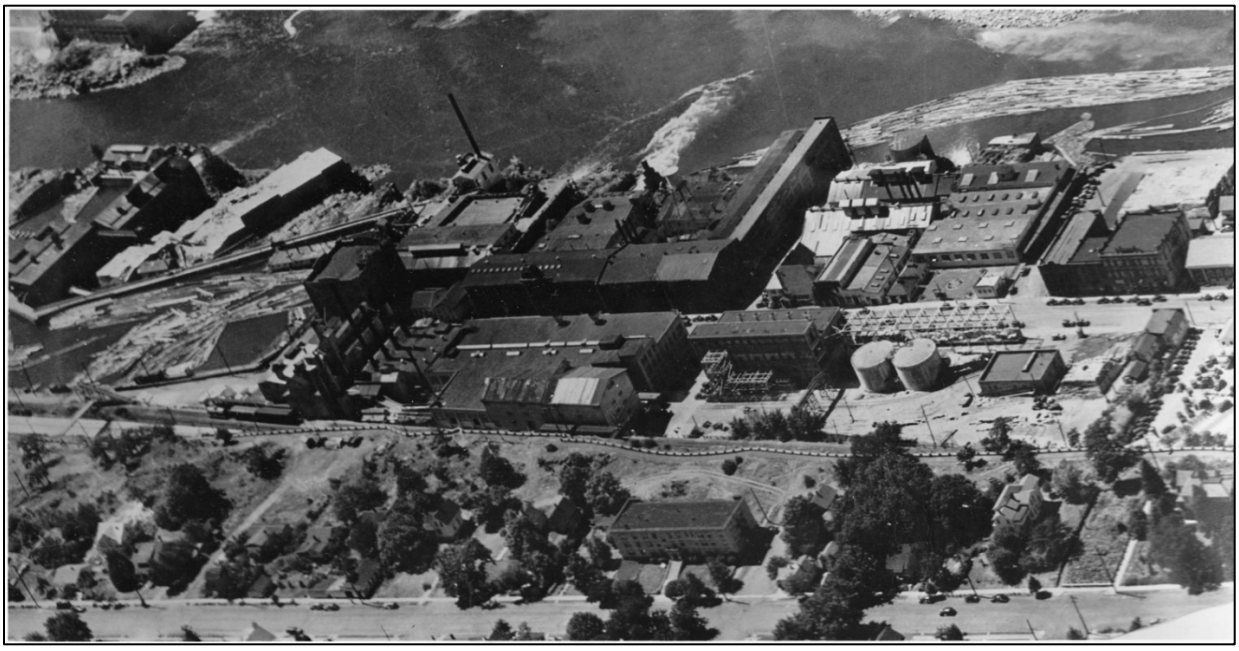


Figure 4.10-11. Aerial of site, No. 1 Paper Machine Building's gabled roof with monitor can be seen on left center of photo, 1947. Image courtesy of CTGR.

Criterion A

The No. 1 Paper Machine Building, which was constructed in 1923 along with the Hawley Building, was historically associated with paper production of the HPPC. Papermaking in the industrial area near the Willamette Falls began first with the OCPMC (also known as the Pioneer Paper Manufacturing Company) in 1866. This initial foray into paper production was short-lived, and the enterprise converted to a flour mill in 1868. In 1908, HPPC began paper production near the Falls, using the former Imperial and PFM buildings in the same area where the No. 1 Paper Machine and Hawley Buildings currently sit. After those buildings were destroyed in a 1923 fire, the Hawley Building and attached No. 1 Paper Machine Building were constructed.

By 1912, the HPPC employed approximately 250 people at its Oregon City location and produced 35 tons of paper per year, which was shipped to ports along the Pacific Coast in addition to places as far away as China and New Zealand (MIG, Inc. 2017:172). The HPPC remained successful during the Depression, expanded during the war years, and by the mid-twentieth century was one of the papermaking facilities that dominated the Mill Reserve (MIG, Inc. 2017:218, 220, 252). Despite the success experienced by HPPC, Hawley's heirs sold its remaining interest and dissolved the company, making PPC the new owners in 1948 (MIG, Inc. 2017:255). In 1952, the OCMC sold its woolen mill, property, and water rights to PPC (MIG, Inc. 2017:267). Over its first decade in business, PPC expanded considerably, though by the 1980s, sold the business to the Smurfit Paper Newsprint Division, which later sold to the mills to the BHPC in 2000 (MIG, Inc. 2017:283, 300, 306).

Under Criterion A, the HPPC/PPC might be significant for its local contribution to the growth of Oregon City in the area of Commerce, as a primary driver of industry and employer for Oregon City from 1908 until, perhaps, its acquisition by Smurfit Paper Newsprint Division in 1985. (Note that the period of *operations* does not necessarily equate to the period of *significance*.) However, as the SHPO has previously noted, there is not a "significant concertation, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development" remaining to justify eligibility of any resources in the context of a historic district (Curran 2012; NPS 1997:5). Therefore, the No. 1 Paper Machine Building must be assessed individually, as a building, for significance within its context within the HPPC and PPC.

The No. 1 Paper Machine Building was built in 1923, serving a specific role in the papermaking process for the HPPC and later the PPC. Mere association with the HPPC and PPC and its historic trends in local commerce is not enough to qualify under Criterion A. The property must have a specific association and that association must be important (NPS 1997). There is no evidence the building played an important role in local commerce or any other area of significance; while it played a role in paper making, it was but one facility required to create the product. Further, due to changes over time, the building no longer retains sufficient integrity to convey significance from its period of construction (1923) nor any period of association with the PPC (i.e., 1948–1985). As the building does not have a specific association to events or pattern of events that made a significant contribution to the broad patterns of local, state, or national history, and does not retain integrity, it is not eligible for listing in the NRHP under Criterion A.

Criterion B

Research did not reveal a direct association of the resource with the lives of significant persons. The HPPC and PPC were corporations, making it unlikely that the construction or operation of the No. 1 Paper Machine Building was directly associated with the lives of any specific individual. As the building does not have a specific association to the lives of significant persons, it is not eligible for listing in the NRHP under Criterion B.

Criterion C

The No. 1 Paper Machine Building, along with the functionally associated Hawley Building, originally embodied a type, period, and method of construction, specifically of a twentieth century reinforced concrete industrial building. Although the rectangular plan and parapet are extant, numerous changes (including an addition to the west, extensive modifications to the interior, and the infill and replacement of all original doors and windows) have resulted in an irretrievable loss of integrity. The building is not the work of a master, does not possess high artistic values, and is not part of a district. As the No. 1 Paper Machine Building does not retain sufficient integrity to convey significance as a typical example of its type, it is not eligible for listing in the NRHP under Criterion C.

Criterion D

The No. 1 Paper Machine Building was built using common construction methods and well-known materials. It is therefore unlikely to answer important research questions or yield information about human history that can only be answered by the actual physical material, design, construction methods, or interrelation of these. As the building is unlikely to yield information important to prehistory or history, it is not eligible for listing in the NRHP under Criterion D.

Conclusion

HRA recommends the No. 1 Paper Machine Building not eligible for listing in the NRHP due to an inability to qualify under any criteria of significance and an irretrievable loss of integrity.

5. Conclusions and Recommendations

HRA conducted background research and survey to complete this ILS, which is intended to clarify eligibility of the 10 resources named in ORD 14-1016 as either Structures Identified for Retention and Reuse or as Secondary Elements Identified for Full or Partial Retention. The CTGR reevaluated these 10 resources to identify the feasibility of retention and reuse based on conditions observed in 2022. The assessment of a resource as a historic property is one factor that the Grand Ronde intends use to assess the feasibility of retention and reuse of the 10 noted resources. Other factors include architectural reuse potential and structural stability. The assessment of architectural reuse and structural stability factors were completed via separate reports. This report only considers the eligibility of the 10 resources as pertains to the NRHP.

HRA does not concur with assessments of eligibility for seven of the nine previously recorded resources (Table 5-1). While additional research is needed, HRA concurs with the previous evaluations of the woolen mill foundations and flour mill foundations. HRA recommends the woolen mill foundations eligible for listing in the NRHP as a site, specifically under Criteria C and D, for its potential significance in the area of Architecture as a work of master craftspersons. HRA also recommends the flour mill foundations eligible for listing in the NRHP as a site under Criterion D; though the resource remains unevaluated under Criterion A, in the area of Industry, and under Criterion C, for architecture, the resource seems likely to yield information in both of these areas. All other resources are recommended not eligible, either due to irretrievable loss of integrity or an inability to convey significance under any criteria.

Mill Reserve Archaeological Resources

This report assessed 10 specific resources from an architectural perspective. Two of the resources, the woolen and flour mill foundations, are recommended eligible as *sites,* which the NPS defines as "a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing structure" (NPS 1997:5). While further assessment of the resources from an archaeological perspective was outside the scope of HRA's investigations, it is the opinion of HRA that the two sites are separate architectural resources. Each resource was constructed independently within its own historic context and, while those contexts eventually merged, during their respective (recommended) periods of significance they were separate industrial facilities. However, both resources were associated with the so-called Mill Reserve, and it is likely that these two sites, and possibly other resources located within the boundaries of the former BHPC, are part of an archaeological resource associated with the industrial development of the Mill Reserve in the mid-nineteenth through the turn of the twentieth century.

Table 5-1. Previous Cultural Resource Investigations Pertaining to the 10 Subject ILS resources.

Resource	**Kramer (2002)**	**City Of Oregon City (OHSD 2012a, 2012b, 2012c, 2012d, 2012e, 2012f, 2012g, 2012h, 2012i)**	**SHPO (Curran 2012)**	**HRA Recommendation**
Mill O	Historic/contributing	Eligible/Significant	Eligible/Significant	Not eligible, irretrievable loss of integrity
Hawley Building (Mill #1 Finishing Room)	Historic/contributing	Eligible/Significant	Eligible/Significant	Not eligible, irretrievable loss of integrity
Mill B/De-Ink Building	Historic/contributing	Eligible/Significant	Eligible/Significant	Not eligible, irretrievable loss of integrity
No. 4 Paper Machine	Historic/contributing	Eligible/Significant	Eligible/Significant	Not eligible, irretrievable loss of integrity
Woolen Mill Foundations	Historic/contributing	Eligible/Significant	Eligible/Significant	Eligible under Criterion C and D
Flour Mill Foundations (No. 2 Paper Machine Site)	Non-historic/ Noncontributing	Eligible/Significant	Eligible/Significant	Eligible under Criterion D
Mill C/Digesters	Historic/contributing	Eligible/Significant	Eligible/Significant	Not eligible, lack of significance
Horton Sphere	-	-	-	Not eligible, lack of significance
Mill G Boilers	Non-historic/ Noncontributing	Eligible/Significant	Eligible/Significant	Not eligible, lack of significance
No. 1 Paper Machine	Historic/contributing	Eligible/Significant	Eligible/Significant	Not eligible, irretrievable loss of integrity

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Oregon City 2014 Master Plan - Conditions of Approval
Full or Partial Retention and Reuse of Select Ten Structures

Identified for Retention and Reuse

1 Mill O
2 Hawley Building
3 Delnk/Mill B
4 No. 4 Paper Machine
5 Woolen Mill Foundations

Secondary Elements Identified for Full or Partial Retention

6 Flour Mill Foundations
7 Digesters
8 Horton Sphere
9 Boilers
10 No. 1 Paper Machine



Primary Elements
Secondary Elements
Structure Study
APPROXIMATE LOCATION OF FLOOD PLAIN

100' 0' 25' 75' 150' 250'
1" 0" 1/4" 3/4" 1.5" 2.5"


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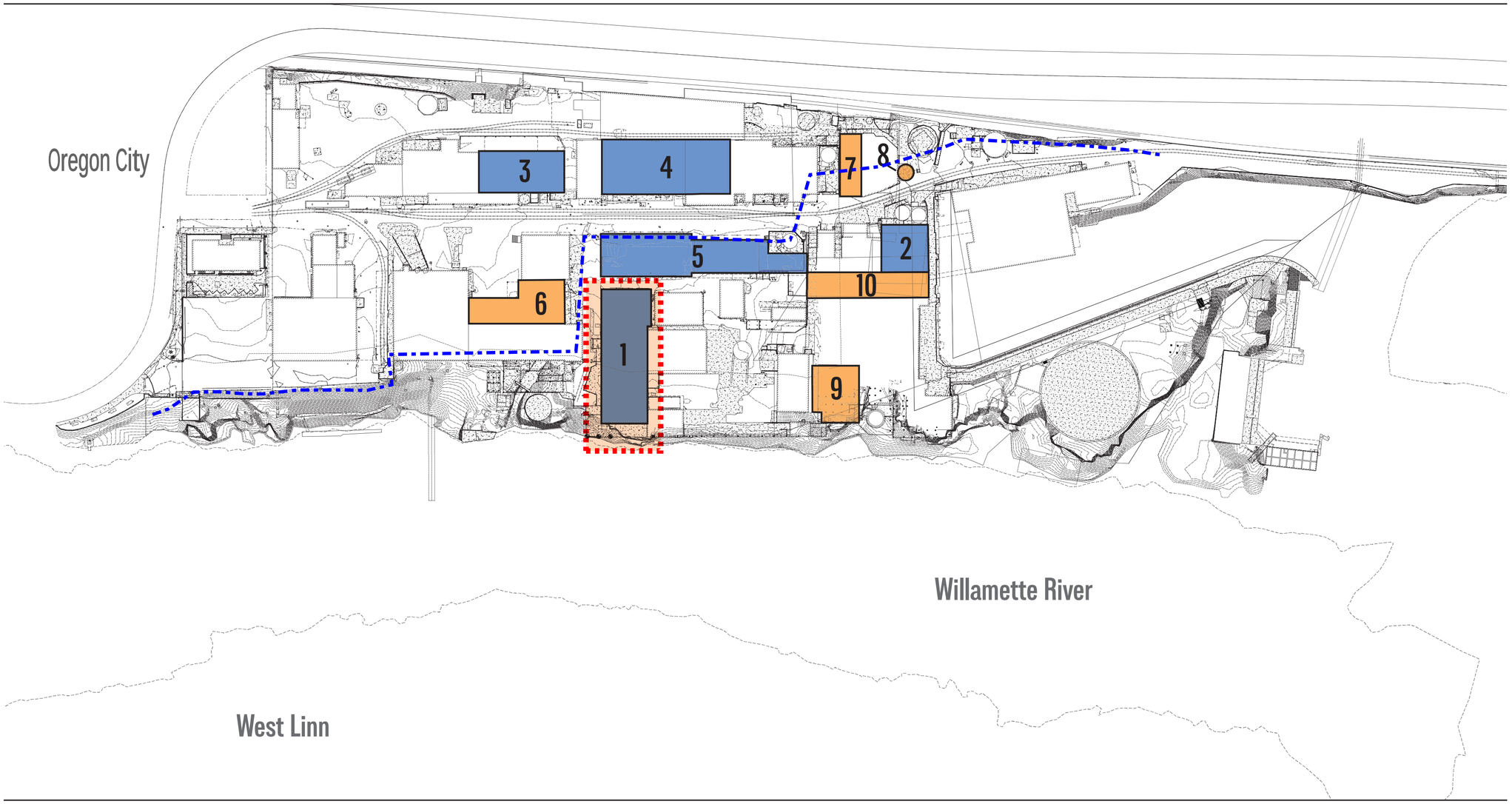
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Secondary Elements Identified for Full or Partial Retention

6. Flour Mill Foundations
7. Digesters
8. Horton Sphere
9. Boilers
10. No. 1 Paper Machine







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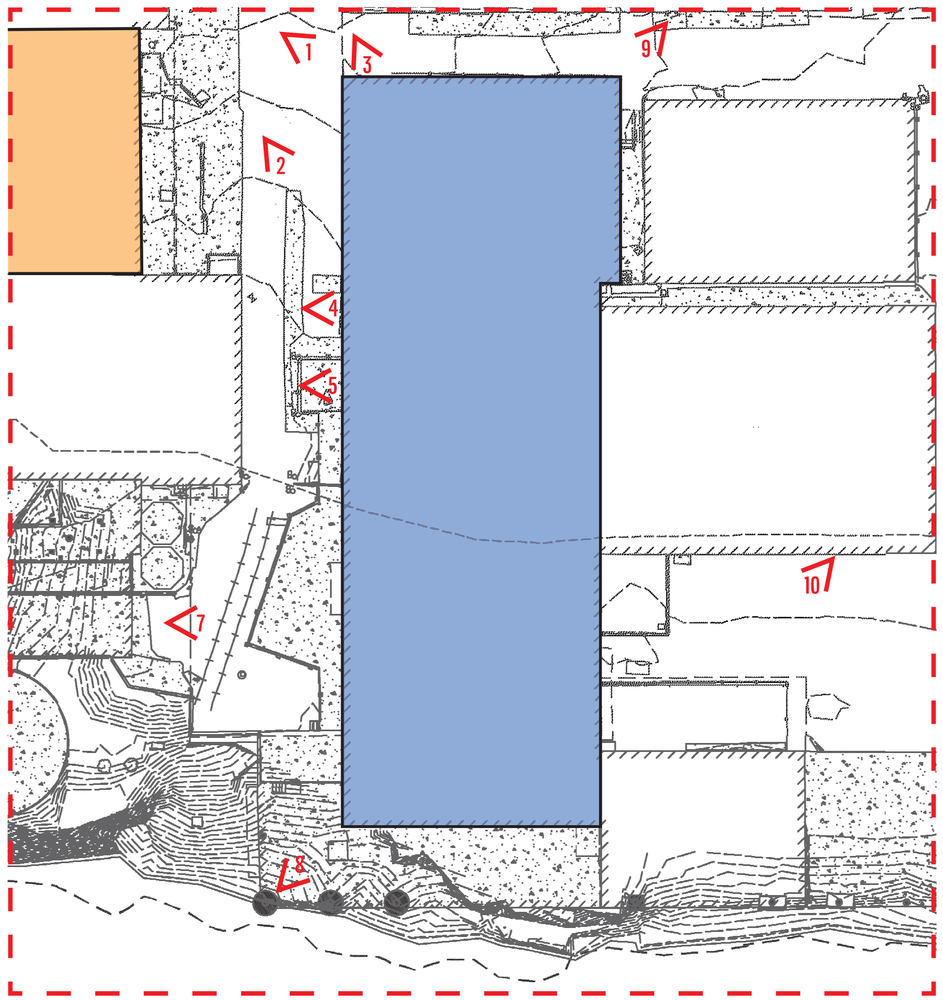
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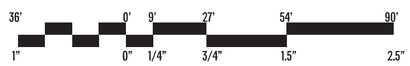
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ARCHITECTURAL CONSIDERATIONS

LIMITS OF ACCESS FOR REVIEW:

- The building interior cannot currently be safely accessed for full inspection due to failing wood floors with areas of complete structural cave-in.
- All sides can be seen except the area that is built against the building on the South side and the Pipe Chase structure on the West. Removal of the building on the South is scheduled for 2022 and thus will be visible then.

EXTERIOR:

- Qualities of the exterior when originally built are relatively basic as the intent was as a working industrial mill and extension of the existing Woolen Mill**:** Board formed concrete with modest corbel at top parapet.
- A significant modification was made to the original building exterior, size, and quality at the location that Mill O was originally connected at its East end to the Woolen Mill. Approximately 30 feet of the East end of Mill O was literally sawn cut off and removed to allow for a vehicle access drive between the remaining Mill O and the Woolen Mill. The East end of Mill O was filled in with light gauge framing with corrugated metal siding at the lower levels and lap wood siding at the upper attic level.
- Most of the original windows were removed, and the openings filled in with CMU block and in some locations with small aluminum windows inset in that block.
- Holes have been cut into the exterior at various locations as needed for access to industrial equipment and support space.
- The Pipe Chase was added to the base of the West end of Mill O in the early 1980's, adding a concrete structure to that end. It is uncertain how much damage to the original building exterior resulting from that connection.
- Areas of Mill O that are attached to the existing building to the South and Pipe Chase, as noted above, are not visible. The impact to the facades in those areas will be determined at the time of their removal.
- The North façade, which faces what was 3rd Street, was originally exposed at lower levels as 3rd Street used to slope down towards the water at a steeper slope than currently exists. This buildup of surrounding grade is also likely at the South side of the building as that area was filled to create an open yard behind the 1980's installed pipe chase.
- There is potential to retain and restore the concrete exterior frame to its original look, although there are extensive surface cracks to be cleaned, filled, and refinished along with an overall repair effort required. See Structural review comments for the integrity of those potential repairs. Restoration of the exterior would require extensive effort for removal of the CMU block infills, repair of saw cut openings and overall patching and a surface seal, coating, and paint. As the East façade was never in the location of the current cut opening a replacement wall at that location would need to be designed for suitable character with the existing facades. This cut wall replacement would need to include the upper wood faced attic level. The upper attic level facades are severely weather damages and would need to be completely removed and replaced with wood and sloped roof as original.
- If the existing façade was to be kept and reused, there would likely need to be new doors located at appropriate locations at the ground level for disabled access, emergency exits and general building access as there is no primary exterior entry to this structure now or when it was built.
- New utility connections to this building would be significant with needs for below grade vaults, access areas and uncertain methods for accommodation of roof top mechanical equipment.

INTERIOR

- As a working industrial building, the interior quality and finishes throughout were that of the exposed structure. Thus, a concrete floor at ground and lower levels and exposed concrete exterior walls. Above the ground level, the exposed materials are wood decking floors which is also the ceiling and a combination of wood and steel pipe columns. No exterior insulation was installed and will be a significant challenge to add for any considered reuse. A large amount of window openings with glass were provided as lighting at the time this building was built relied greatly on natural daylight.
- In recent years the roof has failed, causing extensive water damage to the interior wood structure and floors, causing areas of cave in down to the ground level
- The implications to the space of the required structural updates for re-use would be an extensive replacement of all floors and roof materials. Note that the first floor of concrete was poured in some locations on top of wood support which has failed and in other locations is on rusted steel supporting structure. Exterior Concrete walls would need reinforcement and seismic support systems, such as steel bracing and gunite concrete walls. Interior shear walls will need to be added. All of which will have implications to the interior aesthetic and layout options.
- The implications to the space of the required life safety and accessibility updates for reuse are significant with addition of exit stairs (with strategic exterior emergency exit locations), elevators, and bathroom facilities.
- Floor to floor heights vary and offer challenges as a new use of the space will require clear height for new structure and mechanical systems. Those heights likely do not line up well with the original floor to floor heights and the associated window openings. The existing sub-ground level is a short floor height, built as some type of service or access way.
- The floor plan dimension is a long narrow rectangle which is relatively standard for new residential layouts as it allows for a double loaded central corridor with exposure on each side to exterior windows. That existing building width is narrow and would be challenging as a typical width for efficient layout of office uses.
- As noted above the existing window locations may be a challenge in their height but also in their floor plan location to align with new interior uses and locations where interior walls meet exterior walls, at windows.

- The original materials of the interior have in general remained unchanged with some replacement of wood columns with steel pipes and support members.
- As noted above, those materials have suffered extensive degradation since the original building construction.
- The attic level was, as originally built, an open wood truss space with certain appealing looking qualities, but with the need for a complete rebuild and required significant building code and MEP updates, it would be challenging to retain any original look and qualities.

SITE/LOCATION

- This structure is in a designated flood plain. Thus, any reuse of Mill O at the ground and lower levels can only include elements allowed by code to occupy the height of the flood plain. There are also implications to the ability to get insurance for an occupied use of the structure in this location. Any additions or modifications to this structure will also require analysis for regulatory agency approvals given the flood plain location and potential to modify water levels and flow.
- This location can be accessed by vehicles for construction work and future uses, with the note of special attention to the proximity and need for protection of the Flower Mill and Woolen Mill foundations.
- Access for emergency vehicles and firefighting equipment will need to be reviewed for approval with the Fire District.
- New utility access for building systems will need to be provided in adjacent ground vaults and access in surrounding grade with connection to primary systems towards Main Street.
- This structure commands a prominent location on the site with views of the river, as well as North to the falls, West to the West Linn Paper Mill and South to the Arch Bridge.

SUMMARY:

- Architecturally, this building is in very poor existing condition for any consideration of restoration.
- Reuse of the existing interior space would requiring a complete removal and new buildout of all materials, structure, and MEP systems. Significant challenges would occur with the desire to match new occupant uses with existing floor heights and window openings.
- The exterior walls are also in poor existing condition and reuse will require a completely new roof structure, replacement of all windows, repair and patching and seismic bracing of the concrete structure/walls as determined feasible by a structural engineering study.
- The flood plain location which dramatically limits the ground floor uses makes for the consideration of a reuse of this building at this same 2 ½ story scale to be very difficult to consider.
- A restorative rebuild to current building codes and systems would be extremely expensive when compared to building a new replacement building in this same location.
- The footprint and site location are of a scale that a new structure could be sized to function well here.
- Overall, this prominent location is viable for a new building and use to occur on this site and especially with the incredible views and relative access to roads and utilities.
- RATING: (LOW / MEDIUM/ HIGH)
  - OPPORTUNITY FOR ADAPTIVE REUSE OF EXISTING STRUCTURE: LOW.
  - OPPORTUNITY FOR ADAPTIVE REUSE OF EXISTING STRUCTURE WITHIN TRIBE MASTERPLAN: LOW.

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Secondary Elements Identified for Full or Partial Retention

6. Flour Mill Foundations
7. Digesters
8. Horton Sphere
9. Boilers
10. No. 1 Paper Machine



Primary Elements | Secondary Elements | Structure Study | APPROXIMATE LOCATION OF FLOOD PLAIN

100' 0' 25' 75' 150' 250'
1" 0" 1/4" 3/4" 1.5" 2.5"


BLUE HERON PAPER COMPANY

Willamette Falls Site

Foundations

#2 HAWLEY BUILDING



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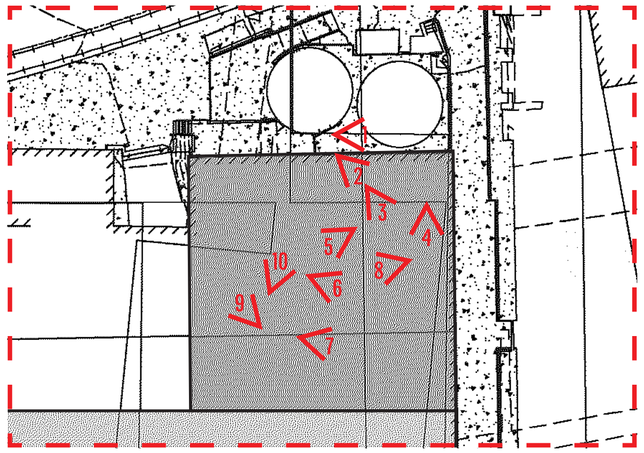
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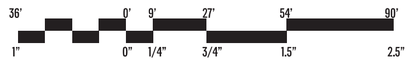


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Willamette Falls Site

Street Level

#2 HAWLEY BUILDING



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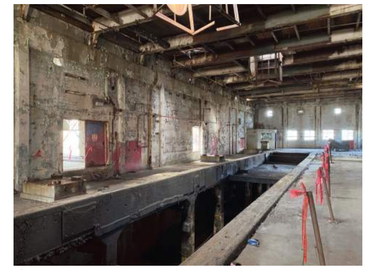
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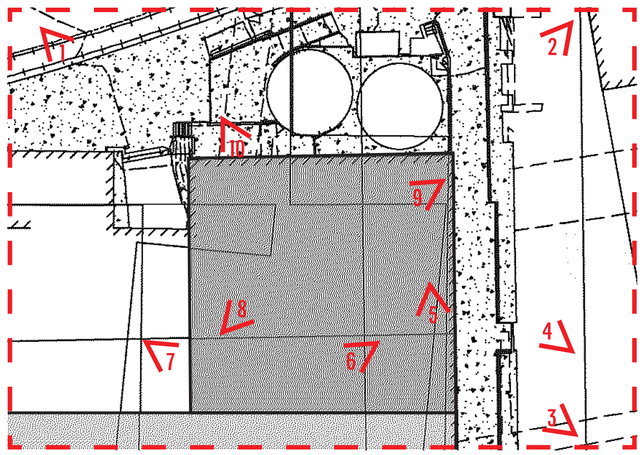
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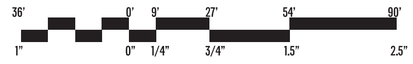


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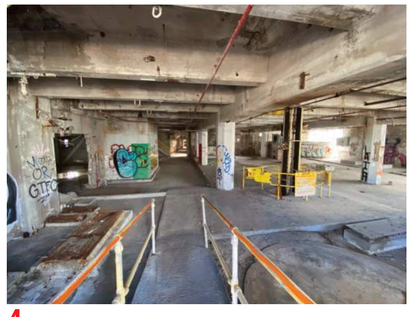


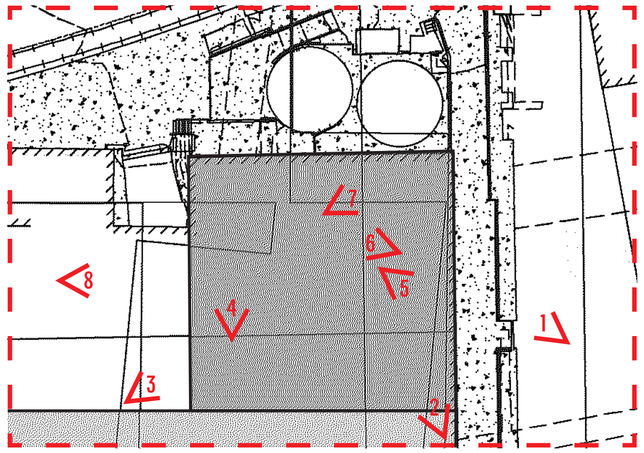



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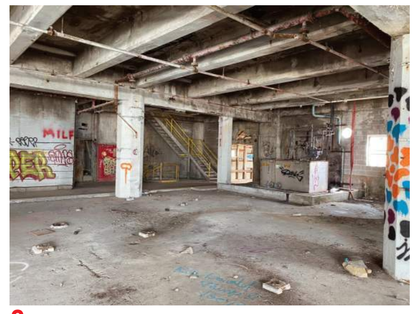

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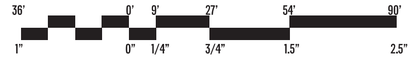



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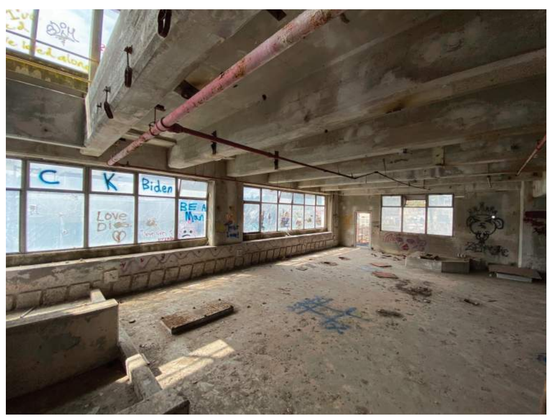

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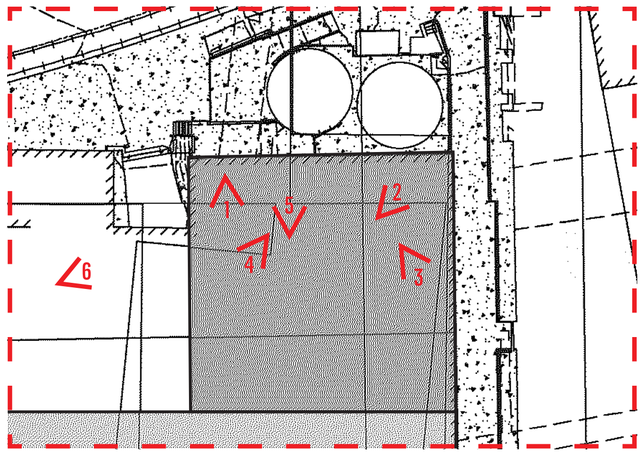


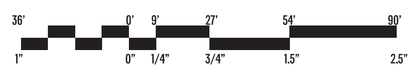
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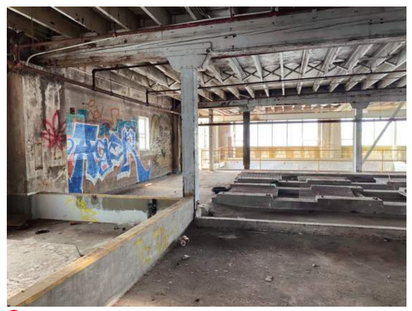


Willamette Falls Site

Fourth Level



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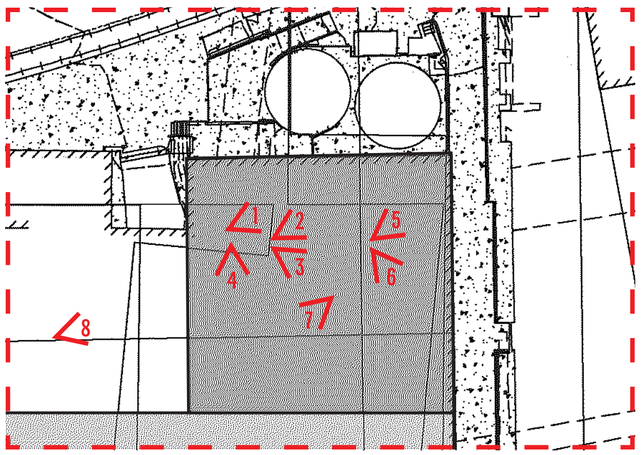
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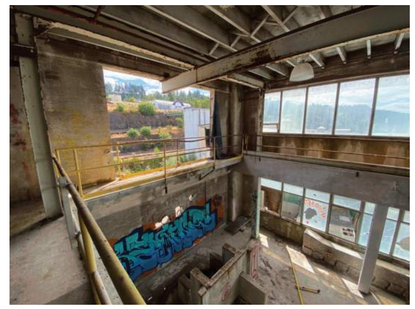


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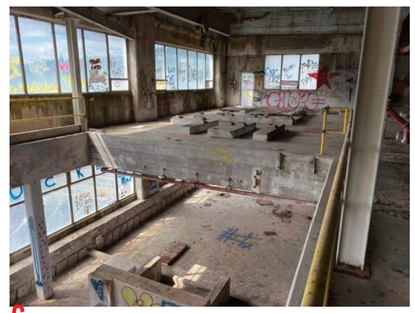


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36' 0' 9' 27' 54' 90'

1" 0" 1/4" 3/4" 1.5" 2.5"

ARCHITECTURAL CONSIDERATIONS

LIMITS OF ACCESS FOR REVIEW:

- All sides and interior areas of this building were able to be viewed except for the exterior façade facing South which has an existing building built against it.

EXTERIOR:

- Qualities of the exterior when originally built are relatively basic as a working industrial building, but some ornamentation was included in the form of stylized parapets at the top of each façade. The original board formed concrete appears to be in relatively good condition. The building when new was painted and included a large painted building name on the upper North façade, which is still ghosted on the exterior in its original location. The exterior appears to have had little repair and painting in many years.
- Large window openings were included on the North façade and are organized in a strong symmetrical pattern with a similar pattern of reveals included on the West and East facades.
- The current windows in those openings are not original and significantly damaged. Some openings have been infilled with cmu block. The ground level openings have been modified over time as needed for industrial uses, including the removal of the ground level of the East façade when #1 Paper Machine was built as an addition. That area was cut and restructured to provide a large opening between buildings.
- Holes have been cut into the exterior at various locations as needed for access to industrial equipment and support space.
- Areas of the South that are attached to the adjacent #1 Paper Machine building, as noted above, are not visible. Thus, there is unknown impact to the facades in those areas.
- The lower level and structural support of this building along the South needs to be further studied to determine the relation to the existing vehicle drive along the top of dam.
- There is potential to retain and restore the concrete exterior frame to its original look, although there are extensive surface cracks to be cleaned, filled, and refinished along with an overall repair effort required. See Structural review comments for the integrity of those potential repairs. Restoration of the exterior would require extensive effort for removal of the CMU block infills, repair of saw cut openings and overall patching and a surface seal, coating, and paint. If #1 Paper Machine is removed and the Hawley building retained, an appropriate replacement wall at that location would need to be designed for suitable character with the existing facades.
- If the existing façades are to be kept and reused, there would likely need to be new doors located at appropriate locations at the ground level for disabled access, emergency exits and general building access as there is no primary entry to this structure now or when it was built.
- New utility connections to this building would need to be considered within the flood plain. New structural support would be needed for roof top mechanical equipment.

INTERIOR

- As a working industrial building, the interior quality and finishes throughout were that of the exposed structure. The floors are concrete at all levels and exposed exterior walls finishes are also exposed concrete. The top floor ceiling finish is the exposed wood structure which in a limited area was replaced with steel frame and new wood decking. No exterior insulation was installed and will be a significant challenge to add for any considered reuse. A large amount of window openings with glass were provided on the South side as lighting at the time this building was built relied greatly on natural daylight.
- The implications to the space of the required structural updates to meet current code will need to be studied. The structure appears to be strong in dead loading but likely needs additional lateral and seismic support.
- The only stair that is currently in this building is a small metal spiral staircase. Access between floors was accommodated with a single person sized manlift conveyor that is comprised of a small platform and hand hold connected to a belt that loops up through the building allowing individual riders to move up through a small hole in the floors.
- Floor to floor height is approximately 13 feet with 11 feet clear under exposed structure.
- The floor plan dimension is a square of approximately 76’ x 76’ = 5,776 sf per floor. Each floor has a grid of columns at approximately 20’ apart.
- The existing interior materials look to be in relatively good condition with only limited water damage observed.

SITE/LOCATION

- This structure is in a designated flood plain. Thus, any reuse of this building at the ground and lower levels can only include elements allowed by code to occupy the height of the flood plain. There are also implications to the ability to get insurance for an occupied use of the structure in this location. Any additions or modifications to this structure will also require analysis for regulatory agency approvals given the flood plain location and potential to modify water levels and flow.
- This location can be accessed by vehicles for construction work and future uses, with the note of special attention to the proximity and need for protection of the Dam and elevated Dam access drive.
- Access for emergency vehicles and firefighting equipment will need to be reviewed for approval with the Fire District.
- New utility access for building systems will be required and need to be studied for flood plain considerations.
- This structure commands a prominent location on the site, being visible from Main Street and with views of the river and falls.
- Given the potential for flooding and the location at the top of a large channel, this structure is in an environmentally sensitive area.

SUMMARY:

- Architecturally, the basic building materials are in relatively solid existing condition for consideration of restoration, although the modifications that have been made to the ground level as noted above are significant.
- Overall, this prominent location has merit for a new building or use to occur on this site given the potential for incredible views from a multi-story structure and relatively easy access to roads and utilities, however that is offset by the proximity to the dam, the location in the flood plain and environmentally sensitive location.
- The implications of adding the required life safety and accessibility updates for a reuse are significant with the need for the addition of exit stairs (with strategic exterior emergency exit locations), elevators, bathroom facilities, structural, insulation and MEP systems.
- This is a relatively small floor plan and along with the grid of columns and with the need to add the above listed items an adaptive reuse will result in a remaining very small usable area.
- With limited floor to ceiling heights, significant challenges would occur with the desire to match new occupant uses with existing floor heights and window openings.
- The flood plain location of this building dramatically limits the ground floor uses making the consideration of a reuse of this building, at the existing 3 stories, to be very difficult to consider.
- A restorative rebuild to current building codes and systems would be extremely expensive when compared to building a new replacement building in this same location.

- RATING: (LOW / MEDIUM/ HIGH)
  - OPPORTUNITY FOR ADAPTIVE REUSE OF EXISTING STRUCTURE: LOW.
  - OPPORTUNITY FOR ADAPTIVE REUSE OF EXISTING STRUCTURE WITHIN TRIBE MASTERPLAN: LOW.

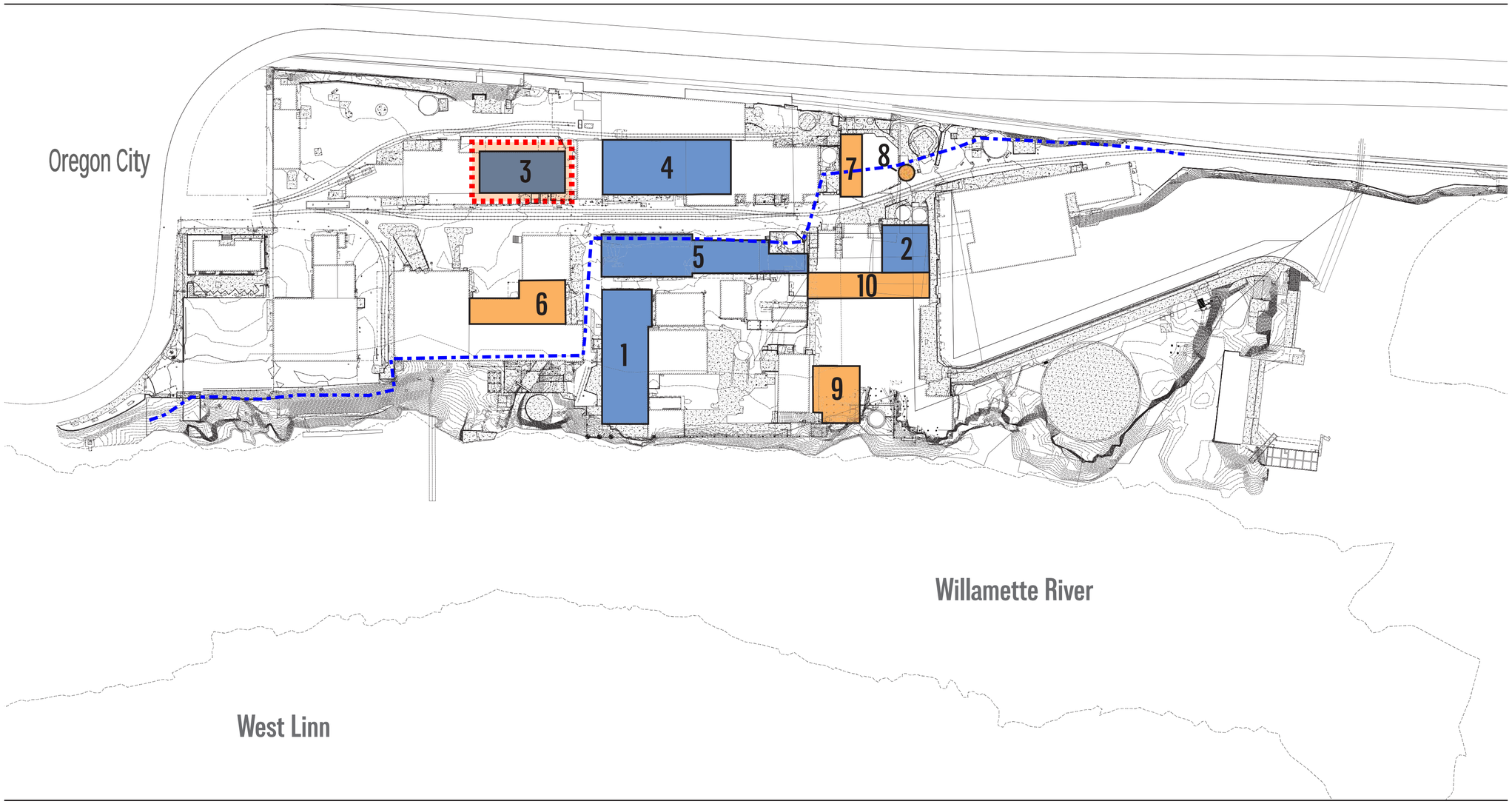
Oregon City 2014 Master Plan - Conditions of Approval
Full or Partial Retention and Reuse of Select Ten Structures

Identified for Retention and Reuse

1. Mill 0
2. Hawley Building
3. DeInk/Mill B
4. No. 4 Paper Machine
5. Woolen Mill Foundations

Secondary Elements Identified for Full or Partial Retention

6. Flour Mill Foundations
7. Digesters
8. Horton Sphere
9. Boilers
10. No. 1 Paper Machine



Primary Element





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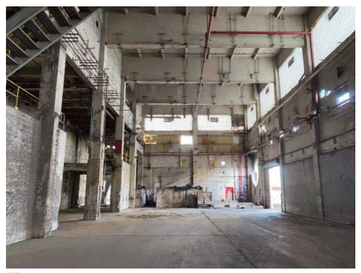
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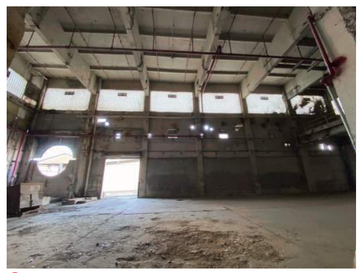
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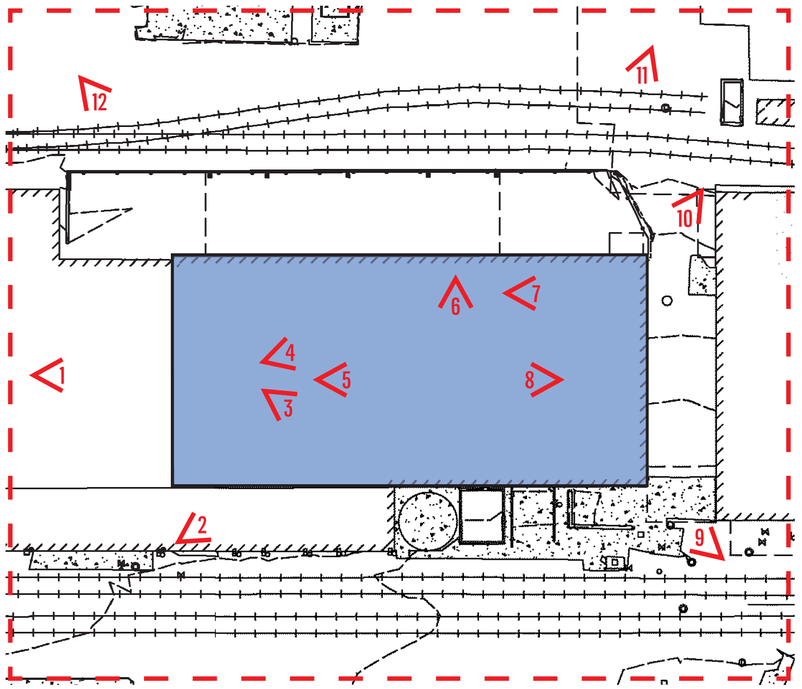
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ARCHITECTURAL CONSIDERATIONS

LIMITS OF ACCESS FOR REVIEW:

- All sides and interior areas of this building were able to be viewed except for a few locations where ancillary buildings were added over time. The upper attic was not accessed in this study as no safe stair was available.

EXTERIOR:

- Qualities of the exterior when originally built are relatively basic as a working industrial building designed to house large equipment. The primary material is board formed concrete with modest corbel at the top parapet. The original board formed concrete appears to be in relatively good condition although there are areas of damage at the base from being hit by vehicles and areas where misc. attachments and access was desired for equipment needs. The exterior appears to have had little repair and painting in many years.
- Large window openings were included on the North, West and South façade and are organized in a strong symmetrical pattern with a similar pattern of reveals included on the East façade. The openings that still have windows have glass block which was a replacement at some point to the original industrial small pain sash windows. Other openings that originally had windows have been infilled with cmu block. The ground level openings have been modified over time as needed for industrial uses and attachments of later building additions.
- Holes have been cut into the exterior at various locations as needed for access to industrial equipment and support space.
- There is unknown impact to the facades where later building additions were attached.
- There is potential to retain and restore the concrete exterior frame to its original look, although there are extensive surface cracks to be cleaned, filled, and refinished along with an overall repair effort required. See Structural review comments for the integrity of those potential repairs. Restoration of the exterior would require extensive effort for removal of the CMU block infills, repair of saw cut openings and overall patching and a surface seal, coating, and paint. An appropriate replacement wall at that North end that was removed for a building addition would need to be designed for suitable character with the existing facades.
- If the existing façades are to be kept and reused, there would likely need to be new doors located at appropriate locations at the ground level for disabled access, emergency exits and general building access as there is no primary entry to this structure now or when it was built.
- New utility connections to this building would be significant with needs for below grade vaults, access areas and uncertain methods for accommodation of roof top mechanical equipment.

INTERIOR

- As a working industrial building, the interior quality and finishes throughout were that of the exposed structure. The ground floor and upper floors are concrete. Exterior wall finishes are also exposed concrete. The top floor ceiling finish is the exposed wood structure above.
- No exterior insulation was installed and will be a significant challenge to add for any considered reuse.
- A large amount of window openings with glass were provided on the North, West and South sides as lighting at the time this building was built relied greatly on natural daylight.
- Significant modifications (cut, removal, and additions) were made over years to the interior building structure. The implications to the space of the required structural updates to meet current code will need to be studied. The structure appears to have been greatly cut with areas removed and modified as needed for changing industrial equipment needs. See structural study.
- The interior is primarily comprised of a single large, tall space with various adjacent mezzanine floors. There is an upper attic which has small metal access stairs for equipment access.
- Interior materials look to have had little damage from weather or roof leaks.

SITE/LOCATION

- This location can be easily accessed by vehicles for construction work and future uses.
- Access for emergency vehicles and firefighting equipment will need to be reviewed for approval with the Fire District but is relatively open on all sides.
- New utility access for building systems will be required and, if below grade, will need to be studied for considerations of existing subgrade depth to basalt
- This structure commands a prominent location with the West façade at Main Street, and the Southwest corner at the corner of Main Street and 3rd Street.

SUMMARY:

- Architecturally, the basic building materials of the exterior frame are in relatively solid existing condition for consideration of restoration, although the modifications noted above are significant and would require significant areas of repair and replacement.
- Overall, this prominent location is viable for a new building or use to occur on this site and especially with the proximity to the original Main Street and 3rd Street.
- The implications of adding the required life safety and accessibility updates for a reuse are significant with the need for the addition of exit stairs (with strategic exterior emergency exit locations), elevators, bathroom facilities, structural, insulation and MEP systems.
- This is a relatively unique size of building with its tall central space. If new floors were to be added there would need to be further study for the vertical location of the windows to align with those floors and the resulting available floor plan.
- A restorative or adaptive reuse rebuild of this building to current building codes and systems would be extremely expensive when compared to building a new replacement building in this same location.
- With the aesthetic of the tall West Wall and Southwest corner, but extensive effort required for reuse of the interior, there could be an architectural reuse of a portion of these exterior facades against the exterior of a new building or as a stand-alone remnant. The stand-alone remnant would need structural stabilization efforts.

- RATING: (LOW / MEDIUM/ HIGH)
  - OPPORTUNITY FOR ADAPTIVE REUSE OF EXISTING STRUCTURE: LOW.
  - OPPORTUNITY FOR ADAPTIVE REUSE OF EXISTING STRUCTURE WITHIN TRIBE MASTERPLAN: LOW.

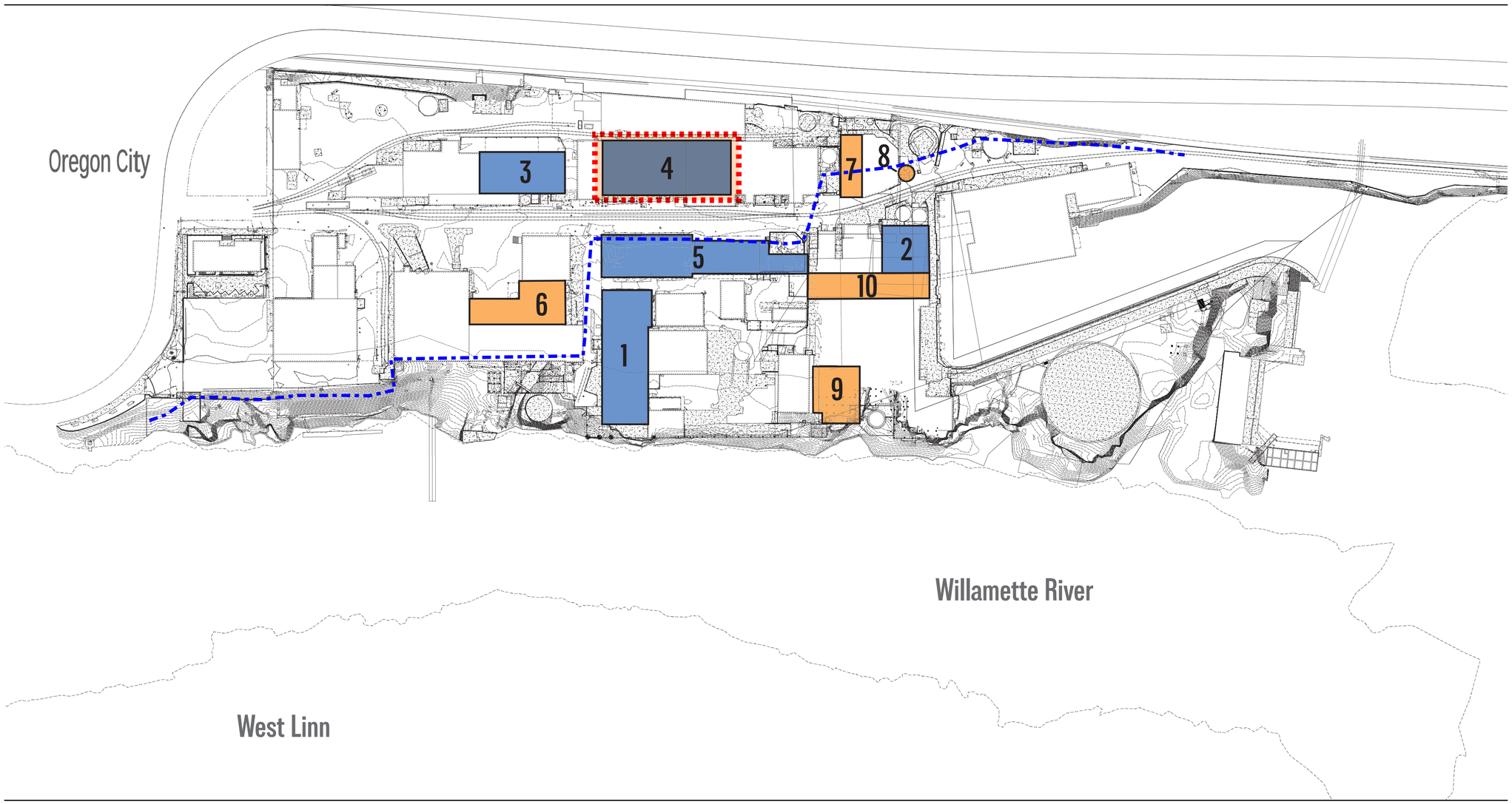
Oregon City 2014 Master Plan - Conditions of Approval
Full or Partial Retention and Reuse of Select Ten Structures

Identified for Retention and Reuse

1 Mill O
2 Hawley Building
3 DeInk/Mill B
4 No. 4 Paper Machine
5 Woolen Mill Foundations

Secondary Elements Identified for Full or Partial Retention

6 Flour Mill Foundations
7 Digesters
8 Horton Sphere
9 Boilers
10 No. 1 Paper Machine



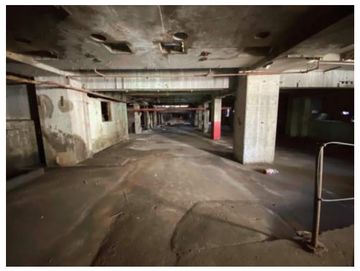
Primary Elements
Secondary Elements
Structure Study
APPROXIMATE LOCATION OF FLOOD PLAIN

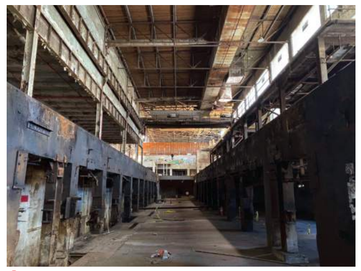
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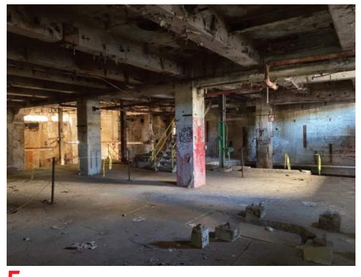
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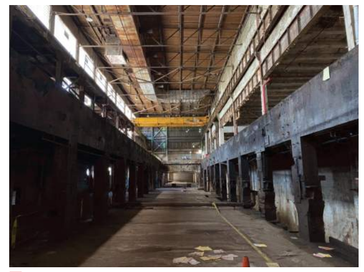

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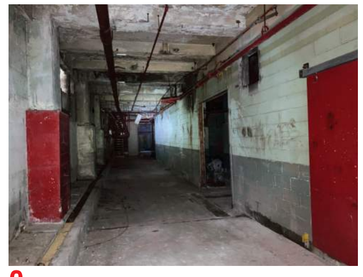

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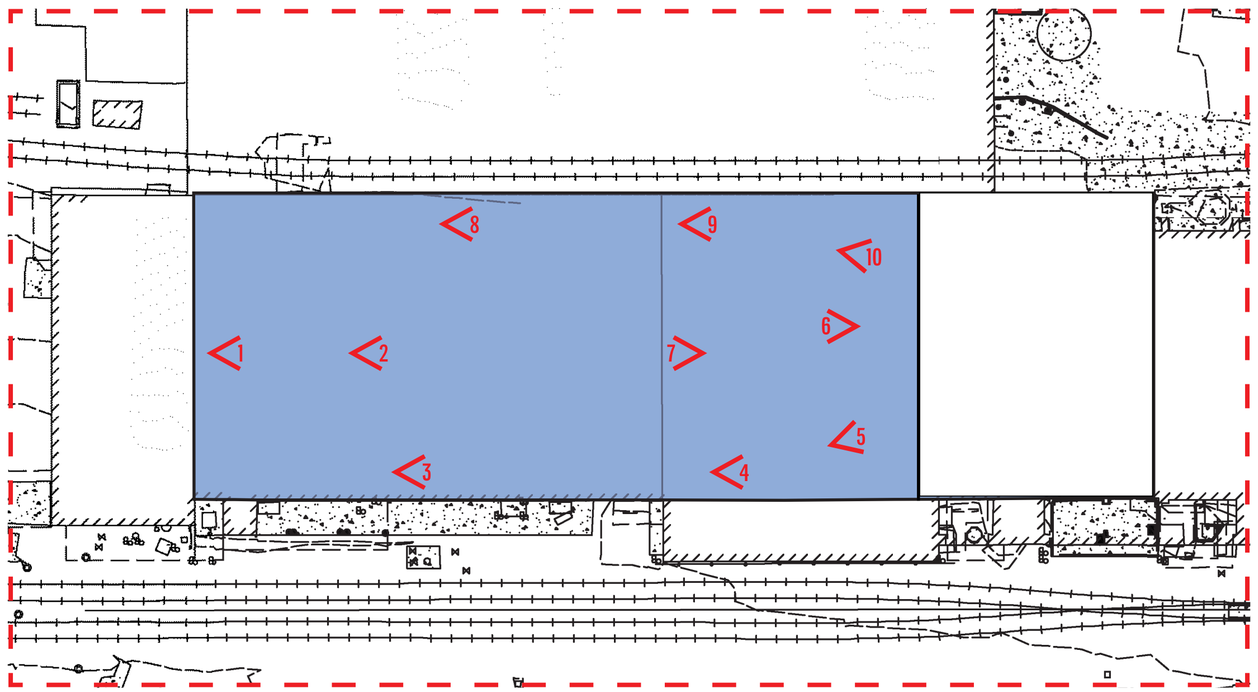

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Willamette Falls Site

Street Level

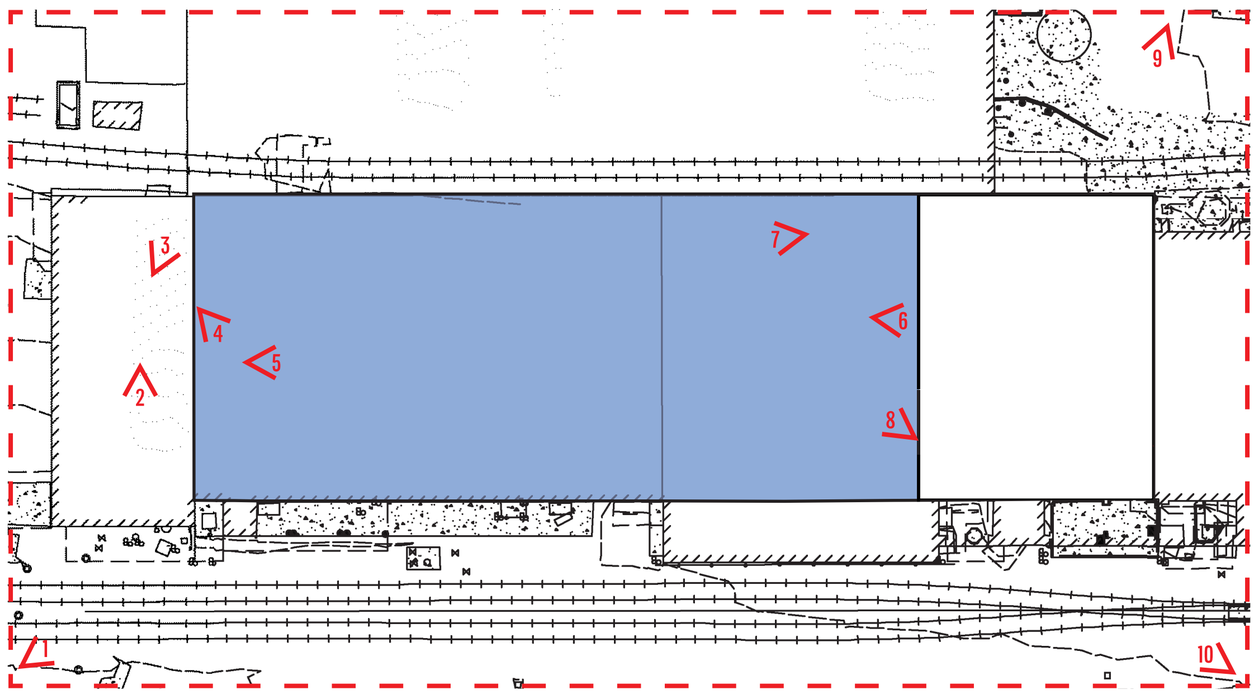
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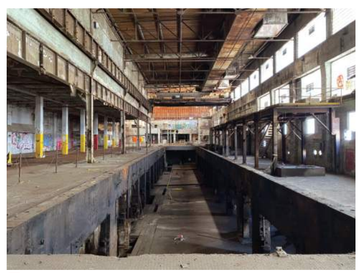

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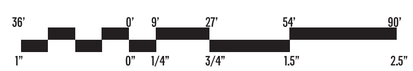

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ARCHITECTURAL CONSIDERATIONS

LIMITS OF ACCESS FOR REVIEW:

- Only a portion of the West exterior façade is fully visible. There are building additions on the North, South, and East sides of the building along with small additions to the West side. The upper attic was not accessed as no safe stair was available.

EXTERIOR:

- Qualities of the exterior when originally built are relatively basic as a working industrial building designed to house large equipment. The primary material is board formed concrete with modest corbel at the top parapet. The original board formed concrete appears to be in relatively good condition although there are areas of damage where misc. attachments and access was desired for equipment. The exterior appears to have had little repair and painting in many years. The impact to the facades where later building additions were attached is not fully determined although there are areas where entire exterior walls were removed to accommodate the additions as expansions of this building's interior space.
- Large window openings were included on the West façade and are organized in a strong symmetrical pattern. The openings that still have windows have glass block which was a replacement at some point to the original industrial small pain sash windows. Other openings that originally had windows have been infilled with cmu block. The ground level openings have been modified over time as needed for industrial uses and attachments of later building additions.
- There is potential to retain and restore the concrete exterior frame on the West façade to its original look, although there are extensive surface cracks to be cleaned, filled, and refinished along with an overall repair effort required. See Structural review comments for the integrity of those potential repairs. Restoration of the West façade would require extensive effort for removal of the glass block and CMU block infills, repair of saw cut openings and overall patching and a surface seal, coating, and paint and new windows. Appropriate replacement walls at that North, South and East end that were removed for building additions would need to be designed for suitable character with the existing facades.
- If the existing West façade is to be kept and reused, there would likely need to be new doors located at appropriate locations at the ground level for disabled access, emergency exits and general building access as there is no primary entry to this structure now or when it was built.
- New utility connections to this building would be significant with needs for below grade vaults, access areas and uncertain methods for accommodation of roof top mechanical equipment.

INTERIOR

- As a working industrial building, the interior quality and finishes throughout were that of the exposed structure. The floors and upper floor levels are concrete. Exterior wall finishes are exposed concrete. The top floor ceiling finish is the exposed wood and steel structure.
- No exterior insulation was installed and will be a significant challenge to add for any considered reuse.
- A large amount of window openings with glass were provided on the West side as lighting at the time this building was built relied greatly on natural daylight.
- Significant modifications (cut, removal, and additions) were made over years to the building structure. The implications to the space of the required structural updates to meet current code will need to be studied. The structure appears to have been greatly modified with areas cut and removed as needed for changing industrial equipment needs. See structural study.
- The interior is primarily comprised of a basement level with a large central opening to the ground floor and a single large, tall space above with various adjacent mezzanine floors. There is an upper attic which has small metal access stairs for equipment access.
- Interior materials look to have had little damage from weather or roof leaks but have been exposed to industrial uses causing stains. The basement level looks to have been exposed to significant industrial fluids, smoke, and stains.

SITE/LOCATION

- This location can be easily accessed by vehicles for construction work and future uses.
- Access for emergency vehicles and firefighting equipment will need to be reviewed for approval with the Fire District but is relatively open on all sides if the building additions were to be removed.
- New utility access for building systems will be required and, if below grade, will need to be studied for considerations of existing subgrade depth to basalt
- This structure commands a prominent location with the West façade at Main Street, and the Southwest corner at the corner of Main Street and 3rd Street.

SUMMARY:

- Architecturally, the basic building materials of the exterior frame are in relatively solid existing condition for consideration of restoration on the West façade. The modifications noted above to the other sides of the building are significant and would require extensive areas of repair and replacement.
- Overall, this prominent location is viable for a new building or use to occur on this site and especially with the proximity to the original Main Street and 3rd Street.
- The implications of adding the required life safety and accessibility updates for a reuse are significant with the need for the addition of exit stairs (with strategic exterior emergency exit locations), elevators, bathroom facilities, structural, insulation and MEP systems.
- This is a relatively unique size of building with its tall central space. If new floors were to be added there would need to be further study for the vertical location of the windows to align with those floors and the resulting available floor plan.
- A restorative or adaptive reuse rebuild of this building to current building codes and systems would be extremely expensive when compared to building a new replacement building in this same location.
- With the aesthetic of the tall West Wall but the extensive implications of a reuse of the interior, there could instead be an architectural reuse of a portion of the exterior West facade against the exterior of a new building or as a standalone remnant. The stand-alone remnant would need structural stabilization efforts.

- RATING: (LOW / MEDIUM/ HIGH)
  - OPPORTUNITY FOR ADAPTIVE REUSE OF EXISTING STRUCTURE: LOW.
  - OPPORTUNITY FOR ADAPTIVE REUSE OF EXISTING STRUCTURE WITHIN TRIBE MASTERPLAN: LOW.

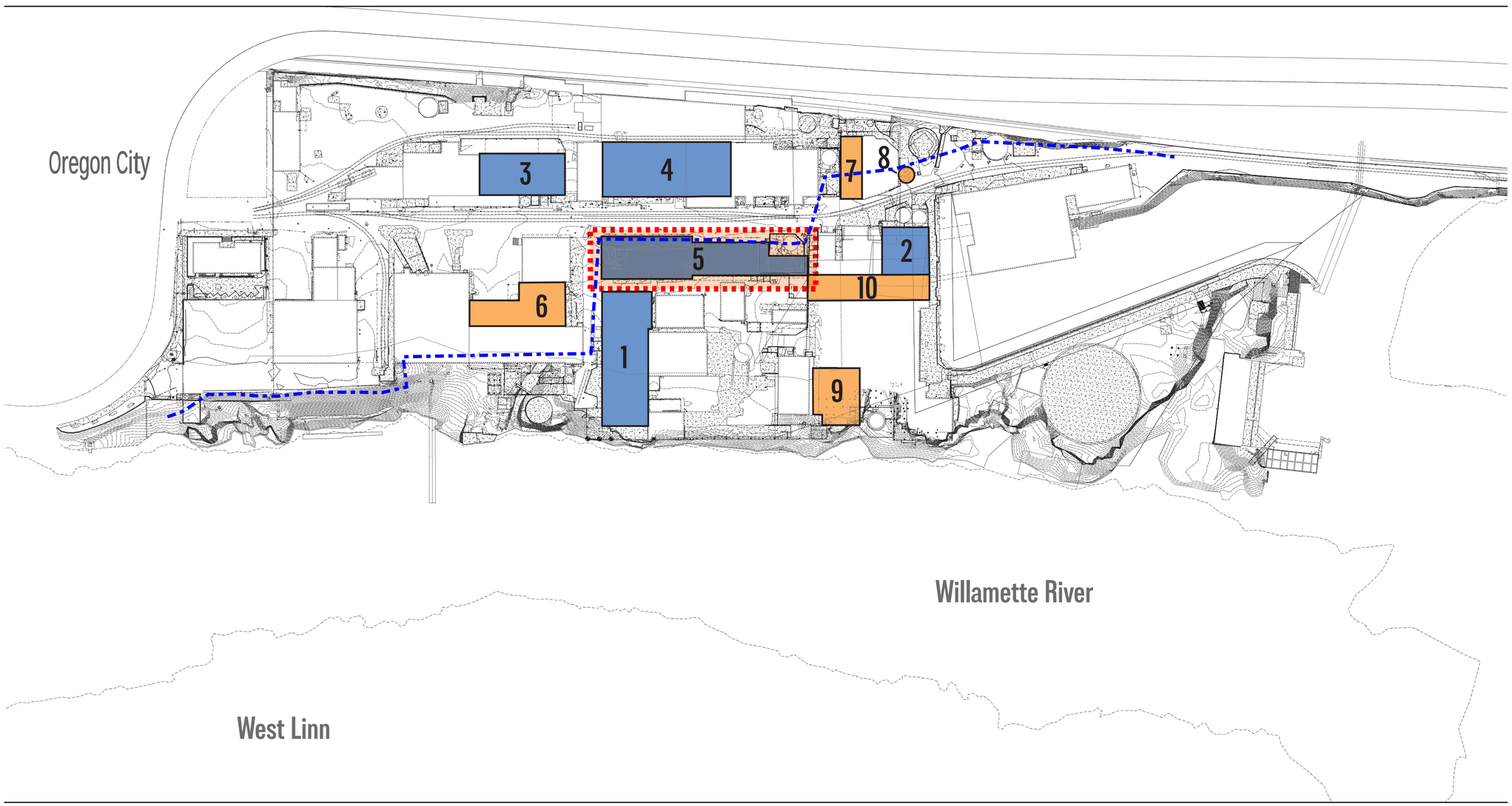
Oregon City 2014 Master Plan - Conditions of Approval
Full or Partial Retention and Reuse of Select Ten Structures

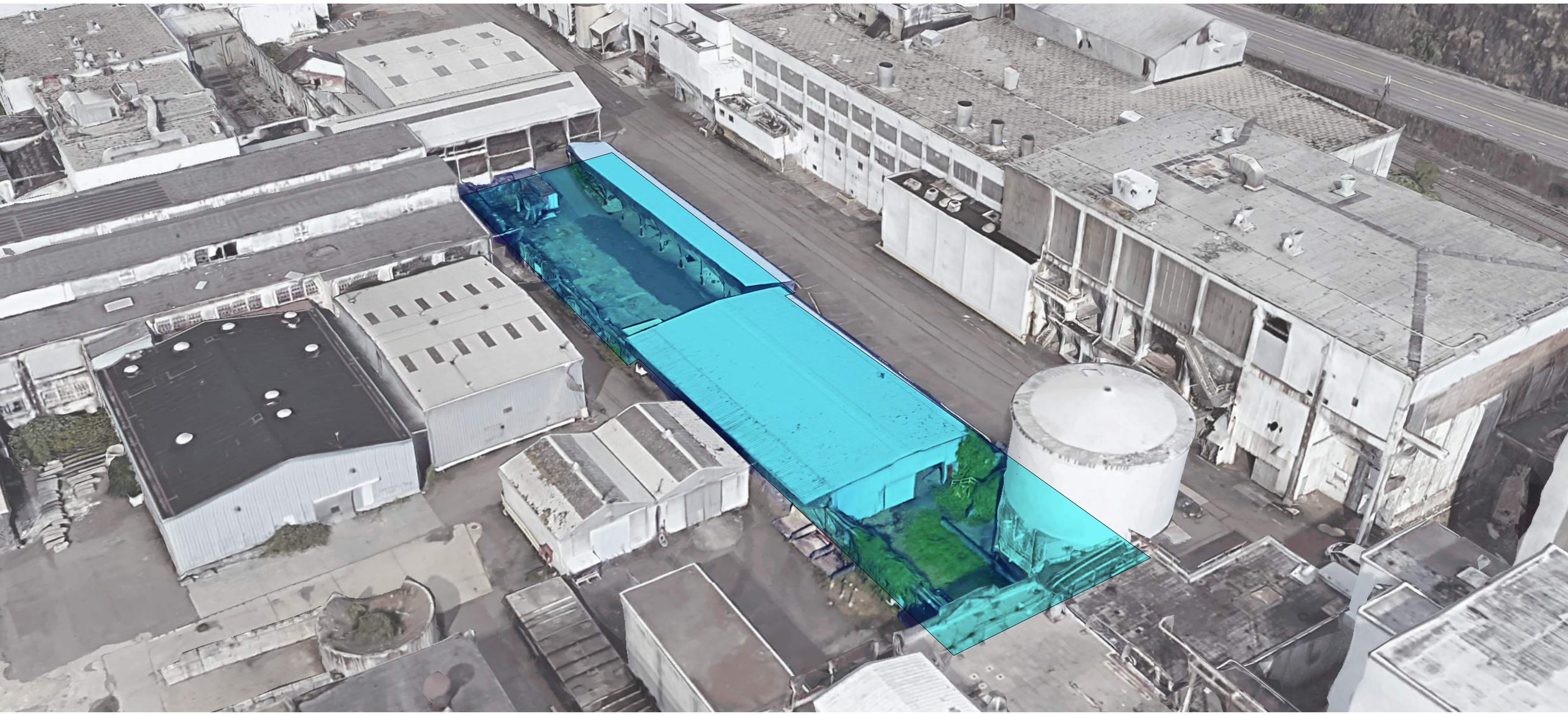
Identified for Retention and Reuse

1. Mill O
2. Hawley Building
3. Delnk/Mill B
4. No. 4 Paper Machine
5. Woolen Mill Foundations

Secondary Elements Identified for Full or Partial Retention

6. Flour Mill Foundations
7. Digesters
8. Horton Sphere
9. Boilers
10. No. 1 Paper Machine







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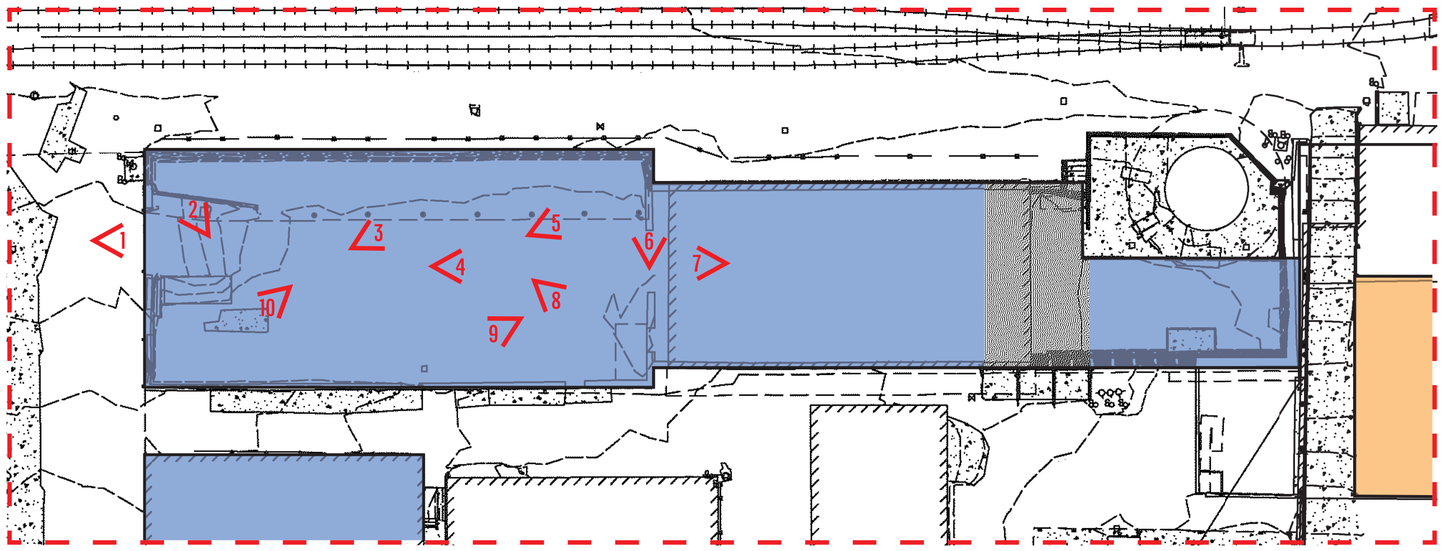
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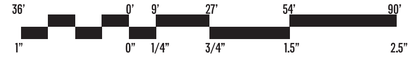
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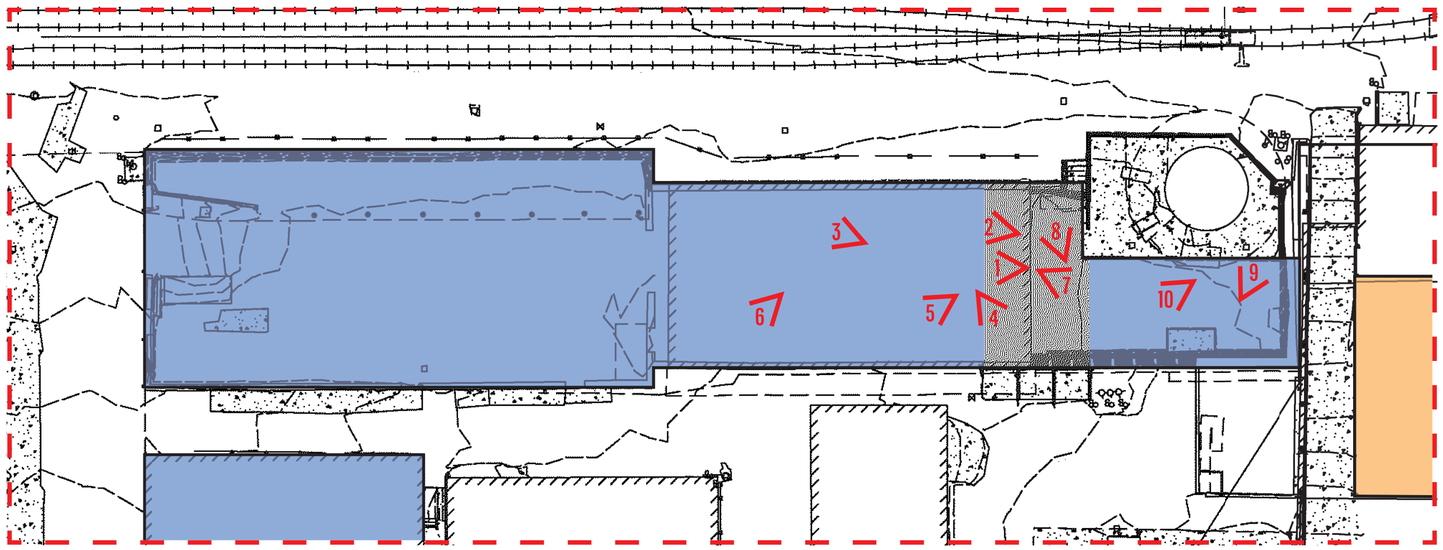
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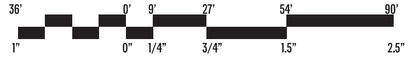
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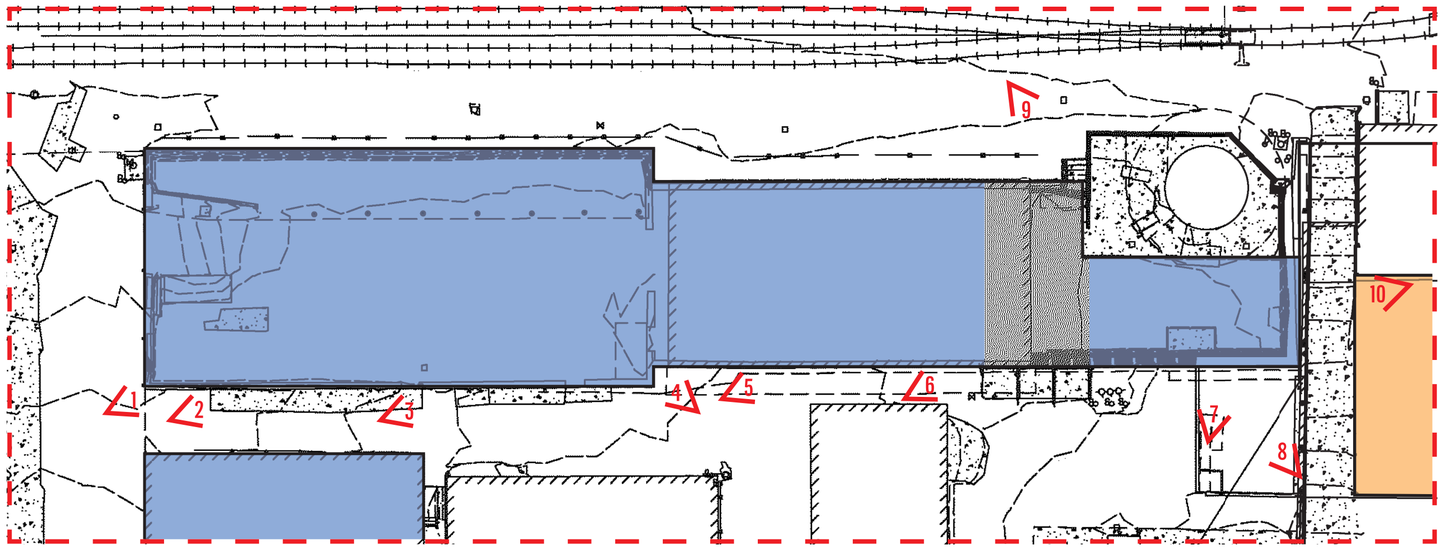
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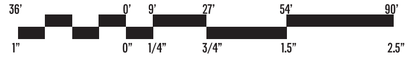
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ARCHITECTURAL CONSIDERATIONS

LIMITS OF ACCESS FOR REVIEW:

- Note the only remaining portion of the Woolen Mill is the foundation walls. All sides can be seen except:
  - Most of the wall along Main Street has a chain link fence with solid slats.
  - The walls along Main Street and 3rd Street and those facing West were originally exposed to a lower grade level. Grade was raised on the East, West and North over time.
  - The ground area inside of the foundation walls was filled to the current level, with buried lower levels below.

EXTERIOR AND INTERIOR

- The upper portions of the original mill building were removed many years ago. The remaining foundation walls are built of basalt. In some areas the foundation wall materials are in good condition and in some areas portions of the walls have been removed or are dilapidated. The degraded areas are either by man made changes or by prolonged exposure to weather.
- The North end wall of the foundation has approximately 60% of the foundation wall removed and an access drive installed. At the South end of the foundations, a large portion of the Southeast foundation wall was removed and replaced with concrete walls that surround a large round industrial container.
- The Southwest corner of the foundation walls are several stories in height and are exposed on the exterior face to the lower level of basalt grade which is a large tailrace of the river.
- Overall, there is a strong quality of remaining foundation walls which show the craftsmanship of the stonework. There is a historic lesson of the variation of that stonework as large building expansions were added over time by differing craftsman.
- Architectural reuse of the foundation walls could include exposing them as a part of a site feature. The interior of the foundations could be accessible for viewing as well as the exterior.
- The Foundation walls/original building plan dimension are basically a long and narrow rectangle. This size will allow for interior layout of large gatherings or a somewhat narrow new building above. The long length may allow for one type of use at one end and another at the opposite end.
- See Structural study for further information on the existing wall stability and any potential to protect those walls from further damage.
- If new structures were desired in this area, they will need to be planned in specific detail with the location of footings and structural support to not put any force on the existing walls.
- New structures that integrate with the existing foundations could include weather protection covering for access and uses within the foundation walls. A new structure in this location could include a new building above the walls, given structural protections as noted above.

SITE/LOCATION

- This structure is in a designated flood plain. Thus, any reuse at the ground and lower levels can only include elements allowed by code to occupy the height of the flood plain. There are also implications to the ability to get insurance for an occupied use of the structure in this location. Any additions or modifications to this structure will also require analysis for regulatory agency approvals given the flood plain location and potential to modify water levels and flow.
- This location can be accessed by vehicles for construction work and future uses, with the note of special attention to the proximity and need for protection of these foundations.
- Access for emergency vehicles and firefighting equipment will need to be reviewed for approval with the Fire District and based on the defined use.
- There are no current utilities connected or needed for this exposed structure. New utility access for building systems such as lighting will need to be provided in adjacent ground vaults and access in surrounding grade with connection to primary systems towards Main Street.
- This structure commands a prominent central location on the site, providing a long and defining side of the original Main Street. It also fronts the existing yard and includes a prominent wall of stone down to the remaining exposed area of a large channel of the river.

SUMMARY:

- Architecturally, the remaining foundation walls of the Woolen mill are very interesting objects and can be enjoyed as viewed elements, but they cannot be reused to support a new structure. A new structure can be located over and/or above the existing foundation walls with care in the location of new supports and foundations.
- The flood plain location dramatically limits the ground floor uses inside of the foundation walls.
- Current stability of the foundation walls will need to be studied to not fall or cause harm in a seismic event.
- The footprint and site location are of a scale that a new structure could be sized to function above, and an event use could be located within.
- Overall, this prominent location is viable for the foundation walls to be retained and exposed for viewing.
- RATING: (LOW / MEDIUM/ HIGH)
  - OPPORTUNITY FOR ADAPTIVE REUSE OF EXISTING STRUCTURE: LOW*
  - OPPORTUNITY FOR ADAPTIVE REUSE OF EXISTING STRUCTURE WITHIN TRIBE MASTERPLAN: HIGH
- * = Portions of the foundations could be included as part of an open space, interpretive display, a decorative purpose, or some other combination, consistent with what is allowable within the floodplain. The foundations are not suitable for any restructuring to support a new building.

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Identified for Retention and Reuse

1 Mill 0
2 Hawley Building
3 Delnk/Mill B
4 No. 4 Paper Machine
5 Woolen Mill Foundations

Secondary Elements Identified for Full or Partial Retention

6 Flour Mill Foundations
7 Digesters
8 Horton Sphere
9 Boilers
10 No. 1 Paper Machine




Willamette River

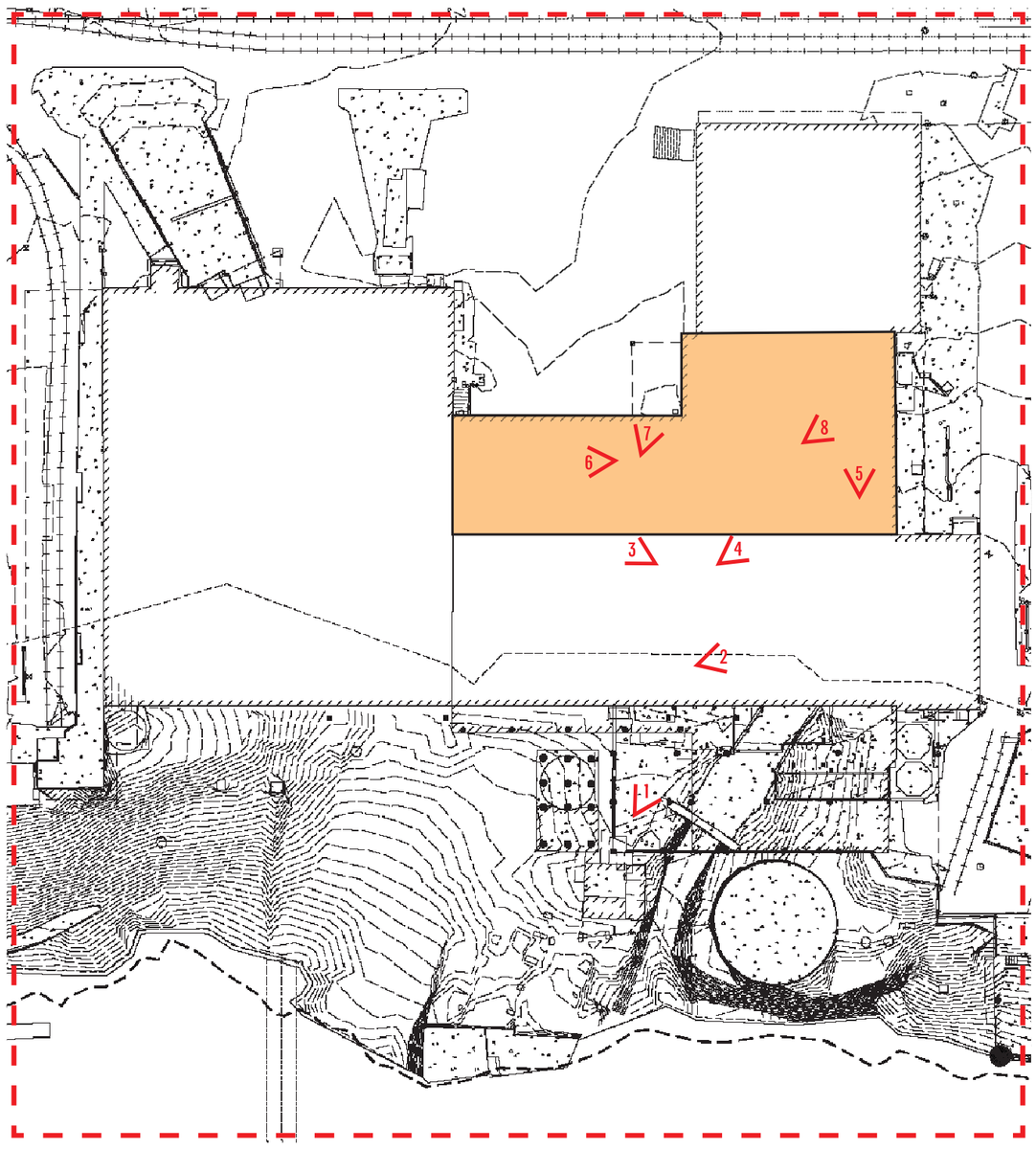
#6 Flour Mill Foundation


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Willamette Falls Site

Street Level

#6 Flour Mill Foundation


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36' 0' 9' 27' 54' 90'
1" 0" 1/4" 3/4" 1.5" 2.5"

ARCHITECTURAL CONSIDERATIONS

LIMITS OF ACCESS FOR REVIEW:

- With extensive effort most of the structure of the existing building can be seen. There are some areas on the East and South ends that are against structures and are not visible from the exterior.

EXTERIOR AND INTERIOR

- The Flour Mill was listed in the 2014 report as foundations only but there is a significant number of remaining walls, floors and some of the original mill equipment in place.
- Overall, there is a strong quality of remaining foundation walls which show the craftsmanship of the stonework. These lower levels of basalt appear to still be intact in their original configuration.
- The existing structure at the upper levels/walls is very weak and care will need to taken as any consideration is given to preserving those various remnant pieces
- See Structural study for further information on the existing wall stability and any potential to protect those walls from further damage.
- If new structures are desired near this area, they will need to be planned in specific detail with the location of footings and structural support to not put any force on the existing walls.

SITE/LOCATION

- This structure is not in a designated flood plain.
- This location can be accessed by vehicles for construction work and future uses, primarily from the East, with the note of special attention to the proximity and need for protection of these foundations.
- Access for emergency vehicles and firefighting equipment will need to be reviewed for approval with the Fire District and based on the defined use.
- There appears to be only fire protection utilities conncected to this structure. New utility access for building systems such as lighting will need to be provided in adjacent ground vaults and access in surrounding grade with connection to primary systems towards Main Street.
- This structure is in an important location on the site having been associated with a river tailrace, although water for the mill was routed to this site via a wood flue. If existing structures are removed to the West, this building will be at a riverfront location at that basalt tailrace.

SUMMARY:

- Architecturally, the remaining basalt lower levels, machine rooms, and upper walls of the Flour Mill are very interesting and can be enjoyed as viewed elements, but they cannot be modified to accept a new or adapted reuse. Access to the interior for viewing will be very difficult to accommodate safely and may require this existing structure to be viewed from distance only.
- The potential to remove structure to the East and re-expose this structure to the river and tailrace make for a very interesting, and challenging opportunity.
- Current stability of the foundation walls will need to be studied to not fall and cause harm in a seismic event.
- The effort to preserve and retain even a portion of this existing structure will require a very extensive and specialize amount of work and thus be very costly over an extended period.
- RATING: (LOW / MEDIUM/ HIGH)
  - OPPORTUNITY FOR ADAPTIVE REUSE OF EXISTING STRUCTURE: LOW
  - OPPORTUNITY FOR ADAPTIVE REUSE AND/OR INTEGRATION OF EXISTING STRUCTURE WITHIN TRIBE MASTERPLAN: HIGH

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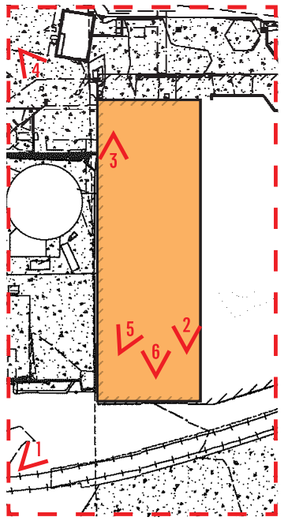
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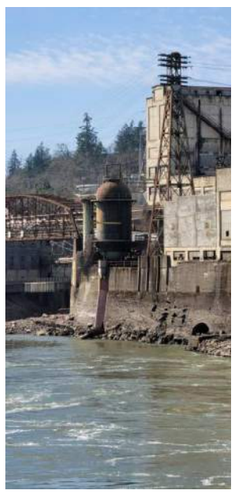


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Example of similar Digester exposed at West Linn Mill, as viewed from Oregon City Willamette Falls Site



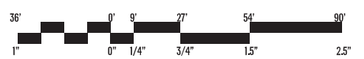
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ARCHITECTURAL CONSIDERATIONS

LIMITS OF ACCESS FOR REVIEW:

- The exterior enclosure of the Digesters is viewable on the North, West and East sides but the South side is built against another building.
- The Digesters are held in place with extensive structural steel members and supporting walks but are in most cases visible.
- Accessing the various levels of worker platforms and the hopper level at the top is limited to metal ships ladders and catwalks.
- There is a limited view port that is open in a couple of the digesters, showing that they are relatively empty with some limited amount of materials left in the base.

EXTERIOR

- The exterior structure can be considered less of a building and more of a shroud enclosure to protect employees from weather as they worked to fill and empty the Digesters.
- The enclosure was built with minimal materials of thin corrugated metal, akin to a tin shed, and in some areas the materials may have been replaced with corrugated Transite, which provided a fire resistive translucent skin, but is a known hazardous material.
- The exterior materials are in poor condition from weather exposure and misc. additions and removals of areas of skin.
- The North façade has several areas of discoloration and damage where it appears there were attached structures and adjacent industrial uses.
- The East façade has a rusted steel and wood catwalk attached with a partial corrugated metal shroud. The base of the South wall is open with limited exterior protection.
- There is a very small opening the base of the West side of the building for access.
- There are only a couple of windows included on the exterior.
- The shroud provides limited interior weather protection and there are no mechanical systems or building insulation.
- At the time of this study there was no record available of what materials may be inside and the hazardous nature of such materials. There is also a need for structural assessment of how strong the existing Digester materials are should this object want to be relocated.

- These Digesters appear to be objects that were manufactured at a remote location and put in place at the Mill for specific industrial use. A very similar Digester is located at the West Linn paper mill and is fully exposed to view at the rivers edge of that mill.
- The exterior of metal with riveted connections looks to be in good condition although no recent cleaning or painting is evident and as such, rust is significant over the entire supporting structure and vessel.

SITE/LOCATION

- This location can be easily accessed by vehicles for construction work and future uses.
- Several of the Digesters and a portion of this enclosre are located in the flood plain and as such is of a concern for water and debris damage if it remains in its current location.

SUMMARY:

- This is a relatively standard mill object of which there were many produced and located at similar mill sites.
- If the Digesters and the enclosure stays in place, the flood plain is a concern for future impacts.
- There does not appear to be any particular importance to the Digesters current location and thus, if structural and hazardous materials study concurs, the could be relocated on or off of this mill site for future viewing.
- The existing enclosure would not be able to be made accessible to public without extensive rebuilding with a new design, structure and supporting building systems.

- RATING: (LOW / MEDIUM/ HIGH)
  - OPPORTUNITY FOR ADAPTIVE REUSE OF EXISTING STRUCTURE: LOW.
  - OPPORTUNITY FOR ADAPTIVE REUSE OF EXISTING STRUCTURE WITHIN TRIBE MASTERPLAN: LOW.

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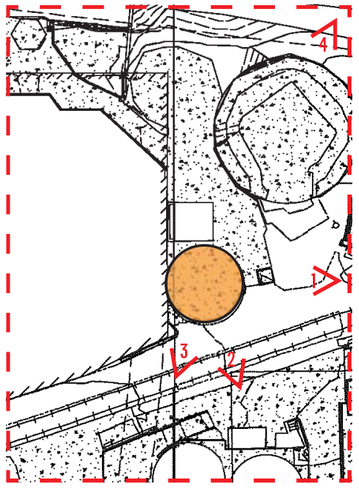

BLUE HERON PAPER COMPANY



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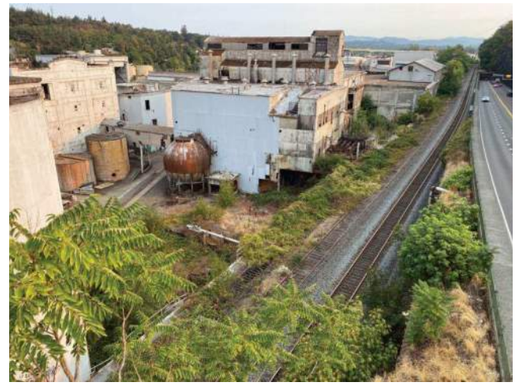


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ARCHITECTURAL CONSIDERATIONS

LIMITS OF ACCESS FOR REVIEW:

- This is a free-standing object and it is available to see on all sides. No view inside of the tank was accomplished.

EXTERIOR:

- The Horton Sphere is an object that was manufactured at a remote location and put in place at the Mill for specific industrial use.
- The exterior of metal with riveted connections looks to be in good condition although no recent cleaning or painting is evident and as such, rust is significant over the entire supporting structure and round vessel.

INTERIOR

- No view of the interior was available and there is no record available to this study of what liquid may be inside and the hazardous nature of such materials. There is also a need for structural assessment of how strong the existing materials are should this object want to be relocated.

SITE/LOCATION

- This location can be easily accessed by vehicles for construction work and future uses.
- This object is located in the flood plain and as such is of a concern for water and debris damage if it remains in its current location.

SUMMARY:

- This is a relatively simple single object of which there were many produced and located at similar mill sites.
- If it stays in place, the flood plain is a concern for future impacts.
- There does not appear to be any particular importance to this objects current location and thus, if structural and hazardous materials study concurs, this could be relocated on or off of this mill site for future viewing. Determination could be made at that time to leave in the current weathered condition or clean and refinish towards replicating its original condition.
-
- RATING: (LOW / MEDIUM/ HIGH)
  - OPPORTUNITY FOR ADAPTIVE REUSE OF EXISTING STRUCTURE: LOW.
  - OPPORTUNITY FOR ADAPTIVE REUSE OF EXISTING STRUCTURE WITHIN TRIBE MASTERPLAN: LOW.

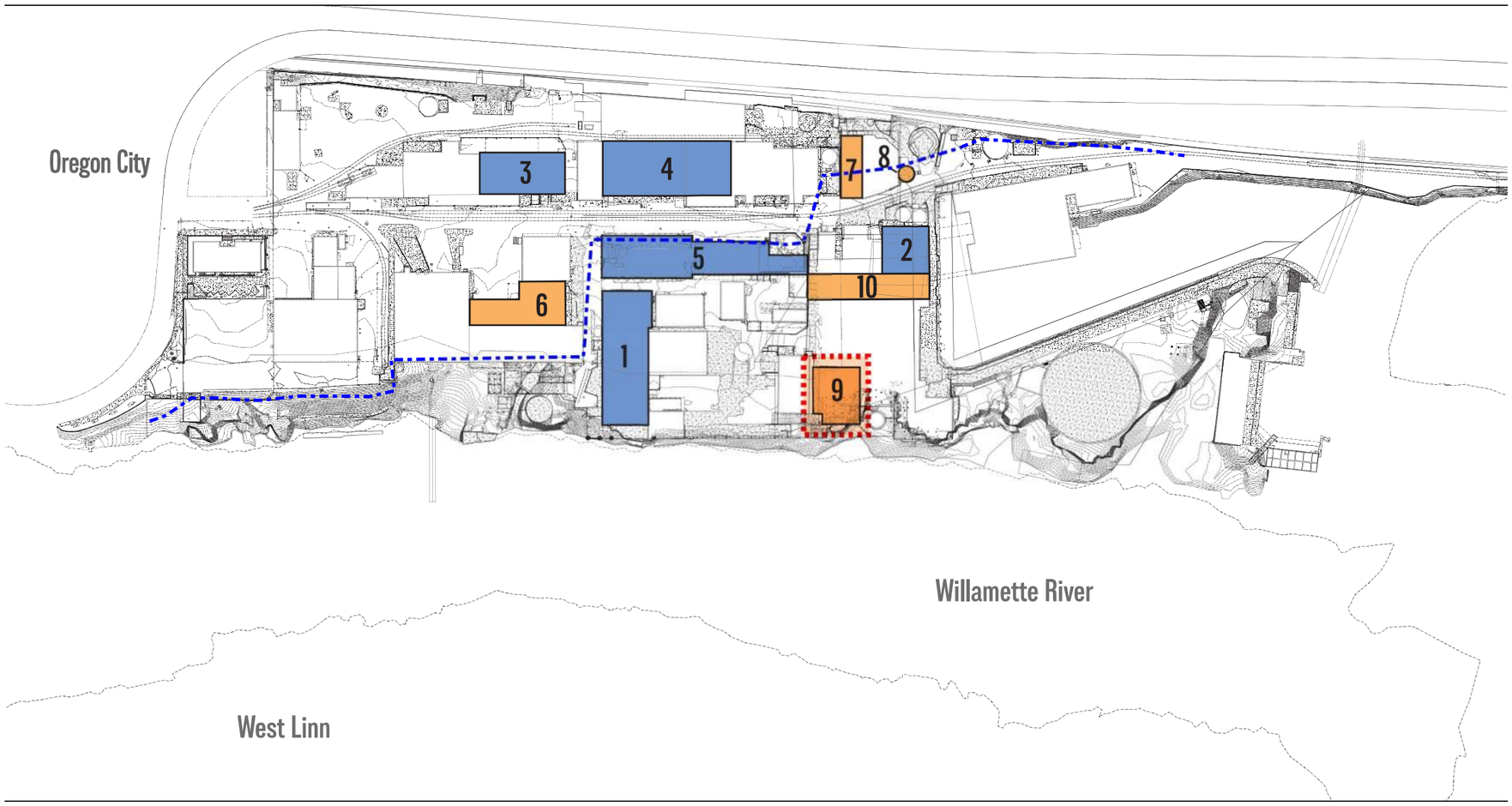
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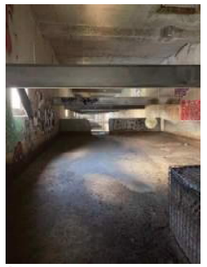
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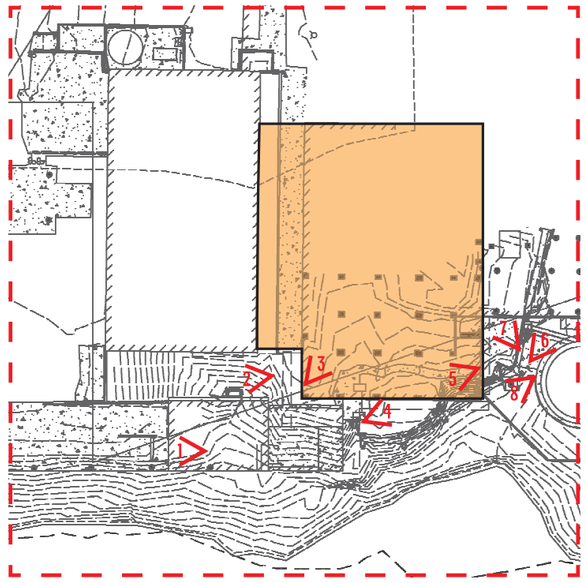



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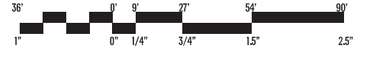



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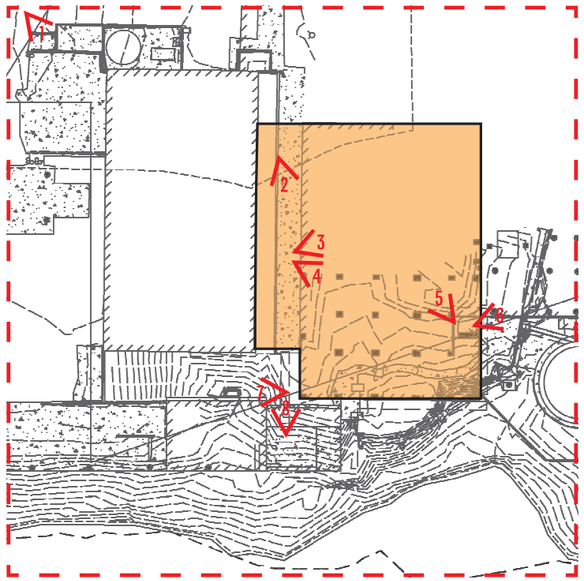



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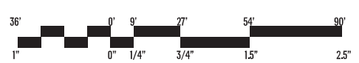



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Willamette Falls Site
Second Level

#9 BOILERS

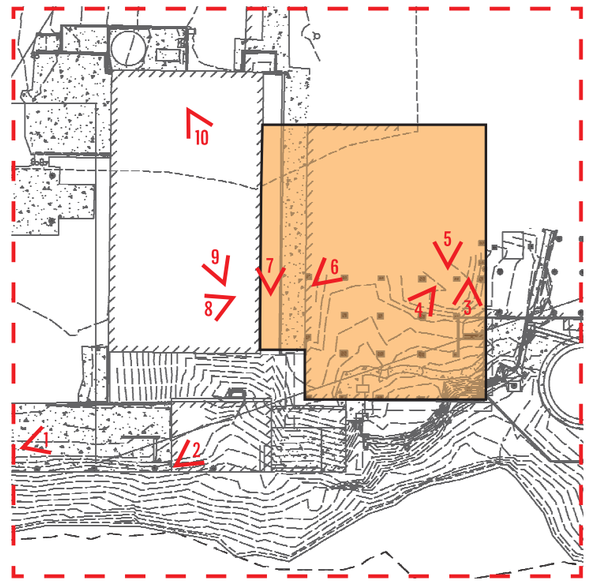

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Willamette Falls Site

Third Level

#9 BOILERS



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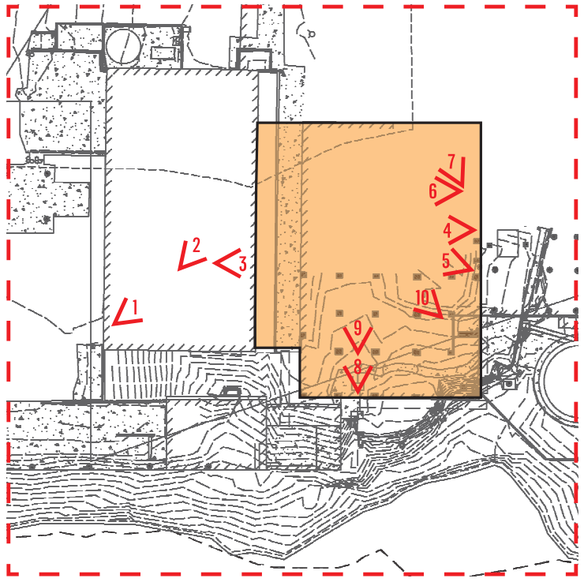
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ARCHITECTURAL CONSIDERATIONS

LIMITS OF ACCESS FOR REVIEW:

- The exterior enclosure of the Boilers is viewable at the East side and partially on the South side but the North, West and a portion of the South sides are built against other buildings.
- The Boilers located with little room around them, but are in most cases visible.
- Accessing the various levels of worker platforms is limited to metal ships ladders and catwalks.
- The inside of the boilers was not able to be viewed.

EXTERIOR

- The exterior structure can be considered less of a building and more of a shroud enclosure to protect the Boilers and employees from weather as they worked to service and operate the Boilers.
- The enclosure was built with minimal materials of thin corrugated metal, akin to a tin shed, and in some areas the materials may have been replaced with corrugated Transite, which provided a fire resistive translucent skin, but is a known hazardous material.
- The exterior materials are in poor condition from weather exposure and misc. additions and removals of areas of skin.
- There are no windows included on the exterior.

INTERIOR

- The lower floors that support the boilers are of large concrete slabs and concrete columns and beam.
- The upper floors of boiler enclosure are left exposed and made up of concrete floors on steel structure. The inside of the exterior walls are exposed corrugated metal.
- The shroud provides limited interior weather protection and there are no mechanical systems or building insulation.
- At the time of this study there was no record available of what materials may be inside and the hazardous nature of such materials, although some mention was made that asbestos is anticipated. There is also a need for structural assessment of how strong the existing Boiler materials are should they want to be relocated.
- It is believed that these Boilers were manufactured and used on WWII ships, removed and located for use at the mill. Similar Boilers are located at the West Linn paper mill and are fully exposed to view at the rivers edge of that mill. The West Linn enclosure was similar of light steel framing and has had the roof and skin removed, leaving that structure to weather.

SITE/LOCATION

- This structure is in a designated flood plain. Thus, any reuse of this building at the main and lower levels can only include elements allowed by code to occupy the height of the flood plain. There are also implications to the ability to get insurance for an occupied use of the structure in this location. Any additions or modifications to this structure will also require analysis for regulatory agency approvals given the flood plain location and potential to modify water levels and flow.
- This location will be very difficult to accessed by vehicles for construction work and future uses.
- Access for emergency vehicles and firefighting equipment will need to be reviewed for approval with the Fire District.
- New utility access for building systems will required and need to be studied for flood plain considerations.
- This structure commands a prominent location on the site, being visible from Main Street and with views of the river and falls.
- Given the location at the tip of two large tailraces, this structure is in an environmentally important and sensitive area.

SUMMARY:

- These Boilers are a relatively standard mill object of which there were many produced and located at similar mill sites.
- If the Boilers and this enclosure stay in place, the flood plain is a concern for future uses and impacts, especially caused by the potential hazardous materials and environmentally sensitive location.
- There does not appear to be any particular importance to the Boilers current location and thus, if structural and hazardous materials study concurs, their may be an opportunity to be relocated on or off of this mill site for future viewing, although as noted there are similar boilers currently visible at the West Linn Mill.
- The existing enclosure would not be able to be made accessible to public without extensive rebuilding with a new design, structure and supporting building systems at a very high cost.
- Access to this location for construction, future use and emergency vehicles would be extremely difficult to provide.

- RATING: (LOW / MEDIUM/ HIGH)
  - OPPORTUNITY FOR ADAPTIVE REUSE OF EXISTING STRUCTURE: LOW.
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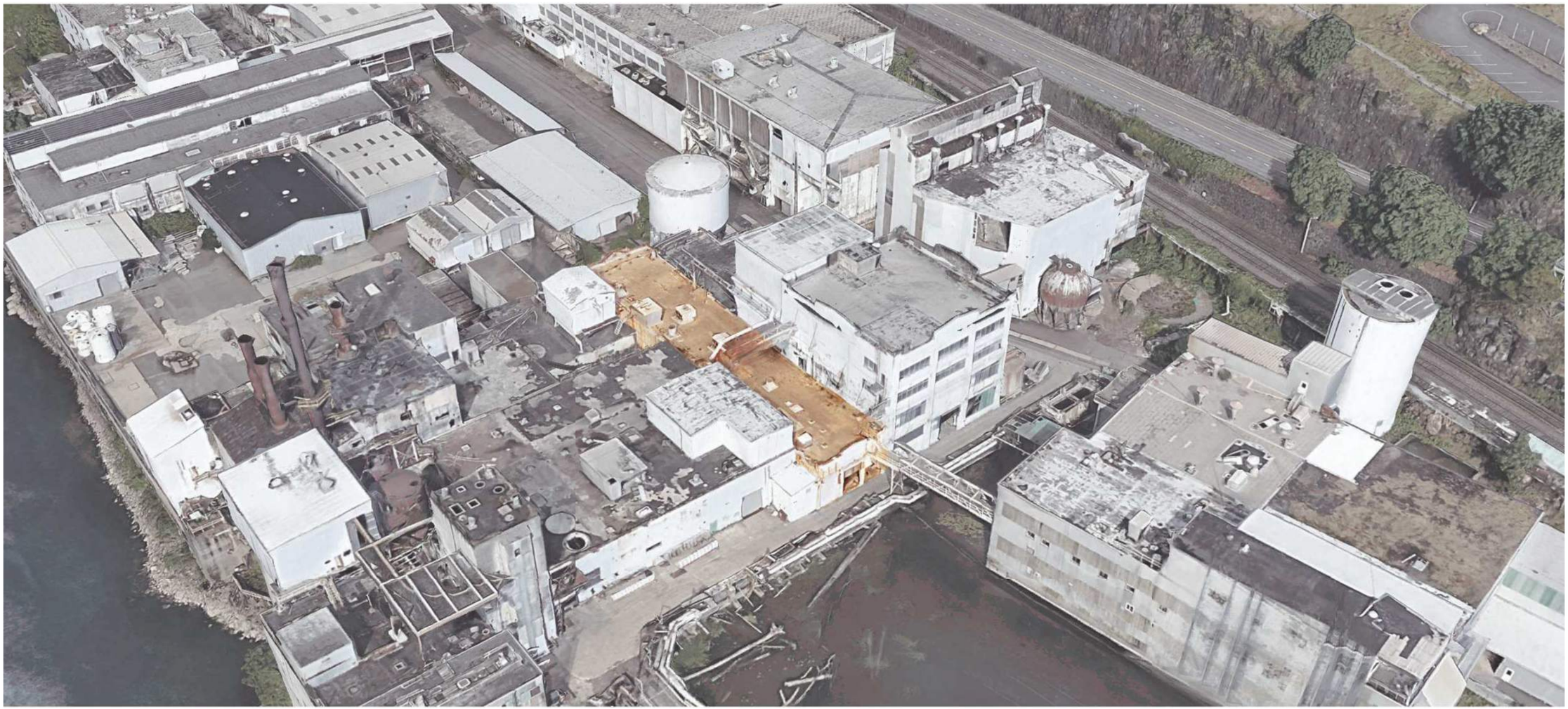
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4 No. 4 Paper Machine
5 Woolen Mill Foundations

Secondary Elements Identified for Full or Partial Retention

6 Flour Mill Foundations
7 Digesters
8 Horton Sphere
9 Boilers
10 No. 1 Paper Machine





#10 NO. 1 PAPER MACHINE


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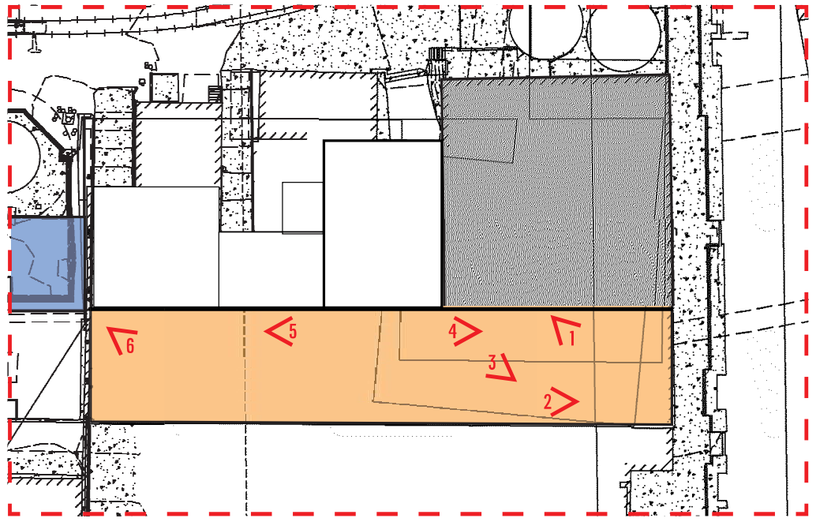

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Willamette Falls Site
Street Level

#10 NO. 1 PAPER MACHINE

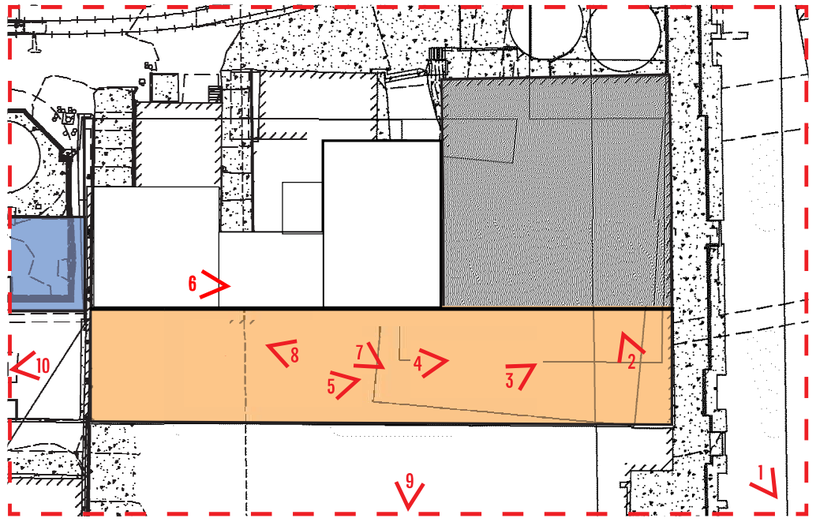

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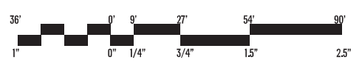

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10



ARCHITECTURAL CONSIDERATIONS

LIMITS OF ACCESS FOR REVIEW:

- The South and North exterior façades are fully visible. There are attached buildings on the West and East sides of the building that block the view of those exterior walls. The interior 2 levels and structure below are all accessible for viewing.

EXTERIOR:

- Qualities of the exterior when originally built are relatively basic as a working industrial building designed to house large equipment. The primary material is board formed concrete. The original board formed concrete appears to be in relatively good condition although there are areas of damage where misc. attachments and access was desired for equipment. The exposed façade on the North is very basic with little detail other than a small parapet form. The South side has that same raised parapet form and some modest relief of the façade. The exterior appears to have had little repair and painting in many years. The impact to the facades where later building were attached is not fully determined although there area areas where entire exterior walls were removed to accommodate the additions as expansions of this building's interior space, primarily on the East side.
- There are modest window openings on the North end, which look to have been added after the original building was built and are filled with aluminum framed windows. Other openings that originally had windows have been infilled with cmu block. The South façade appears to have had multiple openings and infills as required for industrial access needs.
- The roof looks to be original wood decking that has been damaged over the years by water infiltration from roof leaks and from the interior industrial uses.
- There is potential to retain and restore the concrete exterior frame on the South façade to its original look, although there is extensive surface damage to be cleaned, filled, and refinished along with an overall repair effort required. See Structural review comments for the integrity of those potential repairs. Restoration of the South façade would require extensive effort for repair of saw cut openings and overall patching and a surface seal, coating, and paint. Appropriate replacement walls at that West and East sides that were removed building additions would need to be designed for suitable character with the existing facades.
- If the existing South façade is to be kept and reused, there would likely need to be new doors located at appropriate locations at the ground level for disabled access, emergency exits and general building access.
- The lower level and structural support of this building along the South needs to be further studied to determine the relation to the existing vehicle drive in that location along the top of dam.
- New utility connections to this building would be significant with needs for below grade vaults, access areas and uncertain methods for accommodation of roof top mechanical equipment.

INTERIOR

- As a working industrial building, the interior quality and finishes throughout were that of the exposed structure. The floors and upper floor levels are concrete. Exterior wall finishes are exposed concrete. The top floor ceiling finish is the exposed wood and steel structure.
- No exterior insulation was installed and will be a significant challenge to add for any considered reuse.
- A large amount of window openings with glass were provided on the West side as lighting at the time this building was built relied greatly on natural daylight.
- Significant modifications (cut, removal and additions) were made over years to the building structure. The implications to the space of the required structural updates to meet current code will need to be studied. The structure appears to have been greatly cut with areas removed and modified as needed for changing industrial equipment needs. See structural study.
- The interior is primarily comprised of a basement level with a large central opening to the ground floor and a single large tall space above with various adjacent mezzanine floors. There is an upper attic which has small metal access stairs for equipment access.
- Interior materials look to have had little damage from weather or roof leaks but have been exposed to industrial uses causing stains. The basement level looks to have been exposed to significant industrial fluids, smoke and stains.

SITE/LOCATION

- This structure is in a designated flood plain. Thus, any reuse of this building at the ground and lower levels can only include elements allowed by code to occupy the height of the flood plain. There are also implications to the ability to get insurance for an occupied use of the structure in this location. Any additions or modifications to this structure will also require analysis for regulatory agency approvals given the flood plain location and potential to modify water levels and flow.
- This location can be accessed by vehicles for construction work and future uses, with the note of special attention to the proximity and need for protection of the Dam and elevated Dam access drive.
- Access for emergency vehicles and firefighting equipment will need to be reviewed for approval with the Fire District but is relatively open on all sides if the building additions were to be removed.
- Given the potential for flooding and the location at the top of a large tailrace, this structure is in an environmentally sensitive area.
- New utility access for building systems will need to be studied for flood plain considerations.

SUMMARY:

- The flood plain location of this building dramatically limits the ground floor uses making the consideration of a reuse of this building, at the existing 1 story and basement, to be very difficult to consider.
- Architecturally, the basic building materials of the exterior frame are in relatively solid existing condition although extensively removed and modified, especially on the East side. If this building were to remain after removal of adjacent buildings on the West and East, a determination would need to be made at that time, once visible, to see the original remaining building and restoration required for consideration. The modifications noted above are significant and would require significant areas of repair and replacement.
- Overall, the long narrow floor plan with limited access has little application to a reuse.
- The implications of adding the required life safety and accessibility updates for a reuse are significant with the need for the addition of exit stairs (with strategic exterior emergency exit locations), elevators, bathroom facilities, structural, insulation and MEP systems.
- This is a relatively unique size of building with its central floor cutout. There is little opportunity to add a floor or mezzanine/or infill the floor opening and use the basement level given the above listed additional building access and system requirements and as there is no opportunity for exposure of windows with the current building design.
- A restorative or adaptive reuse rebuild of this building to current building codes and systems would be extremely expensive.

- RATING: (LOW / MEDIUM/ HIGH)
  - OPPORTUNITY FOR ADAPTIVE REUSE OF EXISTING STRUCTURE: LOW.
  - OPPORTUNITY FOR ADAPTIVE REUSE OF EXISTING STRUCTURE WITHIN TRIBE MASTERPLAN: LOW.

Willamette Falls Site
Oregon City, Oregon

Structural Assessment of Existing Structures



STRUCTURAL
REGISTERED PROFESSIONAL
ENGINEER
OREGON
MARCH 9, 2004
JASON M. THOMPSON

EXPIRES: 06/30/2024

catena project number: 2021027.01

August 2022

a connected series of related elements
1500 ne irving street • suite 412 • portland oregon 97232 • v 503. 467. 4980 • f 503. 467. 4797

Willamette Falls Site
Structural Assessment of Existing Structures

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0. Executive Summary

On behalf of The Confederated Tribes of the Grand Ronde (The Tribe), GBD Architects asked catena consulting engineers to perform structural assessments of ten (10) structures on the Willamette Falls site in Oregon City, Oregon, that were previously identified in the Oregon City 2014 Master Plan as candidates for full or partial retention and reuse. The ten structures considered are the Mill O building, the Hawley Building, the De-Ink/Mill B Building, the No. 4 Paper Machine Building, the Woolen Mill Foundations, the Flour Mill Foundations, the Digesters, the Horton Sphere, the Boilers, and the No. 1 Paper Machine Building. The locations of each structure are show in Figure 0.01 below.

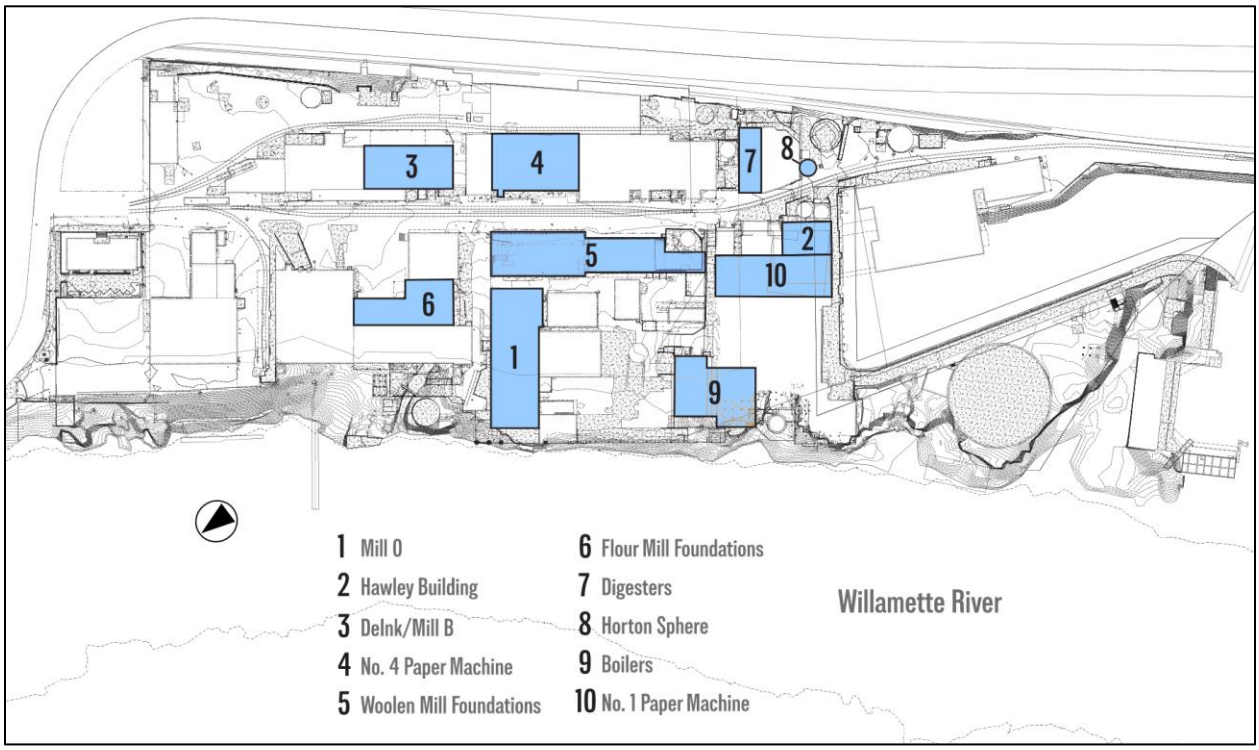


Figure 0.01: Willamette Falls Site Plan – Subject Structures

On February 4, April 13, and April 22, 2022, we conducted field reconnaissance with team members from GBD, Historical Research Associates, Inc., and The Tribe to observe and assess the general physical status and as-built conditions of the structures. Building structural components that were concealed within architectural finishes were not observed and some areas of the structures were inaccessible to view. No drawings of any of the structures were made available for our review.

The structural narrative report on the following pages is meant to describe these existing structures, their structural condition, their expected structural performance, and our opinion regarding their potential for renovation and/or adaptive reuse.

Our findings are summarized as follows:

- **Mill O Building:** This building has experienced significant structural damage due to unabated exposure to the elements. Collapse of a portion of its interior structure now results in a dangerous condition. A portion of the building is sited within the FEMA Special

Flood Hazard Area (SFHA) and virtually its entire footprint was inundated during the February 10, 1996, Willamette River flood. Significant structural strengthening will be required to repair and preserve the building, adapt it to future reuse, and provide for corresponding code-mandated flood and seismic resistance, and we believe such measures are unlikely to be cost-competitive when compared against the building's demolition and replacement.

- **Hawley Building:** Significant spalling and rebar corrosion was observed at the underside of the elevated ground floor. Demolition of the building will require re-support of the service road between it and the PGE dam immediately to the south. The entirety of the building's basement was inundated during the February 1996 flood. Significant structural strengthening will be required to repair and preserve the building, adapt it to future reuse, and provide for corresponding code-mandated flood and seismic resistance. We believe such measures are unlikely to be cost-competitive when compared against the building's demolition and replacement.
- **De-Ink/Mill B Building:** Significant spalling and rebar corrosion was observed at the underside of the high roof. The removal of a second floor some time ago likely compromises the structural capacity of the supporting columns and exterior walls. Significant structural strengthening will be required to repair and preserve the building, adapt it to future reuse, and provide for corresponding code-mandated seismic resistance. We believe such measures are unlikely to be cost-competitive when compared against the building's demolition and replacement.
- **No. 4 Paper Machine Building:** The primary structure of the building is in fair condition. While its interior volume may provide opportunity for added interior floor structure, significant structural strengthening will be required to repair and preserve the building, adapt it to future reuse, and provide for corresponding code-mandated seismic resistance. We believe such measures are unlikely to be cost-competitive when compared against the building's demolition and replacement.
- **Woolen Mill Foundations:** These stacked and mortared stone walls, some with clay masonry atop them, are in generally good condition as artifacts of the original Woolen Mill Building, but they may represent a fall hazard to passersby when subjected to a significant earthquake. Further evaluation and potential strengthening are warranted should they be preserved. We also recommend that the stability of the fill above the collapsed tailrace be evaluated.
- **Flour Mill Foundations:** These stacked and mortared stone walls, some with clay masonry atop them, are in generally good condition as artifacts of the original Flour Mill Building, but they may represent a fall hazard to passersby when subjected to a significant earthquake. Further evaluation and potential strengthening are warranted should they be preserved. Any preservation of the Flour Mill Foundations should consider the effects of potential flood inundation.
- **Digesters:** The digester tanks outwardly appear to be in fair condition, but we cannot ascertain their internal condition. Their heavy weight, tall/slender profile, and lack of anchorage to their footings make them a seismic risk. A comprehensive evaluation by a qualified expert is warranted to ascertain both internal condition and the potential presence of deleterious contents.
- **Horton Sphere:** The Horton Sphere is exhibiting corrosion resulting from its continued exposure to the elements. We cannot ascertain its internal condition. Its heavy weight and lack of anchorage to its foundation make it a seismic risk. A comprehensive

evaluation by a qualified expert is warranted to ascertain both internal condition and the potential presence of deleterious contents.

- **Boilers:** The boilers are outwardly exhibiting signs of corrosion. We cannot ascertain their internal condition. Their heavy weight and lack of anchorage to their supporting concrete podium slab make them a seismic risk. A comprehensive evaluation by a qualified expert is warranted to ascertain both internal condition and the potential presence of deleterious contents. The concrete podium construction supporting the boilers and the steel buildings that enshroud them is sited within the SFHA and its entire footprint was inundated during the February 1996 flood. Structural strengthening will be required to preserve the podium and its substructure, adapt it to future reuse, and provide for corresponding code-mandated flood and seismic resistance. As such, measures may not be cost-competitive when compared against demolition and replacement.
- **No. 1 Paper Machine Building:** The primary structure of the building is in fair condition. Demolition of the building will require re-support of the service road between it and the PGE dam immediately to the south. The entirety of the building's basement was inundated during the February 1996 flood. While there is opportunity for added interior floor structure, significant structural strengthening will be required to repair and preserve the building, adapt it to future reuse, and provide for corresponding code-mandated flood and seismic resistance. We believe such measures are unlikely to be cost-competitive when compared against the building's demolition and replacement.

In addition to providing further details of our findings, the subsequent pages of this report discuss general site characteristics and seismicity, soil liquefaction and lateral spread considerations, and flood considerations. Also discussed are code-mandated structural retrofit and repair triggers that are applicable to each of the building structures.

Note that any dates of original construction identified in this report are provided as a general reference to the age of structural materials. The reader is referred to the complemental report titled Blue Heron Mill Ten-Structures Evaluation by Historical Research Associates, Inc., for specific dates and timeline details.

1. Mill O

Building Structure Description:

Mill O is a two-story building with a partial third floor mezzanine and a split-level roof. We understand the Mill O Building was originally constructed in 1918.

The ground floor is elevated and consists of a concrete slab supported by steel beams and columns in the eastern half of the building and by nail-laminated timber decking, timber beams and steel pipe columns in the western half of the building.

A small basement with slab on grade was observed within the middle portion of the building footprint. While not accessible to view, it is possible this slab on grade extends to the east. Otherwise, the space beneath the elevated ground floor consists of an unfinished crawl space of soil, rock and/or riprap. Grade elevation drops rapidly towards the river within the western half of the crawl space and standing water was observed within this area. Interior foundations appear to consist of concrete spread footings, presumably cast atop the underlying basalt. Within the western half, these footings support concrete plinths atop which the steel pipe columns land. In some locations, the western-most steel pipe columns land atop concrete tie beams spanning between interior concrete plinths and the western-most exterior concrete wall (adjacent to the pipe chase). In all locations, the exterior concrete walls appear to be supported by concrete strip footings, also presumably cast atop the underlying basalt.

The second floor consists of nail-laminated timber decking and timber beams supported by steel columns. The third-floor mezzanine is also framed with nail-laminated timber decking and timber beams but supported by timber columns. The roof above is split into three levels, with a low roof on the north and south sides of the building and a pop-up gambrel roof in the center. The low roofs are framed with nail-laminated timber decking and timber beams, and the upper roof is supported by timber decking and trusses.

The steel columns throughout the building supporting the ground floor and second floor are of more recent construction than that of the original building and were likely installed as part of a renovation. We believe the same is true of the steel-framed portion of the ground floor and the concrete plinths and tie beams within the eastern portion of the crawl space.

Along the north, south and west sides of the building, the perimeter walls consist of concrete piers and spandrels with large windows. Some of the windows have been in-filled with CMU block. The east end of the building – at least one bay – was removed sometime after original construction; the perimeter wall on this side now consists of corrugated metal siding supported by light wood framing.

The Carpenter Shop to the south and a steel-framed canopy covering 3rd Street to the north are both physically connected to the perimeter walls of the Mill O Building. As these adjoining structures are not identified as candidates for potential full or partial retention and reuse, we assume they would be demolished should Mill O be preserved in any way.

Structural Condition:

While originally designed to be robust and capable of supporting heavy gravity loads from its use as a materials storage warehouse, the building has experienced significant disrepair due to prolonged unfettered rainwater intrusion. Portions of partial interior floor collapse are observable

from openings within the exterior walls. *In our opinion, the examples of partial interior collapse represent an overall dangerous condition, and we deem the building to be unsafe for entry.*

Other areas of rot decay were visible within other timber structural components of the building that have not yet collapsed. Some degree of corrosion was observed within steel framing elements. Significant cracking was observed within some areas of the ground floor concrete slab.

The concrete perimeter walls appeared generally to be in fair condition, although there were some areas that had significant cracks and spalls. For example, spalling indicative of reinforcing corrosion was observed within the spandrel beams of the perimeter concrete walls.

Expected Structural Performance:

While a detailed evaluation is required to form a definitive conclusion, we question the potential to preserve in place any of the structural components within the interior of the building as structural load-carrying members. The extent of disrepair represents a collapse hazard.

The perimeter concrete walls act as the building's primary lateral force resisting system. However, given the vintage of the building, we expect the piers and spandrels to be under-reinforced, with limited in-plane and out-of-plane strength, as well as limited ductility following initial damage during strong ground motion shaking. Further, the walls lack adequate connection to the floor and roof diaphragms. Therefore, the walls and any building components supported by them could be at risk of collapse when subjected to a major earthquake.

The split-level roof represents a discontinuity in seismic force resistance, and accordingly, the framing supporting the gambrel portion is likely to be overstressed and adjoining connections insufficient when resisting forces resulting from a major earthquake.

Last, there is no viable lateral force-resisting element along the east end of the building. As a result, the building currently appears to be laterally unstable and is at risk of collapse when subjected to strong ground motion shaking in the north-south direction.

Potential for Reuse of Existing Structure:

A portion of the Mill O Building lies within the Special Flood Hazard Area (SFHA) as defined by FEMA. A majority of the existing building footprint also falls within the inundation zone of the February 1996 flood. Therefore, the incorporation of flood-resistant construction within the affected areas of building structure is warranted should the building be preserved and renovated for reuse. For additional information, see the section titled **Flood Considerations** found on the subsequent pages of this structural narrative report.

A full demolition of all interior structural components may be warranted given the extent of disrepair. The perimeter concrete walls, if preserved, can be temporarily braced while floors and roofs are replaced with new structural framing and decking. However, these walls will require repair work and strengthening depending on the loading associated with any future building use. Common seismic strengthening measures include the introduction of reinforced shotcrete and cold-formed steel stud strong-back framing to the interior faces of wall.

The strip footings beneath the perimeter walls may also need to be strengthened and widened. In addition to mitigating flood risk, the introduction of rock anchors between wall footings and the underlying basalt may be warranted to prevent sliding of the structure down the slope in grade to the west during a major seismic event.

Last, the introduction of lateral force-resisting elements, such as steel braced frames, steel moment frames, or reinforced concrete/CMU shear walls, is required along the east end of the building.

Repairing and strengthening any existing-to-remain structure and foundations of the Mill O Building to support its future reuse may be cost-prohibitive when compared against the building's demolition and replacement. But further study – including that by a qualified construction cost estimator – is required to make this determination.



Figure 1.01: Mill O – South Side from Service Yard (Pipe and Carpenter Shops in foreground)



Figure 1.02: Mill O – East Side from 3rd Street



Figure 1.03: Mill O – West Side from Pipe Chase



Figure 1.04: Mill O – Cracks and Spalling, North Side from 3rd Street



Figure 1.05: Mill O – Partial Interior Collapse

2. Hawley Building

Building Structure Description:

The Hawley Building is a four-story concrete building measuring approximately 76 feet by 76 feet in plan. We understand the Hawley Building was originally constructed in 1917.

The elevated floors of the Hawley Building consist of a one-way concrete slab supported by concrete joists and beams in turn supported by interior concrete columns and exterior concrete wall piers. The columns are spirally reinforced.

The roof is primarily framed with plywood sheathing, dimensional 2x wood purlins and timber beams supported by interior timber columns and exterior concrete wall piers. The plywood roof sheathing does not appear to be part of the original building structure, and it is possible that neither are the dimensional 2x roof purlins. One or both may have been installed to replace deteriorated original timber decking or framing.

On all sides of the building, the perimeter walls consist of concrete piers and spandrels with some degree of infill – whether via original concrete walls or via subsequent CMU block.

Footings beneath columns and wall piers are mostly obscured below a partial basement slab on grade with integrally-cast ramps, steps, curbs, and housekeeping pads. In a few cases, a portion of the footings protrude above the slab. The footings are presumably cast atop the underlying basalt.

The steel-framed Bleach Plant Building to the north and the steel-framed and timber-decked No. 1 Paper Machine Building roof to the west are both physically connected to the perimeter walls of the Hawley Building. The elevated ground floor of the No. 1 Paper Machine Building and the Hawley Building is coplanar and contiguous. As the Bleach Plant Building is not identified as a candidate for potential full or partial retention and reuse, we assume it would be demolished should the Hawley Building be preserved in any way. Should either or both the Hawley Building and No. 1 Paper Machine Building be preserved, the structural interaction between the two must be considered.

The elevated ground floor structure of the Hawley Building participates in the support of the coplanar service road between it and the Portland General Electric (PGE) dam to the south. The dam itself appears to be a mass concrete gravity wall with a structural capacity wholly independent from the Hawley Building construction. Regardless, any demolition of the Hawley Building should consider the potential influence its basement slab on grade and adjacent footings may have on the sliding resistance of the dam base, and it will result in the need for supplemental support of the service road.

Structural Condition:

A significant amount of concrete spalling and rebar corrosion is evident at the underside of the ground floor slab, joists, and beams of the Hawley Building. Without a plan to impede the continued exposure to rainwater, this type of structural disrepair will only continue to get worse and could lead to a dangerous condition. Otherwise, the balance of the superstructure appears to be in fair to good shape at this time, and only occasional examples of concrete spalling and underlying rebar corrosion were observed in locations other than that mentioned.

Signs of water intrusion through the roof is evident, as is varying degrees of rot damage to timber-framed roof components in some locations. A thorough investigation is required to determine the necessary extent of repair and/or replacement; such investigation is beyond the scope of this report.

Expected Structural Performance:

The concrete floors and columns within the Hawley Building appear to be very robust and are likely adequate to resist significant gravity loads.

The light-wood-framed roof structure may be insufficient to support current code-level design snow and wind loads without strengthening.

When designed in accordance with current building code requirements, concrete columns within buildings in high seismic regions incorporate closely spaced ties. These ties serve to confine the concrete within the core of these elements when they are subjected to horizontal displacements and corresponding rotations associated with a major seismic event. This confinement facilitates collapse prevention and the ongoing resistance to imposed gravity loads even after earthquake-related damage. While spirally reinforced, the concrete columns within the Hawley Building may nonetheless fail to ensure the same degree of ductility and collapse prevention as columns designed, detailed and constructed to today's code standards.

The perimeter concrete walls act as the building's primary lateral force resisting system. However, we expect the piers and spandrels to be under-reinforced by today's state-of-the-practice, and therefore of limited in-plane and out-of-plane strength and ductility. Further, the walls lack adequate connection to the timber-framed roof diaphragm and the parapets are unbraced. Therefore, the upper-most portions of walls, any roof components supported by them, and the parapets may be at risk of collapse when subjected to a major earthquake.

The roof diaphragm has a pop-up portion in its far southwest corner. This represents a discontinuity in seismic force resistance, and accordingly, the plywood sheathing may be locally overstressed and at risk of localized failure and potential collapse.

Last, at the ground floor, the eastern-most wall of the No. 1 Paper Machine building participates in the seismic restraint of the Hawley Building. Therefore, demolition of the No. 1 Paper Machine building but preservation of the Hawley Building will require the addition of reinforced concrete shear wall infill along the west side of the Hawley Building at the ground floor and basement levels.

Potential for Reuse of Existing Structure:

While the Hawley Building does not lie within the Special Flood Hazard Area (SFHA) as defined by FEMA, its basement elevation is below the expected 100-year flood elevation and the entirety of the building's basement was inundated during the February 1996 flood. Therefore, the incorporation of flood-resistant construction within the affected areas of building structure is warranted should the building be preserved and renovated for reuse. For additional information, see the section titled **Flood Considerations** found on the subsequent pages of this structural narrative report.

As mentioned above, the concrete floors and columns are likely to be able to resist the code-level gravity design loads associated with a future building reuse. However, should the concrete columns prove insufficient in meeting the current code's seismic ductility requirements, the

introduction of fiber-reinforced polymer (FRP) "jackets" around these columns may be warranted.

Also as mentioned above, the roof structure may require strengthening and/or partial replacement. Any disrepair within other existing structural members must be addressed.

The installation of a new code-compliant elevator and stair(s) will likely require local structural retrofit such as the installation of new horizontal steel or concrete head-off framing and/or the installation of FRP slab strengthening measures.

It appears that some locations of the exterior concrete walls will require repair work and strengthening depending on the loading associated with any future building use. Common seismic strengthening measures include the introduction of reinforced shotcrete and cold-formed steel stud strong-back framing to the interior faces of wall.

Even if its floor plates, column spacing, and overall square footage were to accommodate a future reuse, repairing and strengthening any existing-to-remain structure and foundations of the Hawley Building to support its future reuse may be cost-prohibitive when compared against the building's demolition and replacement. Further study – including that by a qualified construction cost estimator – is required to make this determination.



Figure 2.01: Hawley Building – South and East Sides



Figure 2.02: Hawley Building – Interior, including Timber-Framed Roof



Figure 2.03: Hawley Building – Basement (PGE Dam on Left, Service Road Above)

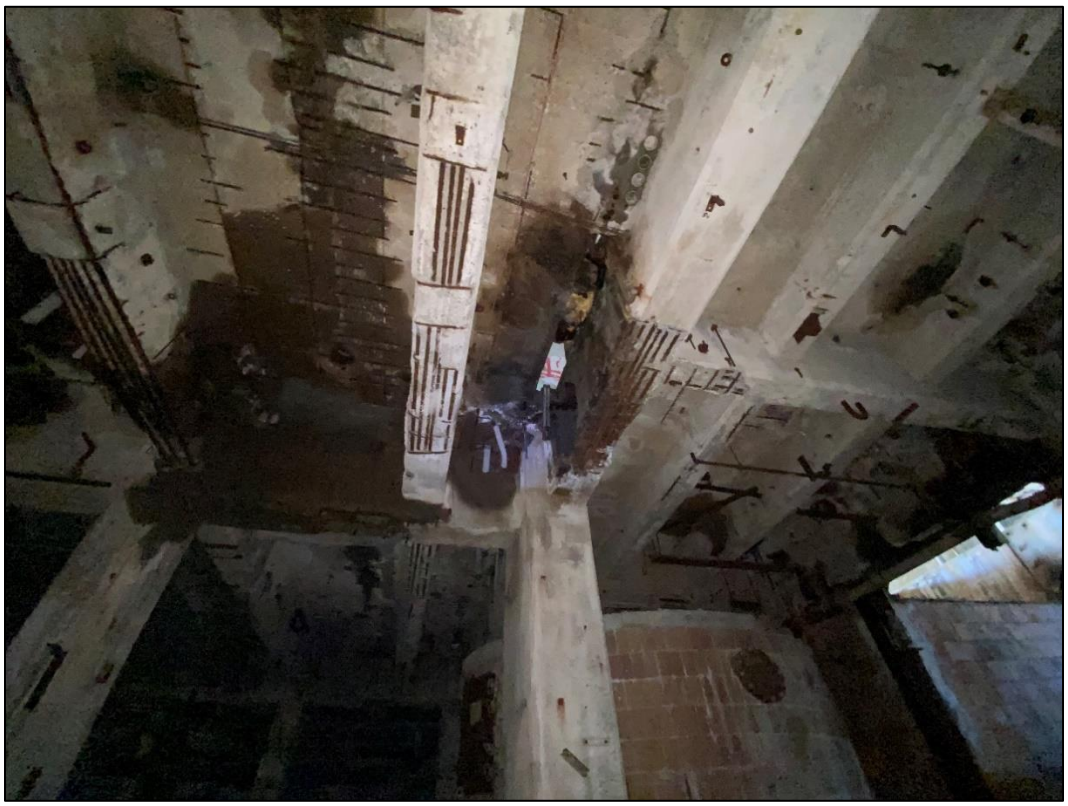


Figure 2.04: Hawley Building –Spalling and Corrosion at Underside of Ground Floor

3. De-Ink / Mill B

Building Structure Description:

The De-Ink / Mill B Building is rectangular in plan and contains a tall single-story volume at the west side and a taller three-story volume at the east side, thereby creating a step in the roof. We understand the building was originally constructed in 1927. It appears that sometime thereafter, a second floor was removed at the west side of Mill B to create the tall single-story volume. It further appears that two bays of this second floor at the north end of the building were rebuilt sometime later to serve as mezzanines. These rebuilt mezzanines consist of one-way concrete slabs supported by structural steel purlins and beams.

The roof of the single-story portion is framed with a one-way concrete slab, concrete joists, and deep concrete beams that clear span the volume. The three-story portion of the building is framed with a one-way concrete slab, periodically spaced concrete joists, and concrete girders.

The perimeter of the building consists of concrete columns and spandrels with large window openings. These openings were infilled with CMU block after the building's original construction. A single row of interior columns supports the interface between the single-story and three-story volumes. We assume the foundations consist of concrete spread and strip footings.

The steel-framed De-Ink ONP Repulper Building to the north (and extending around the west) and the steel-framed North Substation Building to the east are both physically connected to the perimeter walls of the De-Ink/Mill B Building. As these adjoining structures are not identified as candidates for potential full or partial retention and reuse, we assume they would be demolished should the De-Ink/Mill B Building be preserved in any way.

Structural Condition:

At the upper-most floor of the three-story volume, a significant amount of concrete spalling and rebar corrosion is evident at the underside of the roof slab and joists. Without a plan to impede the continued exposure to rainwater, this type of structural disrepair will only continue to get worse and may lead to a dangerous condition.

Otherwise, despite evidence of some spalling and underlying rebar corrosion that may require remediation, the concrete structural components within the remainder of the building exhibit only minor cracking and predominantly appear to be in fair to good shape.

Expected Structural Performance:

The concrete floors and columns within the De-Ink/Mill B Building appear to be very robust and, except for the columns along the west exterior wall, we expect them to be adequate to resist significant gravity loads.

Along the west exterior wall, the removal of the second floor creates a column span condition greater than that considered in the original design of the building structure. While these columns have successfully remained in place without observable distress since the time of that floor removal, they may nonetheless be inadequate to resist code-level loading, especially when considering seismic loads. Further evaluation is warranted.

The concrete columns within the De-Ink/Mill B Building are unlikely to have closely spaced and adequately detailed ties to ensure collapse prevention when the building is subjected to ground motions from a major earthquake.

The offset planes between mezzanines, floors and roofs create discontinuities that are likely to translate into poor overall seismic performance of the building.

Last, the perimeter concrete walls act as the building's primary lateral force resisting system. However, we expect the piers and spandrels to be under-reinforced by today's state-of-the-practice, and therefore of limited in-plane and out-of-plane strength and ductility.

Potential for Reuse of Existing Structure:

The roof of the three-story volume will need significant repair and perhaps complete replacement. Any disrepair within other existing structural members must be addressed.

Should the concrete columns prove insufficient in meeting the current code's seismic ductility requirements, the introduction of fiber-reinforced polymer (FRP) "jackets" around these columns may be warranted.

It appears that some locations of the exterior concrete walls will require repair work and strengthening depending on the loading associated with any future building use. Common seismic strengthening measures include the introduction of reinforced shotcrete and cold-formed steel stud strong-back framing to the interior faces of wall.

Even if its floor plates, column spacing, and overall square footage were to accommodate a future reuse, repairing and strengthening any existing-to-remain structure and foundations of the De-Ink/Mill B Building to support its future reuse may be cost-prohibitive when compared against the building's demolition and replacement. Further study – including that by a qualified construction cost estimator – is required to make this determination.



Figure 3.01: De-Ink/Mill B – West Side from Main Street



Figure 3.02: De-Ink/Mill B – North and East Sides



Figure 3.03: De-Ink/Mill B – South and East Sides

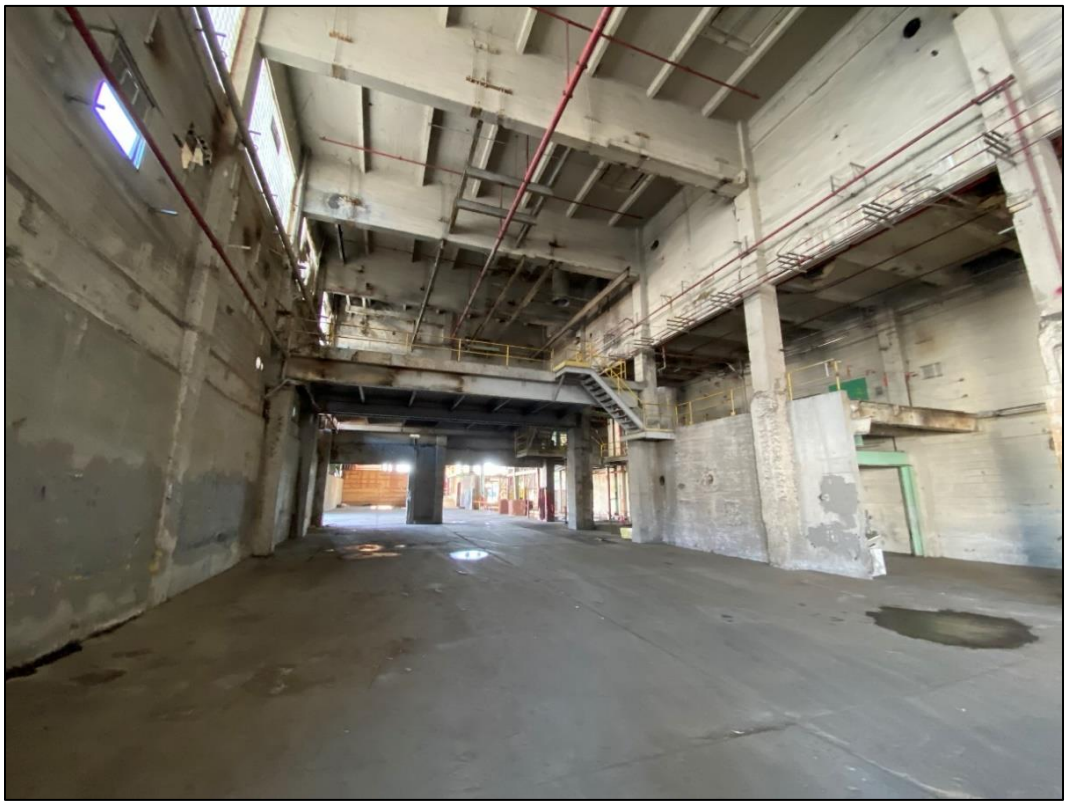


Figure 3.04: De-Ink/Mill B – Interior, Looking North (Mezzanine in Background)



Figure 3.05: De-Ink/Mill B – Spalling and Corrosion at Underside of High Roof

4. No. 4 Paper Machine

Building Structure Description:

The No. 4 Paper Machine Building is rectangular in plan and contains a large single-story volume with a full basement. There is also a mezzanine level that extends along the full length of the east side. We understand the building was originally constructed in 1928. Following its original construction, the building was extended to the north and south.

The ground floor consists of a slab on grade at a half-story elevation lower than exterior grade along Main Street to the west. The elevation of the second floor is a half-story above exterior grade along Main Street, and its construction consists of a one-way concrete slab with joists and beams supported by concrete columns. A large full-length opening is centered within the second-floor slab.

The roof framing consists of timber decking, steel purlins, and large steel trusses that clear span between the building's east and west exterior walls.

The exterior walls along the east and west sides consist of concrete columns and spandrels with large window openings, some of which have been infilled with CMU block. There are no walls along the north and south sides of the building, as these ends open directly into the building additions.

The mezzanine construction consists of concrete slabs and beams supported by a combination of both steel and concrete columns.

There is a small wood framed pop-up portion of the roof at the northeast corner to accommodate a mechanical room.

The concrete and steel-framed building additions to the north and south of the No. 4 Paper Machine Building, as well as the Finishing Room and Warehouse buildings to the east and building appendages to the west, all physically connect to the perimeter walls of the No. 4 Paper Machine Building structure. As these adjoining structures are not identified as candidates for potential full or partial retention and reuse, we assume they would be demolished should the No. 4 Paper Machine building be preserved in any way.

Structural Condition:

Overall, the primary structure of the building is in fair condition. The ground floor slab shows considerable wear from the industrial use of the building but does not appear to have suffered any significant structural damage. Some minor corrosion, cracking, and spalling was observed in some locations at the underside of the second-floor slab and at various columns.

Expected Structural Performance:

The concrete mezzanine and floors along with their supporting columns appear to be very robust and are likely adequate to resist significant gravity loads. However, the mezzanine columns are unlikely to have closely spaced and adequately detailed ties to ensure collapse prevention when the building is subjected to significant ground motions during a major earthquake.

The perimeter concrete walls act as the building's primary lateral force resisting system in the north-south direction. However, we expect the piers and spandrels to be under-reinforced by

today's state-of-the-practice, and therefore of limited in-plane and out-of-plane strength and ductility.

Along the west exterior wall, the open volume within the building results in tall column spans and unbraced spandrel-to-pier wall connections. Therefore, we expect these columns to be unable to effectively resist code-level out-of-plane seismic forces. Further, the perimeter walls likely lack adequate connection to the roof decking and steel trusses. As a result, the ability of the roof diaphragm to adequately transfer in-plane seismic loads to these walls is questionable, and these walls are at risk of pulling away from the roof when subjected to a major earthquake.

Without a plywood sheathing overlay, the original straight wood roof decking is unlikely to have sufficient diaphragm capacity. Localized damage to roof components may therefore result when the diaphragm is subjected to significant lateral forces.

Other than column bending, there is no discernable lateral force-resisting system to support the concrete mezzanine when subjected to seismic loads in the east-west direction. These columns are unlikely to have sufficient bending capacity for this purpose.

Last, there appears to be insufficient lateral support of the building in the east-west direction. While a steel braced frame was added to the building after its original construction, perhaps when the building was extended northward, it appears undersized for adequate resistance of code-level tributary lateral loads, and the roof diaphragm connection to the frame is also likely to be inadequate. On the south side, where the building adjoins its taller addition, there is an absence of any primary lateral force-resisting element in the east-west direction. As a result, the building currently appears to be laterally unstable and is at risk of collapse when subjected to strong ground motion shaking in the east-west direction.

Potential for Reuse of Existing Structure:

The ground floor slab on grade may need replacement, or at the very least, a leveling topping.

It is structurally feasible to infill the large opening within the second floor to increase floor area. Any expansion of the existing mezzanine to create a third floor will certainly require new supporting structure and/or strengthening of existing structural members, but it could also help brace the west exterior wall when resisting out-of-plane loads. Any disrepair within existing structural members must be addressed.

The building has a significant number of seismic deficiencies that will require remediation with any future use. Such measures may include, but not necessarily be limited to: a) the addition of FRP "jackets" to the mezzanine columns; b) the addition of shotcrete walls or other viable lateral force-resisting measures along the east and west perimeter walls; c) the addition of steel strong-backs behind perimeter wall piers; d) the strengthening of the connections between exterior walls and roof decking and steel beams; e)the addition of plywood sheathing atop the existing roof decking, and; f) the addition of east/west-oriented lateral force-resisting elements (steel braced frames or infill reinforced concrete walls) to support both the mezzanine and overall building.

Even if its floor plates, column spacing, and overall square footage were to accommodate a future reuse, repairing and strengthening any existing-to-remain structure and foundations of the No. 4 Paper Machine Building to support its future reuse may be cost-prohibitive when compared against the building's demolition and replacement. Further study – including that by a qualified construction cost estimator – is required to make this determination.



Figure 4.01: No. 4 Paper Machine – West Side from Main Street



Figure 4.02: No. 4 Paper Machine – South Expansion, West Side from Main Street



Figure 4.03: No. 4 Paper Machine – Interior, Looking North



Figure 4.04: No. 4 Paper Machine – South Expansion Interior, Looking North

5. Woolen Mill Foundations

Structure Description:

The Woolen Mill Foundations consist of rough-hewn mortared and stacked basalt gravity walls that once supported the Woolen Mill Building along the west side of Main Street. We understand the Woolen Mill was originally constructed in two phases, with the southern-most Woolen Mill 'A' built in or around 1863 and Woolen Mill 'B' built immediately to its north in 1888. Except as described below, the foundation walls are the only portion of the Woolen Mill Building structure that remain.

Some of the walls are fully exposed to the elements. Others are covered by the presence of adjacent pre-engineered metal building construction. There are various door and window openings within some of the walls; many of these have since been infilled with CMU block or concrete. In some western-most locations, the original multi-wythe clay brick wall construction of the Woolen Mill Building remain atop the stacked basalt foundation walls.

Since its original construction, the elevation of Main Street has been raised through the introduction of soil fill. The far south portion of the Woolen Mill, above the tailrace, is also filled – perhaps since original construction – within the building footprint. As a result, it appears the foundation walls immediately along the west side of Main Street and those immediately south and west of the tailrace actively restrain lateral soil pressures from the adjacent fill. Otherwise, except for the weight of any clay brick as mentioned above, the foundation walls are primarily subjected to only their own self weight.

In all cases, the walls cantilever from their base.

Structural Condition:

The condition of the Woolen Mill foundation walls varies. Those foundation walls fully exposed to the elements are covered with moss, ferns, and other flora. In these cases, the mortar between stone units is likely to be in poor condition. Those foundation walls covered by adjacent building construction appear to be in fair condition.

Expected Structural Performance:

The foundation walls support their own gravity self-weight, and that very self-weight must counteract any lateral forces that the walls may be subjected to due to soil pressure or earthquakes. The foundation walls adjacent to Main Street thus far appear to have successfully counteracted lateral soil pressures due to the fill beyond and any surcharge acting upon it. That said, these and all the Woolen Mill Foundation walls have yet to be subjected to significant dynamic seismic forces, including those that may occur from potential liquefaction. Their capacity to effectively resist these seismic loads without strengthening is therefore in doubt. For additional information regarding potential liquefaction risk to the Woolen Mill foundation walls, see the section titled **Soil Liquefaction and Lateral Spread Considerations** found on the subsequent pages of this structural narrative report.

At the least, lintels and headers are expected to perform poorly in a major seismic event, potentially dislodging laterally, possibly pulling adjoining jambs with them, and therefore presenting a fall hazard to passersby.

Potential for Reuse of Existing Structure:

We recommend that the Woolen Mill foundation walls be further evaluated to determine whether they can effectively resist code-level seismic forces (in addition to lateral soil surcharge pressures, where applicable) as cantilevered gravity elements. If they cannot, structural strengthening is warranted for: a) those walls adjacent to Main Street, unless it is to be lowered back to its original grade; and b) those walls near which people are expected to be.

The Woolen Mill foundation walls can be preserved, either as standalone artifacts or as elements integrated into new building construction. But in no case shall the existing foundation walls be subjected to additional superimposed loads beyond those to which they are presently subjected unless structural strengthening measures are implemented. In no case shall the existing foundation walls be subject to additional superimposed loads beyond those from which they are presently subjected unless structural strengthening measures are implemented.

Structural strengthening measures may include one or a combination of center-core vertical reinforcing, the introduction of structural steel framing to which one side of the wall can be anchored at periodic spacing, and the application of reinforced shotcrete to one side of the wall.

The original tailrace near the far southern edge of the building has collapsed and soil from the fill above is visible within its arched opening through the western foundation wall; however, the top surface of fill within the building footprint above appears to remain approximately level. Therefore, we recommend that any preservation of this area of the Woolen Mill Foundation includes verification by a qualified geotechnical engineer that the fill above the collapsed tailrace will remain stable. We believe the elevation of the tailrace is below that of the FEMA-defined 100-year flood and was presumably inundated during the February 1996 flood. Any analysis of the fill should include an evaluation of its stability when subjected to a potential flood. For additional information, see the section titled **Flood Considerations** found on the subsequent pages of this structural narrative report.



Figure 5.01: Woolen Mill Foundations – South End (West Side) at Tailrace



Figure 5.02: Woolen Mill Foundations – West Side, Clay Masonry Construction Above



Figure 5.03: Woolen Mill Foundations – West Side from Service Yard



Figure 5.04: Woolen Mill Foundations – Looking South, Main Street on Opposite Side of Wall



Figure 5.05: Woolen Mill Foundations – Looking North, Main Street on Opposite Side of Wall

6. Flour Mill Foundations

Structure Description:

The Flour Mill Foundations consist of rough-hewn mortared and stacked basalt gravity walls that once supported the Flour Mill Building along the north side of 3rd Street.

We understand the Flour Mill Building was originally constructed in 1866. A warehouse was added to the northern end of the building in 1869 and a small single-story turbine addition was added in 1879. In 1910, the No. 2 Paper Machine Building was constructed within the footprints of the original Flour Mill Building and warehouse, and it extends a bit beyond to the east. Two elevated concrete slabs of the No. 2 Paper Machine Building, their supporting columns and footings all remain. The inside faces of the original Flour Mill foundation walls, as well as remnants of equipment used during its operation, are visible within the basement/crawlspace beneath the lowest elevated slab. The outside face of the western foundation wall is visible from within the adjoining No. 3 Paper Machine Building.

Except for remnants of the building's original above-grade multi-wythe clay masonry walls stacked above them – primarily along the east and west sides – these foundation walls are the only remnants of the original Flour Mill Building structure that remain. There are various door and window openings within some of the walls; many of these have been since infilled with CMU block or concrete.

Since its original construction, 3rd Street has been filled and its elevation raised. As a result, it appears the Flour Mill foundation walls immediately along the north side of 3rd Street actively restrain lateral soil pressures from the adjacent fill. It appears the same is true of the foundation walls along the east side of the original building footprint. Otherwise, except for the weight of any clay brick as mentioned above, the foundation walls are primarily subjected to only their own self weight. In all cases, the walls cantilever from their base.

The western clay masonry wall of the original Flour Mill Building is shared with the adjoining No. 3 Paper Machine Building constructed in 1913. It appears that concrete columns were cast within this original masonry wall at that time to support the additional tributary building loads. As the No. 3 Paper Machine Building is not identified as a candidate for potential full or partial retention and reuse, we assume it would be demolished should the original Flour Mill foundation walls in this location be preserved in any way. We further assume that the scope of potential preservation relating to the Flour Mill Building includes only its basalt foundation walls and not the portions of clay masonry walls above them.

Structural Condition:

The inside faces of Flour Mill foundation walls appear to be in fair condition, perhaps a result of some nominal protection afforded by the elevated slabs of the No. 2 Paper Machine Building above it. That said, both elevated slabs of the No. 2 Paper Machine Building are in very poor condition with evidence of extensive rebar corrosion and deteriorating concrete resulting from their continued exposure to the elements above. *As a result, while these elevated slabs remain, we recommend against prolonged occupancy of the spaces below until temporary shoring can be installed.*

Expected Structural Performance:

As with the Woolen Mill foundation walls, the Flour Mill foundation walls support their own gravity self-weight, and that very self-weight must counteract any lateral forces due to soil pressure or

earthquakes. As mentioned, the perimeter grade along the east and south sides of the building was raised since original construction of the building; therefore, the foundation walls along these extents have been at least partially below adjacent perimeter grade for some time. These walls thus far appear to have successfully counteracted lateral soil pressures due to this fill and any surcharge acting upon it. That said, these and all the Flour Mill Foundation walls have yet to be subjected to significant dynamic seismic forces, including those that may occur from potential liquefaction. Their capacity to effectively resist these seismic loads without strengthening is therefore in doubt. For additional information regarding potential liquefaction risk to the Flour Mill foundation walls, see the section titled **Soil Liquefaction and Lateral Spread Considerations** found on the subsequent pages of this structural narrative report.

Any lintels and headers within the foundation walls are expected to perform poorly in a major seismic event, potentially dislodging laterally, possibly pulling adjoining jambs with them, and therefore presenting a fall hazard to any occupants who may be passing nearby.

Potential for Reuse of Existing Structure:

We recommend that the Flour Mill foundation walls be further evaluated to determine whether they can effectively resist code-level seismic forces (in addition to lateral soil surcharge pressures, where applicable) as cantilevered gravity elements. If they cannot, structural strengthening is warranted for: a) those walls that will remain below adjacent grade; and b) those walls near which people are expected to be.

The Flour Mill foundation walls can be preserved, either as standalone artifacts or as elements integrated into new building construction. But in no case shall the existing foundation walls be subjected to additional superimposed loads beyond those to which they are presently subjected unless structural strengthening measures are implemented.

Structural strengthening measures may include one or a combination of center-core vertical reinforcing, the introduction of structural steel framing to which one side of the wall can be anchored at periodic spacing, and the application of reinforced shotcrete to one side of the wall.

We believe the elevation of the Flour Mill's basement/crawlspace is below that of the FEMA-defined 100-year flood and was presumably inundated during the February 1996 flood. Therefore, any potential preservation of the Flour Mill foundation walls should consider the effects of potential flood inundation. For additional information, see the section titled **Flood Considerations** found later in this report.



Figure 6.01: Flour Mill Foundations – Basement, Looking East



Figure 6.02: Flour Mill Foundations – Ground Floor, Southern Wall



Figure 6.03: Flour Mill Foundations – Atop No. 2 Paper Machine 2nd Floor Slab, Looking East



Figure 6.04: Flour Mill Foundations – No. 2 Paper Machine 1st Floor Slab, Rebar Corrosion

7. Digesters

Structure Description:

At the east side of Main Street, just south of the South Addition to the No. 4 Paper Machine Building, is a tall light steel building, rectangular in plan, that enshrouds six (6) cylindrical-shaped vertical pulp digester tanks fabricated from riveted steel plate. Each digester tank is approximately 6 feet in diameter. The steel building incorporates over its footprint a single elevated concrete slab as a working platform for access to the feeder openings atop each tank. Above this platform, the building further supports five large, inverted pyramid-shaped hoppers constructed of wood decking and steel framing – one aligned above each digester tank – from which wood pellets would feed the digesters when in operation. The adjacent Sulphite Plant Building to the south is integrally connected to the steel building enshrouding the digesters.

Each pulp digester tank is self-supported via integrally fabricated legs and baseplates. The baseplates rest atop concrete pedestals. It is unclear whether the concrete pedestals are further supported by below-grade footings. The steel building that enshrouds the pulp digesters does not contribute to the structural support of the tanks.

For the purposes of this report, we assume the identification of candidacy for preservation and reuse applies only to the pulp digester tanks as standalone objects and does not apply to the steel building that enshrouds them or the Sulphite Plant structure to the south.

We cannot ascertain whether the tanks have been emptied of all contents.

Structural Condition:

The digester tanks outwardly appear to be in fair condition, likely the result of the weather protection afforded by the steel building that enshrouds them. We observed some degree of corrosion at and around the top feeder openings. We have no way to conduct observations of the insides of the tanks and therefore cannot ascertain their internal condition.

Expected Structural Performance:

From a gravity load-resisting perspective, the digester tanks clearly remain capable of supporting their own self-weight. Given their tall and relatively slender shape, their heavy weight, and a lack of supplemental anchorage between their baseplates and concrete pedestals, the ability of the tanks and their legs to effectively resist horizontal and overturning forces resulting from a significant seismic event is doubtful.

Potential for Reuse of Existing Structure:

As standalone objects, the digesters can remain in place if desired or they can be relocated. We highly recommend that a comprehensive evaluation by a qualified expert be conducted to ascertain both internal condition and the potential presence of deleterious contents. Further structural analysis is warranted to determine their effectiveness in adequately resisting current code-level seismic design loads. At a minimum, we expect their anchorage into concrete pedestals and/or footings to require strengthening and their footings to require widening. Should their preservation leave them exposed to weather, mitigation against further corrosion may be warranted.



Figure 7.01: Digesters – Ground Floor, Looking East



Figure 7.02: Digesters – Intermediate Level, Looking East



Figure 7.03: Digesters – Hopper Level, Looking East



Figure 7.04: Digesters – Leg Bases (Multiple Types)

8. Horton Sphere

Structure Description:

Just south of the Sulphite Plant Building mentioned above is a single standalone spherical acid accumulator tank known as the Horton Sphere. The Horton Sphere is fabricated from riveted steel plate, is approximately 30 feet in diameter, and is self-supported by ten (10) integral steel I-shaped legs founded atop what appears to be a single circular concrete mat footing.

We cannot ascertain whether the tank has been emptied of its contents.

Structural Condition:

Corrosion was observed over a significant portion of the Horton Sphere. This is unsurprising given that the object is fully exposed to weather. We have no way to conduct observations of the inside of the tank and therefore cannot ascertain its internal condition.

Expected Structural Performance:

From a gravity load-resisting perspective, the Horton Sphere clearly remains capable of supporting its own self-weight. Further assessment is needed to determine whether the extent of corrosion is detrimental to its continued structural performance.

The bases of the tank legs do not employ supplemental anchors into the concrete footing below. The ability of the tank legs to effectively resist horizontal and overturning forces resulting from a significant seismic event is doubtful.

Potential for Reuse of Existing Structure:

As a standalone object, the Horton Sphere can remain in place if desired or it can be relocated. We highly recommend that a comprehensive evaluation by a qualified expert be conducted to ascertain both internal condition and the potential presence of deleterious contents. Further structural analysis is warranted to determine the effectiveness of the tank and its legs to adequately resist current code-level seismic design loads. At a minimum, we expect it to need supplemental anchorage into its concrete foundation. Should its preservation leave it exposed to weather, mitigation against further corrosion may be warranted.



Figure 8.01: Horton Sphere – Looking East



Figure 8.02: Horton Sphere – Typical Leg Base

9. Boilers

Structure Description:

Multiple boilers of welded and bolted steel construction are enshrouded within the conjoined Boiler Plant and the Recovery Boiler steel-framed building structures. The boilers themselves are rectangular in plan and approximately 16 feet in height. The building structures surrounding the boilers presumably served to facilitate their operations and maintenance while providing weather protection.

Steel chimney stacks extend from the tops of the boilers and through the building roofs. Steel cable guywires brace these stacks in multiple directions down to roof members of the Boiler Plant and Recovery Boiler buildings as well as to adjacent structures.

Both the boilers and the steel-framed Boiler Plant and Recover Boiler buildings surrounding them bear atop the upper-most podium level of a multi-story concrete structure consisting of elevated slabs, beams, and columns. Columns are founded atop shallow spread footings bearing directly atop the basalt below. Between grade elevation and the lower level, an intermediate gridwork of concrete tie beams connect adjacent columns together, reducing their unbraced length.

We cannot ascertain whether the boilers have been emptied of all contents.

Our assessment pertains to the concrete podium and its substructure to support future building loads, as well as the boilers themselves as objects that may either remain in place or be relocated.

Structural Condition:

Despite some weather protection afforded by the steel buildings that enshroud them, the boilers are exhibiting signs of corrosion. We have no way to conduct observations of the insides of the boilers and therefore cannot ascertain their internal condition.

The chimney stacks and those guywire anchors that we were able to observe have experienced significant corrosion. This is unsurprising given that these stacks and guywires are fully exposed to weather.

The concrete platform and its substructure appear to be in good condition. The steel construction that enshrouds the boilers is in fair condition but is not water-tight and some evidence of corrosion was observed.

Expected Structural Performance:

The concrete floors, beams and columns of the podium structure appear to be robust and, without signs of significant disrepair, presumably remain capable of supporting the gravity loads for which they were originally designed. Since its original design and construction, the knowledge of seismicity in the area has increased significantly, and there has been considerable advancement in code-mandated seismic detailing to ensure an appropriate level of post-elastic ductility. Therefore, we expect there to be inherent seismic deficiencies with its original design and construction.

From a gravity load-resisting perspective, the boilers clearly remain capable of supporting their own self-weight. Given their heavy weight and a lack of supplemental anchorage to the concrete podium slab supporting them, the ability of the boilers to effectively resist horizontal

and overturning forces resulting from a significant seismic event is doubtful. Further, the design of the chimney stack guywires and their anchorages are unlikely to meet today's code standards and may therefore be at risk of failure when subjected to significant wind or seismic forces.

Potential for Reuse of Existing Structure:

The Boiler Plant and Recovery Boiler buildings lie within the Special Flood Hazard Area (SFHA) as defined by FEMA, and the entirety of the concrete substructure was inundated during the February 1996 flood. Therefore, the incorporation of flood-resistant construction is warranted should the podium and its substructure be preserved and renovated for reuse. For additional information, see the section titled **Flood Considerations** found on the subsequent pages of this structural narrative report.

Any reuse of the concrete podium and its substructure will require strengthening to mitigate seismic deficiencies. Seismic strengthening measures common to these types of structures include the addition of new reinforced concrete shear walls and/or the addition of reinforced shotcrete to the face of existing walls. In addition to mitigating flood risk, foundation enlargement and the introduction of rock anchors between wall footings and the underlying basalt may be warranted to prevent sliding of the structure down the slope in grade to the west during a major seismic event.

The Boiler Plant and Recovery Boiler buildings may be at risk of potential liquefaction and lateral spread of the soil and debris fill beneath the adjacent Service Yard to the north. For additional information, see the section titled **Soil Liquefaction and Lateral Spread Considerations** found later in this report.

The cost of strengthening and potentially altering the existing podium structure and its foundations may not be competitive when compared against the cost of the structure's demolition and replacement. Further study – including that by a qualified construction cost estimator – is required to make this determination.

As for the boilers themselves as standalone objects, they can remain in place if desired or can be relocated. We highly recommend that a comprehensive evaluation by a qualified expert be conducted to ascertain both internal condition and the potential presence of deleterious contents. Further structural analysis is warranted to determine the effectiveness of the boilers to adequately resist current code-level seismic design loads. At a minimum, we expect the need for the addition of supplemental anchorage from the bases of the boilers into the supporting concrete below. Note that should the steel structures enshrouding the boilers be demolished but the boilers and their chimney stacks be preserved in their current locations, new guywires and guywire anchorage will be required.

Should their preservation leave them exposed to weather, mitigation against further corrosion of the boilers, chimney stacks, guywires and guywire anchorages is warranted.



Figure 9.01: Boilers – Typical Boiler Units



Figure 9.02: Boilers – Typical Base of Boiler Units



Figure 9.03: Boilers – Typical Chimney Stack with Guywires



Figure 9.04: Boilers – Boiler Plant with Concrete Podium Structure (Mill H Abuts to Right)



Figure 9.05: Boilers – Concrete Substructure with Tie Beams

10. No. 1 Paper Machine

Structure Description:

The No. 1 Paper Machine Building is a single-story building that is immediately adjacent and connected to the Hawley Building to the east and the Mill H Building to the west. We understand the building was originally constructed in 1917 and extended northward sometime thereafter.

The ground floor consists of an elevated concrete slab that has a large central opening within it. There is an extensive basement beneath the ground floor that is contiguous with the basement levels of both adjacent buildings. Footings beneath columns and walls are mostly obscured below the basement slab on grade with integrally-cast curbs and housekeeping pads. We expect the foundations bear atop the underlying basalt. The roof is framed with timber decking spanning between steel beams. The steel beams span the entire width of the building.

The perimeter of the building consists of concrete walls, in some cases with large door openings. The western concrete wall is integral with the No. 1 Paper Machine Building superstructure and provides tributary vertical support for both the elevated ground floor and roof. Any demolition of the Mill H Building to the west will not adversely affect the ability to preserve the No. 1 Paper Machine Building provided that this wall remains.

The western-most perimeter concrete frame of the Hawley Building provides tributary support of the No. 1 Paper Machine Building roof. Therefore, demolition of the Hawley Building but retention of the No. 1 Paper Machine Building will require that this western-most perimeter concrete frame of the Hawley Building be retained or replaced. Should both the Hawley Building and No. 1 Paper Machine Building be retained, the structural interaction between the two must be considered.

As with the Hawley Building, the elevated ground floor structure of the No. 1 Paper Machine Building participates in the support of the coplanar service road between it and the PGE dam to the south. The dam itself appears to be a mass concrete gravity wall with a structural capacity wholly independent from the adjacent building construction. Regardless, any demolition of the No. 1 Paper Machine Building should consider the potential influence its basement slab on grade and adjacent footings may have on the sliding resistance of the dam base, and it will result in the need for supplemental support of the service road.

Structural Condition:

The ground floor slab shows considerable wear from the industrial use of the building but does not appear to have suffered any significant structural damage. The roof structure appears to be in fair condition although some areas of water intrusion, rot damage to the timber decking, and corrosion to the steel beams were observed.

Expected Structural Performance:

The roof structure appears to have sufficient capacity to adequately resist code-level gravity loads; however, further evaluation is warranted.

The foundations and ground floor slab appear to be rather substantial and capable of resisting significant gravity loads. However, more detailed structural evaluation of the elevated ground floor slab may be warranted due to its complex interaction with that of the adjacent Hawley Building.

The perimeter concrete walls act as the building's primary lateral force resisting system. However, we expect the wall piers to be under-reinforced by today's state-of-the-practice, and therefore of limited in-plane and out-of-plane strength and ductility.

Further, the perimeter walls likely lack adequate connection to the roof decking and steel roof beams. As a result, the ability of the roof diaphragm to adequately transfer in-plane seismic loads to these walls is questionable, and these walls are at risk of pulling away from the roof when subjected to a major earthquake

Without a plywood sheathing overlay, the original straight wood roof decking is unlikely to have sufficient diaphragm capacity. Localized damage to roof components may therefore result when the diaphragm is subjected to significant lateral forces.

Last, the slender aspect ratio of the roof diaphragm is likely to result in local damage to roof components when subjected to seismic loads in the east-west direction.

Potential for Reuse of Existing Structure:

While the No. 1 Paper Machine Building does not lie within the Special Flood Hazard Area (SFHA) as defined by FEMA, its basement elevation is below the expected 100-year flood elevation and the entirety of the building's basement was inundated during the February 1996 flood. Therefore, the incorporation of flood-resistant construction within the affected areas of building structure is warranted should the building be preserved and renovated for reuse. For additional information, see the section titled **Flood Considerations** found on the subsequent pages of this structural narrative report.

The elevated ground floor slab may need a leveling topping. It is structurally feasible to infill the large opening within the second floor to increase floor area. Any disrepair within existing structural members should be addressed.

Otherwise, the building has a significant number of seismic deficiencies that will require remediation with any future reuse including, but not necessarily limited to: a) the addition of shotcrete walls along the perimeter; b) the addition of steel strong-backs behind perimeter wall piers; c) the strengthening of the connections between exterior walls and roof decking and beams; d) the addition of plywood sheathing atop the existing roof decking, and; e) the addition of an interior east/west-oriented lateral force-resisting element (steel braced frame or reinforced concrete wall) to reduce the aspect ratio of the diaphragm.

In general, should its floor area, volume and square footage accommodate a future use, we believe the cost of repairing, strengthening, and altering any existing-to-remain structure and foundations of the No. 1 Paper Machine Building is unlikely to be competitive when compared against the cost of the building's demolition and replacement. However, further study – including by that by a qualified construction cost estimator – is required to make this determination.



Figure 10.01: No. 1 Paper Machine – South Side, Looking West (Service Road to Left)



Figure 10.02: No. 1 Paper Machine – North Side, Looking South



Figure 10.03: No. 1 Paper Machine – Interior Ground Floor, Looking South

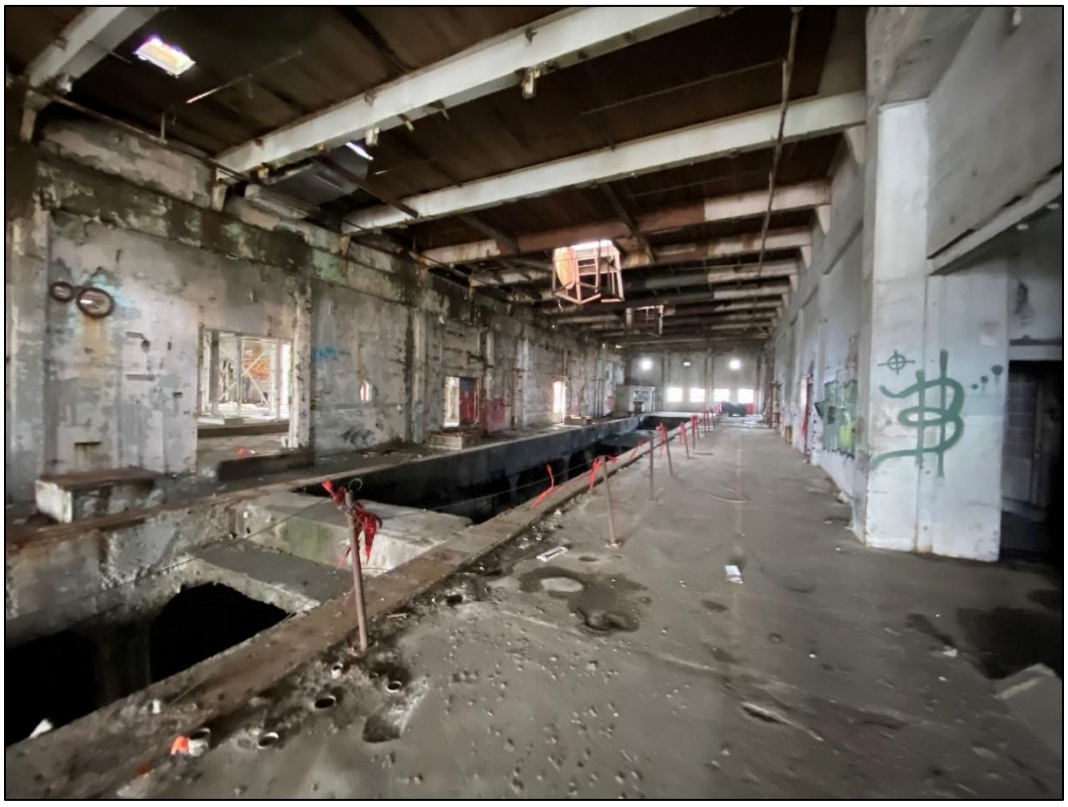


Figure 10.04: No. 1 Paper Machine – Interior Ground Floor, Looking North



Figure 10.05: No. 1 Paper Machine – Interior Basement, Looking North



Figure 10.06: No. 1 Paper Machine – Interior Basement, Looking West (PGE Dam to Left)

11. Site Description and Seismicity

The Willamette Falls site slopes steeply from the west side of Main Street towards the river. This slope has been modified over the years through the introduction of undocumented fill. Within the areas of the subject structures, the introduction of this fill has raised the elevation of Main Street and its intersection with 3rd Street by an estimated 6 to 8 feet. The Service Yard between Mill O, the Woolen Mill foundations, and Boiler Recovery Building is comprised of up to 38 feet of variable soil and debris fill. Areas of underlying basalt are exposed and prevalent near the riverbank and beneath structures adjacent to it. Any fill that once covered these riverbank areas was presumably scarified by one of the many floods experienced by the site.

The Oregon Department of Geology and Mineral Industries (DOGAMI) Oregon HazVu statewide hazard map shows the nearest known active earthquake faults to be the Bolton Fault less than ½ mile to the northeast and the Canby-Mollala Fault approximately 4 miles to the west-southwest of the site. The hazard map further shows very strong to severe ground motion shaking is expected at the site during a seismic event of an intensity expected to recur, on average, every 500 years. Such an earthquake may not necessarily coincide with a rupture to one of the above-mentioned nearby faults. For example, a M9.0 event on the Cascadia Subduction Zone, just offshore of the Oregon coast, is expected to result in the same severity of ground motion shaking at this site. The higher the intensity of ground shaking, the more structural damage is expected to occur. Ground shaking can be further intensified by the presence of soft/loose soils or fill.

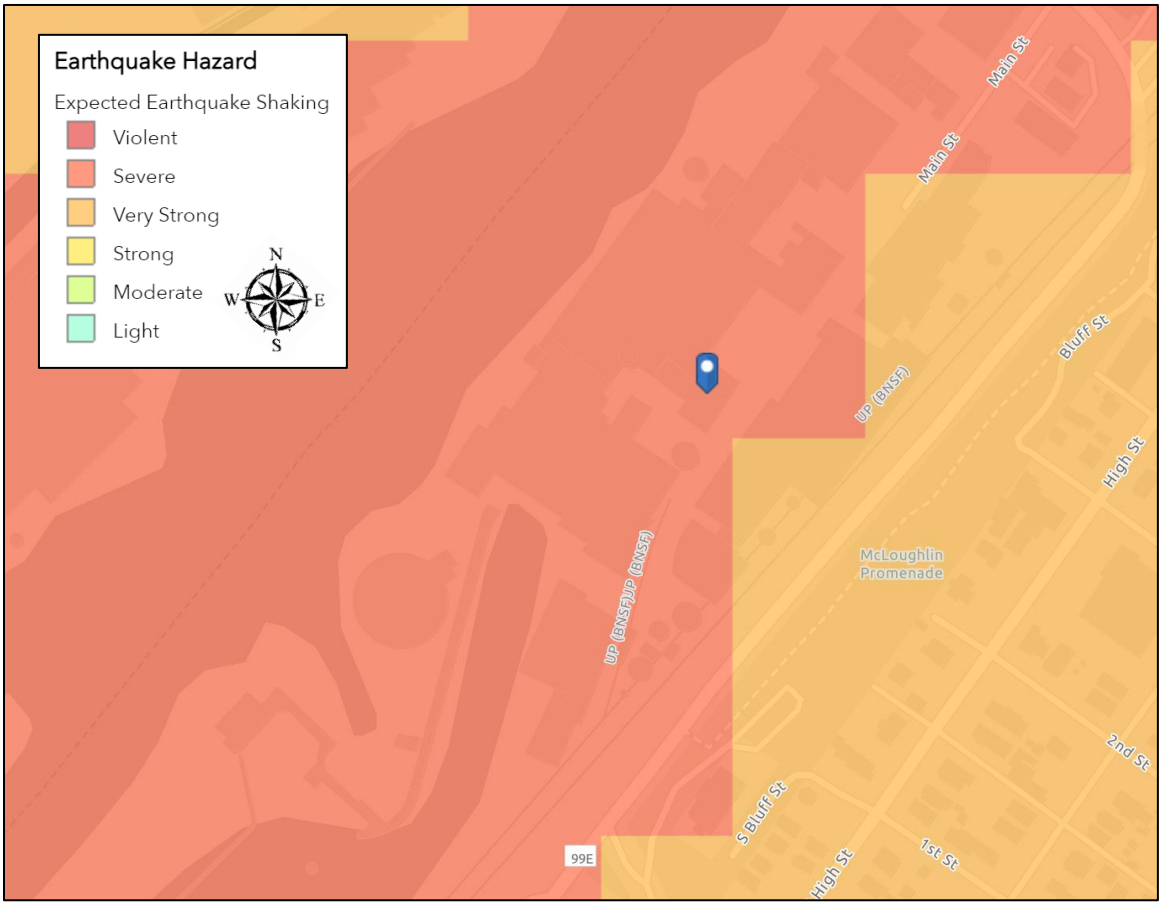


Figure 11.01: Willamette Falls Site (partial) – Earthquake Shaking Intensity
Source: Oregon Department of Geology and Mineral Industries (DOGAMI) Oregon HazVu statewide hazard map

12. Soil Liquefaction and Lateral Spread Considerations

Soil liquefaction occurs when a saturated or partially saturated soil substantially loses strength and stiffness in response to strong ground motion shaking. The resulting subsidence can lead to differential settlements across a building's footprint. Lateral spreading is the lateral movement of gently to steeply sloping, saturated soil deposits caused by earthquake-induced liquefaction. Both soil liquefaction and lateral spread can damage a building's foundation and superstructure, and in extreme cases can lead to structural collapse.

The DOGAMI Oregon HazVu statewide hazard map shows there to be a low risk of earthquake-induced liquefaction at the site. However, the variable soil and debris fill used within the Service Yard, Main Street and 3rd Street are excluded from the data used by DOGAMI to calculate liquefaction potential. In their August 16, 2019, report titled, "Geotechnical Engineering Report – Willamette Falls Riverwalk," GeoEngineers identified a significant risk of both soil liquefaction and lateral spread to the variable fill within the Service Yard. See Figure 12.01 below, where up to 8 inches of liquefaction-induced vertical settlement and up to 6 feet of corresponding lateral spread is estimated to occur during a major earthquake.

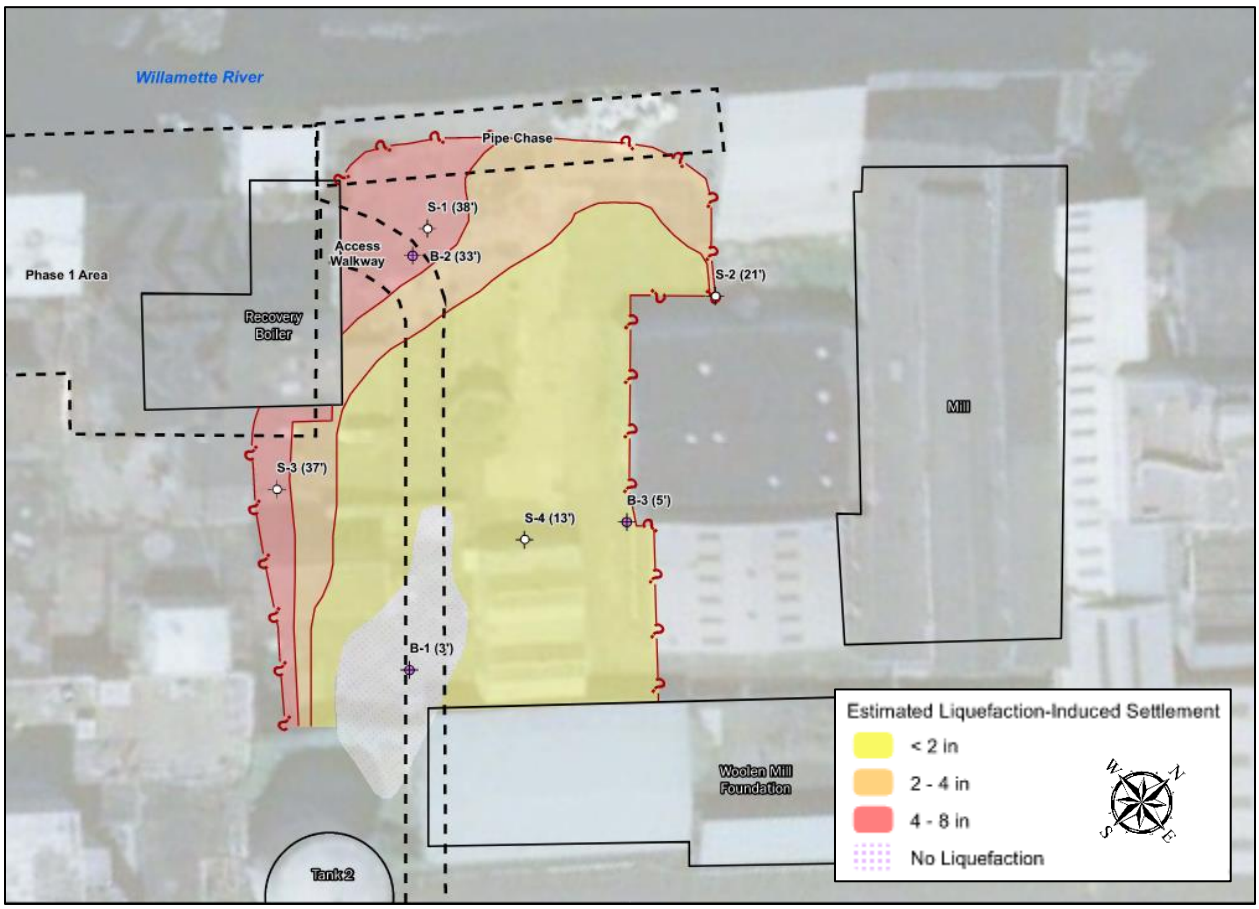


Figure 12.01: Willamette Falls Site (partial) – Liquefaction Potential
Source: Geotechnical Engineering Report – Willamette Falls Riverwalk, August 16, 2019, by GeoEngineers, Inc.

The direction of lateral spread of the variable fill and soils within the Service Yard will occur in the downslope direction of the underlying non-liquefiable basalt. Accordingly, the activated soil mass is expected to impose significant horizontal forces onto the concrete substructure of the

Boiler Plant and Recovery Boiler buildings. Since it is unlikely that this substructure is designed to withstand these forces, lateral spread of the Service Yard fill and soils puts the Boiler Plant and Recovery Boiler buildings at a higher risk of collapse during a major earthquake than does the intensity of ground motion shaking alone.

While the extents of the GeoEngineers study did not explicitly evaluate the undocumented fill used to raise the elevation of Main Street and 3rd Street, it is reasonable to expect a similar risk of liquefaction as those Service Yard areas with similar depths of variable fill and soil. Subsidence resulting from liquefaction along Main Street or 3rd Street may impose significant horizontal forces against the Woolen Mill and Flour Mill basalt foundation walls, respectively, thereby increasing their risk of inward collapse during a major earthquake.

Implementing strengthening measures into the structural system of an existing building structure or retaining wall to counteract the extraordinarily large design forces associated with adjacent or underlying soil liquefaction and lateral spread is generally impractical. Instead, viable mitigation involves either strengthening of the liquefiable material through the implementation of ground improvement measures like soil-grout mixing or rammed aggregate piers, or – if the situation allows – removal of the liquefaction-prone material.

13. Flood Considerations

Much of the Willamette Falls site is prone to flooding and a portion of the site falls within a Special Flood Hazard Area (SFHA), also known as the 100-year flood zone, as defined by the Federal Emergency Management Agency (FEMA).

Figure 13.01 below shows the ten structures that are the subject of this report overlaid atop a color-coded map indicating the estimated extents of inundation during the flood of February 10, 1996. Water surface elevation contours are in accordance with the North American Vertical Datum of 1988 (NAVD 88). The outline of the 100-year (SFHA) and 500-year flood zones from FEMA Flood Insurance Rate (FIRM) Map Number 41005C0276D, dated June 17, 2008, are also indicated. Note that, given the inherent lack of granularity used in the creation of FEMA FIRM maps and that many of the ground surface contours used to create this specific map are hidden below elevated structure, the SFHA outline is undoubtedly inaccurate in some areas, and as a result, the extent of inundation during a 100-year flood is expected to be greater than that indicated by the SFHA boundary.

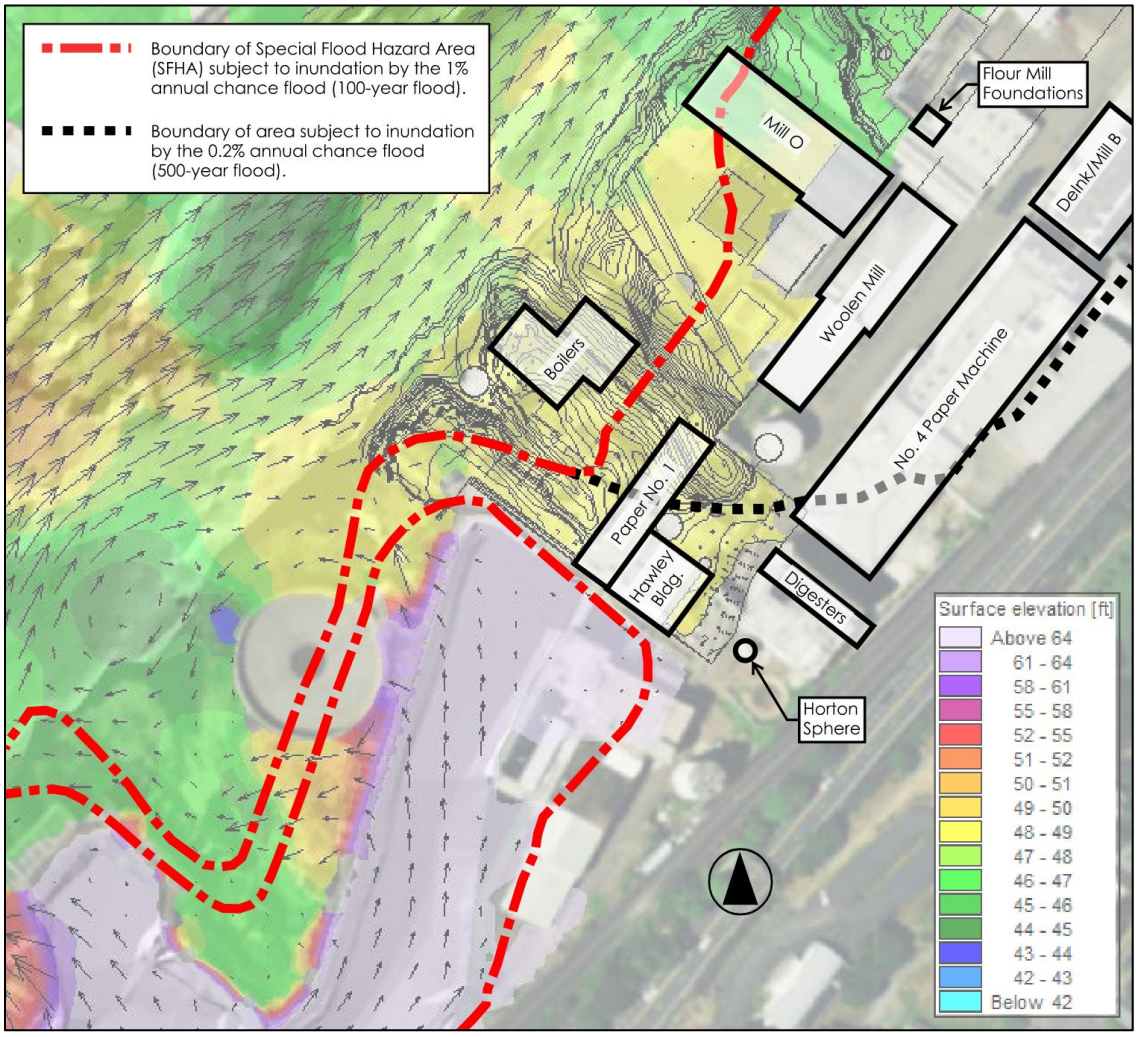


Figure 13.01: Willamette Falls Site (partial) - Flood Contours
Source: Technical Memorandum – Hydraulic Modeling of 90-percent Conceptual Design of the Willamette Falls Riverwalk Project, December 6, 2017, by CH2M.

Where renovations to existing structures trigger mandatory compliance with current building code provisions, such provisions include the incorporation of flood-resistant construction measures within those portions that fall within the SFHA or within areas of the highest flood of record since the adoption of flood insurance maps, whichever governs. These flood-resistant construction measures may include the implementation of rock anchors to prevent floatation, collapse, or lateral movement. As the name suggests, rock anchors consist of high-strength threaded rods drilled and grouted into competent underlying rock. Their connection to existing structure will require enlargement of existing footings. More on mandatory structural retrofit triggers is discussed below.

14. Mandatory Structural Retrofit and Repair Triggers

Renovations to any of the subject buildings must consider the possibility of code-mandated gravity, wind, seismic and/or flood rehabilitation measures as follows.

- *Alterations:*

  In accordance with the 2018 International Existing Building Code (IEBC), adopted by reference and revised by the 2019 Oregon Structural Specialty Code (OSSC), where any alterations to an existing building decrease the capacity of, or increase the load demand on, any gravity load-carrying structural elements by more than 5 percent since their original design and construction, those elements shall be evaluated and strengthened, if necessary, to meet the requirements of the OSSC for new construction.

  Where any alterations decrease the capacity of, or increase the load demand on, any existing wind or seismic (lateral) force-resisting structural elements by more than 10 percent since their original design and construction, those elements shall be capable of resisting at least 75 percent of the lateral forces required by the OSSC for the design of new buildings, or otherwise strengthened accordingly.

  Even where existing lateral force-resisting structural elements are untouched by an alteration to an existing building, the mere extent of alterations – even non-structural ones – may trigger the need to evaluate and subsequently strengthen discrete components of, or the entirety of, that system. As an example, if: a) the Work Area Method of the IEBC is chosen as a code compliance path for a given renovation to an existing building; b) the work area of that renovation exceeds 50 percent of the building area; and, c) that renovation includes alterations to gravity load-carrying structural elements that support more than 30 percent of the building's total floor and roof area, the entirety of the building's lateral force-resisting system shall be capable of resisting at least 75 percent of the lateral forces required by the OSSC for the design of new buildings, or otherwise strengthened accordingly.

  For existing buildings and structures that are located within the Special Flood Hazard Area (SFHA) and where any alteration constitutes substantial improvement of the existing structure (as defined by the authority having jurisdiction), all aspects of the existing structure shall be brought into compliance with the flood-resistant provisions of the OSSC for new construction. A brief description of pertinent flood-resistant construction measures is found above in the section titled **Flood Considerations**.

  Note that historic buildings, as defined by the IEBC, may be granted exemptions from some or all the above-referenced structural retrofit triggers associated with alterations.

- *Additions:*

  As with building alterations, where any horizontal, vertical or mezzanine additions to an existing building decrease the capacity of, or increase the load demand on, any gravity load-carrying structural elements by more than 5 percent since their original design and construction, those elements shall be evaluated and strengthened, if necessary, to meet the requirements of the OSSC for new construction.

  Where any building additions decrease the capacity of, or increase the load demand on, any existing lateral force-resisting structural element by more than 10 percent since their original design and construction, these elements shall be capable of resisting 100 percent of

the lateral forces required by the OSSC for the design of new buildings, or otherwise shall be strengthened accordingly.

Please note that none of the buildings that are the subject of this report appear to account for any further vertical or horizontal building expansion. Any future vertical building expansions will trigger a significant amount of structural strengthening work to accommodate the associated additional gravity, seismic and wind forces, and therefore should be avoided unless necessary. We further recommend that any future horizontal expansions incorporate seismic joints at each level as a strategy to avoid significant structural strengthening work otherwise needed to accommodate the transfer of gravity and lateral forces from the new addition into the existing building structure.

As with building alterations, for existing buildings and structures that are located within the Special Flood Hazard Area (SFHA) and where any addition constitutes substantial improvement of the existing structure (as defined by the authority having jurisdiction), all aspects of the existing structure shall be brought into compliance with the flood-resistant provisions of the OSSC for new construction.

Note that historic buildings, as defined by the IEBC, may be granted exemptions from some or all the above-referenced structural retrofit triggers associated with additions.

- *Change of Occupancy*

  A change in occupancy of any existing building may warrant the consideration of design live loads higher than those considered in the building's original design. As outlined above, where the load demand on any gravity load-carrying structural element is increased by more than 5 percent since its original design and construction, that element shall be evaluated and strengthened, if necessary, to meet the requirements of the OSSC for new construction.

  Where a change of occupancy results in an existing building being assigned to a higher Risk Category, the entirety of the building's lateral force-resisting system shall be capable of resisting 100 percent of the lateral forces required by the OSSC for the design of new buildings, or otherwise strengthened accordingly. We believe all the buildings evaluated within this report can reasonably be classified as Risk Category II structures in accordance with OSSC Table 1604.5; therefore, only a change in occupancy to one associated with a Risk Category III or IV structure will trigger this specific requirement.

- *Structural Damage, Dangerous Conditions, and Repair*

  The IEBC defines the term *dangerous* as one where: a) any building, structure or portion thereof has collapsed, partially collapsed, moved off its foundation, or lacks the necessary support of the ground; or b) there exists a significant risk of collapse, detachment or dislodgement of any portion, member, appurtenance or ornamentation of the building or structure under service loads.

  IEBC Section 302.2 states that the code official has the authority to require the elimination of conditions deemed *dangerous*, and the commentary to IEBC Section 405.2 further states that *dangerous* conditions must always be eliminated. If *dangerous* conditions are not the result of *substantial structural damage*, as defined by the IEBC, they may be repaired to a condition of reconstruction exactly as they existed prior to damage. However, *dangerous* conditions that are the result of *substantial structural damage* shall be reconstructed to a condition that meets OSSC requirements for new construction.

The previous pages of this report document observations of many instances of structural disrepair, mostly the result of extensive water intrusion. The partial interior collapse of Mill O certainly meets the definition of *substantial structural damage*, and we deem it to represent a *dangerous* condition. Other observed conditions, like the extensive corrosion of reinforcing observed at the upper roof slab of the De-Ink/Mill B Building and the ground floor slab of the Hawley Building, may meet the definition of *substantial structural damage* and represent *dangerous* conditions, but further structural evaluation is required to make those determinations. This level of structural evaluation is beyond the scope of this report.

15. Limitations

The opinions and recommendations presented in this structural narrative report were developed with the care commonly used as the state of practice of the profession. No other warranties are included, either expressed or implied, as to the professional advice included in this report. This report has been prepared for GBD Architects on behalf of The Confederated Tribes of the Grand Ronde, to be used solely in the evaluation of the buildings and structures addressed herein.

Proposed Modified/Amended Conditions of Approval

Existing Condition of Approval from CP 14-02	Action/Findings	Revised, Proposed Condition
1. Unless further amended and extended by the Planning Commission, this Master Plan shall control development on the site for 20 years from the date of initial adoption.	Edit. This COA has been updated to reflect a planning period of twenty years from the plan amendment, consistent with 17.65.040.F.	Per OCMC 17.65.020.A, Unless further amended and extended by the Planning Commission, this Master Plan Amendment shall control development on the site for 20 years from the date of adoption of this General Development Plan Amendment.
2. Unless further amended in a refined Master Plan, detailed development plans within the Willamette Falls Downtown District shall be processed as a Type III Land Use Review that is heard before the Oregon City Planning Commission. However, projects that meet Minor Site Plan and Design Review thresholds (OCMC 17.62.035) shall be processed as a Type II review. These projects will still be subject to the standards and conditions of the general development plan approval.	Delete. This plan amendment is processed as a Type III Land Use Decision. Per the OCMC 17.65.040.C, Detailed Development Plans is processed as a Type II procedure, as long as it is consistent with the approved master plan. In 2015, there was less certainty of site ownership and less detail provided in the framework plan. With new ownership and greater information, the default land use process in the code is sufficient.	
3. For all projects requiring Type III review, the ability to comply with district design guidelines shall be assessed by a Design Evaluation Board, a special city-assigned body that will provide broader feedback into the process. The Design Evaluation Board will make its recommendation to the Planning Commission through city staff. This condition may also be met through the addition of adhoc Planning Commission members that can demonstrate specialized Urban Design backgrounds to provide additional expertise to the Planning Commission.	Edit. This master plan amendment proposes to remove arbitrary district design guidelines and the ad hoc process for implementing them, which was never used. Future development will be reviewed consistent with city procedures identified in Chapter 17.65. To insure quality design, the applicant has created a design and materials palette as Appendix G that provides direction and approach for the master plan area with the goal of creating a high quality and visually cohesive development that celebrates the history and ecology of the area, invites the public to the falls, and focuses on natural materials. The Riverwalk development is of particular importance to the City due to the public nature	A publicly-funded and led “Riverwalk”, including elevated structures along a waterfront trail, requires a detailed development plan application pursuant to OCMC 17.65.060. The Riverwalk project will be elevated to a Type III procedure reviewed by the Planning Commission. Privately-funded shared-use paths, pedestrian plazas, and trails are a Type II review, per OCMC 17.65.040.C. Unless otherwise exempt, other new development on the site is subject to detailed development plan review, which includes conformance with OCMC 17.62, Site Plan and Design Review. .

Existing Condition of Approval from CP 14-02	Action/Findings	Revised, Proposed Condition
	of the Riverwalk and the interaction with the river's edge. The applicant proposes Riverwalk development should be subject to a Type III review process with a public hearing and public input.	
4. As the site is located within the newly created Mixed Use Multi-Modal area, all future development will be reviewed for impacts to safety in this area and not be subject review of the development on the capacity of the system.	Edit. No substantive changes. Fix scriveners' error "not subject to review"	As the site is located within a Mixed Use Multi-Modal area, all future development will be reviewed for impacts to safety in this area and not be subject to review of the development on the capacity of the system.
5.The following are listed in the Master Plan as Structures Identified for Retention and Reuse. a. Mill O b. Hawley Building c. DeInk/Mill B d. No. 4 Paper Machine e. Woolen Mill Foundations	Edit. Since the land use approval of this master plan, significant degradation to site integrity has occurred, most significantly due to lack of maintenance onsite, which accelerated since the mid 1980's. Appendix D, the 10 Structure Study provides an updated historic analysis of each of the five structures and five secondary elements identified. Only two of the ten items previously identified site elements are eligible for listing on the National Register of Historic Places. Future applications proposing site cleanup, demolition, or new construction that will include the disturbance of native soils, or has a high likelihood of containing archeological evidence, as confirmed by the State Historic Preservation Office, shall submit and adhere to an inadvertent discovery plan that, depending on the proposed action, and as recommended by SHPO, could include archeological monitoring during times of site disturbance. Relevant regulation: OCMC 17.65.050.C.4, "protects any inventoried Goal 5 natural, historic, or cultural resources."	The following structures are potentially historically significant per the applicant's HRA study: Woolen Mill Foundation Flour Mill Foundation Warehouse Foundation Future development on these sites, modifications, or demolition will comply with historic preservation requirements as outlined by SHPO.
6. The following are listed in the Master Plan as Secondary Elements Identified For Full or Partial Retention. a. Oregon City Flour Mill Foundation b. Digesters c. Horton Sphere	Delete. See findings above.	

Existing Condition of Approval from CP 14-02	Action/Findings	Revised, Proposed Condition
d. Boilers e. No.1 Paper Machine		
7. Removal of structures or elements not identified for retention will be processed as a Type I Land Use action provided all applicable conditions of approval from the master plan have been met	Delete. See findings above.	
8. Substantial alterations or request for demolitions either to Structures Identified for Retention and Reuse or Secondary Elements Identified for Full or Partial Retention shall be processed as a Type III Land Use action.	Delete. See findings above.	
9. Prior to the demolition of any structures identified as potentially eligible for listing on the National Register, the applicant, shall submit an Intensive Level Survey following the guidelines set forth by the Oregon State Historic Preservation Office. Prior to the demolition of structures not identified as eligible for listing on the National Register or not 50 years old, the applicant shall submit a reconnaissance level survey which shall include at a minimum, photos of all interior floors/rooms and exterior context photos.	Delete, an intensive level survey has been performed, this does not relate to a code provision.	
10. Any Detailed Development Plan that includes structures or secondary elements identified for retention or partial reuse shall submit an Intensive Level Survey of these elements as part of the Detailed Development Plan completeness review.	Delete, an intensive level survey has been submitted as a part of this land use application, in Appendix D. This condition has been met and therefore should be removed.	
11. While the Master Plan is not requiring local historic designation for buildings identified for retention, and the city recognizes Oregon's local consent legislation. Structures deemed eligible should be considered for designation as part of detailed development review.	Delete. This condition does not relate to a specific code provision. The applicant acknowledges Oregon's local consent legislation.	
12. If the applicant is proposing site cleanup, demolition, or new construction that will include the disturbance of native soils, or has a high likelihood of containing archeological evidence, as confirmed by the State Historic Preservation Office, the applicant shall submit and adhere to an inadvertent discovery plan that, depending on the proposed action, and as recommended by SHPO, could include archeological monitoring during times of site disturbance.	Non-substantial edits to simplify. The Confederated Tribes of Grand Ronde has an Inadvertent Discovery Plan that complies with SHPO requirements.	If the applicant is proposing site disturbance, the applicant shall submit and adhere to an inadvertent discovery plan that, depending on the proposed action, and as recommended by SHPO, could include archeological monitoring during times of site disturbance.
13.The applicant shall obtain an Oregon City Erosion Control Permit, if applicable, for all site clean-up, demolition or interim parking uses and verify that the proposed work is consistent or can be made	Delete. The applicant acknowledges that an Oregon City Erosion Control Permit is required for development activity meeting the permit	

Existing Condition of Approval from CP 14-02	Action/Findings	Revised, Proposed Condition
consistent with the DEQ interim stormwater plan	thresholds. This is not directly related to master plan criteria and a condition is not necessary to implement the requirement.	
14. Tenant improvements of existing habitable space is allowed and does not require any further land use review unless the applicant proposes exterior alterations that trigger a Type II or Type III detailed development plan.	Delete. This condition does not enforce a code provision. Future development will require land use applications consistent with procedures identified in Chapter 17.65 Master Plans and Planned Unit Developments.	
15.Amend Guideline to read: Design Guideline 3, "Maintain Downtown Character," which acknowledges the unique industrial scale and history of the site and <u>existing building height</u>, but also emphasizes a smooth transition in architecture and urban design between the existing downtown and the new district	Delete. Building heights in Mixed-Use Downtown District (historic downtown Oregon City north and east of OR99E-McLoughlin Boulevard) are limited to 58-feet inside of the Downtown Design District and 75-feet outside of the Downtown Design District. The building heights in the Willamette Falls Downtown District (location of the *tumwata village* Master Plan Amendment) are limited to 80-feet per the municipal code. As such, the existing heights and height transition between the two downtown districts has already been codified. Future development will go through site plan and design review. This criterion is met and should therefore be removed.	
16. Amend Guideline 4 as proposed to ensure interpretive elements be included in all development proposals, *Guideline 4. Re-Use, Rehabilitate, ~~and~~ Restore <u>and Interpret</u> Buildings and Structures Principles:* *Key structures. Preservation or rehabilitation of key structures should be a priority in the design of new buildings and open space. Highest value is placed on the following structures: De-Ink Building, #4 Paper Machine, Mill O, Hawley Building, and the Woolen Mill Foundation. If any these key structures must be removed, the applicant must document the specific reason for doing so, and propose mitigation to compensate for the loss of site character.*	Delete. Different context between 2015 plan and today, no longer necessary to have unique design guidelines and separate review process. Future projects will follow site plan and design review requirements in 17.65.060.B.3 and 17.62. Development will follow the framework plan, design and materials palette, and city design review requirements. See replacement of Condition 3.	

Existing Condition of Approval from CP 14-02	Action/Findings	Revised, Proposed Condition
Other structures. Incorporate remnants, key features or other significant portions of existing structures into project design. The district's 150-year history as a mill site (flour, wool, paper) and a manufacturing center should be celebrated and recognized when new buildings and uses are established. *Archaeology. Incorporate pre-colonial history of the site into new development where appropriate. Monitor archeology when disturbance of native soil is proposed.* *Interpretation. Weave interpretive elements throughout the site to provide multiple and diverse opportunities to learn and reflect on the site's history.*		
17. The applicant has proposed a Master Plan that includes a conceptual amount of open/public space in blocks 3 and 4. In order to ensure that the open/public space is implemented in conjunction with overall development and not left to a final phase, the applicant shall show construction of an open/public space area that is a minimum 40,000 square feet and consists of both active and passive uses with prominent views of the falls at the time of completion of the first 400,000 square feet of new habitable space. As part of the detailed development review for this open space, the applicant shall submit a long term maintenance and operation plan to ensure the open/public space can be maintained. This plan anticipates the use of both private and public contributions.	Edit. The amendment shows open/public space in both block 3 and block 4. The specificity of this condition is not based on any code requirement. A proposed reduction in the amount of open space required on a lower trigger is appropriate to the amount of development anticipated in the plan.	The applicant shall show construction of publicly accessible open space area that is a minimum 20,000 square feet at the time of completion of the first 200,000 square feet of new habitable space. Upon completion of site redevelopment, the applicant will achieve a minimum total of 40,000 square feet of open/public space which will consist of both active and passive uses with prominent views of *walamt* and/or *tumwata*. As part of the detailed development review for this open space, the applicant will develop a long term maintenance and operation plan to ensure the publicly-accessible open space can be maintained. This plan anticipates the use of both private and public contributions.
18. The applicant has proposed a Master Plan that includes the Riverwalk along the Willamette River. In order to ensure that the Riverwalk is provided, either independently or in conjunction with overall development and not left to a final phase, the applicant shall design and construct all or some roughly proportional portion of the Riverwalk no later than the time of completion of the first 300,000 square feet of new habitable space. As part of the detailed development review that includes design for the Riverwalk, the applicant shall submit a long term maintenance and operation plan	Delete. This condition is not based on any code provision. The amended master plan provides a location for development of a publicly-funded Riverwalk. Numerous plan elements in the area enhance the river's edge and are in the public interest: habitat restoration, open space, and multi-use paths. See replacement Condition 3.	

Existing Condition of Approval from CP 14-02	Action/Findings	Revised, Proposed Condition
explaining how the Riverwalk will be maintained. This plan anticipates the use of both private and public contributions.		
19. Main Street is a "collector" street and future development of this street will comply with the modified sidewalk standard for this Master Plan for minimum 16 foot sidewalks. This dimension could be reduced for a specific development application to accommodate a special condition such as to protect the façade of an existing historic building or support general adaptive reuse proposals of existing buildings.	Delete. Main Street is designated a local street on the city's TSP. A concurrent DDP application proposes full development from 99E to 3rd Street. The DDP application includes a modification to Chapter 16 street standards to accommodate a special condition.	Future street development will either comply with city standards in Chapter 16 or seek a modification to accommodate a special condition.
20. Oregon City and ODOT have agreed on three key transportation improvements along OR 99E with the goal of maintaining safety and improving accessibility of the site: a. Intelligent Transportation Systems designed to warn traffic approaching the tunnel of hazardous conditions ahead. b. Prohibiting left turns northbound from OR 99E to Main Street and modification of the right turn geometry from 99E to Railroad Avenue to allow space for turning traffic to slow and maneuver outside the travel lanes on a curve with limited sight distance. c. A pork-chop (or raised median) at the Water Avenue/OR 99E intersection to prevent unsafe movements and reinforce right-in, right-out access at that location.	Edit. Condition 20(a) has been completed and it is therefore recommended for removal. Proposed language updates the term "pork chop" with "channelized right turn lane".	Oregon City and ODOT have agreed on two key transportation improvements along OR 99E with the goal of maintaining safety and improving accessibility of the site: a. Prohibiting left turns northbound from OR 99E to Main Street and modification of the right turn geometry from 99E to Railroad Avenue to allow space for turning traffic to slow and maneuver outside the travel lanes on a curve with limited sight distance. b. Channelized right turn lane at the Water Avenue/OR 99E intersection to prevent unsafe movements and reinforce right-in, right-out access at that location.
21. Oregon City will assure design and construction of the three projects as follows: a. A $1,940,000 project to replace the tunnel's illumination system in the 2017-18 timeframe is included in the draft ODOT STIP. ODOT will design and construct project "a" with this illumination project. Should the $1,940,000 available to ODOT be insufficient to fund both the illumination and ITS projects, Oregon City will contribute up to $500,000 to cost of the project, which will include up to $250,000 contribution by the applicant. b. Design of and right of way acquisition for Project "b" will be completed prior to opening of the Riverwalk or within two years of plan adoption (whichever comes first). The design and acquisition will be led by Oregon City in	Edit. Condition 21(a) has been completed and it is therefore recommended for removal. A contribution in the amount of $250,000 was paid to the City to fulfill this requirement prior to the Tribe's ownership of the property. The language in Condition 21(b) is being updated to reflect that the Riverwalk has yet to be constructed and that work on Project "b" was started by the City, but final design and right-of-way acquisition was not completed. It should be noted that Project "b" will become Project "a."	Oregon City will assure design and construction of the two projects as follows: a. Design of and right of way acquisition for Project "a" will be led by Oregon City in cooperation with ODOT. The applicant is responsible for construction of Project "a" which is required to be completed prior to trip generation to the site surpassing 140 peak hour trips. The purpose of this improvement is to safely accommodate the increasing number of motor vehicles slowing in the tunnel to turn right on Railroad Avenue and for the safety of pedestrians crossing Railroad Avenue. The right turn into Railroad Avenue is part of an indirect left turn movement required for OR 99E northbound motor vehicles accessing the Willamette

Existing Condition of Approval from CP 14-02	Action/Findings	Revised, Proposed Condition
cooperation with ODOT. The applicant is responsible for construction of project b and is required to be completed prior to trip generation to the site surpassing 140 peak hour trips. The purpose of this improvement is to safely accommodate the increasing number of motor vehicles slowing in the tunnel to turn right on Railroad Avenue and for the safety of pedestrians crossing Railroad Avenue. The right turn into Railroad Avenue is part of an indirect left turn movement required for OR 99E northbound motor vehicles accessing the Willamette Falls site. c. Project "c" will be constructed during the construction of Water Avenue/OR 99E intersection. Construction of Water Avenue/99E will be triggered when one of the following occurs: i. At the time of Riverwalk construction adjacent to Water Avenue. ii. Any new construction or addition over 1,000 square feet on Block 1 of the Framework iii. Master Plan Once development on the site has surpassed 140 peak hour trips.	There was a noted scrivener's error proposed for correction in 21(c)(ii) and 21(c)(iii) where text was incorrectly split between the two items. Otherwise there are no proposed text updates to Project "c." It should be noted that Project "c" will become Project "b."	Falls site. b. Project "b" will be constructed during the construction of Water Avenue/OR 99E intersection. Construction of Water Avenue/99E will be triggered when one of the following occurs: i. At the time of Riverwalk construction adjacent to Water Avenue. ii. Any new construction or addition over 1,000 square feet on Block 1 of the Framework Master Plan. iii. Once development on the site has surpassed 140 peak hour trips.
22. In addition, if Oregon City or ODOT determines as part of a detailed development plan review, that significant safety issues remain or will result from the proposal, the applicant shall contribute up to $60,000 (2014 dollars) for the cost of the safety audit. Safety measures identified as a result of an audit tied to review of a development proposal may be required to be implemented after the trip generated from the Willamette Falls area development exceeds 700 peak hour trips.	Non-substantive edits. The applicant acknowledges this condition of approval. Text edits are proposed to provide more clarity on the intent behind this condition of approval. "PAGE 4" was noted as a formatting error related to a footnote and should be removed. "Willamette Falls area" can be better defined for consistency using the designation "Willamette Falls Downtown District."	In addition, if Oregon City or ODOT determines as part of a detailed development plan review, that significant safety issues remain or will result from the proposal, the applicant shall contribute up to $60,000 (2014 dollars) for the cost of the safety audit. Safety measures identified as a result of an audit tied to review of a development proposal may be required to be implemented after the trip generated from the Willamette Falls area development exceeds 700 peak hour trips.
23.The Master Plan approval requires ODOT concurrence for any phase of development of the Willamette Falls Master Plan area that would result in the total estimated peak hour trips generated from the Willamette Falls area to exceed 700. If at that time, traffic analysis establishes that additional safety measures are needed, the applicant will be required to include additional safety measures acceptable to ODOT. Or, other safety measures not associated with	Non-substantive edits. The applicant acknowledges this condition of approval. "Willamette Falls area" can be better defined for consistency using the designation "Willamette Falls Downtown District."	The Master Plan approval requires ODOT concurrence for any phase of development of the Willamette Falls Downtown District that would result in the total estimated peak hour trips generated from the Willamette Falls Downtown District to exceed 700. If at that time traffic analysis establishes that additional safety measures are needed, the applicant will be

Existing Condition of Approval from CP 14-02	Action/Findings	Revised, Proposed Condition
the proposed development may be provided with agreement from ODOT.		required to include additional safety measures acceptable to ODOT. Or, other safety measures not associated with the proposed development may be provided with agreement from ODOT. The Applicant will estimate the number of trips at the time of each phase of master plan review and will notify ODOT and the City of the proposed development and estimated trips 30 days prior to the land use application submittal of a Detailed Development plan. The Institute of Traffic Engineers Trip Generation Manual will be the source for trip generation estimates, unless ODOT and the City agree to an adjustment.
24.The Applicant will estimate the number of trips at the time of each phase of master plan review and will notify ODOT and the City of the proposed development and estimated trips 30 days prior to the first evidentiary hearing.	Delete, see Condition 23.	
25. The Institute of Traffic Engineers Trip Generation Manual will be the source for trip generation estimates unless ODOT and the City agree to an adjustment.	Delete, see Condition 23.	
26.For any development that creates over 20,000 square feet of new habitable space the applicant shall be required to submit a transportation demand management plan that addresses the existing conditions and proposes transportation demand programs that proportionally mitigate the impact of the proposed development to the site and abutting downtown	Edit. The City of Oregon City Transportation Demand Management (TDM) Plan adopted in November 2017, met this condition of approval. A new/replacement condition may reference the adopted TDM document as a source for future actions. Alternatively, this condition can be deleted.	Future Detailed Development Plans (DDP's) may use the TDM tools described in the approved 2017 Oregon City Transportation Demand Management Plan.
27.At the time of the Riverwalk Detailed Development Plan, the applicant shall be required to submit a transportation demand management and parking plan that addresses the existing conditions and proposes transportation demand programs that proportionally mitigate the impact of the Riverwalk to the site and abutting downtown.	Delete. The City of Oregon City Transportation Demand Management (TDM) Plan adopted in November 2017, meets the criteria set for in this condition of approval. This condition of approval is met and should therefore be deleted.	
28.Within six (6) months from the date of the land use approval for CP 14-02 Master Plan, the applicant shall develop, finalize and submit to the City an interim water utility plan for the private onsite water system. The private system currently provides both domestic	Delete. A utility plan has been submitted as Appendix C, this condition of approval is met and should therefore be deleted.	

Existing Condition of Approval from CP 14-02	Action/Findings	Revised, Proposed Condition
water service and fire flow protection to the entire site. This condition shall be satisfied prior of the submission of a detailed development plan. The interim water utility plan shall include: a. Detailed operational and maintenance plan for the private water system during the interim period. b. Water System Pipe Schematic showing the private system schematically that will be operation during the interim period, including from the City's metered connection to the ends of the operational pipe segments, primary isolation valves, fire hydrants, sprinkler systems and other notable appurtenances. c. Collaboration with the City's Public Works Operations and Engineering staff regarding the interim operations and maintenance of the private water system. d. Collaboration with Clackamas Fire District #1's (CCFD#1) to determine the minimum fire flow requirements for the existing buildings onsite and how the private system will comply with the requirements. e. Concurrence from the City and CCFD#1 on the final interim water utility plan.		
29. The Master Plan includes a new pedestrian bridge connecting the Promenade over 99E to the site. The project is proposed to be included in the Oregon City TSP project list as part of this application. Currently, there are no development triggers for this project, which is assumed to be primarily a publicly supported project. However, future development applications will need to plan for its location. Completion of and payment towards the project may be used to meet transportation demand management requirements of the Master Plan.	Delete. The pedestrian bridge project connecting the Promenade to 99E has been added to the City's Transportation System Plan via the "Willamette Falls Legacy Project (CP 14-02) amendment to the TSP."	
30. By September 30, 2015, the applicant shall rectify the stormwater issue at the referenced manhole at Main St/3rd St intersection and separate the storm system from the sanitary sewer system. The CP 14-02, ZC 14-03, and PZ 14-01 PAGE 5 resolution shall include collaboration and coordination with ODOT to determine what improvements are necessary for the separation of systems, City and ODOT approval of the plan, and implementation. This condition shall be satisfied prior of the submission of a detailed development plan.	Delete. This work was completed prior to the applicant's acquiring the property.	

Existing Condition of Approval from CP 14-02	Action/Findings	Revised, Proposed Condition
31. Right of Way dedication shall be governed by the street and utility phasing plan which shall be submitted at the time of the first development application of more than 1,000 square feet of new habitable space. The Public Works Director may approve an alternate proposal of private streets governed by a full public access easement if the design and maintenance plan meets or exceeds the intent of the Master Plan.	Edit. No right of way dedication is anticipated.	The street network may be implemented by public ROW or private streets. The Public Works Director may approve an alternate proposal of private streets governed by public access easements, where the design and maintenance plan meets the intent of the Master Plan.
32. A utilities/infrastructure phasing plan which shall be required at the time of the first development application of new habitable space over 1,000 square feet or approval of the Riverwalk. If the Riverwalk development application is the first submittal, the phasing plan for the Riverwalk shall be limited to the boundary of the Riverwalk project. The following submittal requirements shall be included in future development application unless amended or waived by the Planning Commission: *a. Stormwater Management* i. Compliance with City Standards including Public Works Utility Standards ii. New stormwater facilities that provide for collection and treatment prior to discharge. iii. Consideration of alternative treatment methods such as low impact development due to the nature of the site (bedrock at or near the existing ground surface). iv. Evaluation of existing stormwater system along frontage of site and determination of what improvements are needed to fix any deficiencies found. v. Phasing plan as applicable and meeting the needs for phased redevelopment of the site. *b. Sanitary Sewer* i. Compliance with City Standards including Public Works Utility Standards ii. Capacity evaluation of existing sanitary sewer collection system using City's approved hydrologic/hydraulic model due to the proposed wastewater flow contribution from the entire development, including consideration of the TDSD surcharged interceptor sewers predicted in the 2014 SSMP and potential need for backflow protection improvements due to negative impacts from TCSD surcharged system.	Delete. This condition was derived from a series of Oregon City technical memos prepared in 2014. A utilities/infrastructure plan is included with the master plan submittal. All the required utility/infrastructure information required as part of a DDP is still required without a condition re-stating those standards.	

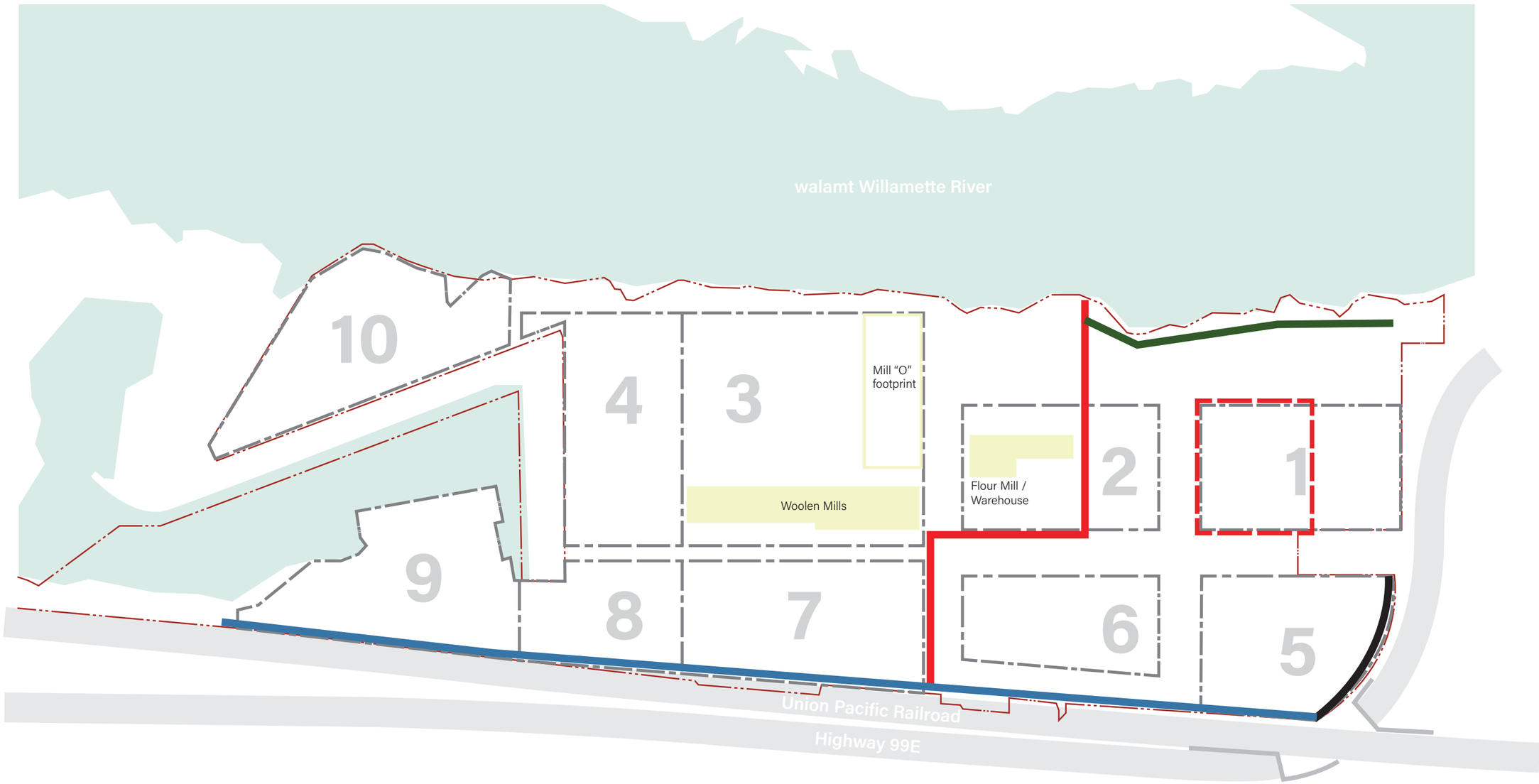
Existing Condition of Approval from CP 14-02	Action/Findings	Revised, Proposed Condition
iii. Phasing plan for abandonment, removal, and/or replacement of existing sewer facilities, and new public sanitary sewer extensions with lateral services located within future public streets meeting separation standards from other utilities as applicable. *c. Water* i. Compliance with Clackamas Fire District #1's (CCFD#1) and Uniform Fire Code requirements for the site's maximum fire flow based on the overall site development plan and any other conditions of approval as applicable. ii. A looped system providing two sources of supply with consideration of one source being located at the southern end of the site about where the existing pedestrian bridge crosses over Hwy 99E and the railroad tracks. This existing bridge is planned to be replaced sometime in the future with a new pedestrian bridge and consideration should be made for making the new bridge dual purpose and incorporate public utility crossings such as a new water pipeline. iii. Evaluation of the existing water distribution system using City's approved hydraulic network model to determine what new water system improvements are needed to provide adequate service pressures during normal operating conditions, fire flows as required by CCFD#1, and PRV station operational parameters based on the redevelopment needs of the site. Note: The existing PRV operational parameters may not work for the proposed redevelopment and be required to change. iv. Evaluation to determine if the City's designated "Paper Mill" pressure zone can be rezoned and made part of the "Lower" pressure zone and whether the PRV station at 5th/Main St is needed with the overall redevelopment plan. v. Phasing plan for new water improvements, including consideration of when existing water facilities will be abandoned, removed and/or replaced, how fire protection will be provided to existing buildings that are remaining in place during that development phase, how the new system will operate during that development phase if there are old water facilities still needed to be operational, replacing and/or upgrading PRV stations, installation of new public water mains, fire hydrants and metered		

Existing Condition of Approval from CP 14-02	Action/Findings	Revised, Proposed Condition
services located within future public streets meeting separation standards from other utilities as applicable vi. Consideration of completely abandoning the private system with the first phase development and what new water improvements are needed to accomplish this. *d. Streets* i. Compliance with City Standards including Public Works Utility Standards, unless further amended or waived by the Public Works Director. ii. Consideration of design exceptions and alternative streetscape elements if the site conditions (bedrock at or near the existing ground surface, existing buildings) do not allow for City Standards to be met or the proposed alternative can meet or exceed purpose of Master Plan and be acceptable to the Public Works Director. iii. Phasing plan as applicable for phased redevelopment of the site.		

NEW CONDITIONS		
Relevant Code Section	**Findings/Action (full findings in application)**	**Proposed Condition**
Willamette River Greenway – to meet OCMC 17.48.100.B	The Open space as identified in the framework plan implements the WRG setback. The setback is context sensitive. The framework plan directs development away from river and ensures public access via the riverwalk and shared use path along the River. The amendment to the framework plan still has open space between river and private development. Restoration of riverbank is central to the intent of the Greenway. The framework plan shows restoration areas. On balance, commitment to restoration and public access meets purpose of Greenway and exceeds area that was approved in 2014 master plan.	Boundaries for both the compatibility area and the Greenway setback are shown on Map 07. New development within the Willamette River Greenway is presumed to meet the compatibility review standards of OCMC 17.48.100.B if a) development is located outside the Greenway Setback, or b) the development provides restoration and a shared-use path between the development and the river. Compatibility review requirements are pre-emptively satisfied when development is consistent with the approved framework plan, and no additional Type III review is required. Protection of the Greenway Setback and consistency with the framework plan under this condition will be confirmed through a future Type II detailed development plan review.
Minimum FAR – to meet OCMC 17.34.080	The site meets minimum FAR requirements of 1.0 across the whole site. A detailed methodology for how FAR is calculated is	Minimum FAR of 1.0 (OCMC 17.34.080) is met for the developable areas on the site, based on a methodology provided in Appendix H. Proposed development will

	contained in Appendix H.	follow this long-term plan for future build out. Compliance will be verified as part of the DDP process.
Fencing- to meet OCMC 17.62.050(H)(1)(d)	Cleanup, demolition and subsequent redevelopment of the large site will take time and will be accomplished in phases. As such, redevelopment will be ongoing for many years to come, and the development code should allow an incremental approach to building out the site. As demolition and construction work will be ongoing, large portions of the site will need to be fenced off for the purposes of public health and safety. Demolition debris and construction equipment will be moving and operating on a regular basis, and these activities will need to be separated from parts of the site that will be accessible to the public. Chain link fencing is typically prohibited, except in special circumstances, which include construction sites on a temporary basis. ("Temporary" is not defined in the code.) The nature of undeveloped blocks in the district is similar to that of a construction site and therefore the prohibition on chain link fencing should be relaxed, with the additional limitations listed. Because fencing is needed to maintain existing structures, it meets the "routine repair and maintenance" exemption of the NROD chapter.	Different fencing types serve different purposes across the site. Categories of allowed fencing and potential locations are described in Appendix F, new fencing on site is permitted when consistent with the fence types/locations shown in this Appendix.
Minimum Site Frontage – OCMC 17.62.055.D	One of the guiding values of *tumwata village* is Healing, this value manifested in this district through increased access to the falls, environmental remediation, and integrating green/open space. The applicant envisions a green corridor running along main street leading out to the falls. To allow for an enhanced landscaped buffer along main street, the development site to the southeast of Main St. should be allowed a greater setback, as shown in	To allow for a vegetated and landscaped corridor along Main Street, within Block 5, 6, 7 and 8, the front yard setback shall be measured from the edge of the enhanced buffer along Main Street, as shown on the framework plan. Increased setback allowances may still be applied per OCMC 17.62.055(D) in Detailed Development Plan applications.

	the framework plan. The master plan areas do not have typical lot patterns or public streets, therefore, the applicant proposes to allow the "setback" to be measured from the enhanced landscaped buffer along Main Street.	
Flood Management Overlay District – OCMC 17.42	A site-specific hydrologic analysis was completed by the applicant to determine the flood elevation of the site, which is based on the 1996 flood. This line is shown as a boundary on the map in Appendix I. Future development will be subject to site development standards based on this line and site elevation. Included in these standards is a balanced cut and fill requirement. Methodology for cut and fill calculations is described in the appendix and will be followed by future development.	All future DDP applications and building permits shall be regulated to the 1996 flood plain elevations established in Appendix I, "Grading and Flood Plain Methodology Memo," dated October 17, 2024. Balanced Cut/Fill as required by the Oregon City Code shall be calculated using the methodology outlined in this memo.



LEGEND

- Long-term Safety and Security Fencing
- Construction fencing
- Railroad safety and separation fencing
- Existing fencing along 99E
- Riverfront/NROD fencing

PROPOSED FENCING TYPES*

8/9/2024

* Locations shown for fencing types are approximate and for illustrative purposes only. Actual locations may vary.

Fencing Types - tumwata village Master Plan Amendment

The 23-acre tumwata village Master Plan site is both unique and complex as it served various mill operations during the last 170-years. Throughout the site there are a variety of different fence types serving different purposes. It's understood that redevelopment of the site could happen over the duration of the 20-year Master Plan approval period. This document describes the different fencing types and their potential locations. An illustrative Fencing Plan depicting an example of fencing locations for imaginative future phase can be seen at the end of the document. This fencing document does not cover the requirement of erosion control fencing.

Fencing Types

Given the complexity of the tumwata village Master Plan site, there are a variety of different fencing types serving different purposes across the site. This section describes different fencing types and their purposes that can and will be found across the site during various stages of redevelopment. Images of both existing and future fencing types are provided for illustrative purposes, and actual fencing may vary at the time of installation. Onsite fencing within the tumwata village site falls into five main categories:

- Long-Term Safety and Security Fencing
- Construction Fencing
- Railroad Safety and Separation Fencing
- Riverfront/NROD Fencing
- Existing Fencing along OR99E/McLoughlin Boulevard

It should be noted that some fencing is temporary in nature while other fencing is intended to be permanent.

Long-Term Safety and Security Fencing

The tumwata village site encompasses approximately 23-acres of a former mill/industrial site. As such many of the site conditions across the 23-acres may be hazardous to the public. Current onsite activities include active demolition, environmental remediation, and several buildings/site elements that are structurally unstable. In order to keep the public safe from these activities, long-term safety and securing fencing is needed. This type of fencing will also include access gates to allow for movement between publicly accessible spaces and spaces that could be hazardous to the public. This fencing consists of 6-foot tall diamond patterned chain link fencing with the potential of being wrapped with mesh if desired. It is anticipated that



Figure 1: Long-Term Safety and Security Fencing – Diamond Pattern 6-foot Fencing with Mesh



Figure 2: Long-Term Safety and Security Fencing – Diamond Pattern 6-foot Fencing

locations facing public access would be candidates for mesh wrapping. An example of this fencing can be found in Figure 1 and Figure 2.

Construction Fencing

As redevelopment occurs across the 23-acre tumwata village site, it's anticpated that construction fencing will be needed. This fencing type will most often be assocated with an approved Detailed Development Plan project and would remain in place for the duration of construction. This fencing is typically 6-foot tall diamond pattered chain link fence with mesh potential if desired. It is anticipated that locations facing public access would be candidates for mesh wrapping. An example of this fencing can be found in Figure 3 and Figure 4



Figure 3 Construction Fencing – Diamond Pattern 6-foot Fencing



Figure 4 Construction Fencing – Diamond Pattern 6-foot Fencing with Mesh

Railroad Safety and Separation Fencing

The southeast border of the tumwata village site abuts the Union Pacific Railroad (UPRR). There are two/three rail lines within UPRR right-of-way adjacent to the site. The existing fencing separating UPRR property from the tumwata village site varies along the length of the property. The two properties share a property line for approximately 3,700-feet. Existing fencing consists of chain link fence, guardrail, basalt retaining walls, concrete retaining walls, building, and various types of black powder coated fence types. Vertical heights of fence types vary significantly along the site and examples of fence types can be found in Figure 5.

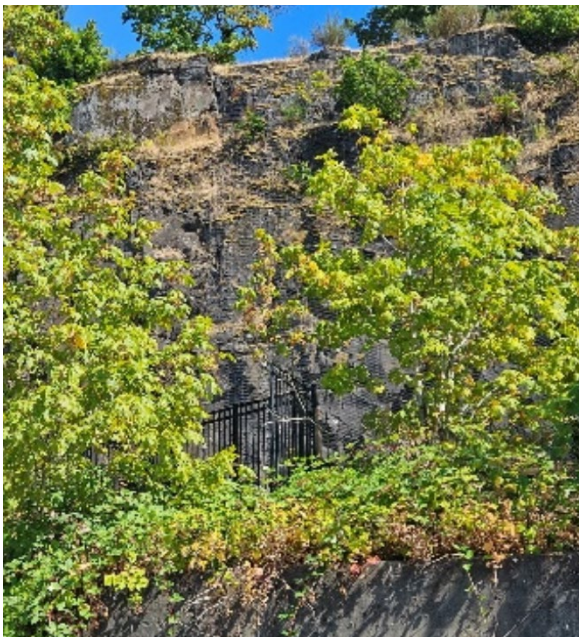


Figure 5: Existing Railroad and Separation Fencing – Black Metal Fencing, north end of site

At such a time that either the tumwata village site redevelops adjacent to the property line, or UPRR takes redevelopment/chance in use actions new safety fencing could be a requirement of Federal Rail standards to ensure safety. Both parties will work together to meet safety standards upon redevelopment.



Figure 6: Existing Railroad and Separation Fencing – Buildings located adjacent to railroad, north end of site



Figure 7: Existing Railroad and Separation Fencing – Retaining wall, Guardrail, Black metal fencing, chain link fence panels, north end of site



Figure 8: Existing Railroad and Separation Fencing – Chain link fence, basalt retaining walls, middle portion of the site



Figure 9: Existing Railroad and Separation Fencing – Chain link fence, retaining wall, black metal horizontal railing, middle portion of the site

Riverfront/NROD Fencing

The Oregon City Municipal Code in Chapter 17.49.080(O) outlines permitted fencing within the Natural Resource Overlay District:

O. New fences meeting all of the following:

1. No taller than three and a half feet and of split rail or similar open design;

2. Two feet width on both sides of fence shall be planted or seeded with native grasses, shrubs, herbs, or trees to cover any bare ground;

3. Six inches of clearance from ground level;

4. Fence posts shall be placed outside the top-of-bank of streams and outside of delineated wetlands.

Upon redevelopment NROD fencing is anticipated along the walamt (Willamette River) to ensure the safety of pedestrians, wildlife, and plants. Examples of existing NROD fencing within Oregon City that can be seen in Figure 10 through 14, for the tumwata village site fencing that meets this code could look similar to . Marine/marina and dock access gate/safety fencing exists within the NROD overlay today and will also exist in the final condition within the Riverfront/NROD boundary, see Figure 14 and 15 for existing and illustrative marina dock gate fencing. It is also anticipated that temporary Construction Fencing could be allowed for in the NROD boundary associated with active construction activities permitted by a Detailed Development Plan.



Figure 13: tumwata village Proposed Fencing material types/aesthetics to meet NROD fencing requirements



Figure10: Existing Riverfront/NROD Fencing – OR99E Viaduct adjacent to Willamette River near 8th Street

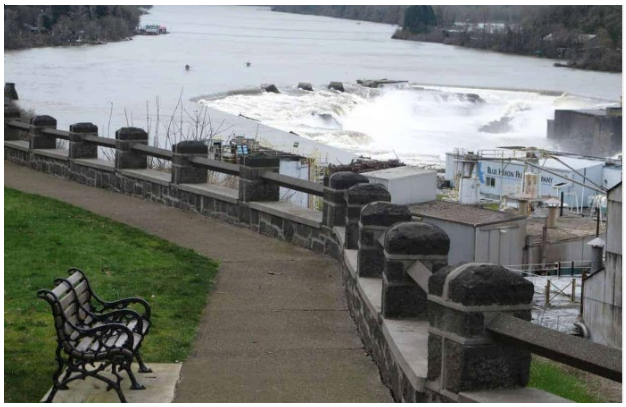


Figure 11: Existing Riverfront/NROD Fencing – McLoughlin Promenade



Figure 12: Existing Riverfront/NROD Fencing – OR99E near 14th Street



Figure 14: Existing Riverfront/NROD Fencing – Marine/marina and dock access gate/safety fencing



Figure 15: Illustrative Riverfront/NROD Fencing – Marine/marina and dock access gate/safety fencing

Existing Fencing along OR99E

At the north end of the tumwata village site adjacent to OR99E/McLoughlin Boulevard there is existing 6-foot chain link fence with green fence slats. This existing fencing will be maintained and repaired as necessary (primarily due to motor vehicle crashes) until such time that a specific Detailed Development Plan is submitted for redevelopment of Block 5. Figure 16 shows an image of the existing chain link fence with green fence slats.

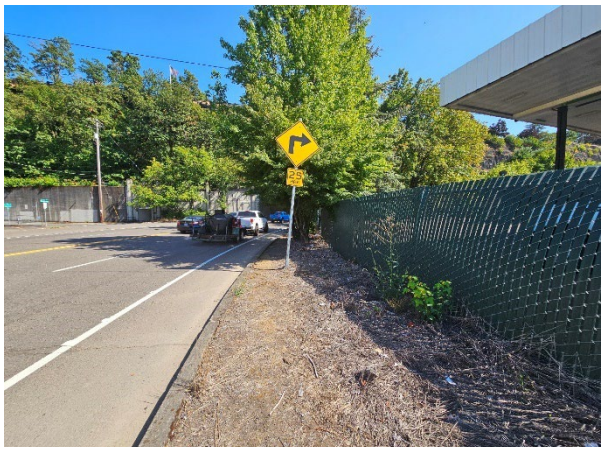


Figure 16: Existing Chain Link Fence with Green Fence Slats adjacent to Block 5 facing OR99E/McLoughlin Boulevard

Fencing Locations

Existing, temporary, and permanent fencing are and will be located at different locations across the 23-acre tumwata village Master Plan site throughout the duration of the Master Plan implementation. The site is both unique and complex and has served various mill operations during the last 170-years, this history requires that the allowable fencing onsite will need to be flexible and responsive to the unique site conditions. An illustrative Fencing Plan depicting an example of fencing locations for an "imaginative future phase" can be seen in Figure 17. It is anticipated that over the course of redevelopment these five primary fencing types will change in location to be response to site redevelopment and the evolution of demolition, environmental remediation, and existing buildings/site elements that are structurally unstable.

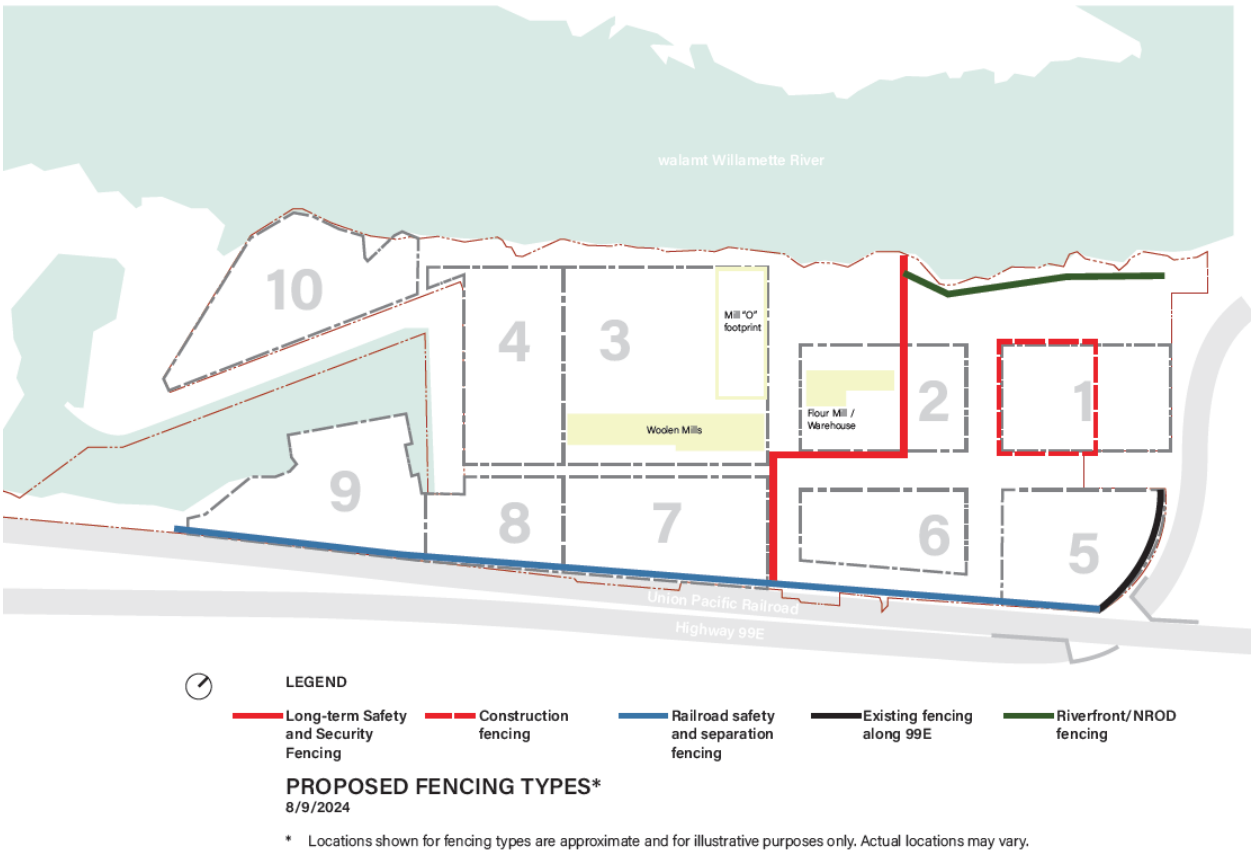


Figure 17: Proposed Fencing Types

Conclusion

While this document attempts to provide a comprehensive description and understanding of existing, temporary, and permanent fencing on the 23-acre tumwata village site, it is understood by both the applicant and the City, that ability to be flexible and responsive to the unique site conditions is imperative. The unique development patterns of a 170-year old mill site will invariably present a site condition unforeseen in this document. In an effort to support redevelopment and encourage economic development within Oregon City, good faith efforts will be made to come to collaborative and reasonable solutions to address fencing requirements throughout the tumwata village site. Where Oregon City's Municipal Code may fall silent in addressing a specific type of fencing, both the City and applicant are encouraged to work together and identify solutions that have been found by other Oregon cities to address similar site conditions.



tumwata village material palette

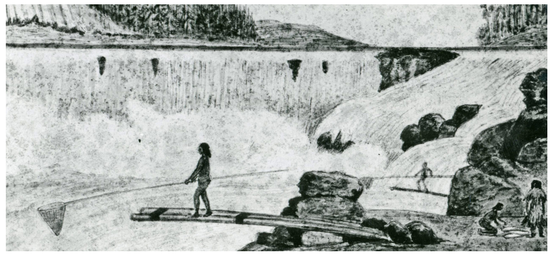
The Confederated Tribes of Grand Ronde Community of Oregon

May 2024

Walker | Macy

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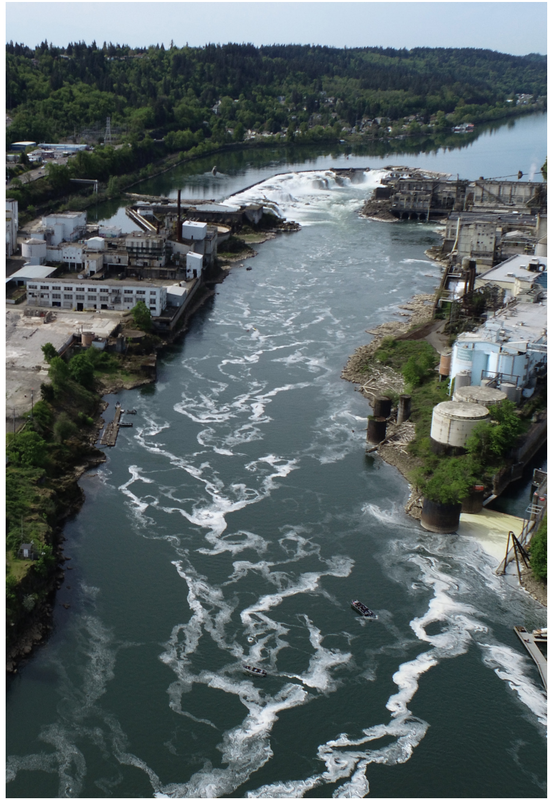
ACKNOWLEDGMENTS

The development of the material palette guide for tumwata village was done with thoughtfulness, intentionality, and care. This guide will be used to bring healing to the tumwata village site, and make new homes for our plant and animal relatives.

We honor our Ancestors of tumwata, the Clowewalla and Clackamas. Nearby neighbors of this place include the Molalla, Kalapuya, Multnomah, and Watlala (Cascades). All of these peoples, along with others from today's Northwest Oregon, signed the Willamette Valley Treaty of 1855 and were removed to the Grand Ronde Indian Reservation.

Healing landscapes and people requires consideration of multiple scales and timelines. Success at tumwata village will be evident by creating active spaces intended to gather and connect people, views, and resources of abundance. tumwata village is a celebration of perseverance and healing for the Grand Ronde Tribe and families who have been connected to this land since time immemorial.

It is with great appreciation that we acknowledge the team of people who were instrumental in developing this guide. Thank you to the consultant teams of Walker|Macy and GBD Architects. Thank you also to the Tribal staff who helped to guide this process including team members from the Cultural Resources Department, Natural Resources Department, the Tribal Council, Engineering & Community Development, and the Executive Team.





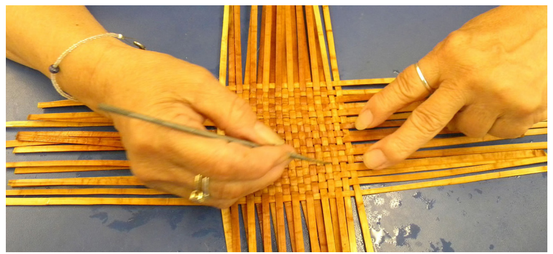
"It's just that message that we're still here, that we're still connected to the landscape, to the river, to the tumwata."

Greg Archuleta, Tribal Elder and Treaty Signing Descendant from tumwata









The material palette guidelines are intended to provide design direction for the entirety of the tumwata village master plan area defined in the 2022 tumwata village Vision Document. This also includes future public realm projects, individual projects and art, messaging, and wayfinding throughout the site. tumwata village will continue to be refined and implemented over generations. This document intends to describe the Grand Ronde Tribe's specific approach that will establish continuity across the site over long term. These guidelines represent a living document that will adjust over time based on direction from tribal leadership and key stakeholders, as well as dynamic factors including climate change, material durability, lessons learned, and evolving messaging or new stories to tell. This approach reflects the Tribal value of "Keeping it Living" which emphasizes that art, design, and utility are intended to be interacted with, experienced continually, and adjusted over time to react to new inputs.

The materials palette draws inspiration from the site itself. tumwata village will be a place of healing for both the site and many people occupying it and all new development should use authentic, native materials to reinforce this process. The materials palette is inspired by the site's basalt cliffs, powerful waterways connected to tumwata, and native plants that once thrived here.

The horizontal palette of materials across the site are long lasting and intentionally simple. It is representative of the basalt on, under, and around the village site. The vertical palette of materials highlights special gestures and messaging for the Tribe and is intended to provide visual interest throughout tumwata.

GRADIENT FROM "URBAN" TO "NATURAL"



TRANSITION OF SITE MATERIALS FROM URBAN TO NATURAL ACROSS SITE

All materials used on site should support healing through using a native palette to the site and region. Upon entering the site across Highway 99E into tumwata village, one should understand they are entering a unique, lush district with powerful messages to share. The materials palette intends to reinforce a transition from the urban core of Oregon City to the natural environment of the river and its powerful presence.

AUTHENTICITY







Materials used should be authentic and derived from this environment. These materials should be long lasting and naturally patina over time, providing a visual richness to tumwata. The materials and forms should be true to this place and not be fabricated or simulated to appear natural. Where this is not possible, abstract interpretations of key site elements should be explored. Artistic and interpretive components should be carefully crafted of natural materials so that their stories are reinforced by their materiality.

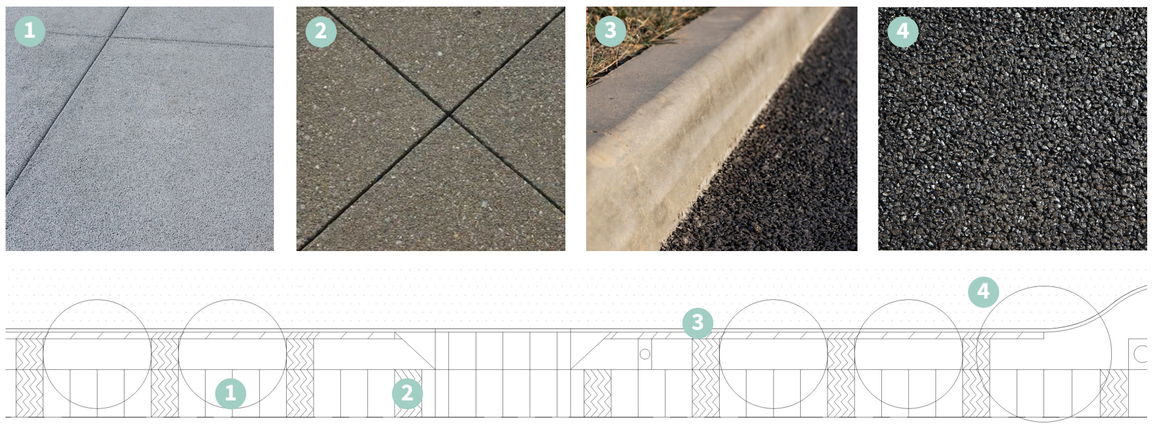
PAVING - STREETSCAPE

Intent

The streets at tumwata are intended to provide a simple, dignified appearance while accommodating the daily functions of the village. The paving should be durable, long lasting and facilitate repair and replacement as needed over time.

Material Considerations

- Paving in the streets is to be asphalt structured to accommodate heavy long-term traffic.
- Curbs should be cast-in-place concrete and detailed to follow city standards.
- Walkways should be constructed of cast-in-place concrete with a top-cast finish to add visual appeal.
- The furniture zone and special areas in the sidewalks should be constructed of a darkened concrete mix with top-cast finish to provide visual richness.



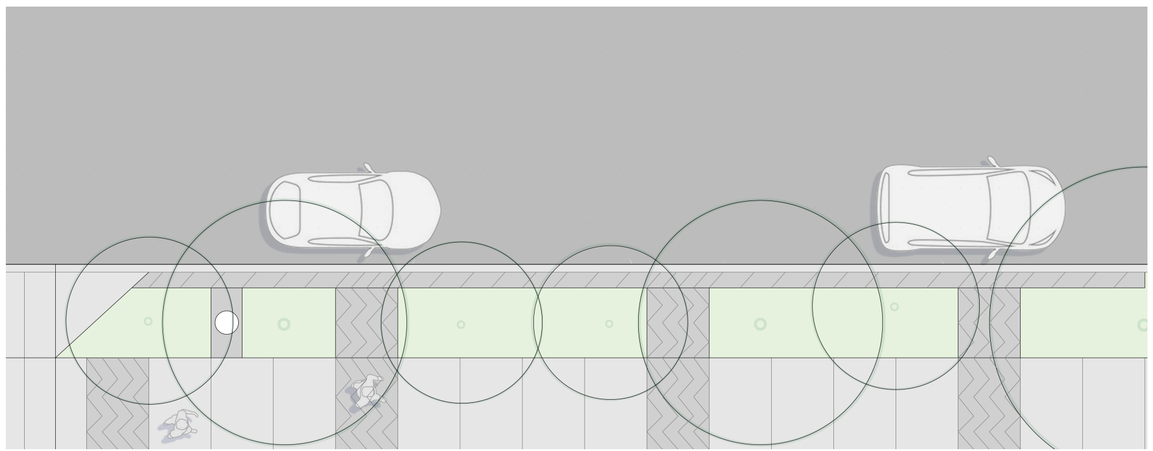
DECORATIVE SCORING - STREETSCAPE

Intent

The scoring of the walkways is intended to add visual character without the need for special paving or materials. Scoring patterns, derived from tribal geometries, should provide a subtle visual character to the streetscape.

Material Considerations

- Walkway scoring should be established by simple troweling during installation or by saw cutting post-installation.



PAVING - PLAZAS, TERRACES, & TRAILS

Intent

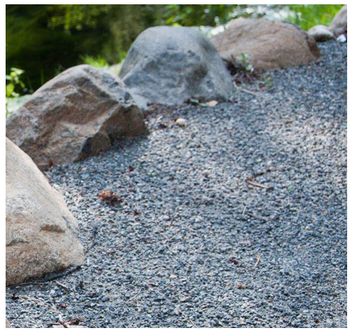
There will be a variety of site pavement conditions needed over the course of development. These will largely be site-specific and should embody the material palette principles of authenticity and visual connection to this special place. When selecting specific products and surface types, accessibility, durability, and maintainability considerations should guide selection.

Material Considerations

- Simple, dark gray colored pavement should be used throughout the site to reinforce connection to basalt.
- Cast-in-place, integral colored concrete with top-cast finish and stone pavers should be considered for feature plazas and terraces.
- ADA-compliant, aggregate paving should be considered for informal trails where appropriate.



CONCRETE WITH TOP-CAST FINISH



CRUSHED STONE PATHWAY



TUMBLED CONCRETE UNIT PAVERS AT LEWIS AND CLARK COLLEGE

DETECTABLE WARNING

Intent

Tactile warning strips guide people who are blind or with limited vision throughout the site and provide warning at potentially hazardous areas. Local, state, and national accessibility codes should be referenced when choosing a product and grading the land adjacent to the tactile warning strips.

Material Considerations

- Tactile warning pavers should be used for visual richness and increased maintainability.
- Gray, black, or white tiles should be used rather than red or yellow to fit into the overall materials palette.
- There should be enough contrast between the tile color and adjacent paving surface to provide visual cues to users who have low vision.



KINESIK ADVANTAGE CAST IRON TACTILE WALKING SURFACE INDICATOR



WHITE DETECTABLE WARNING STRIP

BOLLARDS

Intent

Bollards provide access control and safe separation between pedestrians and vehicles. They should be spaced appropriately and sized to ensure pedestrian safety. If lighting is incorporated, light levels and direction should be coordinated to reduce glare and appropriately light the route of travel.

Material Considerations

- Custom, basalt bollards with a bush hammer finish should be used in conjunction with seating throughout the site.
- Basalt forms should be unique, each form being one-of-a-kind.
- Custom metal bollards with integrated lighting should be considered at special locations, such as walkways along the river.



FORMS+SURFACES LIGHT COLUMN BOLLARD



STONE SET IN PAVING USED AS FIXED BOLLARD



STONE USED AS BOLLARD

UTILITY LIDS & DRAIN GRATES

Intent

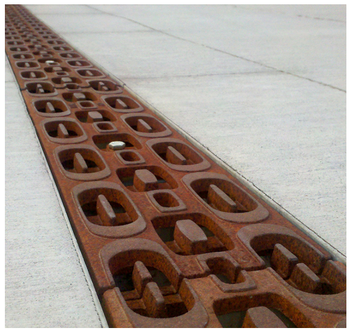
Utility lids and drain grates provide opportunities for enhanced materials and custom art or messaging. They should read as complementary furniture elements among the overall materials palettes. Custom patterns can be coordinated with manufacturers and should be done well in advance to account for product lead time.

Material Considerations

- Cast or raw iron should be used for the materials.
- Iron Age Designs and Urban Accessories should be considered as manufacturers for standard or custom products.
- Materials chosen should be safe when releasing water to the walamt.
- ADA compliant grates should be used in areas intended for pedestrians.



IRON AGE 'TULIE' CATCH BASIN GRATE



IRON AGE DESIGN 'PARADISE' TRENCH GRATE



IRON AGE DESIGNS 'MISO' CATCH BASIN GRATE



RAW VS. RUST CONDITIONED CAST IRON

SITE LIGHTING

Intent

Vertical elements such as lighting will have visual importance and contribute to the messaging at tumwata. Both the daytime appearance and nighttime illumination should be considered when selecting lighting types and locations. The intention for site lighting is to establish a unique character for the village through its materials, form, and lighting quality.

Material Considerations

- Selected fixtures should meet photometric needs while providing a simple form that differentiates them from downtown fixtures.
- Spacing of fixtures should be coordinated with site design as an integral part of the village.
- Street lights should be able to support banners.



FORMS+SURFACES LIGHT COLUMN BOLLARD



AEC ILLUMINAZIONE STYLO STREET LIGHT



AEC ILLUMINAZIONE STYLO STREET LIGHT WITH P1 SERIES POLE

BIKE RACKS

Intent

Bike racks encourage bicycle circulation into the site and the number on-site should be coordinated with each new phase of development to ensure needs are being met.

Material Considerations

- The Sportworks 'Oahu' No-Scratch Bike Rack should be used in areas where space is generous.
- The Sportworks 'Westport' No-Scratch Bike Rack should be used in areas where space is limited.



SPORTWORKS 'OAHU' NO-SCRATCH BIKE RACK



SPORTWORKS 'WESTPORT' NO-SCRATCH BIKE RACK

WASTE RECEPTACLES

Intent

Trash, recycling, and compost receptacles will be necessary on-site in various locations, and their frequency should be coordinated with the needs of new development. These components should blend in as background furniture elements and be strategically located in convenient positions.

Material Considerations

- The Landscape Forms 'Plexus' receptacle family should be used in a dark-colored, powder-coat metal finish.
- Color pallete should reflect natural materials onsite.



LANDSCAPE FORMS 'PLEXUS' WASTE RECEPTACLE W/ LIGHT FINISH



LANDSCAPE FORMS 'PLEXUS' WASTE RECEPTACLE W/ DARK FINISH

BENCHES & SEATING

Intent

Seating will be essential for the function, comfort, and livability of the village. It should be carefully selected and located in direct coordination with the specific needs of each site. Some seating with backs and armrests should be strategically located throughout the site to facilitate universal accessibility. Given their visual and aesthetic importance, specific seating should be selected to compliment the setting and adjacent site elements.

Material Considerations

- Seating should be comprised of durable materials such as stone, wood, and steel.
- Configuration and scale of seating should be determined based on setting.



STONE BLOCKS USED FOR SEATING



STONE BLOCKS USED FOR SEATING



LANDSCAPE FORMS GENERATION 50 BENCH

SITE WALLS - CONCRETE

Intent

Cast-in-place concrete walls create necessary separation for site grading and can also be used as attractive features. Taller walls provide the opportunity to introduce custom board form finishes.

Material Considerations

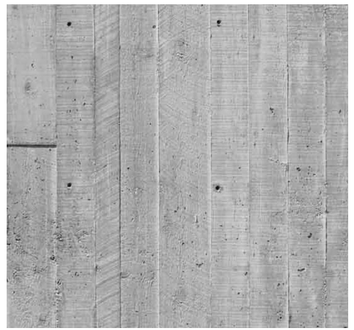
- A simple sandblast or top-cast finish should be utilized for shorter, utilitarian walls used for elements such as stairs, ramps, and seat walls.
- Wide-plank board form finishes should be considered for taller feature walls.



SANDBLAST CONCRETE FINISH



WIDE HORIZONTAL BOARDFORM CONCRETE



VERTICAL BOARDFORM CONCRETE

SITE WALLS - GABION

Intent

Gabion site walls offer similar benefits to cast-in-place concrete walls but with a unique look and feel. Gabions also simplify construction processes and the required structure and drainage. Primarily, gabion walls should be used as feature walls on-site, with increased utilization closer to tumwata given their natural appearance. The most visible infill material toward the visual front of the baskets should be strategically hand-placed for a fitted appearance.

Material Considerations

- Stainless steel or mild steel baskets should be used. Avoid galvanized steel finishes.
- Basalt should be used as an infill material and opportunities for recycled materials on-site as infill should be considered where appropriate.



GABION RETAINING WALL AT UNIVERSITY OF WASHINGTON CAMPUS



GABION RETAINING WALL AT UNIVERSITY OF WASHINGTON CAMPUS



POTENTIAL REUSED GABION INFILL MATERIAL

PEDESTRIAN BRIDGES

Intent

Pedestrian bridges throughout the site should be designed to be site-specific and coordinated with both the overall materials palette and design of the development site. When selecting specific products and surface types, considerations such as aesthetics, accessibility, durability, and maintainability should guide the selection process. Incorporation of guardrails and toe-kick rails should be considered depending on site conditions.

Material Considerations

- Weathered steel or local wood should be utilized for bridge surfacing material.



WEATHERED STEEL FOOTBRIDGE



SILVERED WOOD FOOTBRIDGE



WEATHERED STEEL FOOTBRIDGE WITH CUSTOM DESIGN

FENCES & RAILS

Intent

Fences and railings are important vertical components of tumwata that will help to establish its visual character. They should be designed to visually blend with the natural look of the site and be selected in conjunction with adjacent site furnishings. Material selection and design should prioritize permanence and long-term value to the village.

Material Considerations

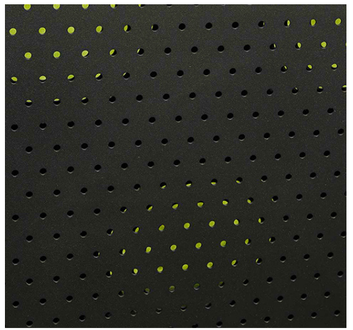
- Fencing materials should be made of either weathered steel or powder-coated metal. Colored powder-coating should reflect natural materials onsite.
- Scale and design of members should be sensitively determined based on height and length of the fence.
- Handrails should be simple in design and constructed of stainless steel.



STAINLESS STEEL HANDRAIL



CUSTOM WEATHERED STEEL SCREEN



POWDER COATED, PERFORATED METAL SCREEN

TRELLISES & VERTICAL ELEMENTS

Intent

Trellises and other vertical elements will provide important visually quality to the village and should be designed and scaled in concert with adjacent buildings and open spaces. The level of shade provided should be determined depending on the setting and proximity to the basalt cliff.

Material Considerations

- These components should be constructed of natural materials such as heavy timber and weathered steel to provide a sense of permanence. Member sizes and configuration should be carefully considered to balance the visual scale with the adjacent built elements.
- The inclusion of plant material is recommended where appropriate to visually knit these vertical components with the site.



STREETLIFE 'HIGH GRASS PILLARS' TRELLIS



PLANTED ARBOR AT BELMONT DAIRY MIXED-USE DEVELOPMENT



PLANTED ARBOR AT BELMONT DAIRY MIXED-USE DEVELOPMENT

SIGNAGE

Intent

The sign systems will provide much value in assisting wayfinding and establishing site character. As important vertical components, the signs should be specifically designed for the village as a comprehensive system that embodies natural colors and materials. Incorporation of the Grand Ronde Tribe's language, chinuk wawa, will also be a key characteristic of signage throughout the site.

Material Considerations

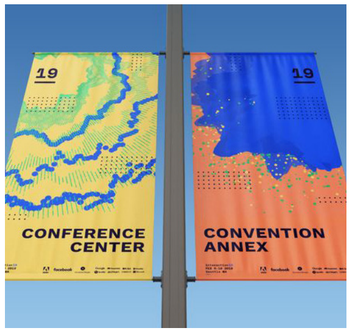
- The sign system should employ natural colors and materials to help visually blend into the site.
- The system should be made of durable materials such as steel, and the sign face materials selected for legibility and longevity.
- Traffic guide signs and regulatory signs should be minimized and grouped, when possible, to reduce visual clutter.
- Building signage should be visually blended into the facades and take part in the overall natural approach to the site development.



DUAL LANGUAGE STREET SIGNAGE



WEATHERED STEEL INTERPRETIVE SIGN



INTERCHANGEABLE BANNERS

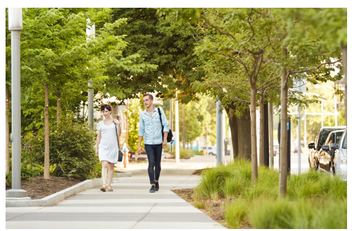
PLANTING PALETTE

Intent

Plant material provides great value to the village in its visual quality, environmental and habitat benefit, and Tribal use for ceremony, tradition, and values of healing. Due to the diversity of environments that will comprise tumwata, different approaches should be utilized in the design, installation, and maintenance of the materials, depending on their conservation and domestic uses. Maintenance personnel should be carefully trained to nurture the landscape enabling plants to flourish in their natural forms and interplay with other plants.

Creating Ecosystems

- Plants are intended to be grouped with diverse species to emulate native patterns based on sunlight exposure and soil moisture of the planting sites. Street trees are intended to be planted in mixes of types, in interesting patterns, and to provide visual and environmental benefit.
- Plants should be strategically located throughout the village to maximize their environmental and habitat benefits, considering their growth habits and botanical requirements.
- For areas with a restoration focus, inclusion of native seed mixes should be considered. Seeds can increase biodiversity and self-select micro-climates for optimal growth and health. Seeding can be used in conjunction with installation of plant plugs and potted plants.



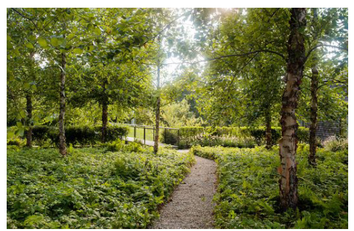
Street Trees

- Native/climate-adaptive
- 6' wide planter width or less



Stormwater Plantings

- Native/climate-adaptive
- Primarily 1'-3' in height
- 4' tall shrubs included (to be planted to enable views)
- Recommended for stormwater use



Site Plantings

- Native/climate-adaptive
- Includes species used in streetscape and larger trees and shrubs not appropriate for streetscape conditions
- Could include harvestable species
- Specific species will vary based on environment (i.e. wet areas, shady groves)

SOURCING & MAINTENANCE

Sourcing Plants

- Plants should be carefully selected based on their origins to ensure species are directly appropriate to this part of the valley.
- The Tribal Nursery should be given the first opportunity to provide plants for site use based on plant availability.
- Plants purchased outside of the Tribal Nursey should come from locally based nurseries pre-selected by the Tribe to ensure quality and horticultural appropriateness.

Maintenance

- Strategic planting approaches combined with weed prevention measures such as ground cloth, mulching, and overseeding/overplanting of native species shall be used to reduce the need for weed control.
- Mechanical and hand-removal of weeds should be top priority for maintaining the plant communities.
- Weed steamers and flame weeding should be considered for weed suppression where appropriate.





STREET TREE PALETTE



Acer circinatum
Vine Maple



Amelanchier alnifolia
Western Serviceberry



Calocedrus decurrens
Incense Cedar



Cupressus bakeri
Baker Cypress



Frangula purshiana
Cascara



Notholithocarpus densiflorus
Tanoak



Quercus chrysolepis
Canyon Live Oak



Quercus garryana
Oregon White Oak



Quercus kelloggii
California Black Oak



Umbellularia californica
Oregon Myrtle



Prunus virginiana
Chokecherry



Thuja plicata
Western Red Cedar

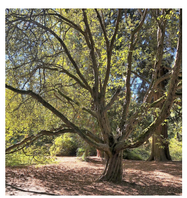


Arbutus menziesii
Pacific Madrone



Cornus nutallii
Pacific Dogwood


Sambucus racemosa
Red Elderberry


Malus fusca
Oregon Crab Apple

OC approved by Oregon City as Street Tree

PDX approved by city of Portland as Street Tree

SAL approved by city of Salem as Street Tree

EUG approved by city of Eugene as Street Tree

COR approved by city of Corvallis as Street Tree

STORMWATER PALETTE


Rhamnus purshiana
Cascara


Cornus sericea
Red Twig Dogwood


Physocarpus capitatus
Pacific Ninebark


Oemleria cerasiformus
Indian Plum


Spiraea douglasii
Douglas Spirea


Rosa Pisocarpa
Clustered Wild Rose


Ribes sanguineum
Red Flowering Currant


Camasia quamash
Camas


Juncus effusus
Common Rush

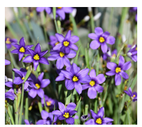

Juncus ensifolius
Dagger-leaf Rush


Typha latifolia
Cattails


Carex opnupta
Slough Sedge


Iris tenax
Oregon Iris


Schoenoplectus acutus
Tule


Sisyrinchium
angustifolium
Blue-eyed grass


Dicentra formosa
Pacific Bleeding Heart


Allium cernuum
Nodding Onion


Eleocharis palustris
Creeping Spike Rush


Carex pellita
Woolly Sedge


Plectritis congesta
Rosey Seablush

Trees


Rhamnus purshiana
Cascara


Malus fusca
Oregon Crab Apple


Prunus emarginata
Bittercherry


Prunus virginiana
Chokecherry


Barylus cornuta
Beaked Hazelnut


Acer macrophyllum
Big Leaf Maple


Alnus incana
Grey Alder


Alnus rhombifolia
White Alder


Taxus brevifolia
Western Yew


Thuja plicata
Western Red Cedar


Alnus rubra
Red Alder

Large Shrubs

8' tall and over


Cornus sericea
Red Twig Dogwood


Physocarpus capitatus
Pacific Ninebark


Oemleria cerasiformus
Indian Plum


Mahonia aquifolium
Tall Oregon Grape


Rubus spectabilis
Salmonberry


Lonicera involucrata
Black Twinberry


Philadelphus lewisii
Mock Orange

Medium Shrubs

5-8' tall


Spiraea douglasii
(Douglas Spirea


Rosa Pisocarpa
Clustered Wild Rose


Ribes sanguineum
Red Flowering Currant


Symphoricarpos albus
Snowberry


Vaccinium ovatum
Evergreen Huckleberry


Rosa gymnocarpa
Baldhip Rose


Holodiscus discolor
Oceanspray

Low Shrubs

<4' tall


Gaultheria shallon
Salal


Spiraea betulifolia var.
lucida
Shiny-leaf Spirea


Rubus parviflorus
Thimbleberry


Mahonia nervosa
Dull Oregon Grape


Ledum groenlandicum
Bog Labrador Tea


Artemisia lindleyana
Mugwort/Columbia
River Wormwood

Herbaceous Plants


Polystichum munitum
Sword Fern


Achellia millifolium
Yarrow


Aquilegia formosa
Red Columbine


Lupinus latifolius
Broadleaf Lupine


Ligusticum canbyi
Canby's Licorice Root


Goodyera oblongifolia
Rattlesnake Plantain


Eriophyllum lanatum
Woolly Sunflower


Claytonia perfoliata
Miners Lettuce


Camasia quamash
Camas

Nuphar polysepala
Great Yellow Pond-Lily

Perideridia gairdneri
Gairdner's Yampah

Sagittaria latifolia
Wapato

Lomatium spp.
Lomatium

Adianthum pedatum
Maidenhair Fern

Epilobium
angustifolium
Fireweed

Lysichiton americana
Skunk Cabbage

Urtica dioica
Nettle

Allium accuminatum
Hooker's Onion

Polygonum
bistortoides
American Bistort

Allium amplectens
Narrow Leafed Onion

Sidalcea campestris
Meadow Check Mallow

SITE PLANTING PALETTE



Grindelia stricta
Oregon Gumweed



Downingia elegans
Calico Flower



Triteleia spp.
Fool's Onion



Tellima grandiflora
Fringe Cup



Potentilla gracilis
Western Cinquefoil



Dicentra formosa
Pacific Bleeding Heart

Groundcovers



Mahonia repens
Creeping Oregon Grape



Arctostaphylos uva-ursi
Kinnikinnick



Fragaria vesca
Woodland Strawberry



Fragaria virginiana
Wild Strawberry



Rubus ursinus
Trailing Blackberry



Asarum caudatum
Wild Ginger



Maianthemum stellata
Starry False Solomon's Seal

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Floor Area Ratio (FAR) Approach- tumwata village Master Plan Amendment

Redevelopment of the 23-acre tumwata village site (a former industrial mill) is both unique and complex and will take time to implement and will be accomplished in phases. As such, demolition, environmental remediation, and redevelopment will be ongoing for many years to come and the development code should allow for an incremental approach to building out the site.

The vision for the site includes a range of buildings and uses at different sizes and scales. At build out, the total development square footage will meet the 1:1 code requirement for the site as established in OCMC 17.35.060(B), although each individual DDP may not achieve the minimum 1:1 FAR. The applicant will keep a record of changes to the total anticipated FAR for the site with each DDP submittal to track progress toward meeting the code requirement.

Proposed development will follow a long-term plan for future build out that is provided by the applicant and approved by the city via the 2024 Framework Plan. Floor Area Ratio (FAR) within the tumwata village Master Plan Area boundary will be calculated using the following methodology:

a. Each DDP project area boundary will be defined by the applicant at the time of DDP submittal.
b. The project area boundary will include the areas from the 2024 Framework Plan with the designations “Development Parcel” (shown in solid yellow) and “Potential Development or Open/Public Space” (shown in a yellow hatch). Areas designated as “Open/Public Space” (shown in solid green) and “Special Development/Open Space Area” (shown in green with an orange hatch) are not included in FAR calculations.
c. The square footage areas of the following list of existing elements on the site will be excluded from FAR calculations: the Oregon City Flour Mill Foundation, the Warehouse Foundation (located north of the Flour Mill Foundation) and the Woolen Mills Foundation.
d. 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 FARs.*
e. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanisms, that the required minimum density will be achieved at build out of the approved master plan.*
f. The gross square footage (GSF) for public or private roadways, sidewalks, rights-of-way and shared-use paths when located within the 2024 Framework Plan will be removed from the available development area.
g. Planned structured parking is included toward the total “development” gross square footage.
h. Areas within the “Potential Development or Open/Public Space” (shown in a yellow hatch) that will function as Open/Public Space at the time of DDP submittal shall not be included in FAR calculations.
i. The applicant shall maintain a record of changes to the total FAR for the master plan area with each DDP submittal.

FAR Calculation by Block

Block	Yellow (sf)	Yellow Hatch (sf)	Green (sf)	Green Hatch (sf)	Sf to be removed
1	54,790				
2		37,901			5,346 (Flour Mill, Warehouse)
3		56,310	37,060		19,834 (Woolen Mills)
4		21,440	36,600		
5	36,440	18,350			
6	26,830	5,790			
7	50,031	16,165			
8	23,414	8,264			
9	63,590				
10				66,500	
Totals	255,095	164,220	73,660	66,500	25,180

Block	Proposed Uses(s)	Proposed devel. Sf	Proposed FAR	FAR (incl. green, hatch)	Notes
1	Office, residential	90,000	1.64	1.64	
2	Residential	63,750	1.96	1.96	
3	Hotel	89,000	2.43	1.21	
4	Hotel related	3,000	0.14	0.05	
5	Parking structure	147,500	4.04	2.69	
6	Flex	64,000	2.4	1.96	
7	Flex	17,000	0.34	0.25	
8	Varies, no buildings	0	0	0	
9	Tribal	4,700	0.07	0.07	
10	Restoration	0	0	0	
Totals		478,950	1.302	0.983	With Block 10
	(w/o pkg. structure)	*331,450*	1.26	1.09	Without Block 10
			1.42	1.22	Without 8 & 10

* Language/direction carried over from Mixed Use Downtown (MUD) zoning

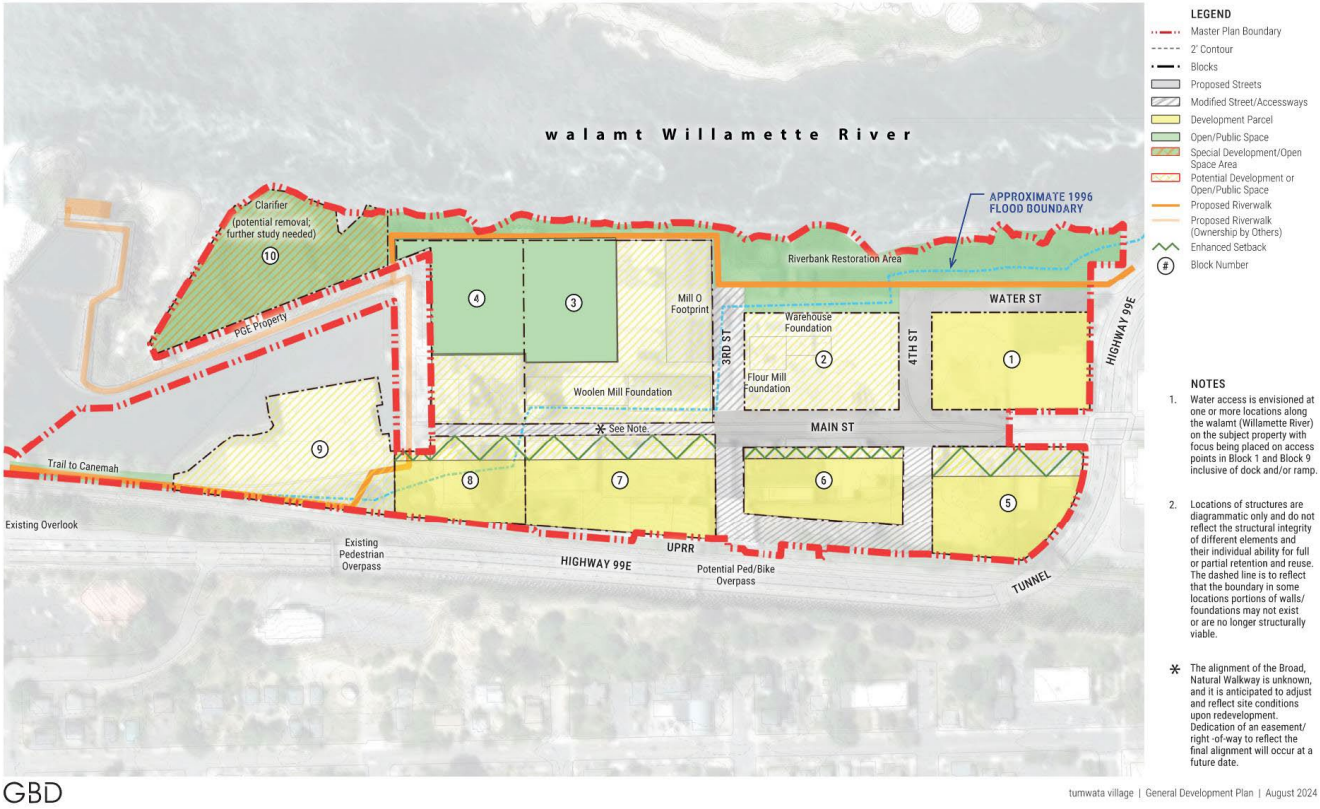
Sample FAR Calculations

Calculation Example Block 2:
63,750 sqft (Residential) / [37,901 sqft (Yellow Hatch) – 5,346sqft (Flour Mill, Warehouse)]= 1.96 FAR

Calculation Example Block 3:
89,000 sqft (Hotel) / [56,310 (Yellow Hatch) – 19,834 (Woolen Mills)] = 2.43 FAR

Calculation Example Block 5:
147,500 sqft (Parking Structure) / [36,440 (Yellow) – 18,350 (Yellow Hatch, Enhanced Setback)] = 4.04 FAR

Framework Plan Map



TECHNICAL MEMORANDUM

TO: Josh Wheeler P.E.

FROM: Mike Towle P.E.
Ian Buslach E.I.T.

DATE: October 17th 2024

PROJECT: *tumwata village* master plan – Grading and Flood Plain Methodology Memo

This memorandum provides a summary for the proposed grading and flood plain balance methodology for the proposed tumwata village Master Plan Amendment located in Oregon City, Oregon. This memo discusses the needs and methods for establishing a modified flood plain utilizing available information on the 1996 flood inundation boundary, FEMA flood elevations, historical aerial imaging, and available riverbank topography.

1996 FLOOD ELEVATION MAPPING

DATA

The existing 1996 flood plain boundary was obtained from Oregon City's web map online GIS system. This linework and meta data was confirmed to match the coordinate system and datum of the provided site survey. Additionally, the FEMA 100 year flood cross sections were obtained through the FEMA map service center to determine the general gradient of the flood plain elevations across the site. The existing ground surface model was generated from multiple data sets including: ground survey, bathymetric survey of the river bottom, laser scanning, and aerial drone survey provided by AKS and the OSU Geomatics department.

METHODOLOGY

1996 aerial imagery was used to examine the extents of the flooding. Flooding onsite is shown primarily around the Mill H building, between the carpenter shop and the intake basin (Figure 1). No water appears to be flowing over the intake basin walls into the site. Therefore, it is safe to assume that the water levels shown onsite are due to back water effects of flood waters over the dam.

When analyzing the aerial photography, the exact water location on the site is difficult to determine due to the presence of the existing structures on the site, many of which include basements that likely saw inundation. The clearest delineation of the 1996 flood limits is the exposed bank near the intersection of Highway 99 and Water Street in the north end of the site. The highest point that the inundation line reaches compared to the bank topography is elevation 49.00'. When analyzing the FEMA cross section lines through the site, we were able to apply a gradient across the site by holding the 49' elevation and going up by 1' at each FEMA cross section line. This method allowed for the creation of a flood plain surface that would approximate the 1996 flood elevations across the site below the dam.

To verify the accuracy of the surface estimate, DOWL reviewed historical markings that were identified by the OSU Geomatics team located on the interior basement walls of the paper machine building N01, see location on figure 1. The marking provided a highwater mark including a date of the measurement and was surveyed by the OSU team. Those elevations were compared to the 1996 flood plain model that was generated and compared for accuracy. The comparison found a delta between the point and the 96 surface elevation of 0.03 feet or

approximately ¼" which confirmed the 1996 surface model was a reasonable approximation. A mapping of the 1996 boundary based on the established surface mapping is shown in the attached Exhibit 1.

The main study area of this methodology was below the dam wall, which covers the majority of the tumwata village site. Areas above the dam may require further study for development activity proposed in subsequent Detailed Development Plan (DDP) applications and through further modeling of the flood elevations through historic imagery and ground surface data. Refinements to the 96 flood elevation surface for areas above the dam should follow the same methodology described in this memo and described in detail during subsequent DDP applications. Changes to the 96 flood surface model will require an updated baseline cut/fill analysis that can be completed and reviewed at the time of future DDP applications.



Figure 1: 1996 Flood Historic Imaging and historical High water mark location

BALANCED CUT FILL METHODOLOGY

The Oregon City Flood Plain Code requires that development activity within the flood plain generates a balanced cut/fill volume within the flood plain. In other words, the overall volume available for flood water storage must meet or be greater than the existing condition after development activity is completed.

In order to determine if the proposed development will meet or exceed the existing storage volume, an analysis of the existing storage must be completed. This volume is generated by calculating the volume located below the existing ground surface and the generated 1996 Flood Elevation surface that was derived through the above-mentioned methodology. AutoCAD Civil 3D has the ability to compare two surface models and generate cut/fill volumes which can be used to determine the available flood storage. For this analysis, the Existing Ground surface, including the basement areas, will be used as the “Base Surface” and the 1996 Flood Plain surface will be the “Comparison Surface”. When analyzing the Civil3D outputs, any volume identified as “Fill” would be the available storage volume. An example of the output data is shown in Figure 2 below.

When calculating the existing storage volumes on the site, it is critical that the boundary of the surface analysis remains consistent throughout the process. In order to ensure that the boundary remains consistent, an exhibit has been prepared with coordinates and bearings and distances. This boundary should be utilized for all storage calculations for all future developments on the tumwata village site. The boundary has been included in the attached Exhibit 2.

10/15/24, 3:12 PM CutFillReport.html

Cut/Fill Report

Generated: 2024-10-15 15:12:02
By user: ibuslach
Drawing: C:\dowl_pw\d0415055\C:\dowl_pw\d0415055\MC-DR-tumwatta Flood study.dwg

Volume Summary

Name	Type	Cut Factor	Fill Factor	2d Area (Sq. Ft.)	Cut (Cu. Yd.)	Fill (Cu. Yd.)	Net (Cu. Yd.)
Base Flood Capacity	full	1.00	1.00	1533109.43	419957.79	760174.20	340216.40<Fill>
Exempt Hydo Volumes	full	1.00	1.00	18577.60	653.46	1386.49	733.03<Fill>

Figure 2: Civil 3d Cut/fill analysis output

Exempt Hydraulic study area

Based on the surface comparison, there are areas of the exiting ground survey survey that are lower than the Base flood elevations and outside of the 1996 inundation boundary. These areas are the result of basements that have elevations lower than the 1996 flood surface elevation, however, that are hydraulically isolated from receiving flood water. This caused the surface comparison analysis to show additional flood capacity in areas that would not have been inundated during the 1996 flood. See figure 3 below. A separate Volume surfaces was generated using a base surface trimmed to these areas and compared to the base flood elevation. The volume fill generated from this study will be deducted from the overall flood

capacity and any subsequent DDP analysis and will be noted in reports generated as “Exempt Hydro volumes”. The output of the analysis is **1,386** cubic yards of exempt fill.

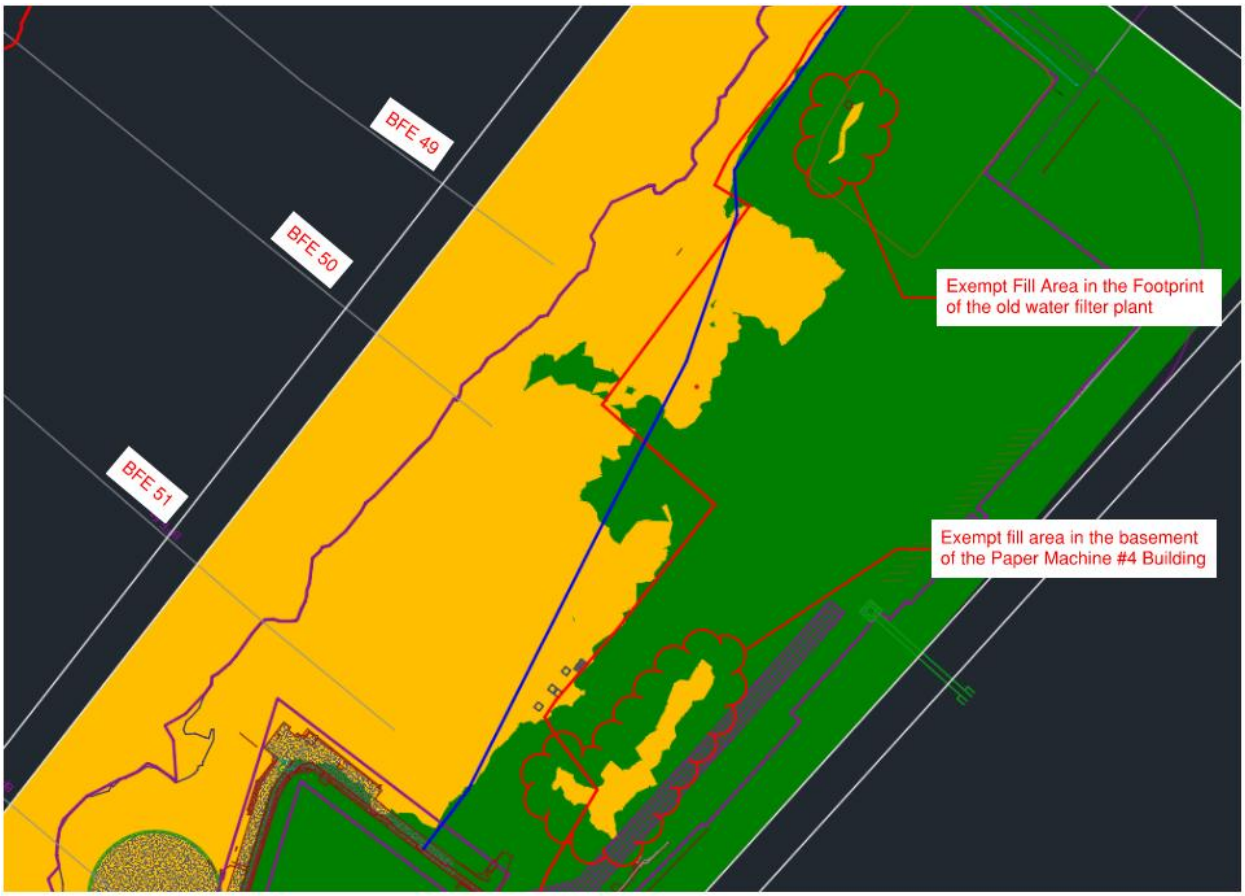


Figure 3: Exempt Fill Map

Existing Flood Plain Storage Capacity

With the establishment of the existing ground surface and the 1996 Flood Plain surface, a comparison model can be run within the limits of the boundary shown in Exhibit 2. This model will provide the volume available during the 1996 flood. The results of the analysis are shown in the attached exhibit 3.

As shown in the attached Exhibit 3, the existing storage capacity is **758,787** cubic yards. Per the Oregon City Flood Plain Code, at the end of the overall development of the tumwata village master plan, the flood storage available onsite must meet or exceed the existing flood capacity volume. On a scale of this magnitude and a flood basin as large as the Willamette River, it is reasonable to expect that there is a margin of error on the volume and that minor discrepancies in the existing and proposed volume calculations are to be expected.

Proposed Flood Plain Storage Calculations

In order to determine the capacity at each development phase, a flood plain comparison study should be submitted with each DDP application that analyzes the impacts of the proposed development grading activities.

The proposed surface will be “pasted” over the top of the existing ground model to create a post developed ground surface model. This will be used as the “Base Surface” and compared to the 1996 flood model. The resultant fill volumes generated through the analysis will represent the available Flood storage capacity after each development phase. It is critical that the same surface comparison limits are used for the analysis. These limits have been established to ensure that all future development will occur within the boundary to capture all impacts to the flood plain storage.

Flood Plain Storage Tracking

Since the overall tumwata village site will be developed over several phases and number of years, multiple models will be required to study the available volume after each phase. The interim analysis will be used as a tracking of the available storage after each phase. Due to the site sequencing, it is possible that the storage capacity after one or more phases will decrease the overall capacity, however, the overall storage at the final buildout of the master plan will show the overall capacity increase compared to the 1996 flood Capacity.

Volumes will be tracked at each DDP phase and at the as-built stage of each phase. An as built surface of the finish grade will be required to obtain an accurate accounting of the final storage volumes prior to the start of the next phase. This will be utilized as part of a flood storage “Debiting” to ensure the final phase meets the Cut/Fill Balance requirement.

FINISH FLOOR ELEVATIONS

Future development applications within tumwata village will be subject to future Detailed Development Plan (DDP) applications. As described previously, the DDP applications will be required to provide a preliminary flood plain cut and fill analysis comparing the finish grade elevations to the 1996 flood plain surface. Building elevations within each DDP application will be subject to the regulations of the Oregon City Flood Plain ordinance. For the purpose of

establishing the regulated elevation within each building footprint, future applications should reference the attached Exhibit 4. Exhibit 4 shows the cross-sectional elevations on a ¼ foot interval and should be used to interpolate the 96-flood elevation from those section lines based on the highest flood plain elevation within the building footprint. Those interpolated elevations will be used as the city regulated flood plain elevation in which all building and site elements should be regulated against.

EXHIBIT 1:
1996 FLOOD BOUNDARY EXHIBIT

BFE 52

BFE 51

BFE 50

BFE 49

APPROXIMATE LOCATION OF HISTORIC HIGH WATER MARK 52.03' EAST WALL OF PAPER MACHINE NO.1

TERMINATED PERPENDICULAR TO DAM WALL

FEMA BFE EXTENDED TO ELEVATION 1' ABOVE 96 INUNDATION (52.00')

FEMA BFE EXTENDED TO ELEVATION 1' ABOVE 96 INUNDATION (51.00')

FEMA BFE EXTENDED TO ELEVATION 1' ABOVE 96 INUNDATION (50.00')

APPROXIMATE MATCH FOR 1996 HIGH WATER MARK ON BANK ELEVATION: 49.00'

MAIN ST

HIGHWAY 99E

LEGEND

- 1996 COOC FLOOD BOUNDARY
- ESTIMATED FLOOD PLANE BOUNDARY
- GRADE/EXTENSION LINE
- FEMA BASE FLOOD ELEVATION LINE
- 61 MAJOR 1' CONTOUR
- 61 MINOR 1' CONTOUR

N

60 0 60

SCALE IN FEET

REVISIONS

REV	DATE	DESCRIPTION	BY

DOWL
WWW.DOWL.COM

TUMWATA VILLAGE
CONFEDERATED TRIBES OF THE GRAND RONDE

FLOOD PLANE EXHIBIT

LEGAL DESCRIPTION
LOCATION

PROJECT 2322.14777.01
DATE 2022-11-22

©DOWL 2022

SHEET

EXHIBIT 1

C:\dowl_pw\d0415263\SC-CS-EX-14777-02.dwg PLOT DATE 2024-10-15 12:20 SAVED DATE 2024-10-15 12:13 USER: ibuslach

EXHIBT 2:

STUDY AREA EXHIBIT

BFE 58
BFE 63
BFE 68
BFE 78
BFE 53
BFE 52
BFE 51
BFE 50
BFE 49
N37°56'00"E
2033.76'
N52°04'00"W
688.04'
GBD DEVELOPMENT AREAS
841.36'
S52°04'00"E
N37°56'00"E
75.00'
CL/CL INTERSECTION OF 99E AND MAIN ST
841.36'
S52°04'00"E
2039.53'
S42°14'41"W
FLOOD STUDY BOUNDARY

BUILDING LAYOUTS ARE SCHEMATIC IN DESIGN ONLY
AND ARE NOT A PART OF ANY DDP OR CDP SUBMISSION

N

100 0 100 200
SCALE IN FEET

REVISIONS

REV	DATE	DESCRIPTION	BY

DOWL
WWW.DOWL.COM

TUMWATTA VILLAGE
CONFEDERATED TRIBES OF THE GRAND RONDE

FLOOD STUDY BOUNDARY EXHIBIT

LEGAL DESCRIPTION
LOCATION

PROJECT	14777.02
DATE	2024-10-02

©DOWL 2024

SHEET

EXHIBIT 2

C:\dowl_pw\d0415055\MC-CS-SI-tumwatta.dwg PLOT DATE 2024-10-15 10:50 SAVED DATE 2024-10-09 14:52 USER: tbuelach

EXHIBT 3:
BASE FLOOD ELEVATION CUT/FILL REPORT

Cut/Fill Report

Generated: 2024-10-15 15:12:02
By user: ibuslach
Drawing: C:\dowl_pw\d0415055\C:\dowl_pw\d0415055\MC-DR-tumwatta Flood study.dwg

Volume Summary

Name	Type	Cut Factor	Fill Factor	2d Area (Sq. Ft.)	Cut (Cu. Yd.)	Fill (Cu. Yd.)	Net (Cu. Yd.)
Base Flood Capacity	full	1.00	1.00	1533109.43	419957.79	760174.20	340216.40<Fill>
Exempt Hydo Volumes	full	1.00	1.00	18577.60	653.46	1386.49	733.03<Fill>

Totals 758,787.71

	2d Area (Sq. Ft.)	Cut (Cu. Yd.)	Fill (Cu. Yd.)	Net (Cu. Yd.)
Total	~~1551687.03~~	~~420611.25~~	~~761560.68~~	~~340949.43 <Fill>~~

Totals removed as they add the exempt hydro Volumes to the capacity and not deduct

* Value adjusted by cut or fill factor other than 1.0

EXHIBT 4:
FLOOD PLAIN ELEVATION EXHIBIT

N37°56'00"E
2033.76'

BFE 52 (FEMA)
FE 53 (96)

BFE 51 (FEMA)
FE 52 (96)

BFE 50 (FEMA)
FE 51 (96)

BFE 49 (FEMA)
FE 50 (96)

APPROXIMATE LOCATION OF
HISTORIC HIGH WATER MARK 52.03'
EAST WALL OF PAPER MACHINE NO.1

TERMINATED
PERPENDICULAR
TO DAM WALL

APPROXIMATE MATCH FOR 1996
HIGH WATER MARK ON BANK
ELEVATION: 49.00'

BLOCK 1

BLOCK 2

BLOCK 3 & 4

BLOCK 5

BLOCK 6

BLOCK 7 & 8

BLOCK 9

MAIN ST

3RD ST

4TH ST

RAILROAD AVE

HIGHWAY 99E

2039.58'
S42°14'41"W

ALL FLOOD ELEVATION SECTION
LINE REFERENCE THE 96' FLOOD
ON NAVD 88 - FEMMA BFE NOTED
FOR REFERENCE

LEGEND

- 1996 COOC FLOOD BOUNDARY
- ESTIMATED FLOOD PLANE BOUNDARY
- GRADE/EXTENSION LINE
- FEMA BASE FLOOD ELEVATION LINE
- 61.25 — 0.25' FLOOD ELEVATION SECTION

N

60 0 60
SCALE IN FEET

REVISIONS

REV	DATE	DESCRIPTION	BY

DOWL
WWW.DOWL.COM

TUMWATA VILLAGE
CONFEDERATED TRIBES OF THE GRAND RONDE

FLOOD PLANE ELEVATIONS EXHIBIT

LEGAL DESCRIPTION
LOCATION

PROJECT 2322.14777.01
DATE 2022-11-22

©DOWL 2022

SHEET

EXHIBIT 4

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tumwata village



The Confederated Tribes of Grand Ronde
Community of Oregon

Winter 2022

GBD Architects Walker | Macy

walamt *Willamette River*



This document is intended for review by the Confederated Tribes of Grand Ronde Community of Oregon, their Tribal Council, the Authority having Jurisdiction, potential development partners, and potential community partners.

tumwata *Willamette Falls*

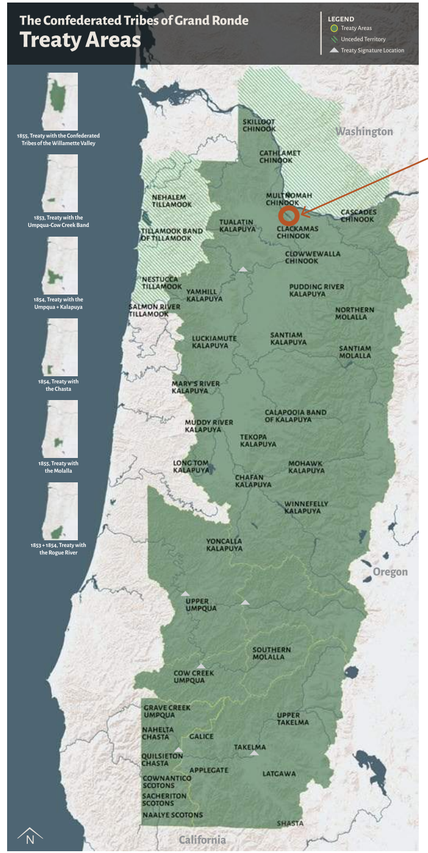


"It's just that message that we're still here, that we're still connected to the landscape, to the river, to the tumwata."

Greg Archuleta, Tribal Elder and Treaty Signing Descendant from tumwata

People

We honor our Ancestors of tumwata, the Clowewalla and Clackamas. Nearby neighbors of this place include the Molalla, Kalapuya, Multnomah, and Watlala (Cascades). All of these peoples along with others from today's Northwest Oregon, signed the Willamette Valley Treaty of 1855 and were removed to the Grand Ronde Indian Reservation. The Clowewalla and Clackamas are culturally Chinookan peoples who spoke the Upper Chinook language. Peoples from across the region have come as travelers, traders, and guests to this place. The Clowewalla and Clackamas- Tribes of the Grand Ronde Confederation- continue to be the hosts of tumwata, as it is at the core of their ancestral homelands. We are the Grand Ronde Tribe, and we are the people of the Falls.




Four Clackamas Men by Paul Kane


Tomanowos (Willamette Meteorite), Grand Ronde Annual Visit to NYC


Lamprey Harvest at tumwata


Grand Ronde Canoe Family Dancers

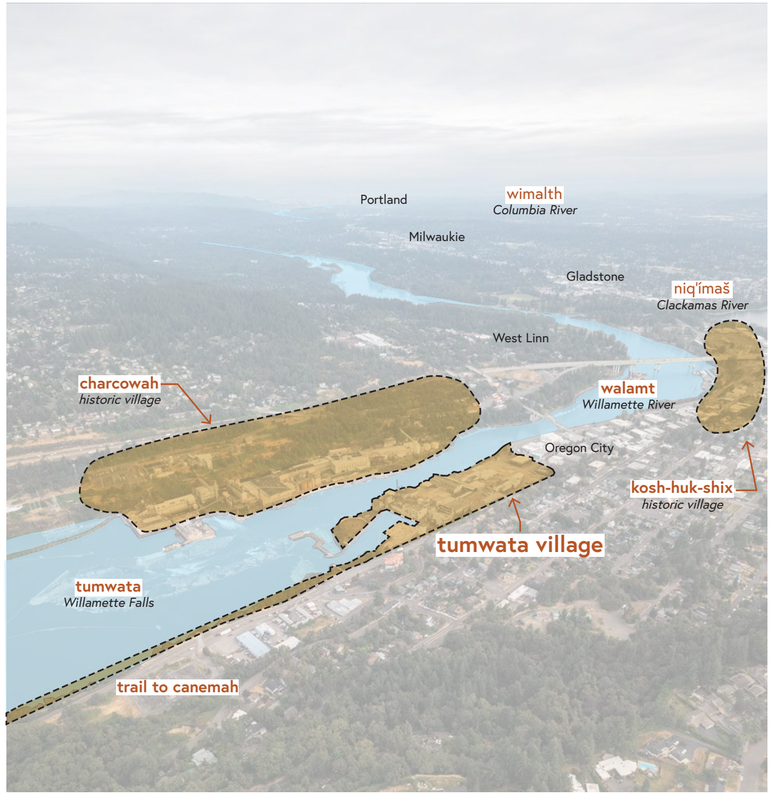
Importance of the site

What is here Today?

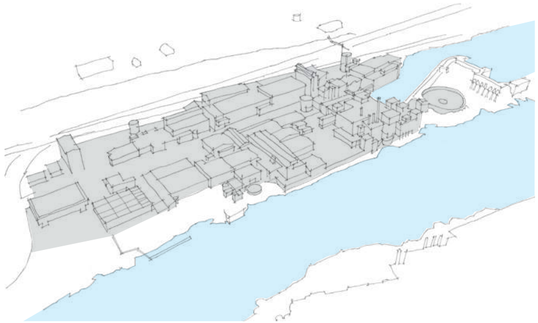
The 23-acre site is located between the city of Oregon City, the walamt, and tumwata.

The lands were once home to the village of the Clowewalla (Willamette band of Tumwaters) and the Kosh-huk-shix Village of Clackamas people. They were ceded to the United States Government under the Willamette Valley Treaty of 1855. Following the Willamette Valley Treaty, tribal members were forcibly removed from tumwata and relocated to Grand Ronde, Oregon onto the Grand Ronde Indian Reservation.

The purchase of this land in 2019 allows the Tribe to reclaim a culturally important part of that homeland, allows the Tribe to tell the story of tumwata accurately, and assures that tribal members will always be able to access tumwata for cultural purposes.



tumwata transformation



Current conditions



Restorative conditions

Project Description

The vision for the site is a transformation from its current condition as a former industrial complex into an environmentally-restored, mixed-use village on the banks of tumwata.

Buildings will be sensitively placed in an expansive green space that evokes the character of the site's historic landscape, extensive basalt channel formations and the site's unique topography and relationship to the falls.

Buildings will offer spaces for special tribal functions, events and ceremonies as well as new opportunities for working, living, visiting and learning.

From time immemorial



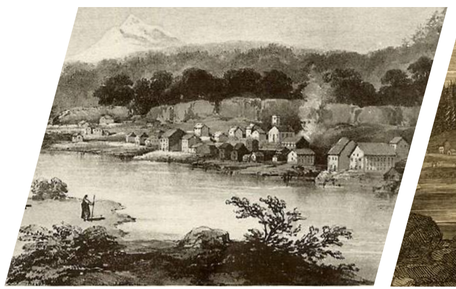
Lifeways
The Storied Time

The connection for the Confederated Tribes of Grand Ronde to tumwata goes back to creation. Their people have been at the falls for hundreds of generations. In the early 19th century, the incursion of this and many locations took place. Euro-American settlement expanded and the site became grounds for heavy industry; it would remain in that state until the 21st century. In 2019, the Confederated Tribes of the Grand Ronde purchased the property.

The Willamette Valley Treaty of 1855 provided for the removal of tribal people from the area of tumwata and beyond to the Grand Ronde Indian Reservation. The federal government removed people from Clackamas, Tumwater band of Clowwewalla, Molalla, and Kalapuya.



Persistence
Contact Window: 1820 - 2011



Early Incursion
1820 - 1840/45



Removal
1840/45 - 1860



Devastation and Survival
1860- 2011



Healing
Present - Future

Tribal members return to tumwata to fish and gather. Industrialization and contamination of the site spreads. The Western Oregon Indian Termination Act of 1954 was passed, severing the trust relationship between the federal government and the Tribe.

In 2019, the Confederated Tribes of Grand Ronde purchase the tumwata property. Efforts commenced and continue for removal of abandoned industrial elements, site cleanup, and overall site and habitat restoration.

Culture

Ikanum, the ancient histories, tell us how this place, tumwata, was created for the benefit of our people. Grand Ronde's Tribal cultural identity is a recurring theme throughout the site. Cultural identity will be incorporated into the design of public spaces, buildings, and infrastructure. For example, details like door transoms, paver designs, sidewalk benches, light fixtures and naming throughout the site will reflect cultural identity at tumwata village. These elements will evoke Chinookan aesthetic which is most notably found in the art form known as Lower Columbia River Art. Chinookan design is most visible in utilitarian objects and material culture of Chinook peoples past and present. Imagery includes designs and motifs as well as representations of landscapes, humans and animal forms. Integrating cultural identity in this way is consistent with long held teachings of "Keeping it Living" in which art, design, and utility are intended to be interacted with and experienced continually. The pedagogy focuses on renewal and ongoing interaction, reflection, and refinement. As a result, this internalized teaching will inform how integrating culture is enacted on the site. Inter-generational and ongoing contributions will lead to envisioning a place for successive generations.



Wapato Woman by Travis Stewart



achaf-hammi Plankhouse



Maple Bark Skirt Weaving



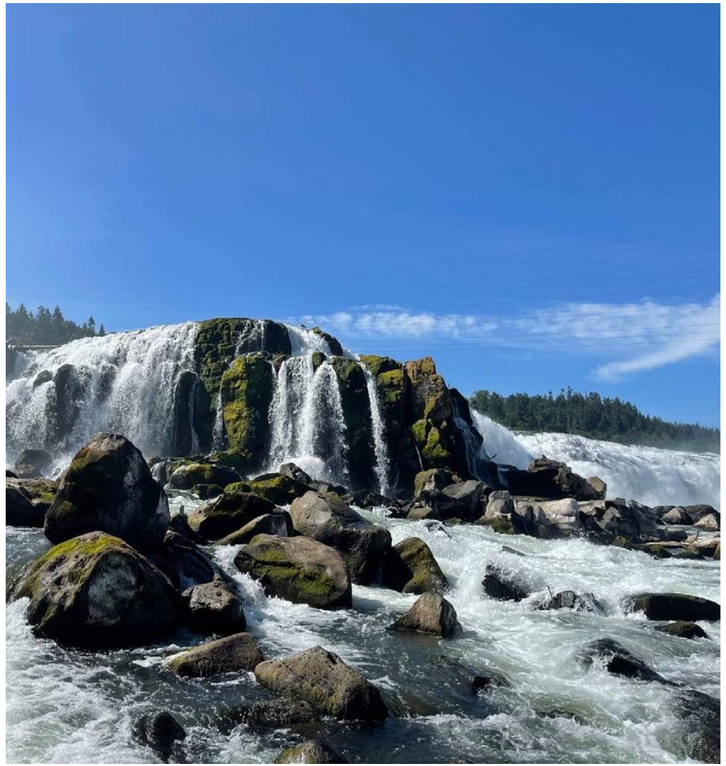
Huckleberry Gathering



Kingfisher Bunkrail by Adam McIssac

Healing

Healing landscapes and people requires consideration of multiple scales and timelines. Success at tumwata village will be evident by creating activity spaces intended to gather and connect people, views, and resources of abundance. tumwata village is a celebration of perseverance and healing for the Grand Ronde Tribe and families who have been connected to this land since time immemorial. The guiding principle of site redevelopment is healing. This landscape has been significantly harmed by industry and an extractive mindset over the past 170 years. Environmental restoration of the landscape using native plants and natural areas to support wildlife are key components for the physical healing of this place. The earliest histories of tumwata recall the importance of water, its role continues to be a central focus by integrating its presence on site, as well as renewing linkages and access to the Willamette River for healing.



tumwata



Dragonfly Carving by Qahir Beejee Jamil Peco-Llaneza



Riparian Riverbank



Native Plantings



Water Habitat

tumwata village

tumwata village, located at the south end of downtown Oregon City, is a modern development that will provide a mix of open space, retail, shopping, residential, office, restaurants, and a hotel/event space for visitors and patrons. It will become a vibrant pedestrian destination that includes opportunities for public and Tribal celebration. As a Grand Ronde Tribal Village, this is a place for our people to be welcomed. It is a living honor to the Tribal people of the Falls and their continued persistence, a thriving modern tribal village and place of prosperity and abundance. tumwata village will contribute to economic development not only within the site, but also within Oregon City, West Linn, Clackamas County, and the State of Oregon (as it has for thousands of years).

tumwata village, will be a visually noticeable tribal space that is an extension to downtown Oregon City's Main Street. As one moves west toward the river or south toward the falls, ones senses will be enlivened with sounds and references to moving water. The feeling of association created by this experience will contribute to the sense of place for a modern landscape-based tribal village.
tumwata village is a testimony to perseverance. It is a place that reflects ancestral knowledge and teachings. A place where our perpetual obligations and responsibilities to the plant and animal peoples is seen. It is a place where Tribal values are put into actions. The Falls were a gift to our ancestors and will be a gift to our descendants until a time that's unimaginable.



Community



Active Open Space



Water Features



Cultural Practice Integration



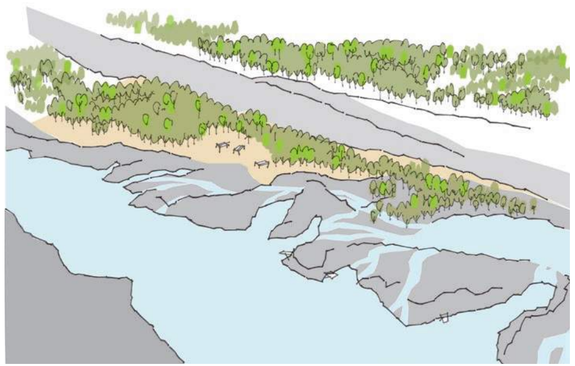
Development with Nature

Story of the site

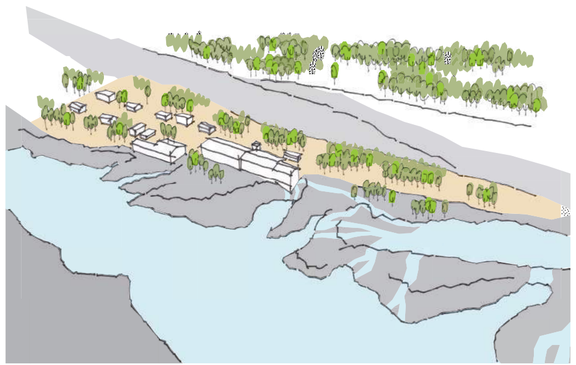
From time immemorial to the founding of Oregon City to unchecked industrial expansion to today, the tumwata village site has undergone dramatic change. Since the paper mill closed, the site has sat vacant and abandoned, buildings slowly deteriorating and nature methodically reclaiming the landscape.

The process of removing some of the industrial structures has begun, creating space at the river's edge for a restored riverbank featuring a series of basalt channels. This riverfront will be linked by a system of new streets, connections and green open spaces.

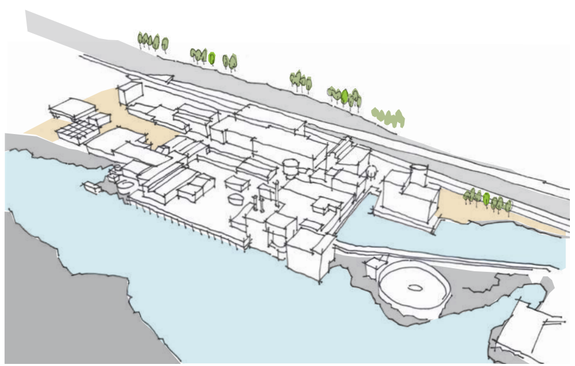
These spaces will be energized by a cluster of buildings, generally stepping down in scale and activity from downtown Oregon City to tumwata.



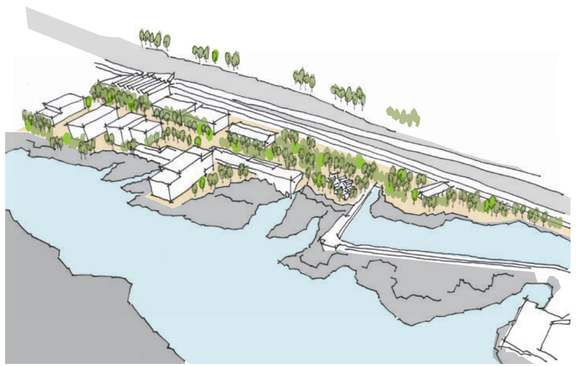
Time Immemorial



Early Oregon City



Industrial Expansion



tumwata village

tumwata village

The redevelopment of the site will embody the Tribe's commitment to healing. Through significant ecological restoration this will be a place that enhances the river's natural functions, provides habitat and refuge for migratory fish, replaces industrial degradation with resilient native vegetation and cleans the site's water. The village will provide opportunities for a variety of mixed-use buildings for living, working and enjoyment within its green framework. Visitors will be welcomed and provided access to the river's edge, views of the restored native basalt riverbank and to enjoy a public gathering space with ever changing activity. As one moves from the site's northern entry, the journey changes from one of urban activity to one that is natural and connected to the environment as it invites contemplation and awareness. This transformed site will provide important messages about the benefits of the natural environment, the value of nurturing restoration and the Tribe's long term commitment to healing.



tumwata village | north

The redeveloped site will welcome visitors with significant native planting areas and restored ecology. Upon crossing McLoughlin, the configuration of the streets, walks and planting areas will indicate an entrance into a place of restoration and revitalization. A broad planting area of native trees and shrubs along Main Street will establish a green gateway. Mixed use buildings will be integrated in the landscape and provide places to live, work and enjoy. Along the river's edge, a broad walkway along a new Water Street will establish direct connections to the Oregon City promenade and to the restored riverbank. The existing boat dock will be restored and new access to the river provided. A lively gathering space that can accommodate a wide variety of events and support daily activity will be established adjacent to the historic Flour Mill foundations and the re-emerging river alcove area. A variety of overlooks and seating will provide opportunities to enjoy views of the river and invite all to enjoy the restored ecology of the enlivened place.





Green Entry



Street Activity



Streetscape



Plaza Activities

1. A lush native plants area welcomes visitors to the site
2. A mix of building uses are integrated into the site's landscape
3. The riverbank is restored and new access to the river provided
4. New street names to be selected to reflect Tribal values
5. A future pedestrian elevator welcomes visitors to the site
6. New alcoves for refuge of migratory fish, plants, and animals are established by removing past industrial elements
7. An open gathering space welcomes a variety of activities adjacent to the historic Flour Mill Foundation



tumwata village | south

As one moves from north to south, the character of the village evolves from a green urban form to one that embodies the natural character of the river. Main Street changes character at 3rd Street to a pedestrian-oriented route and becomes increasingly naturalized as one journeys towards Canemah. This broad walkway provides lush planting and variety of places to sit and enjoy. A mix of uses including a hotel will be established within the new green framework. The historic Woolen Mill foundations will be restored and provide spaces for gathering, an outdoor café and connections to the river's edge. Significant restoration of the native basalt riverbank will provide river alcoves for migratory fish refuge, as well as plants and animals. Removal of industrial degradation such as the clarifier will establish new ecological value on the river. Visitors will be welcomed to the upper riverbank to enjoy views and be within this restored ecology. An area of small overnight structures will be available adjacent to the restored riverbank. A Tribal cultural area will be established adjacent to the restored lagoon as a place for gathering and direct connection to the upper river. From the renaturalized site, a trail will be extended south along the restored riverbank to Canemah.





Overnight Housing



Existing Woolen Mill Walls



Riparian Planting



Walkway

1. Main Street transforms to a broad, naturalized walkway
2. The Woolen Mill foundations are restored and provide places for people to enjoy
3. A new hotel is developed on the Mill O footprint
4. New street names to be selected to reflect Tribal values
5. Significant native vegetation is established improving the site's ecology
6. Significant removal of fill and industrial infrastructure makes way for a restored basalt riverbank and alcoves for migratory fish
7. A cluster of overnight structures enjoy proximity to the restored riverbank
8. A tribal gathering space is established adjacent to the restored lagoon
9. A trail is extended along the restored riverbank to Canemah



Restoration

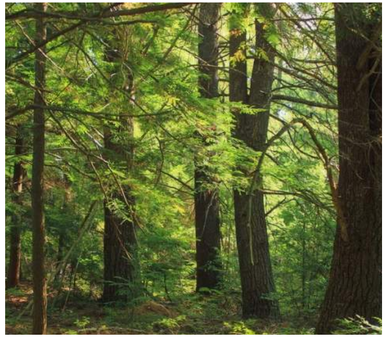
A primary objective to the site's transformation is its healing. This important Tribal place has been significantly altered by over 150 years of industrialization which has erased its environmental function and health, greatly modified its topography, and left a legacy of industrial structures. The Tribe seeks to dramatically reverse this condition by re-establishing environmental integrity and bringing the site back to life in a sustainable and long-lasting manner.

Strategies for restoring the site include:

- Removal of industrial materials and structures to enable the site's ecology to re-emerge
- Development of an integrated storm-water cleaning system that will naturally lessen toxins and enable water to be used to hydrate plants
- Removal of industrial fill and daylighting much of the native basalt riverbank
- Re-establishing shallow water refuge for migratory fish to assist in their movements up and downstream
- Improving site soils to support vegetation and natural ecological systems
- Planting of native riparian plants for improved habitat for birds, animals, and insects as well as to enhance the river's ecological functions
- Planting of native plants on site to provide shade, habitat and improved air quality
- Nurturing the site's restoration to ensure long term success



Native Basalt at tumwata



Revegetate



Restore River's Edge



Improve Air Quality



Rehabilitate Soil



Improve Habitat



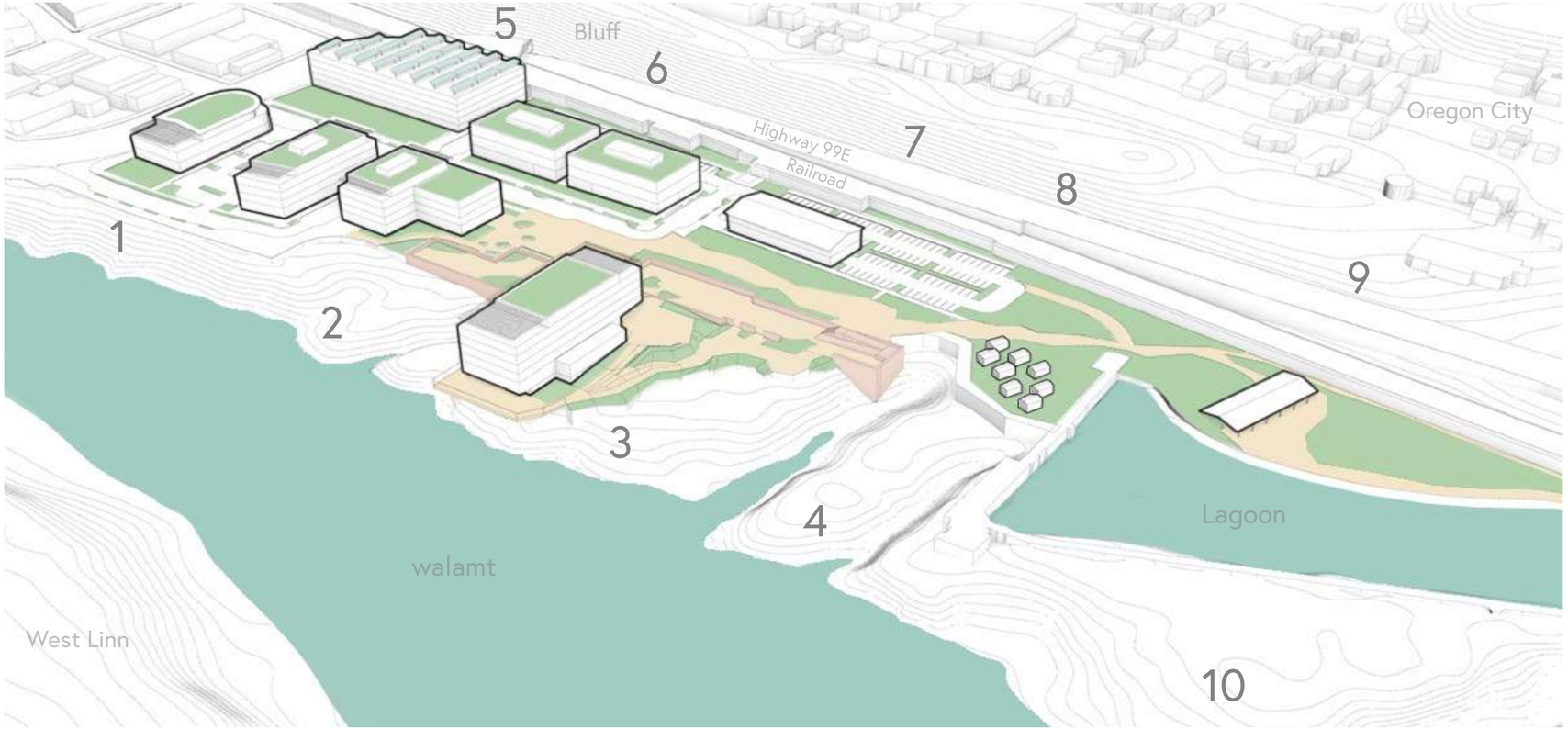
Improve Water Quality

Restoration

The restoration of the site's ecology and improving river quality is fundamental to the Tribe's approach. Through an integrated process of removal of industrial damage and restoration of natural systems, the site will come back to life and participate in improving the river's ecological health. Areas of restoration include reestablishment of the river's undulating riverbank to assist migratory fish, the restoration of the upper riverbank and site with native plant materials to provide habitat, shade and filtration of water and the establishment of an integrated management approach that will nurture the site's restoration long term. The goal is to re-establish a functioning ecology that will be resilient and provide environmental benefit to the site as well as to the region.



Potential development scenario

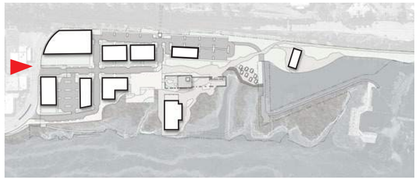


Potential Development Amounts

tumwata village is anticipated to comprise 300,000 – 350,000 sf of program development, including buildings with tribal, hotel, residential, employment and retail uses. Building massing and intensity of use is expected to generally step down from north to south, emphasizing a transition from an urban to a natural character. At full build out, structured parking will be necessary to serve development on the site, proposed at the northeastern corner of the site near the McLoughlin/99E tunnel.

Block 1	Office + Residential	90,000 GSF
Block 2	Residential	63,750 GSF
Block 3	Hotel	89,000 GSF
Block 4	Restoration	0 GSF
Block 5	Parking Structure	147,500 GSF
Block 6	Flex Buildings	64,000 GSF
Block 7	Flex Building	17,000 GSF
Block 8	Village Cabins	3,000 GSF
Block 9	Tribal Building	4,700 GSF
Block 10	Restoration	0 GSF
Subtotal Development		**331,450 GSF**
Subtotal Parking Structure		**147,500 GSF**
TOTAL		**478,950 GSF**

tumwata village green gateway





Historic photograph looking down Main Street



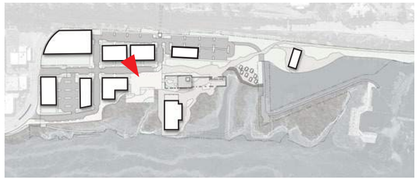
Existing condition. View looking south from 99E and Main Street

Looking south from downtown Oregon City, people will be welcomed by a Green Gateway signaling the healing of the site and Tribal art identifying the entrance to the restored landscape. Diminishing scale of buildings to the south will open the view to Canemah ridge beyond.

View looking south from Main St.



Open space plaza and hotel





Historic Photograph of Site looking at the Woolen Mill Site



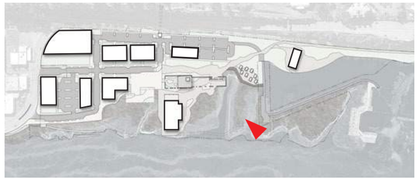
Existing condition. View looking southwest at Woolen Mills Foundation

A central public space surrounded by other ground-floor building activities, will create an active flexible gathering area framed by remnants at the Woolen and Flour Mills. This location offers views to the river and space for public markets and events.

View looking southwest from t'alapas/coyote st.



Restored alcoves





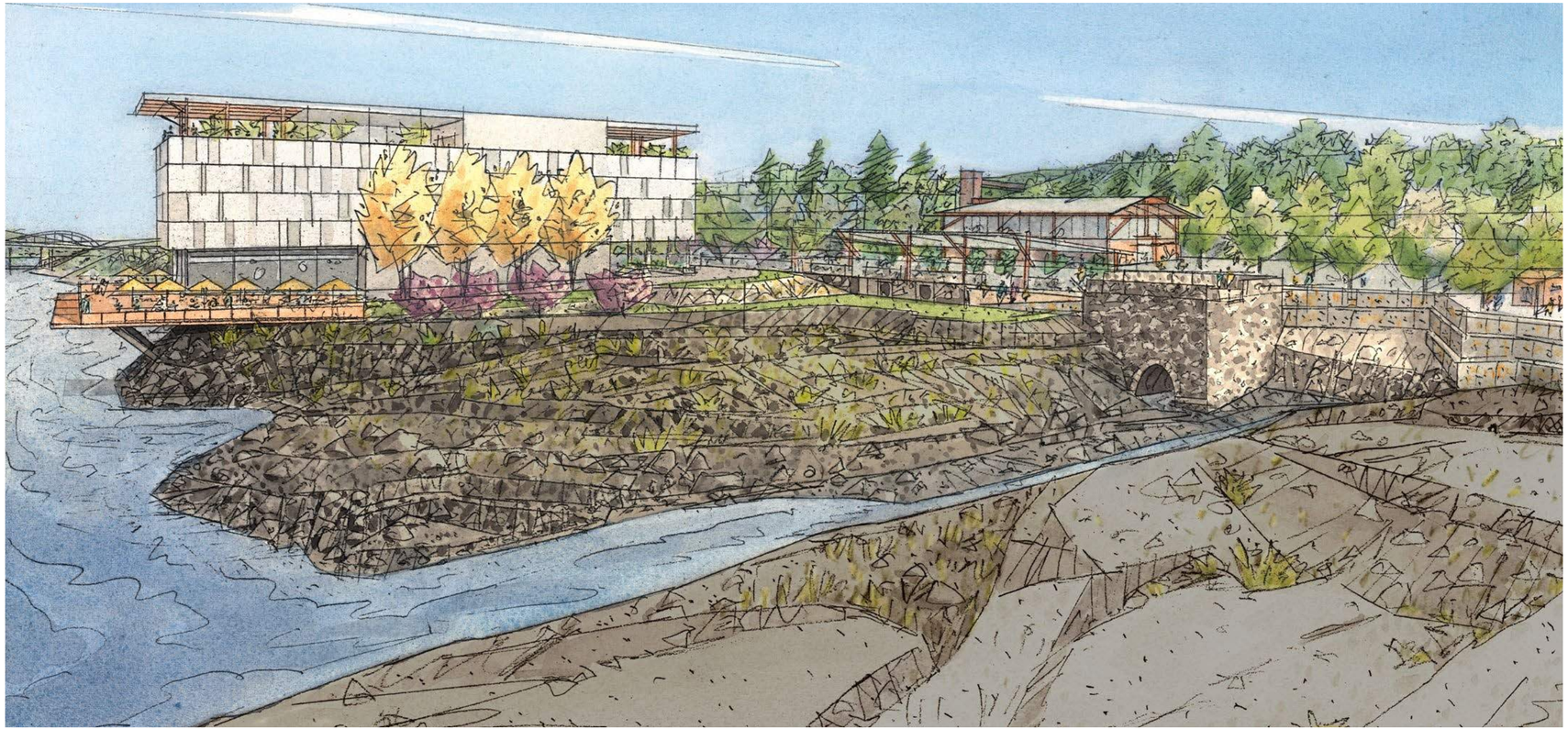
Historic Photograph of Site looking toward Bluff from West Linn



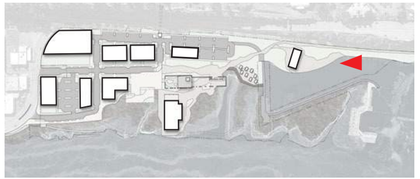
Existing condition. View of Site looking east towards Bluff from West Linn

The original basalt landscape forms of the falls will be restored, returning critically important resting points for salmon and lamprey. The exposed basalt landforms and basalt Woolen Mill foundations become the focal point for a signature development opportunity and powerfully reconnecting the site to walamt. This passive open space provides moments of quiet reflection and connection to the landscape.

View looking northeast across alcoves



Naturalized lagoon





Historic Photograph of Site looking north towards Lagoon.



Existing condition. View of Site facing North.

The southernmost end of the site adjacent to the lagoon will offer spaces for Tribal ceremony, celebrations and special events, augmented by direct access to the water and close proximity to tumwata. Lagoon and river bank restoration will repair the environment. Return of native trees and plantings will separate this special area from the rail lines and highway . A path along the east provides a link from tumwata village to a trail that runs along the rivers edge south to Canemah.

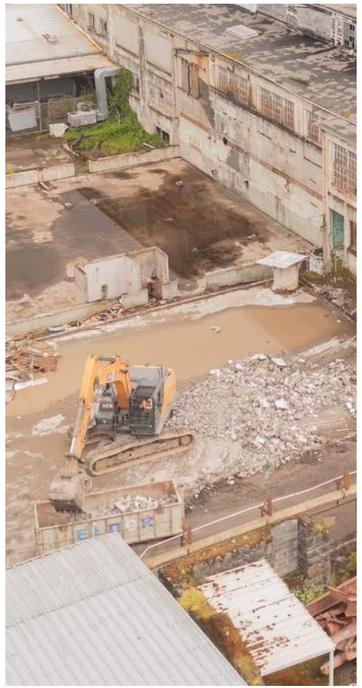
View looking north from lagoon



Healing has begun



Block 1 - Industrial building removal for Water Avenue and entry buildings. Removal of Water Filtration Plant accomplished in Spring 2022.



Block 4 - Removal of carpentry shop, automotive shop, and Millwright shop accomplished in Summer 2022, making space for restored alcoves and hotel.



Block 2 - Removal of Butler Building, Mill D, Paper Machine No. 2 and No. 3 in Winter 2022/Spring 2023, making space for open plaza and site integration with Flour Mill Foundation.



Grand Ronde Tribal Council at tumwata with former property owner, 2019

"This is a historic day for the Grand Ronde Tribe and our people...Since 1855, the government has worked to disconnect our people from our homelands. Today, we're reclaiming a piece of those lands and resurrecting our role as caretakers to Willamette Falls – a responsibility left to us by our ancestors."

*Reflections on purchasing the Blue Heron Paper Mill in 2019 from **Tribal Council Chairwoman Cheryle A. Kennedy**, Tribal Elder and Treaty Signing Descendant from tumwata.*

tumwata village Master Plan

Two Rivers Neighborhood Association
Abernethy Chapel
1326 John Adams Street
Oregon City, OR 97045
July 11th, 2024 6-7:30pm

Meeting Minutes

Ryan Webb, Engineering and Planning Manager and Kristen Svicarovich, Community Development Manager for The Confederated Tribes of Grand Ronde Community of Oregon (Grand Ronde Tribe) gave a presentation to the Two Rivers Neighborhood Association on July 11th, 2024 to discuss the Grand Ronde Tribe's redevelopment efforts at the tumwata village site (former Blue Heron Paper Mill).

The presentation was approximately 40-minuts in length and included discussion about the following items:

- Grand Ronde Tribe – Clowewalla and Clackamas people were removed to the Grand Ronde Indian Reservation via the Willamette Valley Treaty of 1855. Tribes ancestral homelands include 14-million acres of western Oregon inclusive of Oregon City and the Metro Region.
- Discussion of the context of the tumwata village site in association with historic Grand Ronde village sites in West Linn and Oregon City
- Discussion of the Grand Ronde Tribe's deep connection to place since time immemorial. Discussion of creation stories, ikanum, and the Missoula Floods.
- Discussion of Cultural Practices and integration of those practices into redevelopment.
- Discussion of partnerships with other community organizations, current site work – EPA grant, demolition work
- Discussion of tumwata village as a modern tribal village inclusive of a mix of open space, retail, shopping, residential, office, restaurants, event space and a hotel for visitors.
- Discussion on redevelopment, overall greening of the site. Block by block discussion on redevelopment.
- Discussion on restoration work onsite, environmental cleanup, site will nearly be 50% restoration/green, significantly different approach that prior master planning effort.
- Shared four renderings of redevelopment activities
- Discussed update on Block 1 redevelopment activities in regard to the street and utility improvements. Made design plans for Block 1 and roadway cross-sections for the entire site available to attendees to review and discuss. Cross-sections provided included Water street, 4th Street, Main Street, McLoughlin Blvd, 3rd Street, and Railroad Avenue which includes angled parking.

Questions/Comments from Attendees:

1. Question about timing of Block 1, Hotel, Full Project Completion. We know the Tribe will begin construction of Block 1 street infrastructure in 2025. There is no funding yet identified for the hotel, full project completion. The Tribe is actively seeking grant funding to build infrastructure. BIA will not pay for redevelopment of the site, it will be a combination of funding – BIA dollars could be used to support building the roadways.
2. How do people donate to the tumwata village Project, do you have a nonprofit? We have a website where the Tribe is taking donations www.tumwatavillage.org.
3. Concerns about Traffic Impacts – The trip cap and transportation mitigation projects were discussed from the previous land-use decision. The Grand Ronde Tribe does not anticipate exceeding the trip cap for the tumwata village redevelopment project.
4. Concerns about Commercial Development – What will be there? We discussed potential redevelopment will include residential, office, event space, hotel. Possibility for institution space; the Tribe will be considering community needs and what the market will bear.
5. What will happen with the lagoon, it's smelly in the summer. It was noted that the hope is to restore water flowing over the tumwata village site.
6. Canemah Trail Historic District – Isn't the Tribe's property in the Canemah Historic District? The Tribe's tumwata village property does not overlap the Canemah Historic District.
7. There is a desire to have the Blue Heron Paper Mill history and Tom McCall celebrated on site. Highlighting the history of environmental cleanup, stewardship of the river, responding to government mandates about river pollution.
8. Question about 10 Structures – what's happening to them? Explanation was given about the Tribe hiring a team to complete NPS evaluations of the 10 structures. The Tribe is proposing to modify the list to include the Flour Mill, Warehouse Foundation, and Woolen Mill Foundation.
9. Interest in understanding the Tribe's involvement with downtown projects. Tribe has been involved with activities in Oregon City since time immemorial. Tribe is actively engaged and follows along with many downtown projects like the McLoughlin Blvd Improvement Project.
10. Concerns around parking – We will be building a parking garage in future phasing to park all of the private development on our site. Happy to work with and collaborate with the City around parking.
11. Discussion about Transportation System Plan and Transportation Projects in the Canemah Neighborhood. We discussed the Trail to Canemah and there was mention of a walking bridge to Old Canemah Park, the walking bridge is not included in the Tribe's proposed project.
12. Discussion around the Riverwalk Public Project. Clarity that former Governor Kate Brown is with the Willamette Falls Trust organization, and is not part of the Grand Ronde Tribe's private onsite development project. Interest in activating the site with water from the PGE Dam, interest in seeing native plants onsite, community desire for residential units, curious what is happening with the State's $12.5 million dollar funding for the Riverwalk Project.
13. Suggestion about River Based Tourism connect the site to the water.
14. The Community wants to help and be involved.
15. The Two Rivers Neighborhood Association voted to write a letter of support for the Tribe's tumwata village Master Plan land-use application.

Figure 1: Two Rivers Neighborhood Association Post Card



WOULD YOU LIKE TO KNOW MORE ABOUT OREGON CITY AND THE NEIGHBORHOOD YOU WORK AND LIVE IN?

MEETING

THURSDAY
July 11, 2024
6:00-7:30PM

ABERNETHY CHAPEL
1326 John Adams Street
Oregon City, OR 97045

(Lower Level)

AGENDA

INTRODUCTIONS

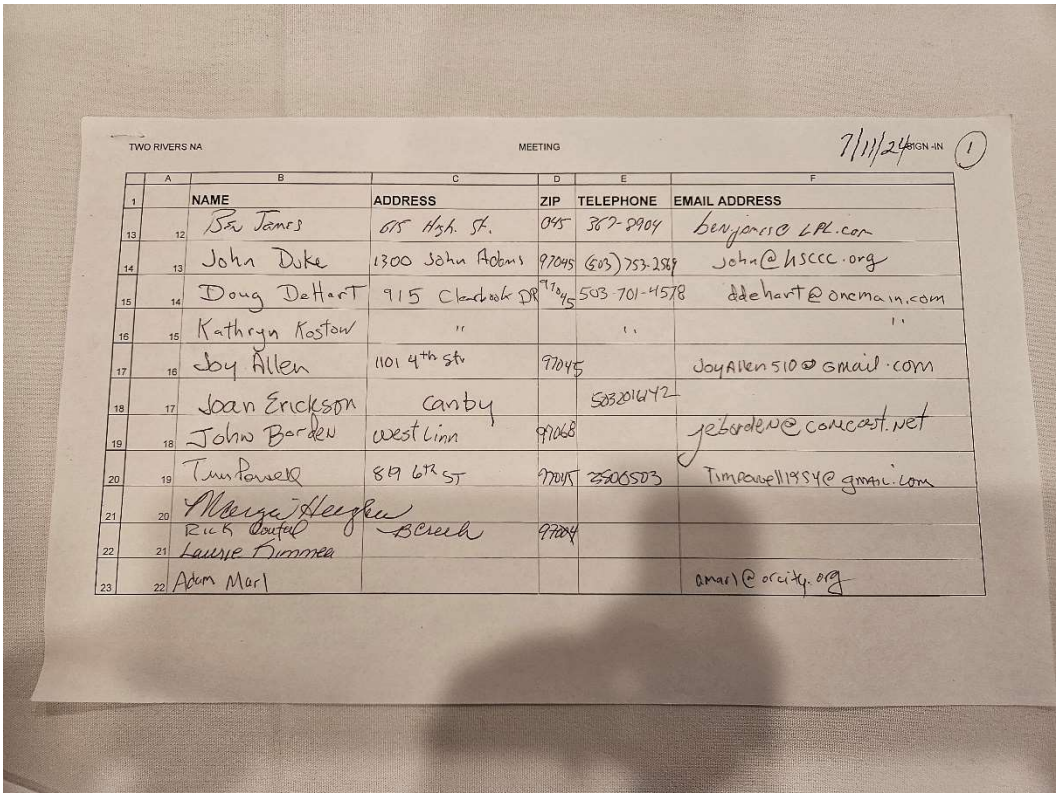
Tumwata Village Master Plan Amendment
The Confederated Tribes of Grand Ronde

Two Rivers NA area projects updates

Oregon City Police Update

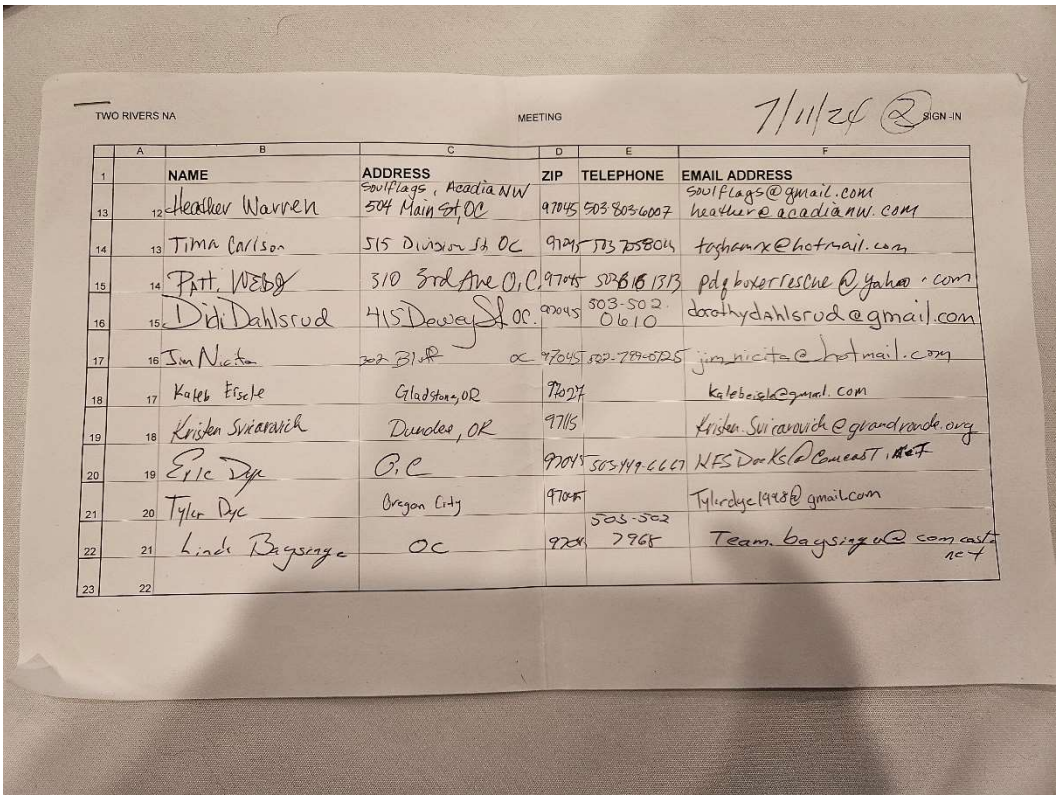
ANNOUNCEMENTS

Figure 2: Copy of Sign-in Sheet



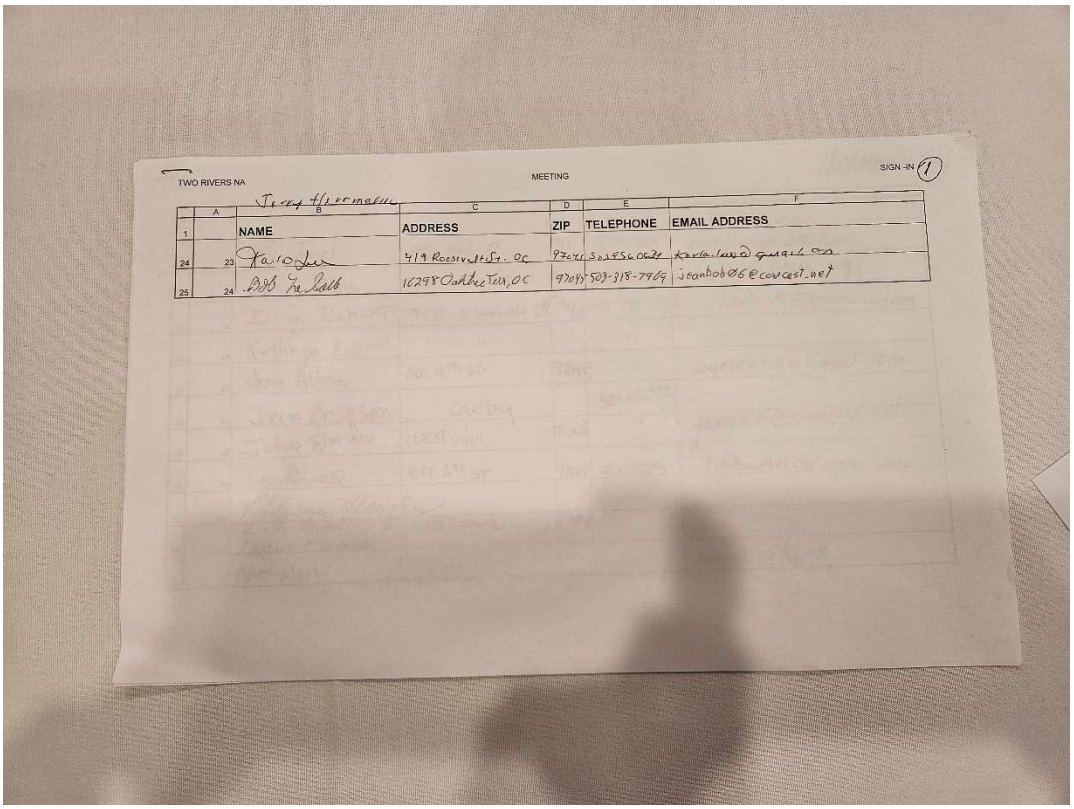
TWO RIVERS NA — MEETING — 7/11/24 SIGN-IN (1)

	NAME	ADDRESS	ZIP	TELEPHONE	EMAIL ADDRESS
12	Ben James	615 High St.	045	387-8904	benjamis@LPL.com
13	John Duke	1300 John Adams	97045	(503) 753-2849	John@hsccc.org
14	Doug DeHart	915 Clackamas DR	97045	503-701-4578	ddehart@onemain.com
15	Kathryn Kastow	"	"	"	"
16	Joy Allen	1101 4th st.	97045		JoyAllen5108@gmail.com
17	Joan Erickson	Canby		5032016472	
18	John Barden	West Linn	97068		jebarden@comcast.net
19	Tim Powell	819 6TH ST	97045	2506503	Timpowell1954@gmail.com
20	Marcia Hughes				
21	Rick Coutel	BCreek	97004		
22	Laurie Simmons				
23	Adam Marl				amarl@orcity.org



TWO RIVERS NA — MEETING — 7/11/24 (2) SIGN-IN

	NAME	ADDRESS	ZIP	TELEPHONE	EMAIL ADDRESS
12	Heather Warren	SoulFlags, Acadia NW 504 Main St, OC	97045	503 803 6007	soulflags@gmail.com heather@acadianw.com
13	Tina Carlson	515 Division St OC	97045	7037058045	toghamx@hotmail.com
14	Patt. Webb	310 3rd Ave O.C.	97045	5038161313	pdgboxerrescue@yahoo.com
15	Didi Dahlsrud	415 Dewey St OC.	97045	503-502-0610	dorothydahlsrud@gmail.com
16	Jim Nicita	202 31st Pl OC	97045	503-789-0825	jimnicita@hotmail.com
17	Kaleb Ersele	Gladstone, OR	97027		kalebersele@gmail.com
18	Kristen Sviarovich	Dundee, OR	97115		Kristen.Sviarovich@grandronde.org
19	Eric Dye	O.C.	97045	503.349.6667	NFSDocks@Comcast.Net
20	Tyler Dye	Oregon City	97045		Tylerdye1998@gmail.com
21	Lindi Bagsarge	OC	97045	503-502-7965	Team.bagsarge@comcast.net
22					



TWO RIVERS NA

MEETING

SIGN-IN (1)

	A	B	C	D	E	F
1		NAME	ADDRESS	ZIP	TELEPHONE	EMAIL ADDRESS
24	23	Karla Lee	419 Roosevelt St. OC	97741	503 856 0677	karla.lee@gmail.com
25	24	Bob Jacobs	16298 Oakbrook Terr, OC	97067	503-318-7969	jeanbob86@comcast.net

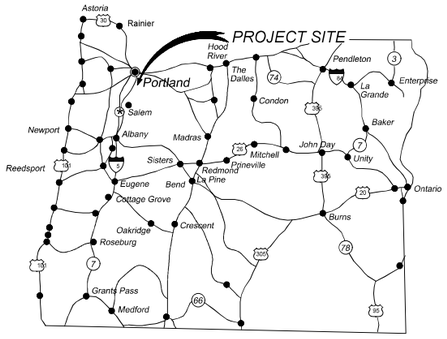
tumwata village

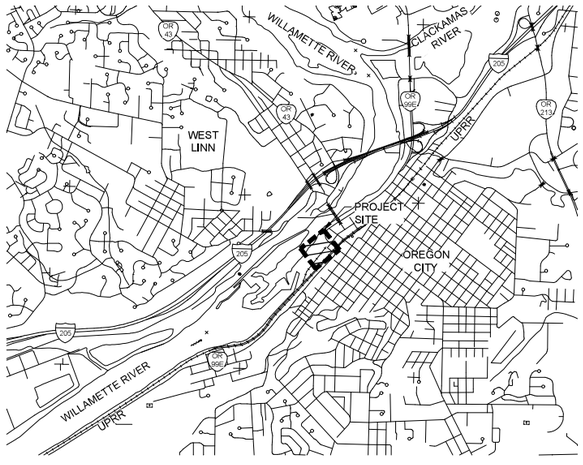
INFRASTRUCTURE IMPROVEMENTS - PHASE 1

OREGON CITY, OR

WATER STREET, 4TH STREET, MAIN STREET
SECTION 31, T2S, R2E, W.M.

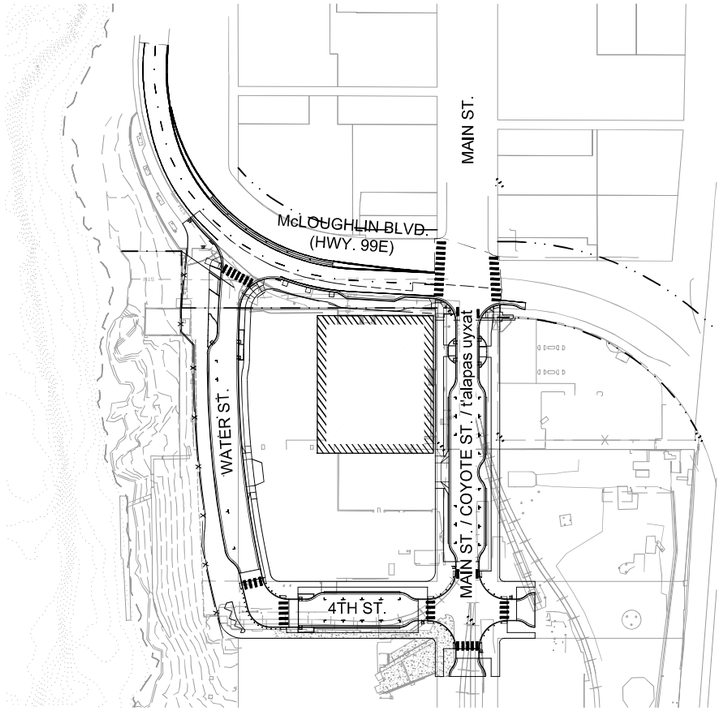
60% DELIVERABLE





VICINITY MAP

NOT TO SCALE



SITE MAP

SCALE: 1" = 80'

INDEX OF SHEETS	
SHEET TITLE	DESCRIPTION
C050	COVER SHEET
C051	LEGEND
C052 THRU C053	STANDARD NOTES
C070	SITE MAP
C080	EXISTING CONDITIONS
ROADWAY DETAILS	
C100 THRU C101	TYPICAL SECTIONS
C110 THRU C111	DETAILS
C120 THRU C123	CURB RAMP DETAIL
C124 THRU C126	INTERSECTION GRADING DETAIL
ROADWAY CONSTRUCTION	
C150 THRU C154	ROADWAY PLAN & PROFILE
STORMWATER SYSTEM	
C210 THRU C211	STORMWATER SYSTEM DETAILS
C250 THRU C254	DRAINAGE PLAN
SANITARY SEWER AND WATER SYSTEM	
C310	SANITARY SEWER & WATER DETAILS
C350 THRU C354	SANITARY SEWER & WATER PLAN
SITE FURNISHINGS AND DETAILS	
L110 THRU L113	SITE DETAILS
LANDSCAPE AND IRRIGATION	
L121 THRU L124	IRRIGATION PLAN
L125	IRRIGATION DETAILS
L130	PLANTING SCHEDULE AND NOTES
L131 THRU L134	PLANTING PLAN
L135	PLANTING DETAILS

INDEX OF SHEETS CONT.	
SHEET TITLE	DESCRIPTION
EROSION & SEDIMENT CONTROL	
EC100	EROSION & SEDIMENT CONTROL COVER SHEET
EC101	EROSION & SEDIMENT CONTROL NOTES
EC110	EROSION CONTROL DETAILS
EC150 THRU EC151	EROSION & SEDIMENT CONTROL PLAN
EC201	TREE PROTECTION NOTES
EC202	TREE PROTECTION AND REMOVAL PLAN
STRUCTURES	
ES100 THRU ES101	STRUCTURAL GENERAL NOTES
ES102	SPECIAL INSPECTIONS AND TESTING
ES110	STRUCTURAL OVERALL PLAN AND DETAIL
ILLUMINATION	
IL01 THRU IL02	ILLUMINATION PLAN
IL03 THRU IL06	ILLUMINATION DETAILS
SIGNING AND STRIPING	
SS01 THRU SS02	SIGNING AND STRIPING PLAN
SS03	SIGNING AND STRIPING NOTES AND LEGEND
SS04	SIGN DETAILS
SS05	SIGN AND POST DATA TABLE
TRAFFIC CONTROL	
TC01 THRU TC05	TRAFFIC CONTROL PLAN
SIGNALS	
TS01	SIGNAL PLAN LEGEND
TS02	SIGNAL MODIFICATION PLAN
TS03	DETECTION MODIFICATION PLAN
TS04	POLE ENTRANCE CHART
TS05	EXISTING UTILITIES PLAN
FRANCHISE UTILITY	
U110 THRU U11X	FRANCHISE UTILITY DETAILS
U150 THRU U15X	FRANCHISE UTILITY PLAN
DENOTES SHEET NOT INCLUDED IN SUBMITTAL	

SURVEY CONTROL:

BASIS OF BEARING AND COORDINATES:
OREGON COORDINATE REFERENCE SYSTEM (OCRS)
PORTLAND ZONE, NAD 83(2011) EPOCH 2010

BASIS OF VERTICAL CONTROL AND ELEVATIONS:
GEOID 12B RELATING TO NAVD88

ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER. (NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS 1-800-332-2344 or 811).

ORS 92.044 NOTE: THIS DESIGN COMPLIES WITH ORS 92.044 (7) IN THAT NO UTILITY INFRASTRUCTURE IS DESIGNED TO BE WITHIN ONE (1) FOOT OF A SURVEY MONUMENT LOCATION SHOWN ON A SUBDIVISION OR A PARTITION PLAT. NO DESIGN EXCEPTIONS OR FINAL FIELD LOCATION CHANGES SHALL BE PERMITTED IF THAT CHANGE WOULD CAUSE ANY UTILITY INFRASTRUCTURE TO BE PLACED WITHIN THE PROHIBITED AREA.

CALL BEFORE YOU DIG

POTENTIAL UNDERGROUND FACILITY OWNERS "ONE CALL" UTILITY NOTIFICATION CENTER 1-800-332-2344

DEVELOPER/OWNER:

THE CONFEDERATED TRIBES OF THE GRAND RONDE
CONTACT: RYAN WEBB
9615 GRAND RONDE RD.
GRAND RONDE, OR 97437
PHONE: (503) 879-2404
EMAIL: RYAN.WEBB@GRANDRONDE.ORG

ENGINEERING/LANDSCAPE ARCHITECTURE FIRM:

DAVID EVANS AND ASSOCIATES, INC.
CONTACT: STEFFI MCDONALD
2100 S RIVER PKWY, SUITE 100
PORTLAND, OR 97201
PHONE: (503) 499-0347
EMAIL: SMCDONALD@DEAINC.COM

PROJECT LOCATION

MCLOUGHLIN BLVD. (HWY 99E) AND MAIN STREET
OREGON CITY, OR 97045
CLACKAMAS COUNTY
LATITUDE=45°21'23"N, LONGITUDE=122°46'39" W

60% DESIGN PLANS
OCT. 4 2024
(NOT FOR CONSTRUCTION)

DAVID EVANS AND ASSOCIATES INC.
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Phone: 503.223.6663

DESIGNED BY: CRCO
DRAWN BY: RJXM

tumwata village
INFRASTRUCTURE IMPROVEMENTS
PHASE 1
OC PROJECT #:

COVER SHEET

REVISIONS

REV #	DATE	DESCRIPTION

CITY OF OREGON CITY
PUBLIC WORKS DEPARTMENT
APPROVAL FOR CONSTRUCTION
☐ APPROVED AS SUBMITTED

SIGNATURE
NAME:
DATE:
APPROVAL EXPIRES 6 MONTHS AFTER DATE ABOVE

PRINTED: 10/4/2024

OC RECORD DRAWING #:
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DRAWING NUMBER:
C050

SHEET ## OF ##

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LEGEND:

EXISTING

- G — EXISTING GAS LINE
- SS — EXISTING SANITARY SEWER
- SD — EXISTING STORM PIPE
- P — EXISTING UNDERGROUND POWER
- OHP — EXISTING OVERHEAD POWER
- W — EXISTING WATER LINE
- EXISTING UTILITY METER
- EXISTING WATER VALVE
- EXISTING GAS VALVE
- EXISTING ILLUMINATION POLE
- EXISTING UTILITY POLE
- JB — EXISTING ELECTRICAL JUNCTION BOX
- EXISTING ELECTRICAL SERVICE CABINET
- TR — EXISTING SIGNAL JUNCTION BOX
- EXISTING SIGNAL CABINET
- EXISTING COMMUNICATIONS JUNCTION BOX
- EXISTING TELEPHONE VAULT
- EXISTING TELEPHONE MANHOLE
- EXISTING SANITARY SEWER MANHOLE
- EXISTING STORM MANHOLE
- EXISTING CLEANOUT
- EXISTING MONITOR WELL
- EXISTING FIRE HYDRANT
- EXISTING BOLLARD
- EXISTING CATCH BASIN
- EXISTING DECIDUOUS TREE
- EXISTING CONIFEROUS TREE
- EXISTING CURB, CONCRETE, OR ASPHALT
- x — x — EXISTING FENCE
- EXISTING SIGNAL POLE ARM
- EXISTING SIGNAL
- EXISTING PEDESTRIAN SIGNAL
- EXISTING SIGN
- PM — EXISTING PARKING METER
- EXISTING RIGHT-OF-WAY

PROPOSED

- ROADWAY CENTERLINE
- PROPOSED CURB AND GUTTER
- PROPOSED EDGE OF ASPHALT/CONCRETE
- x — x — PROPOSED FENCE
- C — PROPOSED CUT SLOPE
- F — PROPOSED FILL SLOPE
- PROPOSED SAWCUT LIMIT
- PROPOSED RIGHT-OF-WAY
- PROPOSED ACP
- PROPOSED CONCRETE
- PROPOSED STORM DRAIN
- PROPOSED STORM DRAIN CAP
- PROPOSED 48" STORM MANHOLE
- PROPOSED 24" BEEHIVE INLET
- PROPOSED TYPE CG-3 INLET
- SS — PROPOSED SANITARY SEWER LINE
- PROPOSED SANITARY SEWER LINE CAP
- PROPOSED SANITARY SEWER MANHOLE
- W — PROPOSED WATER LINE
- PROPOSED FIRE HYDRANT
- PROPOSED LIGHT POLE
- PROPOSED SIGNAL CABINET
- PROPOSED PEDESTRIAN POST FOUNDATION
- PROPOSED PEDESTRIAN SIGNAL
- PROPOSED GATE VALVE
- PROPOSED WATER CROSS JOINT
- PROPOSED SANITARY/STORM SEWER CLEANOUT

STANDARD DRAWINGS

ODOT

RD150 –SLOPE ROUNDING

RD372 –CONCRETE INLET TOP, OPTION 1 TYPE CG-3

RD700 –CURBS
RD706 –TRAFFIC SEPARATORS AND TRANSITIONS
RD721 –SEPARATED SIDEWALKS
RD740 –SEPARATED SIDEWALK DRIVEWAYS OR ALLEYS (OPTIONS H, I & J) LOCAL JURISDICTIONS

RD815 –CHAIN LINK FENCE

RD900 –CURB RAMP COMPONENTS AND LEGEND
RD901 –CURB RAMP LEGEND AND CORNER IDENTIFICATION
RD902 –DETECTABLE WARNING SURFACE DETAILS
RD904 –DETECTABLE WARNING SURFACE PLACEMENT FOR CURB RAMPS
RD910 –PERPENDICULAR CURB RAMP
RD930 –COMBINATION CURB RAMP

TM467 –PEDESTRIAN SIGNAL MOUNT AND PEDESTRIAN PUSHBUTTON DETAILS
TM482 –CONTROLLER CABINET & SERVICE CABINET FOUNDATION DETAILS
TM485 –SERVICE CABINET WIRING DETAILS

CITY OF OREGON CITY

OC301 –MANHOLE
OC305 –MANHOLE FRAMES & COVERS
OC307 –MANHOLE STEP
OC310 –SANITARY SEWER SERVICE
OC310-A –2-WAY CLEANOUT FOR SANITARY SEWER SERVICE
OC313 –PIPE BEDDING & TRENCH BACKFILL
OC317 –MARKER POST

OC401 –STANDARD FIRE HYDRANT
OC402 –STANDARD 1" WATER SERVICE
OC404 –STANDARD 2" WATER SERVICE
OC405 –STANDARD BLOW-OFF DETAIL
OC407 –THRUST BLOCKING
OC408 –STANDARD STRADDLE BLOCK
OC409 –STANDARD SANITARY SEWER CROSSING
OC410 –STANDARD VALVE BOX DETAIL
OC411 –STANDARD WET TAP DETAIL
OC412 –TIE ROD REQUIREMENTS
OC413 –STANDARD VALVE LOCATION AND JOINT REQUIREMENTS
OC416 –SAMPLING STATION
OC419-1 –4" & LARGER WATER METER VAULT (PLAN)
OC419-2 –4" & LARGER WATER METER VAULT (PROFILE)
OC419-3 –4" & LARGER WATER METER VAULT (DETAIL NOTES)
OC420 –WATER VAULT LADDER INSTALLATION
OC421-1 –4" & LARGER TYPICAL DOUBLE CHECK VALVE ASSEMBLY (DC)
OC421-2 –4" & LARGER TYPICAL DOUBLE CHECK VALVE ASSEMBLY (SIDE)
OC421-3 –4" & LARGER TYPICAL DOUBLE CHECK VALVE ASSEMBLY (FRONT)
OC421-4 –4" & LARGER TYPICAL DOUBLE CHECK VALVE ASSEMBLY (DETAIL NOTES)
OC424 –TYPICAL BACKFLOW PREVENTERS FOR RESIDENTIAL IRRIGATION SYSTEMS

OC530 –STREET TREE PLANTING IN PLANTER STRIP
OC536 –TYPICAL ACORN STYLE DECORATIVE STREET LIGHT POLE DETAIL.
OC536-A –TYPICAL LIGHT POLE WIRING TO JUNCTION BOX

OC605 –PIPE ANCHOR WALL
OC612 –STORM SEWER SERVICE
OC619 –ROADSIDE STORMWATER PLANTER – PLAN VIEW
OC620 –ROADSIDE STORMWATER PLANTER – ELEVATION
OC621 –ROADSIDE STORMWATER PLANTER – SECTION
OC622 –ROADSIDE STORMWATER PLANTER – DETAIL
OC623 –CURB CUT SCUPPER AND SEDIMENT CATCH BASIN
OC624 –ROADSIDE STORMWATER PLANTER – CONCRETE CHECK DAM
OC625 –WATERPROOF LINER ATTACHMENT AND PIPE BOOT
OC626 –BEEHIVE OVERFLOW STRUCTURE
OC630 –ROADSIDE STORMWATER PLANTER – PLANT SPACING
OC631 –TREE WELL IN STORMWATER PLANTER

60% DESIGN PLANS
OCT. 4 2024
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GENERAL NOTES:

1. ALL WORK AND MATERIALS SHALL CONFORM TO MOST RECENT EDITION OF THE ODOT/APWA OREGON STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION AS ADOPTED AND MODIFIED BY THE CITY OF OREGON CITY.
2. CONTRACTOR SHALL OBTAIN ALL REQUIRED PERMITS AND LICENSES BEFORE STARTING CONSTRUCTION. A CITY BUSINESS LICENSE IS REQUIRED.
3. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ALL UTILITY LOCATIONS PRIOR TO CONSTRUCTION AND ARRANGE FOR THE RELOCATION OF ANY UTILITIES IN CONFLICT WITH THE PROPOSED CONSTRUCTION. THE LOCATIONS, DEPTH AND DESCRIPTION OF EXISTING UTILITIES SHOWN WERE COMPILED FROM AVAILABLE RECORDS AND/OR FIELD SURVEYS. THE ENGINEER OR UTILITY COMPANIES DO NOT GUARANTEE THE ACCURACY OR THE COMPLETENESS OF SUCH RECORDS. ADDITIONAL UTILITIES MAY EXIST WITHIN THE WORK AREA.
4. OREGON LAW REQUIRES THAT THE RULES ADOPTED BY OREGON UTILITY NOTIFICATION CENTER BE FOLLOWED. THOSE RULES ARE SET FORTH IN OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER OR ACCESSING VIA INTERNET AT WWW.CALLBEFOREYOUDIG.ORG OR CALL BEFORE YOU DIG (800) 332-2344.
5. THE CONTRACTOR SHALL MAKE PROVISIONS TO KEEP ALL EXISTING UTILITIES IN SERVICE AND PROTECT THEM DURING CONSTRUCTION. CONTRACTOR SHALL IMMEDIATELY REPAIR OR REPLACE ANY DAMAGED UTILITIES USING MATERIALS AND METHODS APPROVED BY THE UTILITY OWNER. NO SERVICE INTERRUPTIONS SHALL BE PERMITTED WITHOUT PRIOR WRITTEN AGREEMENT WITH THE UTILITY PROVIDER.
6. ALL WATER LINE CROSSINGS SHALL BE IN CONFORMANCE WITH OAR CHAPTER 333. THE CITY MAY REQUIRE MORE STRINGENT STANDARDS.
7. CONTRACTOR SHALL NOTIFY PROJECT ENGINEER AND CITY OF OREGON CITY PUBLIC WORKS CONSTRUCTION INSPECTOR STAFF 48 HOURS IN ADVANCE OF STARTING CONSTRUCTION AND 24 HOURS BEFORE RESUMING WORK AFTER SHUTDOWNS, EXCEPT FOR NORMAL RESUMPTION OF WORK FOLLOWING SATURDAYS, SUNDAYS, OR HOLIDAYS.
8. CONTRACTOR SHALL REMOVE AND DEPOSE OF TREES, STUMPS, BRUSH, ROOTS, TOPSOIL, AND OTHER MATERIAL IN THE ROADWAY AND WHERE INDICATED ON THE PLANS. MATERIAL SHALL BE DISPOSED OF IN SUCH A MANNER AS TO MEET ALL APPLICABLE REGULATIONS. CONTRACTOR SHALL ENSURE RECIPIENTS OF FILL MATERIALS REMOVED OFFSITE ARE PERMITTED TO RECEIVE SAID MATERIALS REGARDLESS OF THE RECEIVING JURISDICTION. CITY REQUIRES A GRADING PERMIT PER OREGON CITY MUNICIPAL CODE CHAPTER 15.48 FOR A SINGLE SITE TO RECEIVE OVER 10 CUBIC YARDS OF MATERIAL UNLESS THE GRADING WORK IS ALREADY COVERED IN ANOTHER CONSTRUCTION PERMIT. CONTRACTOR IS RESPONSIBLE FOR MEETING OTHER JURISDICTIONS' GRADING/FILL REQUIREMENTS WHEN APPROPRIATE.
9. CONSTRUCTION VEHICLES INCLUDING TRAILERS SHALL PARK ON THE CONSTRUCTION SITE OR AT A LOCATION(S) INDICATED ON THE APPROVED PLAN. THIS INCLUDES ALL SUBCONTRACTORS' VEHICLES AND TRAILERS. HOURS OF CONSTRUCTION SHALL BE 7 AM TO 6 PM, MONDAY THROUGH FRIDAY; 9 AM TO 6 PM SATURDAY. CONSTRUCTION IS PROHIBITED ON SUNDAY. CONSTRUCTION ACTIVITIES INCLUDE ALL FIELD MAINTENANCE OF EQUIPMENT, REFUELING, AND PICK-UP AND DELIVERY OF EQUIPMENT AS WELL AS THE ACTUAL CONSTRUCTION ACTIVITY.
10. THE CONTRACTOR SHALL SUBMIT A 15% MAINTENANCE BOND/GUARANTEE AS REQUIRED BY THE CITY OF OREGON CITY. THE AMOUNT OF THE GUARANTEE IS 15% OF THE PUBLIC IMPROVEMENTS COST.
11. THE CONTRACTOR SHALL KEEP AN APPROVED SET OF PLANS ON THE PROJECT SITE AT ALL TIMES.
12. UPON COMPLETION OF CONSTRUCTION, THE CONTRACTOR SHALL SUBMIT "REDLINE DRAWINGS" TO PROJECT ENGINEER FOR PREPARATION OF RECORD DRAWINGS. "REDLINE DRAWINGS" DOCUMENT ALL DEVIATIONS AND REVISIONS TO THE APPROVED PLANS; THEY ALSO RECORD A DESCRIPTION OF CONSTRUCTION MATERIALS ACTUALLY USED (PIPE MATERIAL, ETC.). FROM THE INFORMATION CONTAINED ON THESE REDLINE DRAWINGS, AS WELL AS ANY NOTES RECORDED BY THE PROJECT ENGINEER, THE PROJECT ENGINEER SHALL PREPARE AND SUBMIT RECORD DRAWINGS TO PUBLIC WORKS ENGINEERING DEVELOPMENT SERVICES (PAPER COPY FIRST FOR CITY APPROVAL AND THEN HIGH-RESOLUTION ELECTRONIC PDF FILE AS DIRECTED BY CITY STAFF). RECORD DRAWINGS ARE REQUIRED FOR ANY PUBLIC IMPROVEMENTS, AS WELL AS FOR ANY (PUBLIC OR PRIVATE) STORMWATER MANAGEMENT QUANTITY OR QUALITY CONTROL FACILITY. CITY ACCEPTANCE OF ANY PUBLIC IMPROVEMENTS ARE TIED TO THE SUBMITTAL OF THESE RECORD DRAWINGS. CAD-GENERATED PLANS SHALL ALSO HAVE ELECTRONIC RECORD DRAWINGS SUBMITTED TO THE CITY IN COMPLIANCE WITH THE DIGITAL MAPPING REQUIREMENTS. COMPLY WITH LATEST CITY STANDARD FOR AS-BUILT RECORD DRAWINGS AND SURVEY.
13. CONTRACTOR SHALL ERECT AND MAINTAIN TEMPORARY TRAFFIC CONTROL PER THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" (MUTCD), PART 6, AND DEVIATIONS TO THE MUTCD AS ADOPTED AND MODIFIED BY ODOT. SHOULD WORK BE IN AN EXISTING PUBLIC RIGHT OF WAY THAT IS OPEN TO TRAFFIC, THE CONTRACTOR SHALL SUBMIT A TRAFFIC CONTROL PLAN TO APPROPRIATE CITY, COUNTY, AND STATE PERSONNEL FOR APPROVAL. APPROVALS SHALL BE OBTAINED PRIOR TO START OF WORK.
14. THE CONTRACTOR SHALL PERFORM ALL WORK NECESSARY TO COMPLETE THIS PROJECT IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS INCLUDING SUCH INCIDENTALS AS MAY BE NECESSARY TO MEET THE INTENT OF THE PROJECT CONTRACT DOCUMENTS, APPLICABLE AGENCY REQUIREMENTS AND OTHER WORK AS NECESSARY TO PROVIDE A COMPLETE PROJECT.
15. THERE SHALL BE NO ALTERATION OR VARIANCE FROM THE APPROVED PLANS. THE MINIMUM SUBMITTAL REQUIREMENTS FOR PLAN REVISIONS ARE AS FOLLOWS:
    - PLAN REVISIONS SHALL BE SUBMITTED ON AN 8½" X 11" SHEET (MINIMUM) WITH A 2" BY 2" BLOCK SPACE FOR CITY APPROVAL; AND
    - PLAN REVISION SHALL BE WET STAMPED AND SIGNED BY PROJECT ENGINEER, AND
    - ANY REQUIRED ENGINEERING CALCULATIONS, OR OTHER AGENCY APPROVALS, SHALL BE INCLUDED WITH THE SUBMITTED REVISION.
    - UPON APPROVAL OF THE SUBMITTED REVISIONS, THE CITY ENGINEER SHALL AFFIX AN APPROVAL STAMP TO THE REVISED PLAN SKETCH AND THE PLAN SHALL BE RETURNED TO THE PROJECT ENGINEER. IT IS THE RESPONSIBILITY OF THE PROJECT ENGINEER TO DISTRIBUTE THE APPROVED PLAN REVISION TO ALL PARTIES TO WHOM THE ORIGINAL APPROVED PLANS WERE ISSUED. ALL APPROVED REVISIONS SHALL BE AFFIXED TO THE CONSTRUCTION FIELD PRINTS (ALSO KNOWN AS THE CONTRACTOR'S "REDLINE DRAWINGS").
16. CONTRACTOR SHALL PROVIDE EFFECTIVE EROSION PROTECTION TO INCLUDE, BUT NOT LIMITED TO, GRADING, DITCHING, HAY BALES, SILT FENCING, AND SEDIMENT BARRIERS TO MINIMIZE EROSION AND IMPACT TO ADJACENT PROPERTY. SEE SEPARATE EROSION AND SEDIMENT CONTROL NOTES AND APPROVED PLANS.
17. OPEN TRENCHES SHALL BE STRICTLY LIMITED TO A MAXIMUM OF 100 LINEAR FEET WITHIN ACTIVE STREET RIGHTS-OF-WAY UNLESS LIMITED TO A LESSER AMOUNT BY PERMIT. NO TRENCHES WILL BE ALLOWED TO REMAIN OPEN OVERNIGHT. USE OF STEEL PLATES OVERNIGHT SHALL BE KEPT TO A MINIMUM AND IF USED SHALL BE FIRMLY SECURED WITH PINS AND COLD OR HOT A/C MIX.
18. CONTRACTOR SHALL MAINTAIN AND COORDINATE ACCESS TO ALL AFFECTED PROPERTIES.
19. ANY PAVEMENT DISTORTION CAUSED BY THE CONSTRUCTION OPERATIONS SHALL BE TEMPORARILY REPAIRED SAME DAY OF OCCURRENCE (OR IN A TIME PERIOD AGREED TO WITH THE CITY INSPECTOR), USING COLD OR HOT A/C MIX. OWNER/CONTRACTOR SHALL BE REQUIRED TO MAINTAIN REPAIRED AREAS UNTIL CITY FINAL ACCEPTANCE IS GRANTED.
20. IF GROUND WATER SPRINGS ARE ENCOUNTERED DURING CONSTRUCTION, THE CONTRACTOR SHALL IMMEDIATELY CONTACT THE PROJECT ENGINEER. THE PROJECT ENGINEER SHALL DIRECT THE CONTRACTOR TO TAKE MEASURES TO ENSURE THAT WATER IS NOT CONVEYED THROUGH UTILITY TRENCHES AND THE NATURAL FLOW PATH OF THE SPRING IS ALTERED AS LITTLE AS PRACTICABLE. THE PROJECT ENGINEER SHALL SUBMIT A REPORT SUMMARIZING THE FINDING TO THE CITY. IMPACTS AND MITIGATION SHALL BE ADDRESSED FOR CITY APPROVAL.
21. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VISIT THE SITE AND VERIFY ALL EXISTING CONDITIONS BEFORE THE START OF WORK. THE CONTRACTOR SHALL TAKE ALL NECESSARY FIELD MEASUREMENTS AND OTHERWISE VERIFY ALL DIMENSIONS AND EXISTING CONSTRUCTION CONDITIONS INDICATED AND/OR SHOWN ON THE PLANS. SHOULD ANY ERROR OR INCONSISTENCY EXIST, THE CONTRACTOR SHALL NOT PROCEED WITH THE WORK AFFECTED UNTIL REPORTED TO THE PROJECT ENGINEER FOR CLARIFICATION OR CORRECTION.
22. ANY INSPECTION BY THE CITY, COUNTY, STATE, FEDERAL AGENCY OR PROJECT ENGINEER SHALL NOT, IN ANY WAY, RELIEVE THE CONTRACTOR FROM ANY OBLIGATION TO PERFORM THE WORK IN COMPLIANCE WITH THE APPLICABLE CODES, REGULATIONS, CITY STANDARDS AND PROJECT CONTRACT DOCUMENTS.
23. PROJECT PLANS SHALL ALWAYS HAVE AN ENGINEER-OF-RECORD PERFORMING THE FUNCTION OF PROJECT ENGINEER. IF THE PROJECT ENGINEER IS CHANGED DURING THE COURSE OF THE WORK, THE CITY SHALL BE NOTIFIED IN WRITING AND THE WORK SHALL BE STOPPED UNTIL THE REPLACEMENT ENGINEER HAS AGREED TO ACCEPT THE RESPONSIBILITIES OF THE PROJECT ENGINEER. THE NEW PROJECT ENGINEER SHALL PROVIDE WRITTEN NOTICE OF ACCEPTING PROJECT RESPONSIBILITY TO THE CITY WITHIN 72 HOURS OF ACCEPTING THE POSITION AS PROJECT ENGINEER.
24. FOR UTILITY TRENCHES 12-FEET IN DEPTH AND UNDER; COMPLETE A MINIMUM OF ONE COMPACTION DENSITY TEST AT APPROXIMATELY ONE HALF OF THE TRENCH DEPTH AND AN ADDITIONAL TEST AT OR NEAR THE SURFACE. FOR TRENCHES OVER 12-FEET IN DEPTH; COMPLETE ONE COMPACTION DENSITY TEST AT APPROXIMATELY 4-FEET ABOVE THE PIPE, ONE TEST AT OR NEAR THE SURFACE AND ONE ADDITIONAL TEST APPROXIMATELY HALF WAY IN BETWEEN. COMPACTION DENSITY TESTS SHALL BE PERFORMED AT A MINIMUM EVERY 100 FEET.
25. ALL EXISTING PIPE 6 INCHES IN DIAMETER AND GREATER THAT ARE REQUIRED TO BE ABANDONED IN PLACE SHALL BE FILLED WITH CLSM, CDF OR OTHER MATERIAL AS APPROVED BY THE CITY ENGINEER.

ENGINEERED GRADING NOTES:

1. PROJECT GRADING LIMITS SHALL BE WITHIN THE PROJECT'S PROPERTY BOUNDARY AND/OR STREET RIGHT-OF- WAY, UNLESS OTHERWISE SHOWN ON PLANS. NO GRADING SHALL BE CONDUCTED IN WETLANDS OR OTHER ENVIRONMENTALLY SENSITIVE AREAS UNLESS SPECIFICALLY SHOWN ON THE APPROVED PLANS.
2. THE IDENTIFICATION OR REMOVAL OF UNSUITABLE MATERIAL SHALL BE DONE WITH CONSULTATION WITH THE PROJECT ENGINEER OR PROJECT'S GEOTECHNICAL ENGINEER.
3. REMOVE AND DISPOSE OF ALL ORGANIC AND/OR UNSUITABLE MATERIALS, INCLUDING TREES, STUMPS, ROOTS, BRUSH, AND GRASS IN SUCH A MANNER TO MEET ALL APPLICABLE REGULATIONS. ON-SITE DISPOSAL SHALL BE AS DETERMINED BY THE PROJECT ENGINEER OR PROJECT'S GEOTECHNICAL ENGINEER.
4. STOCKPILE EXCESS SOIL MATERIAL ON-SITE AS DIRECTED BY THE PROJECT ENGINEER, PROJECT'S

   GEOTECHNICAL ENGINEER, OR APPROVED PLANS (UNLESS APPROVED PLANS IDENTIFY EXCESS EXCAVATION IS TO BE REMOVED FROM THE SITE).
5. THE CONTRACTOR SHALL PROTECT ALL TREES NOT SPECIFICALLY SHOWN TO BE REMOVED ON APPROVED PLANS.
6. GRADE THE SITE TO THE ELEVATIONS SHOWN ON THE DRAWING WITH THE NECESSARY ADJUSTMENTS TO ACCOMMODATE THE FINISH GRADES AS SPECIFIED. SHAPE FUTURE PAVED AREAS PER THE PLANS TO A SUBGRADE ELEVATION THAT WILL ACCOMMODATE FUTURE BASE ROCK AND PAVING.
7. STRAIGHT GRADES SHALL BE RUN BETWEEN FINISH GRADE AND/OR FINISH CONTOUR LINES SHOWN, UNLESS OTHERWISE NOTED. FINISH GRADES ARE TO DRAIN AS INDICATED ON THE PLANS. ROUGH GRADING SHALL BE FINISHED BY BLADING AND RAKING TO REASONABLE SMOOTH CONTOURS WITH GENTLE TRANSITIONS.
8. ALL CUT OR FILL SLOPES SHALL BE CONSTRUCTED AT NO STEEPER THAN FOUR (4) HORIZONTAL TO ONE (1) VERTICAL UNLESS OTHERWISE SHOWN ON APPROVED PLANS.
9. AREAS TO RECEIVE FILL MATERIALS SHALL BE PREPARED BY REMOVING ALL ORGANIC AND UNSUITABLE MATERIALS AND "PROOF ROLLED". BENCHING MAY BE REQUIRED. MATERIAL IN SOFT SPOTS WITHIN A PROPOSED BUILDING ENVELOPE, PAVED AREA, OR SIDEWALK AREA SHALL BE REMOVED TO THE DEPTH REQUIRED (AS DIRECTED BY THE PROJECT ENGINEER OR THE PROJECT'S GEOTECHNICAL ENGINEER) AND SHALL BE REPLACED WITH SUITABLE BACKFILL.
10. THE CONSTRUCTION OF STRUCTURAL FILLS AND/OR EXCAVATIONS CONNECTED WITH ANY PUBLIC IMPROVEMENTS SHALL BE IN ACCORDANCE WITH THE WRITTEN RECOMMENDATIONS MADE BY THE PROJECT'S GEOTECHNICAL ENGINEER IN AN APPROVED REPORT.
11. COMPACTION TESTS AND REPORTS FOR EACH LOT SHALL BE CONDUCTED BY AN APPROVED TESTING LABORATORY, TEST FREQUENCY SHALL BE PER THE PROJECT ENGINEER, OR PROJECT'S GEOTECHNICAL ENGINEER. TESTING TO COMMENCE WITH FILL ACTIVITIES AND AS A MINIMUM, ONE TEST WILL BE TAKEN FOR EVERY 500 CUBIC YARDS PLACED.
12. IF DUSTY CONDITIONS EXIST, THE PERMITTEE SHALL APPLY A FINE SPRAY OF WATER ON THE SURFACE TO CONTROL THE DUST.
13. ENGINEERED FILL IN THE BUILDING ENVELOPE SHALL BE CERTIFIED BY THE PROJECT ENGINEER. THIS CERTIFICATION SHALL BE SENT TO THE CITY BUILDING OFFICIAL UPON SUBMISSION OF THE BUILDING PERMIT IF IT HAS NOT ALREADY BEEN RECEIVED BY THE CITY BUILDING OFFICIAL.

STORM DRAIN NOTES:

1. PIPE RULES:

   A. TEN-INCH DIAMETER PIPE OR SMALLER SHALL BE PVC STORM DRAINPIPE CONFORMING TO EITHER ASTM D-3034, OR SEAMLESS PVC PIPE CONFORMING TO ASTM F794 UNLESS OTHERWISE NOTED ON THE APPROVED PLANS. CONCRETE PIPE CONFORMING TO ASTM C-14, CLASS 3 IS ALSO ACCEPTABLE. WATERTIGHT GASKETS ARE REQUIRED ON ALL PIPE SIZES.

   B. TWELVE-INCH THROUGH 48-INCH DIAMETER PIPE (FOR STORM DRAIN PIPE - BUT NOT FOR CULVERTS) MAY BE ONE OF THE FOLLOWING, UNLESS OTHERWISE NOTED ON THE APPROVED PLANS:
   - CLASS V REINFORCED CONCRETE PIPE CONFORMING TO ASTM C-76. WATER TIGHT JOINTS REQUIRED. WHEN USED IN PUBLIC RIGHT-OF-WAY THERE MUST BE ONE-FOOT MINIMUM COVER FROM ROADWAY SUBGRADE.
   - DUCTILE IRON; CLASS 50 WALL THICKNESS FOR PIPE SIZES UP TO 12 INCHES; CLASS 51 WALL THICKNESS FOR 14 INCH AND LARGER; WATER TIGHT GASKETS REQUIRED. WHEN USED IN PUBLIC RIGHT-OF-WAY THERE MUST BE TWO-FOOT MINIMUM COVER FROM ROADWAY SUBGRADE UNLESS CLASS 52 IS USED ALLOWING A ONE-FOOT MINIMUM COVER.
   - CORRUGATED HIGH-DENSITY POLYETHYLENE PIPE (HDPE) - SMOOTH INTERIOR (ADS N- 12 OR EQUIVALENT, MAXIMUM 30-INCH DIAMETER CONFORMING TO AASHTO M-294) (WITH WATERTIGHT GASKETS). WHEN USED IN PUBLIC RIGHT-OF-WAY THERE MUST BE TWO- FOOT MINIMUM COVER FROM ROADWAY SUBGRADE. CONCRETE HEADWALLS/TREATMENTS ARE REQUIRED FOR ANY EXPOSED ENDS.
   - POLYVINYL CHLORIDE (PVC), SEAMLESS, SEWER PIPE: (SDR 35, MEETING REQUIREMENTS OF ASTM D3034 FOR PIPES UP TO 15-INCH), (ASTM F-679 FOR PIPES 18 TO 27 INCHES), (ASTM F- 794 FOR PIPES UP TO 30 INCHES), (AWWA C-900 DR 18 FOR UP TO 12-INCH), (AWWA C-900 DR 21 FOR PIPES 14 TO 30-INCHES). WHEN USED IN PUBLIC RIGHT-OF-WAY, THE MINIMUM COVER SHALL BE TWO-FOOT MINIMUM COVER FROM ROADWAY SUBGRADE, EXCEPT FOR C-900, WHICH REQUIRES ONE- FOOT MINIMUM COVER FROM ROADWAY SUBGRADE. WATER TIGHT GASKETS REQUIRED. CONCRETE HEADWALLS/TREATMENTS ARE REQUIRED FOR ANY EXPOSED ENDS.

   C. PERFORATED PIPE SHALL BE HDPE PIPE CONFORMING TO AASHTO M-294 OR PVC PIPE CONFORMING TO EITHER ASTM D3034 OR ASTM 2729, UNLESS OTHERWISE NOTED ON THE APPROVED PLANS OR STANDARD DRAWINGS. PERFORATIONS SHALL BE 0.5" DIAMETER, 5" ON CENTER, AND 120 DEGREES APART.

   D. CULVERT PIPE SHALL BE CLASS V REINFORCED CONCRETE PIPE CONFORMING TO ASTM C-76, UNLESS OTHERWISE NOTED ON THE APPROVED PLANS. WHEN USED IN PUBLIC RIGHT-OF-WAY THERE MUST BE ONE FOOT MINIMUM COVER FROM ROADWAY SURFACE.
2. ALL TRENCH EXCAVATION SHALL BE IN CONFORMANCE WITH OREGON CITY STANDARD DRAWING FOR PIPE BEDDING AND BACKFILL, AND SHALL BE CLASSIFIED AS EITHER ROCK OR COMMON EXCAVATION. ALL EXCESS MATERIAL FROM THE TRENCH EXCAVATION SHALL BE DISPOSED OF TO AN APPROVED SITE.
3. PIPE BEDDING AND TRENCH BACKFILL MAY BE CLASS A ON ALL SEWER LINES OUTSIDE PUBLIC STREETS OR OUTSIDE OF PAVED AREAS. TRENCH BACKFILL SHALL BE CLASS B IN ALL PUBLIC STREETS OR PAVED AREAS IN THE PROJECT AS OUTLINED IN OREGON CITY STANDARD DRAWING FOR PIPE BEDDING AND BACKFILL. THE CLASS B BACKFILL SHALL EXTEND A MINIMUM OF THREE FEET (3') BEYOND THE EDGE OF STREET OR HARD SURFACED AREAS. CDF BACKFILL MAY BE REQUIRED INSTEAD OF CLASS B AS APPLICABLE PER OREGON CITY PAVEMENT CUT STANDARD.
4. TRENCH BACKFILL COMPACTION SHALL BE 95% OF AASHTO T-180 MODIFIED PROCTOR FROM TOP OF PIPE ZONE UP TO ROAD BASE. CONTRACTOR TO DETERMINE TYPE OF EQUIPMENT AND METHOD TO USE TO ACHIEVE THE REQUIRED COMPACTION. 95% COMPACTION, AASHTO T-180, IS REQUIRED IN PUBLIC STREETS AND PAVED AREAS, 85% COMPACTION OF AASHTO T-99 IN NON- PAVED OR UNIMPROVED AREAS.
5. MANHOLE WALLS SHALL BE PRECAST REINFORCED CONCRETE MANHOLES OF THE SIZE REQUIRED PER MANUFACTURER'S RECOMMENDATIONS FOR THE PIPE SIZES AND NUMBER OF OPENINGS.
6. BOX CULVERT SHALL BE PRECAST REINFORCED BOX CULVERT SECTIONS MEETING THE REQUIREMENTS OF ASTM C-850, UNLESS OTHERWISE NOTED ON THE APPROVED PLANS.
7. IF DRAINAGE FIELD TILE IS ENCOUNTERED DURING CONSTRUCTION, THE CONTRACTOR SHALL NOTIFY THE PROJECT ENGINEER AND THE CITY'S INSPECTOR. THE INTENT WILL BE TO CONNECT ANY FUNCTIONING DRAIN TILE SYSTEM TO THE STORM DRAIN SYSTEM IN AN APPROPRIATE MANNER. SUCH CONNECTION MUST BE NOTED ON THE AS-BUILT DRAWINGS AND MUST BE APPROVED BY THE PROJECT ENGINEER AS WELL AS THE CITY'S INSPECTOR.
8. ALL HOUSE SERVICE STUBOUTS SHALL BE A MINIMUM OF THREE FEET (3') BEYOND EASEMENT OR RIGHT- OF FAY LINE AND SHALL BE MARKED WITH A PRESSURE TREATED 2" X 4" (PAINTED WHITE WITH THE LABEL OF "STM") FOR FUTURE LOCATION. SERVICE STUBOUTS SHALL BE A MINIMUM OF 6-INCH DIAMETER PIPE AT MINIMUM SLOPE OF 1%. CURB SHALL BE STAMPED ABOVE STORM SERVICE WITH THE LABEL "ST". TRACER WIRE SHALL BE INSTALLED WITH SERVICE STUBOUTS.
9. ALL MANHOLES LOCATED IN UNIMPROVED EASEMENTS AND RIGHT OF WAYS SHALL BE PROVIDED WITH TAMPER PROOF LIDS, BE INSTALLED TWO FEET (2') ABOVE EXISTING GRADE AND MARKED WITH A MARKER POST PER OREGON CITY STANDARDS UNLESS OTHERWISE NOTED.
10. ALL MATERIALS INSPECTIONS AND TESTS ARE TO BE IN ACCORDANCE WITH CITY OF OREGON CITY AND/OR ODOT/APWA STANDARD SPECIFICATIONS. ALL SECTIONS FAILING TO PASS THE REQUIRED TESTS AND INSPECTIONS SHALL BE LOCATED AND REPAIRED. AFTER REPAIR, THESE SECTIONS SHALL BE RETESTED AND INSPECTED UNTIL FOUND ACCEPTABLE BY THE CITY.
11. ALL STORM PIPING SHALL BE VIDEO INSPECTED BY THE CONTRACTOR PER LATEST EDITION OF ODOT/APWA STANDARD SPECIFICATIONS FOR CONSTRUCTION, AND SUBMITTED TO THE CITY INSPECTOR WITH A WRITTEN REPORT. BEFORE ACCEPTANCE BY THE CITY, STORMWATER PIPE SHALL BE SHOWN CLEAR OF ANY DEBRIS, ROCKS, GRAVEL, SAND, SILT, OTHER FOREIGN MATERIAL, AND GRADE/ALIGNMENT DEVIATIONS IN EXCESS OF THE STANDARD SPECIFICATIONS. ALL STORM PIPING SHALL BE VIDEO INSPECTED PER NOTE 5 OF THE SANITARY SEWER NOTES.
12. CONTRACTOR REQUIRED TO INSTALL "PROTECTING YOUR NEIGHBORHOOD STREAM" SIGNAGE AT ALL PUBLIC WATER QUALITY FACILITIES. SIGNS CAN BE PROCURED FROM CITY OF OREGON CITY PUBLIC WORKS, CONTACT THE WASTEWATER/STORMWATER MANAGER AT 971-204-4600. MOUNT THE SIGN TO AN 8' LONG BY 6INCH X 4-INCH TREATED LUMBER POST WHICH IS SET IN CONCRETE AND BURIED A MINIMUM 30" IN THE GROUND. SIGN SHALL FACE PUBLIC STREET, SIDEWALK, ETC.

60% DESIGN PLANS
OCT - 4 2024
(NOT FOR CONSTRUCTION)

DAVID EVANS AND ASSOCIATES INC.
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Phone: 503.223.6663

DESIGNED BY: CRCO
DRAWN BY: RJXM

tumwata village
INFRASTRUCTURE IMPROVEMENTS
PHASE 1
OC PROJECT #:

STANDARD NOTES

REVISIONS

REV #	DATE	DESCRIPTION

CITY OF OREGON CITY
PUBLIC WORKS DEPARTMENT
APPROVAL FOR CONSTRUCTION
☐ APPROVED AS SUBMITTED

SIGNATURE
NAME:
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WATER SYSTEM NOTES

1. ALL WORK AND MATERIALS SHALL COMPLY WITH THE APPLICABLE SECTIONS OF CITY OF OREGON CITY PUBLIC WORKS STANDARDS, OREGON STATE HEALTH DIVISION ADMINISTRATIVE RULES, CHAPTER 333, RECENT EDITION OF AWWA STANDARD SPECIFICATIONS AND ODOT/APWA STANDARD SPECIFICATIONS FOR CONSTRUCTION.
2. WATERLINE SHALL BE DUCTILE IRON PIPE, FACTORY CEMENT-MORTAR LINED AND SEAL- COATED, CONFORM WITH LATEST REVISION OF ANSI/AWWA C151/A21.5, ANSI/AWWA C104/A21.4, ANSI/AWWA C111/A21.11, AND ASTM A536, AND BE STANDARD THICKNESS CLASS 52 UNLESS SPECIFIED OTHERWISE. FULL PIPE SECTIONS SHALL BE 18 FEET IN LENGTH. ALL TEES, BENDS, VALVES AND BLOW-OFF LOCATIONS SHALL BE RESTRAINED WITH MEGA-LUG FOLLOWER, OR APPROVED EQUAL. PUSH-ON TYPE JOINTS SHALL BE RESTRAINED WITH FIELD-LOK GASKET, OR APPROVED EQUAL.
3. ALL PIPE SHALL HAVE A MINIMUM COVER OF 36 INCHES BELOW THE FUTURE FINISHED GRADES IN EASEMENTS AND STREET RIGHTS-OF-WAY UNLESS SPECIFIED OTHERWISE OR OTHER MEASURES ARE APPROVED BY THE CITY ENGINEER. PIPES TWELVE (12) INCHES AND LARGER SHALL HAVE A DEPTH OF FORTY EIGHT (48) INCHES OR GREATER AS DETERMINED AND APPROVED BY THE CITY ENGINEER.
4. GATE VALVES SHALL BE DUCTILE IRON BODY, CONFORM TO LATEST REVISION OF AWWA C509, AND SHALL BE UL LISTED AND FM APPROVED. BUTTERFLY VALVES SHALL BE DUCTILE IRON BODY AND CONFORM TO AWWA C-504.
5. COPPER TUBING SHALL BE TYPE "K" SOFT FOR 1" SERVICE LINES WITH A 5/8X3/4" OR 3/4" OR 1" WATER METER. COPPER SHALL BE TYPE "L" RIGID FOR 2" SERVICE LINES WITH EITHER A 1-1/2" OR 2" WATER METER. SERVICE TAPS SHALL BE A MINIMUM 18-INCHES FROM WATER MAIN JOINTS AND FITTINGS, AND MINIMUM 18-INCHES FROM ANOTHER TAP.
6. ALL WATER METERS TO BE INSTALLED BY THE CITY OF OREGON CITY WATER DEPARTMENT.
7. FIRE HYDRANT ASSEMBLIES SHALL BE INSTALLED PER CITY STANDARD DRAWINGS. FIRE HYDRANTS SHALL BE CENTURION FIRE HYDRANT AS PRODUCED BY MUELLER CO., WITH A FIVE AND 1/4-INCH VALVE OPENING, THREE PORT NOZZLES, TWO 2-INCH HOSE NOZZLES, AND 4-INCH THREADED PUMPER NOZZLE. ALTERNATIVE FIRE HYDRANT MANUFACTURERS AND MODELS ARE: CLOW VALVE COMPANY, MEDALLION MODEL NO. F- 2545 AND KENNEDY GUARDIAN K81-D. ALL FIRE HYDRANTS INSTALLED FOR A PARTICULAR PROJECT SHALL BE THE SAME MANUFACTURER AND MODEL.
8. ALL FITTINGS SHALL BE DUCTILE IRON CONFORMING TO ASTM A536, ANSI/AWWA C110/A21.10, ANSI/AWWA C104/A21.4, AND ANSI/AWWA C153/A21.53. FITTINGS SHALL HAVE CAST UPON THEM THE MANUFACTURER'S IDENTIFICATION, PRESSURE RATING, NOMINAL DIAMETERS OF OPENINGS, AND THE NUMBER OF DEGREES OR FRACTIONS OF A CIRCLE FOR ALL BENDS. FITTINGS SHALL BE COATED INSIDE WITH CEMENT MORTAR WITH AN ASPHALTIC SEAL-COAT. WHEN SPECIFIED, FITTINGS SHALL BE DUCTILE IRON MECHANICAL JOINT (MJ) OR FLANGE JOINT (FLG) CONFORMING TO AWWA C153 AND C110.
9. ALL TEES, BENDS, VALVES AND BLOW-OFF LOCATIONS SHALL, UNLESS OTHERWISE NOTED, HAVE POURED IN PLACE CONCRETE THRUST BLOCKS CONFORMING TO THE CITY STANDARD DRAWINGS. ALL FITTINGS SHALL BE RESTRAINED WITH A MEGA-LUG FOLLOWER, OR APPROVED EQUAL.
10. ALL TRENCH EXCAVATION SHALL BE IN CONFORMANCE WITH OREGON CITY STANDARD DRAWING FOR PIPE BEDDING AND BACKFILL, AND SHALL BE CLASSIFIED AS EITHER ROCK OR COMMON EXCAVATION. ALL EXCESS MATERIAL FROM THE TRENCH EXCAVATION SHALL BE DISPOSED OF TO AN APPROVED SITE.
11. PIPE BEDDING AND TRENCH BACKFILL MAY BE CLASS A ON ALL WATER LINES OUTSIDE PUBLIC STREETS OR OUTSIDE OF PAVED AREAS. TRENCH BACKFILL SHALL BE CLASS B IN ALL PUBLIC STREETS OR PAVED AREAS IN THE PROJECT AS OUTLINED IN OREGON CITY STANDARD DRAWING FOR PIPE BEDDING AND BACKFILL. THE CLASS B BACKFILL SHALL EXTEND A MINIMUM OF THREE (3) FEET BEYOND THE EDGE OF STREET OR HARD SURFACED AREAS. CDF BACKFILL MAY BE REQUIRED INSTEAD OF CLASS B AS APPLICABLE PER OREGON CITY PAVEMENT CUT STANDARD.
12. TRENCH BACKFILL COMPACTION SHALL BE 95% OF AASHTO T-180 MODIFIED PROCTOR FROM TOP OF PIPE ZONE UP TO ROAD BASE. CONTRACTOR TO DETERMINE TYPE OF EQUIPMENT AND METHOD TO USE TO ACHIEVE THE REQUIRED COMPACTION. 95% COMPACTION, AASHTO T-180, IS REQUIRED IN PUBLIC STREETS AND PAVED AREAS, 85% COMPACTION OF AASHTO T-99 IN NON-PAVED OR UNIMPROVED AREA.
13. ALL SANITARY SEWER LINES WITHIN TEN (10) FEET LATERALLY OR EIGHTEEN (18) INCHES VERTICALLY OF A WATER MAIN SHALL BE ENCASED IN CONCRETE OR CONSTRUCTED OF DUCTILE IRON WATER PIPE WITH WATERTIGHT JOINTS.
14. SANITARY SEWERS CROSSING A WATER MAIN SHALL BE MADE AT APPROXIMATELY 90 DEGREES AND HAVE EIGHTEEN (18) INCHES OF VERTICAL CLEARANCE. OTHERWISE, THE SANITARY SEWER SHALL BE CONSTRUCTED OF DUCTILE IRON WATER PIPE WITH WATERTIGHT JOINTS FOR A DISTANCE OF NINE (9) FEET FROM BOTH SIDES OF THE WATER LINE.
15. THE MAXIMUM ALLOWABLE JOINT DEFLECTION SHALL NOT EXCEED TWELVE (12) INCHES PER EIGHTEEN (18) FEET OF LAYING LENGTH.
16. THE VALVE STEM FOR BUTTERFLY VALVE SHALL BE LOCATED ON THE STREET CENTERLINE SIDE OF THE WATERLINE UNLESS OTHERWISE NOTED ON THE PLANS OR DIRECTED IN THE FIELD. BUTTERFLY VALVES SHALL ONLY BE USED AS REPLACEMENTS OF EXISTING BUTTERFLY VALVES OR WHERE COVER IS LESS THAN FORTY EIGHT (48) INCHES AS DETERMINED AND APPROVED BY THE CITY ENGINEER.
17. ALL NEW WATER PIPELINES UNDER CONSTRUCTION SHALL BE PHYSICALLY DISCONNECTED FROM THE CITY'S EXISTING DISTRIBUTION SYSTEM. CONNECTION TO THE EXISTING DISTRIBUTION SYSTEM SHALL BE MADE AFTER PASSING HYDROSTATIC AND BACTERIOLOGICAL TESTING AND ACCEPTANCE BY CITY OF OREGON CITY PUBLIC WORKS DEPARTMENT, WATER DIVISION. HYDROSTATIC TESTING SHALL BE MONITORED BY CITY STAFF. BACTERIOLOGICAL TESTS SHALL BE TAKEN BY CITY STAFF CERTIFIED AS DISTRIBUTION OPERATORS BY OREGON DEPARTMENT OF HUMAN SERVICES, DRINKING WATER PROGRAM. CONNECTION OF NEW PIPELINES TO THE EXISTING SYSTEM SHALL BE OBSERVED BY CITY STAFF. A CHLORINATION/DE-CHLORINATION PLAN SHALL BE SUBMITTED TO THE CITY AND APPROVED PRIOR TO HYDROSTATIC TESTING OF THE NEW PIPELINE.
18. HYDROSTATIC TESTS: THE TEST SHALL CONFORM WITH AWWA C600, WITH THE EXCEPTION THAT THE TEST DURATION SHALL BE 60 MINUTES WITH ZERO LOSS IN PRESSURE ALLOWED. THE TEST PRESSURE SHALL BE 150 PSI AT THE HIGHEST POINT OF ELEVATION IN ANY SECTION OR ONE AND A HALF TIMES THE WORKING PRESSURE, AS DETERMINED BY THE ENGINEER. THE DURATION AND PRESSURE SHALL BE MONITORED BY CITY STAFF. TEST GAUGE SHALL BE BOURDON TUBE PRESSURE GAUGE MODEL 332.54 IN 1 PSI INCREMENTS OR EQUAL, AS APPROVED BY THE CITY ENGINEER.
19. DISINFECTION: PIPELINES SHALL BE FLUSHED AND DISINFECTED BEFORE PLACING INTO SERVICE. DISINFECTION SHALL CONFORM WITH AWWA C651. DISINFECTION OF THE WATER SYSTEM SHALL BE COMPLETED WITHIN 15 DAYS OF PASSING THE HYDROSTATIC TEST AND SHALL BEGIN ON A MONDAY OR A TUESDAY. SUPER-CHLORINATE THE NEW PIPELINE FOR A MINIMUM OF 24 HOURS, NO MORE THAN 36 HOURS. AFTER 24 HOURS THE CHLORINE CONCENTRATION MUST BE A MINIMUM OF 10 PPM, AT WHICH TIME THE PIPELINE IS FLUSHED UNTIL RESIDUAL CHLORINE LEVEL IS MET (NOMINAL 1 PPM). PIPELINE SHALL REMAIN IN STATIC CONDITION WITH DISTRIBUTION WATER (NOMINAL 1 PPM CHLORINE RESIDUAL) A MINIMUM OF 16 HOURS, THEN TAKE TWO (2) BACTERIOLOGICAL SAMPLES 15 MINUTES APART WHILE LEAVING THE WATER RUNNING AT THE SAMPLE LOCATIONS. HIGHLY CHLORINATED WATER USED FOR DISINFECTION SHALL NOT BE DISCHARGED INTO THE CITY'S MUNICIPAL SEPARATE STORM SEWER SYSTEM OR SURFACE WATERS. COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE AND LOCAL REGULATIONS CONCERNING DISCHARGE OF CHLORINATED WATER SHALL BE FOLLOWED. FINAL CONNECTIONS TO THE CITY WATER MAIN SHALL BE MADE WITHIN 2 WEEKS OF PASSING BACTERIOLOGICAL TESTING.
20. WATER LINE VALVE ABANDONMENT REQUIRES REMOVAL OF THE VALVE FROM THE TEE OR MAINLINE PIPING, IN ITS ENTIRETY. A FLANGE CAP, MJ PLUG OR MJ CAP SHALL BE INSTALLED AT THE REMOVAL POINT. COORDINATION WITH WATER OPERATIONS REQUIRED FOR WATER MAIN SHUTDOWN.
21. POTABLE WATER (BLUE) OMNI MARKER BALLS SHALL BE INSTALLED AT ALL HORIZONTAL BENDS AND OVER CENTER LINE OF PIPE AT NO GREATER THAN 100 LF INTERVALS.

SANITARY SEWER NOTES:

1. ALL TRENCH EXCAVATION SHALL BE IN CONFORMANCE WITH OREGON CITY STANDARD DRAWING FOR PIPE BEDDING AND BACKFILL, AND SHALL BE CLASSIFIED AS EITHER ROCK OR COMMON EXCAVATION. ALL EXCESS MATERIAL FROM THE TRENCH EXCAVATION SHALL BE DISPOSED OF TO AN APPROVED SITE.
2. PIPE BEDDING AND TRENCH BACKFILL MAY BE CLASS A ON ALL SEWER LINES OUTSIDE PUBLIC STREETS OR OUTSIDE OF PAVED AREAS. TRENCH BACKFILL SHALL BE CLASS B IN ALL PUBLIC STREETS OR PAVED AREAS IN THE PROJECT AS OUTLINED IN OREGON CITY STANDARD DRAWING FOR PIPE BEDDING AND BACKFILL. THE CLASS B BACKFILL SHALL EXTEND A MINIMUM OF THREE FEET (3') BEYOND THE EDGE OF STREET OR HARD SURFACED AREAS. CDF BACKFILL MAY BE REQUIRED INSTEAD OF CLASS B AS APPLICABLE PER OREGON CITY PAVEMENT CUT STANDARD.
3. TRENCH BACKFILL COMPACTION SHALL BE 95% OF AASHTO T-180 MODIFIED PROCTOR FROM TOP OF PIPE ZONE UP TO ROAD BASE. CONTRACTOR TO DETERMINE TYPE OF EQUIPMENT AND METHOD TO USE TO ACHIEVE THE REQUIRED COMPACTION. 95% COMPACTION, AASHTO T-180, IS REQUIRED IN PUBLIC STREETS AND PAVED AREAS, 85% COMPACTION OF AASHTO T-99 IN NON-PAVED OR UNIMPROVED AREAS.
4. SUBSEQUENT SETTLEMENT OF THE FINISHED SURFACE WITHIN THE WARRANTY PERIOD SHALL BE CONSIDERED TO BE A RESULT OF IMPROPER COMPACTION AND SHALL BE PROMPTLY REPAIRED BY THE CONTRACTOR AT NO EXPENSE TO THE CITY OF OREGON CITY.
5. ALL SEWER LINES SHALL BE TESTED AND VIDEO INSPECTED BY THE CONTRACTOR PER LATEST EDITION OF APWA/ODOT OREGON STANDARD SPECIFICATIONS FOR CONSTRUCTION WITH THE FOLLOWING EXCEPTIONS:
   - ALL LINES SHALL BE VIDEO INSPECTED DOWNSTREAM, WITH THE FLOW.
   - WATER SHALL BE INTRODUCED TO THE LINES PRIOR TO VIDEO INSPECTION TO ASSIST IN LOCATING BELLIES AND DEFORMATIONS OF THE PIPE.
   - A 1" REFERENCE BALL SHALL BE MOUNTED IN FRONT OF THE CAMERA, IN FULL VIEW, IN THE INVERT OF THE PIPE TO FACILITATE DETERMINING COMPLIANCE WITH THE STANDARDS. FOR PIPE SIZES 4" THRU 15", DEVIATIONS SHALL NOT EXCEED 1/32 INCH PER INCH OF PIPE DIAMETER. FOR PIPE SIZES 16" THRU 72", DEVIATIONS SHALL NOT EXCEED 1/2 INCH.
   - CONTROL THE FLOW INTO THE SEGMENT TO BE TESTED. IF REQUIRED, PERFORM BYPASS PUMPING.
   - SERVICE LATERALS SHALL BE VIDEO INSPECTED FROM THE CLEANOUT TO THE MAINLINE.
   - PIPE VIDEO SHALL BE SUBMITTED TO THE CITY ON A FLASH DRIVE OR DVD ONLY.
   - ALL VIDEO MUST BE CONTINUOUS, WITH NO PAUSES.
6. ALL MANHOLES SHALL BE VACUUM TESTED PER APWA/ODOT OREGON STANDARD SPECIFICATIONS FOR CONSTRUCTION.
7. PAVEMENT RESURFACING, WHERE REQUIRED SHALL CONFORM TO OREGON CITY PAVEMENT CUT STANDARDS OR THE CONTRACT DOCUMENTS, WHICHEVER IS GREATER.
8. PROJECT ENGINEER OF RECORD RESERVES THE RIGHT TO ADJUST GRADES OR ALIGNMENT TO ACCOMMODATE OTHER UTILITIES AS REQUIRED; SUCH ADJUSTMENTS SHALL BE REVIEWED BY THE CITY OF OREGON CITY ENGINEERING STAFF, AND APPROVED BY THE CITY PRIOR TO COMMENCING WORK.
9. ALL PVC SEWER PIPE SHALL CONFORM TO ASTM D3034, SDR35 SPECIFICATIONS AND SHALL BE CLEARLY MARKED AS SUCH AND SHALL PROVIDE A MINIMUM OF 4' OF COVER (MEASURED FROM TOP OF PIPE TO FINISHED GRADE); UNLESS THE COVER REQUIREMENT CANNOT BE MET, IN WHICH CASE THE PIPE MATERIAL SHALL BE CHANGED TO PVC C-900 SDR 25 OR APPROVED EQUAL.
10. ALL MANHOLES LOCATED IN UNIMPROVED EASEMENTS AND RIGHT OF WAYS SHALL BE PROVIDED WITH TAMPER PROOF LIDS, BE INSTALLED TWO FEET (2') ABOVE EXISTING GRADE AND MARKED WITH A MARKER POST PER OREGON CITY STANDARDS UNLESS OTHERWISE NOTED.
11. SANITARY SEWER LINES CROSSING LESS THAN 12 INCHES ABOVE OR BELOW ANOTHER PUBLIC UTILITY SHALL BE CONSTRUCTED WITH PVC C-900 OR APPROVED EQUAL, WITH A COMPLETE STICK OF PIPE, CENTERED AT THE CROSSING. SANITARY SEWER LINES CROSSING LESS THAN 18" ABOVE OR BELOW A WATER LINE SHALL BE CONSTRUCTED OF D.I. PIPE WITH A COMPLETE STICK OF PIPE, CENTERED AT THE CROSSING.
12. MANHOLE WORKMANSHIP: ALL MANHOLES SHALL BE CONSTRUCTED IN ACCORDANCE WITH APWA/ODOT OREGON STANDARD SPECIFICATIONS FOR CONSTRUCTION AND ALL APPLICABLE OREGON CITY STANDARD DRAWINGS.
13. ALL SANITARY SEWER SERVICE LATERALS SHALL HAVE A 2-WAY CLEANOUT PER OREGON CITY STANDARD DRAWINGS.
14. SANITARY SEWERS CROSSING A WATER MAIN SHALL BE MADE AT APPROXIMATELY 90 DEGREES TO THE WATERLINE ALIGNMENT, HAVE EIGHTEEN (18) INCHES MINIMUM VERTICAL CLEARANCE CROSSING UNDER WATERLINE, AND ONE FULL PIPE LENGTH CENTERED AT WATERLINE CROSSING.

STREET SYSTEM NOTES:

1. ENGINEERED FILL SHALL BE PLACED ON AREAS STRIPPED OF ALL ORGANIC MATERIALS IN LIFTS NOT TO EXCEED 8-INCHES IN DEPTH AND EACH LAYER SHALL BE SEPARATELY AND THOROUGHLY COMPACTED. FILL MATERIALS SHALL BE PLACED WITHIN 2% OF THE OPTIMUM MOISTURE AND NO LESS THAN 95% COMPACTION PER AASHTO T 180. CONTRACTOR SHALL SUBMIT TEST RESULTS TO THE ENGINEER OF RECORD AND CITY PUBLIC WORKS INSPECTOR.
2. MATERIAL IN SOFT SPOTS WITHIN THE ROADWAY SHALL BE REMOVED TO THE DEPTH REQUIRED TO PROVIDE A FIRM FOUNDATION AND SHALL BE REPLACED WITH 1-1/2"-0" CRUSHED ROCK. THE ENTIRE SUBGRADE SHALL BE THOROUGHLY COMPACTED AT THE LOWEST MOISTURE CONTENT AT WHICH A HANDFUL OF SOIL CAN BE MOLDED BY A FIRM CLOSING OF THE HAND. MINIMUM OF 95% COMPACTION AASHTO T 180 REQUIRED.
3. THE SUB GRADE SHALL BE COMPACTED PER ODOT/APWA PART 3, SECTION 00330. CONTRACTOR SHALL SUBMIT TEST RESULTS TO THE ENGINEER OF RECORD AND CITY PUBLIC WORKS INSPECTOR. THE REQUIRED DENSITY OF TREATED AND UNTREATED SUBGRADE MATERIALS SHALL NOT BE LESS THAN 95% OF MAXIMUM DENSITY AS DETERMINED BY AASHTO T 180.
4. CONTRACTOR SHALL NOTIFY THE ENGINEER AND CITY WHEN SUBGRADE IS COMPLETE, 24 HOURS PRIOR TO PLACEMENT OF ROCK BASE MATERIAL, AND 24 HOURS PRIOR TO FINAL PAVING FOR AN INSPECTION OF THE WORK. FAILURE TO DO SO WILL MAKE ANY SUBGRADE FAILURE OR DRAINAGE PROBLEMS THE RESPONSIBILITY OF THE CONTRACTOR.
5. THE AGGREGATE ROAD BASE SHALL BE COMPACTED PER ODOT/APWA PART 6, SECTION 00640 AND 00641. WITH MATERIALS MAINTAINED WITHIN 2% OF THE OPTIMUM MOISTURE CONTENT. CONTRACTOR SHALL BEGIN COMPACTION OF EACH LAYER IMMEDIATELY AFTER THE MATERIAL IS SPREAD AND CONTINUE UNTIL A DENSITY OF NOT LESS THAN 95% OF THE MAXIMUM DENSITY HAS BEEN ACHIEVED USING AASHTO T 180. CONTRACTOR SHALL SUBMIT TEST RESULTS TO THE ENGINEER OF RECORD AND CITY PUBLIC WORKS INSPECTOR. TESTING FREQUENCY SHALL BE ONE TEST PER EVERY 100 LINEAR FEET MINIMUM AND MORE FREQUENTLY AT THE DISCRETION OF THE CITY PUBLIC WORKS INSPECTOR IF TESTS ARE NOT MEETING A MINIMUM OF 95% COMPACTION PER AASHTO T-180.
6. ASPHALT CONCRETE PAVEMENT MIX SHALL BE DESIGNED FROM A MIX FORMULA APPROVED BY ODOT FOR MATERIAL USED OR AS NOTED ON THESE PLANS. CONTRACTOR TO PROVIDE ENGINEER OF RECORD AND CITY WITH CERTIFICATE OF COMPLIANCE FROM ASPHALT PAVEMENT PLANT UNLESS OTHERWISE INDICATED.
7. THE ASPHALT CONCRETE PAVEMENT MIX SHALL BE COMPACTED PER ODOT/APWA PART 7, SECTION

   00744 WITH TESTING BY NUCLEAR GAUGE TO AT LEAST 92% OF THEORETICAL MAXIMUM DENSITY (RICE DENSITY) PER AASHTO T 209 ON ALL LIFTS. CONTRACTOR SHALL SUBMIT TEST RESULTS TO THE ENGINEER AND CITY. TESTING FREQUENCY SHALL BE ONE TEST PER EVERY 100 LINEAR FEET MINIMUM AND MORE FREQUENTLY AT THE DISCRETION OF THE CITY PUBLIC WORKS INSPECTOR IF TESTS ARE NOT MEETING A MINIMUM OF 92% COMPACTION PER AASHTO T-209.
8. EXCESS EXCAVATION MAY BE SPREAD AND COMPACTED EVENLY ON THE SITE IN DEPTHS OF LESS THAN ONE FOOT PER THE SITE GRADING PLAN. VEGETATION AND TOPSOIL TO BE STRIPPED ON FILL AREAS PRIOR TO FILLING. COMPACTION OF 95% OF AASHTO T 180 IS REQUIRED IN BUILDABLE AREAS. CONTRACTOR SHALL ACHIEVE 85% COMPACTION IN NON-BUILDABLE AREAS. PROPER CITY OR COUNTY FILL PERMIT SHALL BE OBTAINED IF EXCESS EXCAVATION IS HAULED OFF SITE.
9. MONUMENT BOX LOCATIONS SHALL BE PLACED AT THE BEGINNING, END, CENTERLINE INTERSECTION, POINT OF CURVATURE AND POINT OF TANGENCY FOR ALL STREETS, AND IN ACCORDANCE WITH CLACKAMAS COUNTY SURVEYOR STANDARDS. CONTACT PROJECT SURVEYOR FOR REQUIRED LOCATIONS. THE CONTRACTOR SHALL INSTALL THE MONUMENT BOXES IN STREET AREAS WHERE MARKED BY THE SURVEYOR AND IN ACCORDANCE WITH CLACKAMAS COUNTY MONUMENT STANDARDS AND CITY STREET STANDARDS.
10. ALL MATERIALS, INSPECTIONS, AND TESTS SHALL BE IN ACCORDANCE WITH CITY OF OREGON CITY STANDARD SPECIFICATIONS AND THE MOST RECENT EDITION OF THE OREGON ODOT/APWA STANDARD SPECIFICATIONS FOR CONSTRUCTION.
11. MONOLITHIC CURB AND GUTTER IS REQUIRED UNLESS OTHERWISE NOTED.
12. PROOF ROLL WITH A LOADED WATER TRUCK OR 10-11 CUBIC YARDS LOADED GRAVEL TRUCK IS REQUIRED PRIOR TO CURB PLACEMENT AND PRIOR TO PAVING.
13. CONTRACTOR SHALL INSTALL ADA RAMPS AND SIDEWALKS AS SHOWN IN ACCORDANCE WITH CITY STANDARD DRAWINGS.
14. ADA RAMPS AND SIDEWALKS SHALL BE A MINIMUM OF 4-INCH THICK CONCRETE WITH 2-INCHES OF COMPACTED ¾"--0"- CRUSHED ROCK BASE COURSE.
15. DRIVEWAY APPROACHES SHALL BE A MINIMUM OF 6-INCH THICK CONCRETE WITH 6-INCH BY 6- INCH - 10 GAUGE STEEL MESH ON TOP OF BLOCKS OVER 2-INCHES OF COMPACTED ¾"--0"- CRUSHED ROCK BASE COURSE.
16. ALL CONCRETE SHALL BE AIR ENTRAINED, MINIMUM 4.5%, WITH A MINIMUM COMPRESSIVE BREAKING STRENGTH OF 4,000 PSI AFTER 28 DAYS.
17. PRIOR TO INSTALLATION OF CURB AND GUTTER, ADA RAMPS OR SIDEWALK, THE PROJECT ENGINEER OF RECORD AND CITY PUBLIC WORKS INSPECTOR SHALL BE CONTACTED TO INSPECT STRING LINE, FORMWORK, BASE COMPACTION, AND RELATED ITEMS.
18. EXISTING PRIVATE UTILITIES SHALL BE RELOCATED IF NECESSARY. CONTRACTOR SHALL COORDINATE THIS WORK.
19. ALL UTILITY CROSSINGS SHALL BE PLACED PRIOR TO PROOF ROLL TEST FOR CURB INSTALLATION. THE NUMBER OF CROSSINGS, EXACT LOCATION, DEPTH, CONDUIT TYPE, ETC. SHALL BE SPECIFIED BY THE PRIVATE UTILITY CARRIERS. CONTRACTOR SHALL COORDINATE.
20. CONTRACTOR SHALL CONTACT CITY PUBLIC WORKS INSPECTOR TO SCHEDULE PRE-PAVING CONFERENCE PRIOR TO COMMENCING PAVING OPERATIONS.
21. FURNISH A TWELVE-FOOT (12-FOOT) STRAIGHTEDGE. TEST WITH A TWELVE-FOOT (12-FOOT) STRAIGHTEDGE PARALLEL TO AND PERPENDICULAR TO THE CENTERLINE, AS DIRECTED. THE PAVEMENT SURFACE SHALL NOT VARY BY MORE THAN ONE-QUARTER-INCH (1/4 INCH). MARK AREAS NOT MEETING THE SURFACE TOLERANCE. THESE TOLERANCES SHALL APPLY WHEN WATER VALVE BOXES, MANHOLE CASTINGS AND OTHER UTILITY APPURTENANCES CAN BE ADJUSTED BEFORE OR DURING THE PAVING OPERATIONS.
22. ALL NEW CURB, SIDEWALK, ADA RAMPS AND DRIVEWAYS SHALL BE FREE OF CRACKS, CHIPS, SPALLS AND OTHER DEFECTS. ALL REPAIRS TO THESE FACILITIES REQUIRE REMOVAL AND REINSTALLATION, SUCH REMOVAL SHALL BE TO THE NEAREST CONTRACTION OR EXPANSION JOINT. PLACEMENT OF CONCRETE PROHIBITED DURING PERIODS OF PRECIPITATION, AS DEFINED IN NOTE 24.
23. STOP BARS REQUIRED AT ALL STOP SIGNS.
24. PLACEMENT OF ASPHALT CONCRETE PAVEMENT PER ODOT STANDARD CONSTRUCTION SPECIFICATION 00744.40 WITH THE FOLLOWING EXCEPTIONS:
   - ACP PLACEMENT IS PROHIBITED DURING PERIODS OF PRECIPITATION. PRECIPITATION IS DEFINED AS (BUT NOT LIMITED TO) MIST, DRIZZLE, SHOWERS, RAIN, HAIL, SNOW, ETC.
   - 2 INCHES - 2 1/2 INCHES THICKNESS ACP PLACEMENT ALL YEAR: SURFACE TEMPERATURE SHALL BE A MINIMUM 40 DEGREES, AIR TEMPERATURE SHALL BE MINIMUM 40 DEGREES AND RISING TO A MINIMUM 43 DEGREES.

60% DESIGN PLANS
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DESIGNED BY: CRCO
DRAWN BY: RJXM

tumwata village
INFRASTRUCTURE IMPROVEMENTS
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OC PROJECT #:

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(NOT FOR CONSTRUCTION)

DAVID EVANS AND ASSOCIATES INC.
2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

DESIGNED BY: CRCO
DRAWN BY: RJXM

tumwata village
INFRASTRUCTURE IMPROVEMENTS
PHASE 1
OC PROJECT #:

SITE MAP

SHT. C150
C254
C354

SHT. C151
C250
C350

SHT. C152
C251
C351

SHT. C154
C253
C353

SHT. C153
C252
C352

t'alapas uyxat / COYOTE ST. / MAIN ST.

McLOUGHLIN BLVD. (HWY. 99E)

WATER ST

4TH ST

0 15 30 60
SCALE: 1" = 30'

REVISIONS

REV #	DATE	DESCRIPTION

CITY OF OREGON CITY
PUBLIC WORKS DEPARTMENT
APPROVAL FOR CONSTRUCTION
☐ APPROVED AS SUBMITTED

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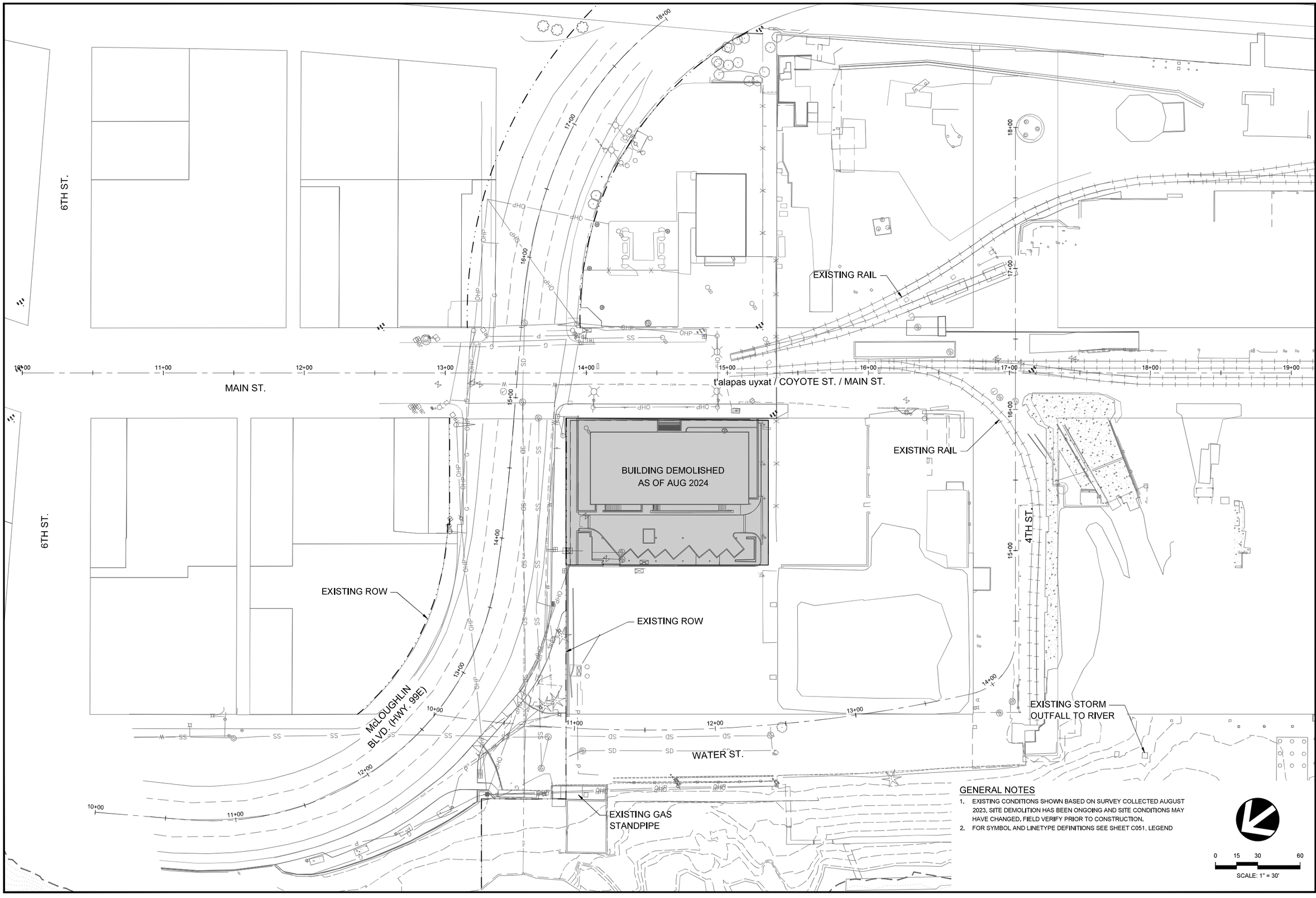
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GENERAL NOTES

1. EXISTING CONDITIONS SHOWN BASED ON SURVEY COLLECTED AUGUST 2023, SITE DEMOLITION HAS BEEN ONGOING AND SITE CONDITIONS MAY HAVE CHANGED. FIELD VERIFY PRIOR TO CONSTRUCTION.
2. FOR SYMBOL AND LINETYPE DEFINITIONS SEE SHEET C051, LEGEND

0 15 30 60

SCALE: 1" = 30'

60% DESIGN PLANS
OCT. 4 2024
(NOT FOR CONSTRUCTION)

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PHASE 1
OC PROJECT #:

EXISTING CONDITIONS

REVISIONS

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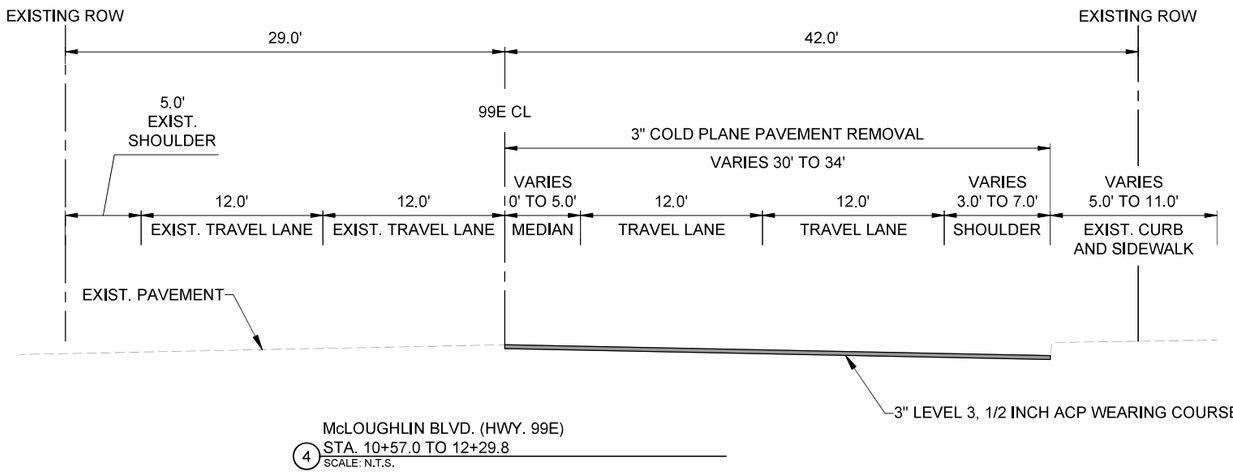
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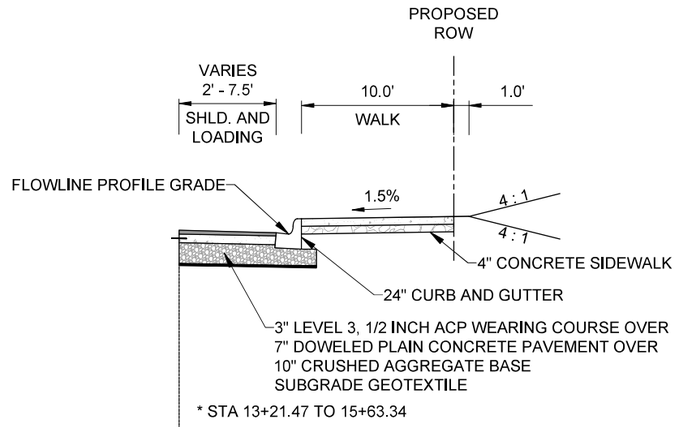
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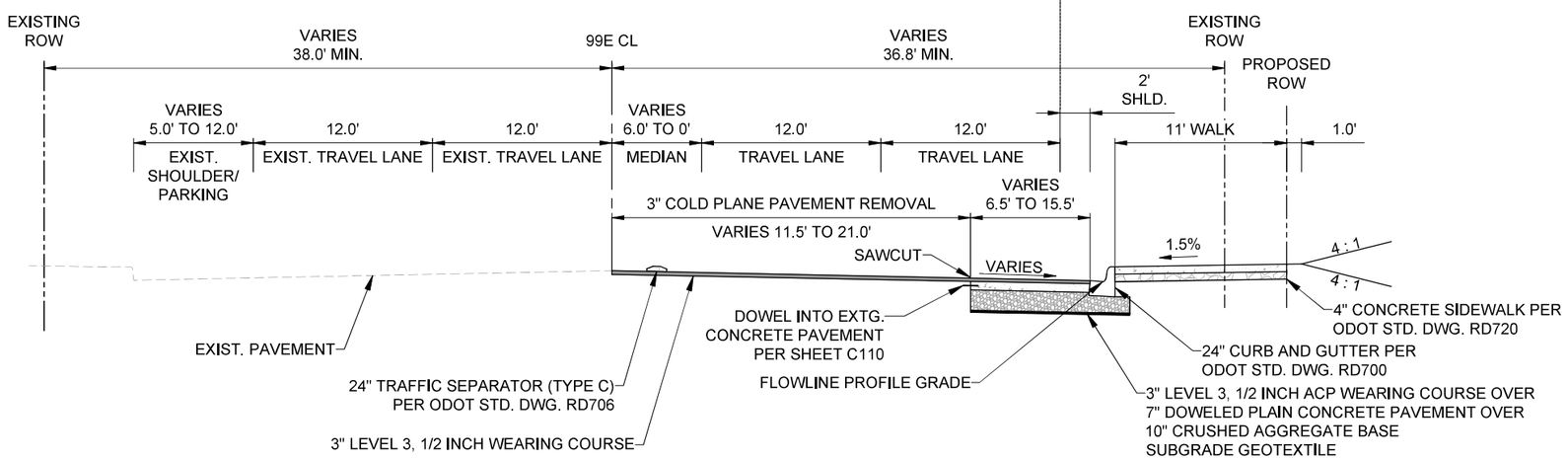
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McLOUGHLIN BLVD. (HWY. 99E)
STA. 10+57.0 TO 12+29.8
4 SCALE: N.T.S.





McLOUGHLIN BLVD. (HWY. 99E)
STA. 12+29.8 TO 15+82.3
5 SCALE: N.T.S.

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INFRASTRUCTURE IMPROVEMENTS
PHASE 1
OC PROJECT #:

TYPICAL SECTIONS

REVISIONS

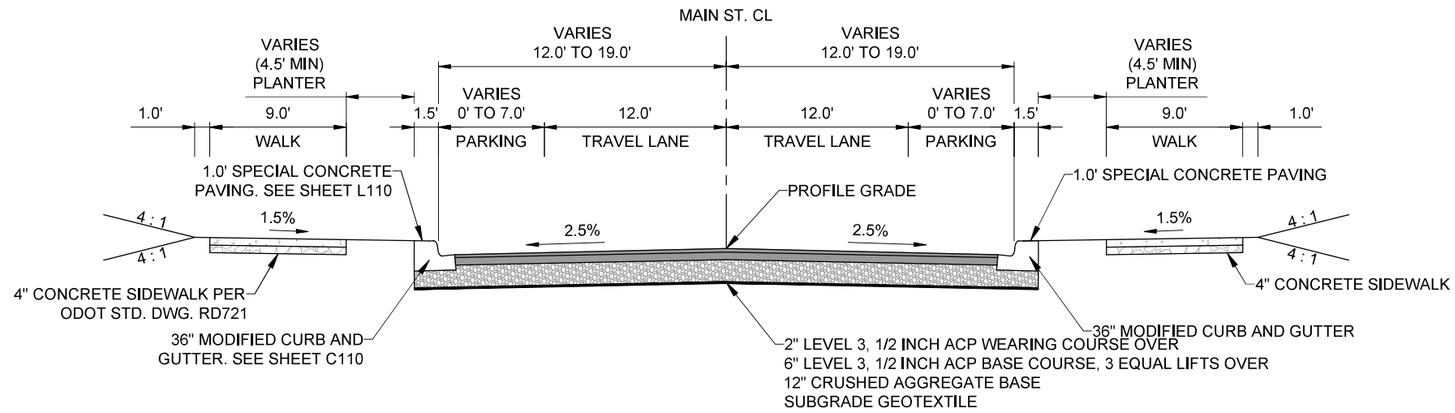
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CITY OF OREGON CITY
PUBLIC WORKS DEPARTMENT
APPROVAL FOR CONSTRUCTION
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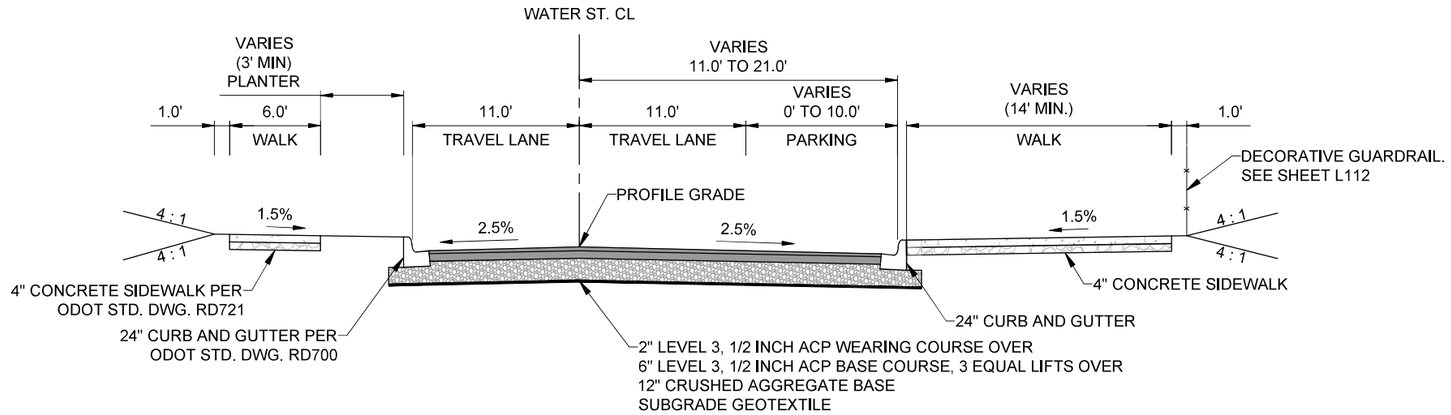
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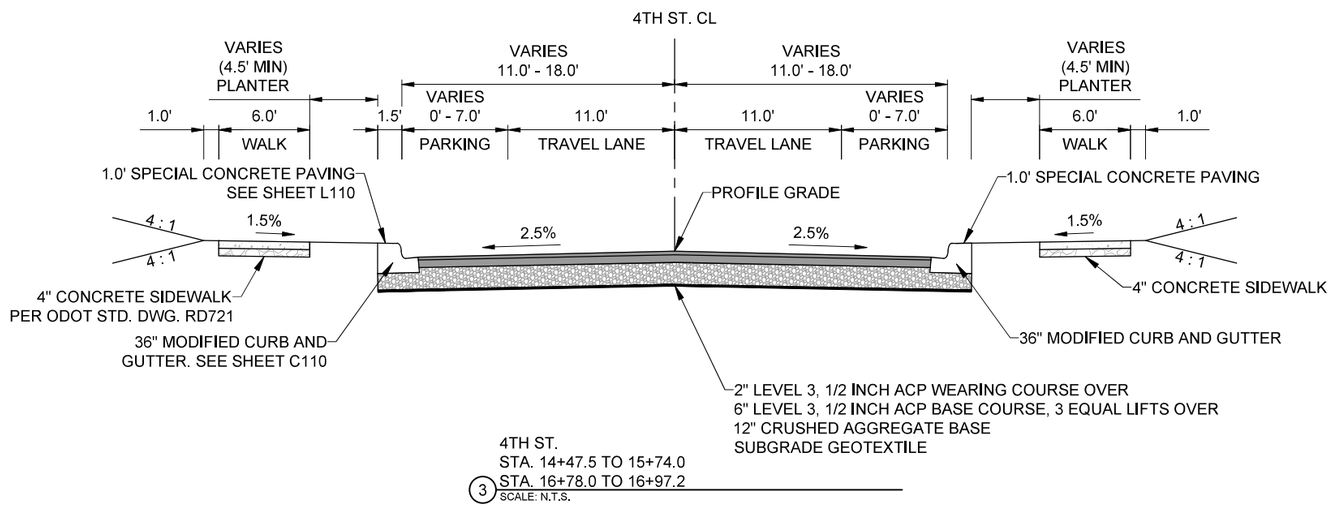
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MAIN ST.
STA. 13+62.6 TO 16+53.4
STA. 17+55.4 TO 17+74.6
1 SCALE: N.T.S.



WATER ST.
STA. 10+25.7 TO 13+73.6
2 SCALE: N.T.S.



4TH ST.
STA. 14+47.5 TO 15+74.0
STA. 16+78.0 TO 16+97.2
3 SCALE: N.T.S.

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tumwata village
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PHASE 1
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TYPICAL SECTIONS

REVISIONS

REV #	DATE	DESCRIPTION

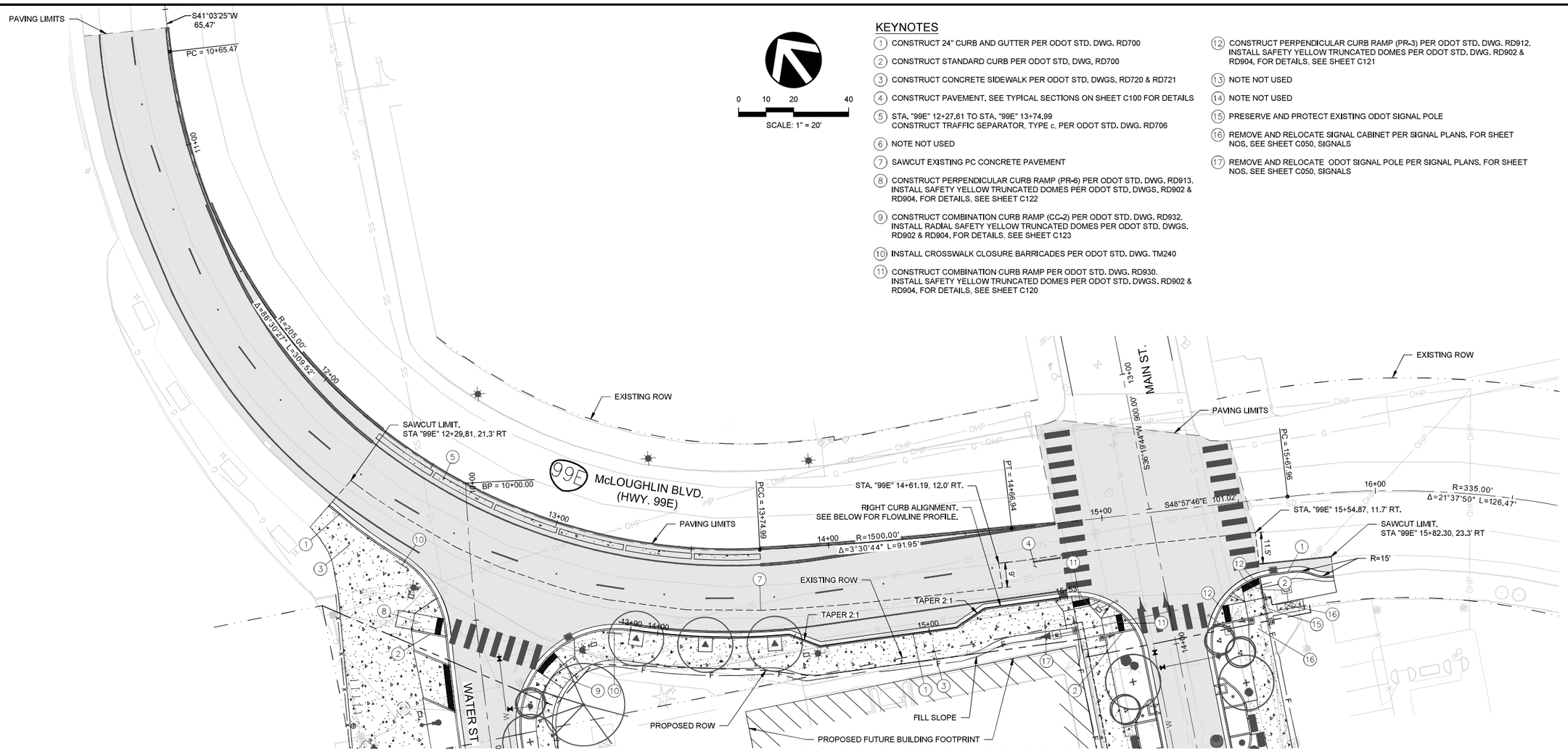
OREGON CITY

CITY OF OREGON CITY
PUBLIC WORKS DEPARTMENT
APPROVAL FOR CONSTRUCTION
☐ APPROVED AS SUBMITTED

SIGNATURE
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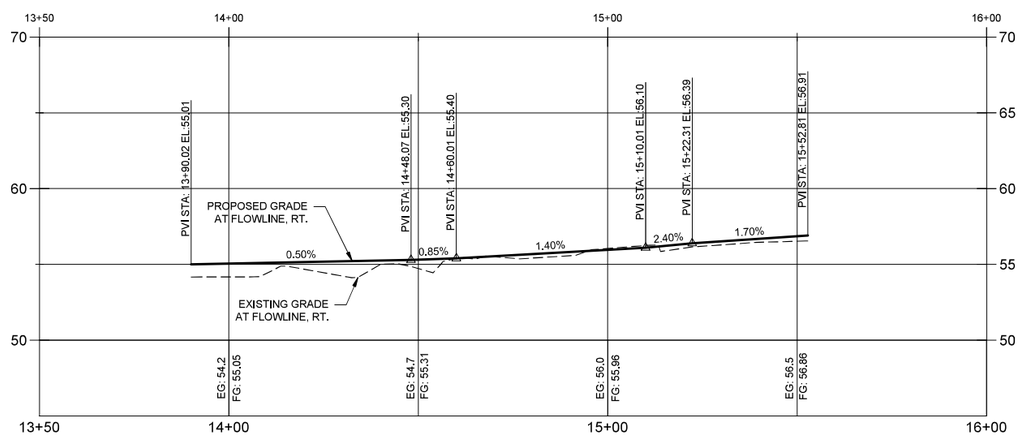


KEYNOTES

1. CONSTRUCT 24" CURB AND GUTTER PER ODOT STD. DWG. RD700
2. CONSTRUCT STANDARD CURB PER ODOT STD. DWG. RD700
3. CONSTRUCT CONCRETE SIDEWALK PER ODOT STD. DWGS. RD720 & RD721
4. CONSTRUCT PAVEMENT. SEE TYPICAL SECTIONS ON SHEET C100 FOR DETAILS
5. STA. "99E" 12+27.61 TO STA. "99E" 13+74.99
   CONSTRUCT TRAFFIC SEPARATOR, TYPE c, PER ODOT STD. DWG. RD706
6. NOTE NOT USED
7. SAWCUT EXISTING PC CONCRETE PAVEMENT
8. CONSTRUCT PERPENDICULAR CURB RAMP (PR-6) PER ODOT STD. DWG. RD913. INSTALL SAFETY YELLOW TRUNCATED DOMES PER ODOT STD. DWGS. RD902 & RD904. FOR DETAILS, SEE SHEET C122
9. CONSTRUCT COMBINATION CURB RAMP (CC-2) PER ODOT STD. DWG. RD932. INSTALL RADIAL SAFETY YELLOW TRUNCATED DOMES PER ODOT STD. DWGS. RD902 & RD904. FOR DETAILS, SEE SHEET C123
10. INSTALL CROSSWALK CLOSURE BARRICADES PER ODOT STD. DWG. TM240
11. CONSTRUCT COMBINATION CURB RAMP PER ODOT STD. DWG. RD930. INSTALL SAFETY YELLOW TRUNCATED DOMES PER ODOT STD. DWGS. RD902 & RD904. FOR DETAILS, SEE SHEET C120
12. CONSTRUCT PERPENDICULAR CURB RAMP (PR-3) PER ODOT STD. DWG. RD912. INSTALL SAFETY YELLOW TRUNCATED DOMES PER ODOT STD. DWG. RD902 & RD904. FOR DETAILS, SEE SHEET C121
13. NOTE NOT USED
14. NOTE NOT USED
15. PRESERVE AND PROTECT EXISTING ODOT SIGNAL POLE
16. REMOVE AND RELOCATE SIGNAL CABINET PER SIGNAL PLANS. FOR SHEET NOS. SEE SHEET C050, SIGNALS
17. REMOVE AND RELOCATE ODOT SIGNAL POLE PER SIGNAL PLANS. FOR SHEET NOS. SEE SHEET C050, SIGNALS

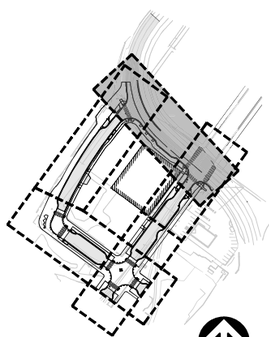
0 10 20 40
SCALE: 1" = 20'

1 McLOUGHLIN BLVD. (HWY. 99E) PLAN
SCALE H: 1"=20'



2 McLOUGHLIN BLVD. (HWY. 99E) FLOWLINE PROFILE
SCALE H: 1"=20'
SCALE V: 1"=4'

GENERAL NOTES:
1. FOR STORMWATER CONSTRUCTION, SEE SHEET C050, STORMWATER SYSTEM FOR SHEET NOS.
2. FOR SITE FURNISHINGS, SEE SHEET C050, SITE FURNISHINGS AND DETAILS FOR SHEET NOS.
3. FOR LANDSCAPING AND IRRIGATION, SEE SHEET C050, LANDSCAPE AND IRRIGATION FOR SHEETS NOS.
4. FOR ILLUMINATION, SEE SHEET C050, ILLUMINATION FOR SHEET NOS.
5. FOR STRIPING, SEE SHEET C050, SIGNING AND STRIPING FOR SHEET NOS.



KEY MAP

60% DESIGN PLANS
OCT. 4 2024
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DESIGNED BY: CRCO
DRAWN BY: RJXM

tumwata village
INFRASTRUCTURE IMPROVEMENTS
PHASE 1
OC PROJECT #:

McLOUGHLIN BLVD. (HWY 99E) PLAN & PROFILE

REVISIONS

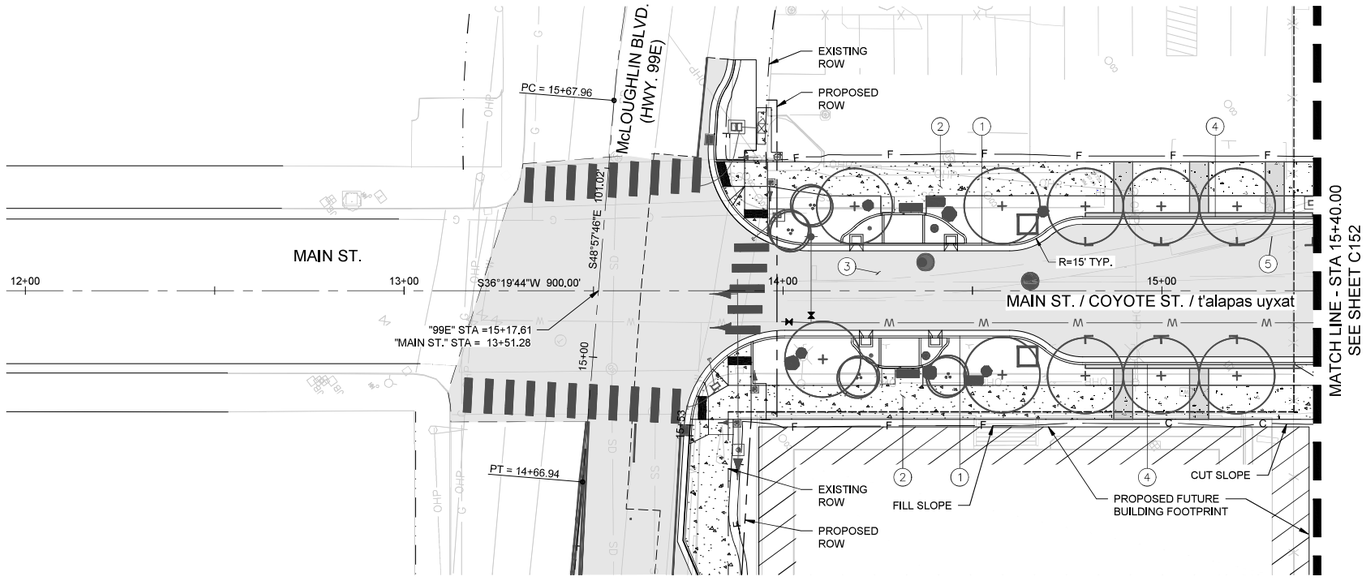
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CITY OF OREGON CITY
PUBLIC WORKS DEPARTMENT
APPROVAL FOR CONSTRUCTION
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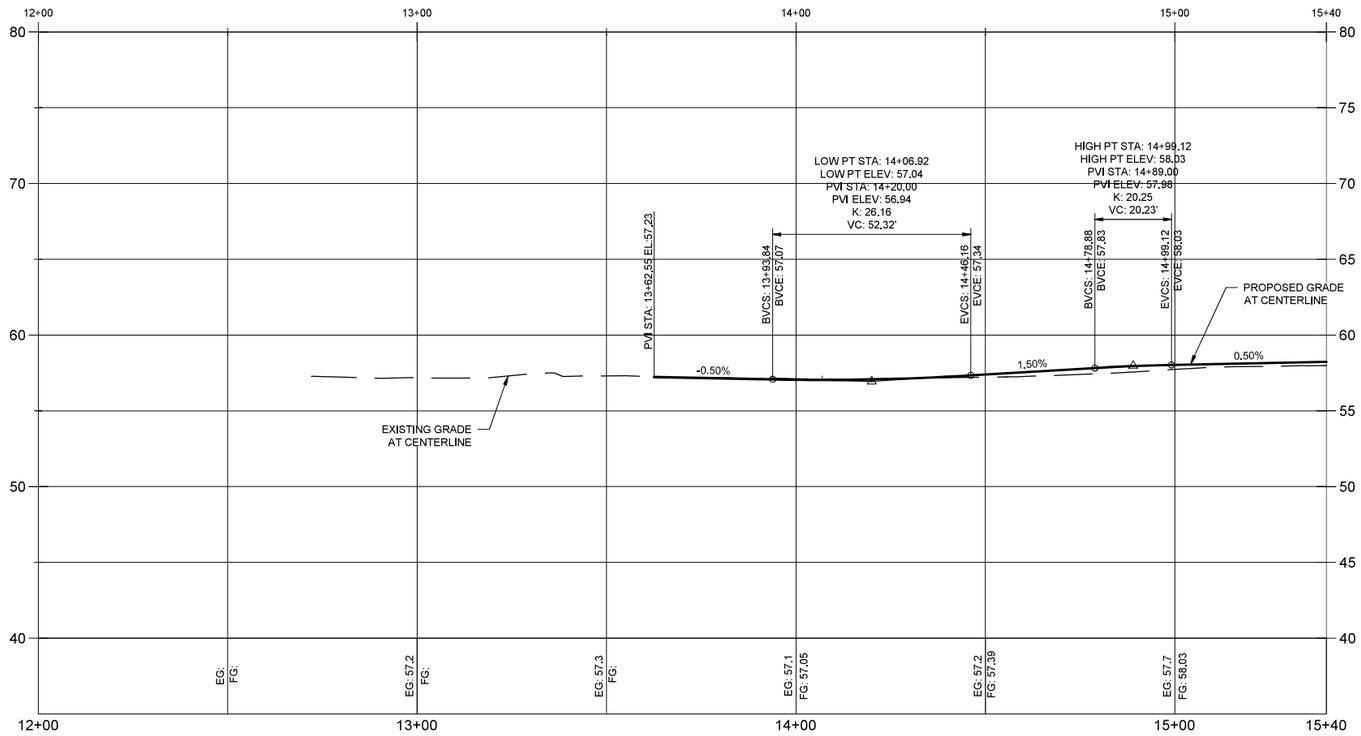
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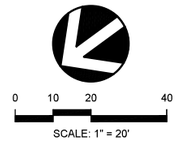
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1 MAIN ST. PLAN
SCALE H: 1"=20'



2 MAIN ST. CENTERLINE PROFILE
SCALE H: 1"=20'
SCALE V: 1"=4'

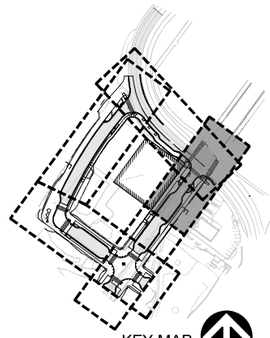


KEYNOTES

1. CONSTRUCT 24" CURB AND GUTTER PER ODOT STD. DWG. RD700
2. CONSTRUCT CONCRETE SIDEWALK PER ODOT STD. DWG. RD721
3. CONSTRUCT PAVEMENT. SEE TYPICAL SECTIONS ON SHEET C101 FOR DETAILS
4. CONSTRUCT 36" MODIFIED CONCRETE CURB PER SHEET C110
5. REMOVE EXISTING RAIL TRACKS AND TIES

GENERAL NOTES:

1. FOR STORMWATER CONSTRUCTION, SEE SHEET C050, STORMWATER SYSTEM FOR SHEET NOS.
2. FOR SITE FURNISHINGS, SEE SHEET C050, SITE FURNISHINGS AND DETAILS FOR SHEET NOS.
3. FOR LANDSCAPING, SEE SHEET C050, LANDSCAPE AND IRRIGATION FOR SHEET NOS.
4. FOR STRIPING, SEE SHEET C050, SIGNING AND STRIPING FOR SHEET NOS.



KEY MAP

60% DESIGN PLANS
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tumwata village
INFRASTRUCTURE IMPROVEMENTS
PHASE 1
OC PROJECT #:

MAIN ST. CENTERLINE PLAN & PROFILE

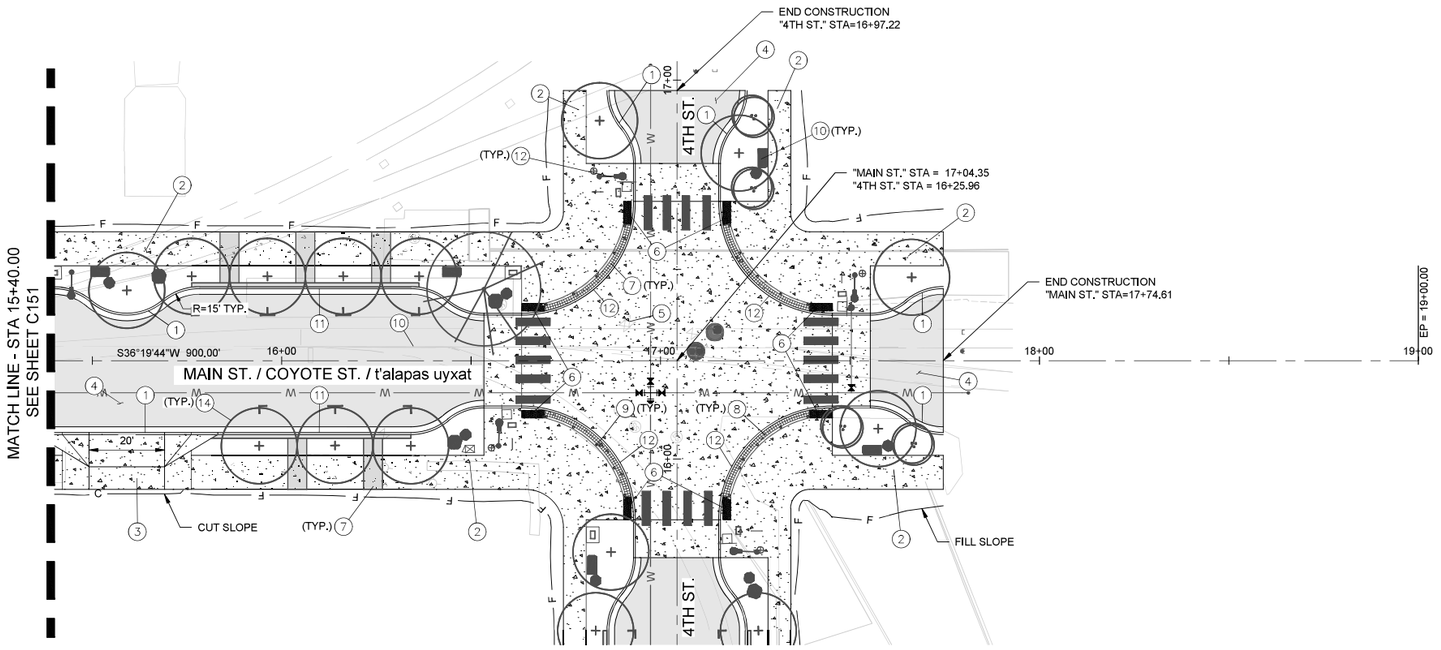
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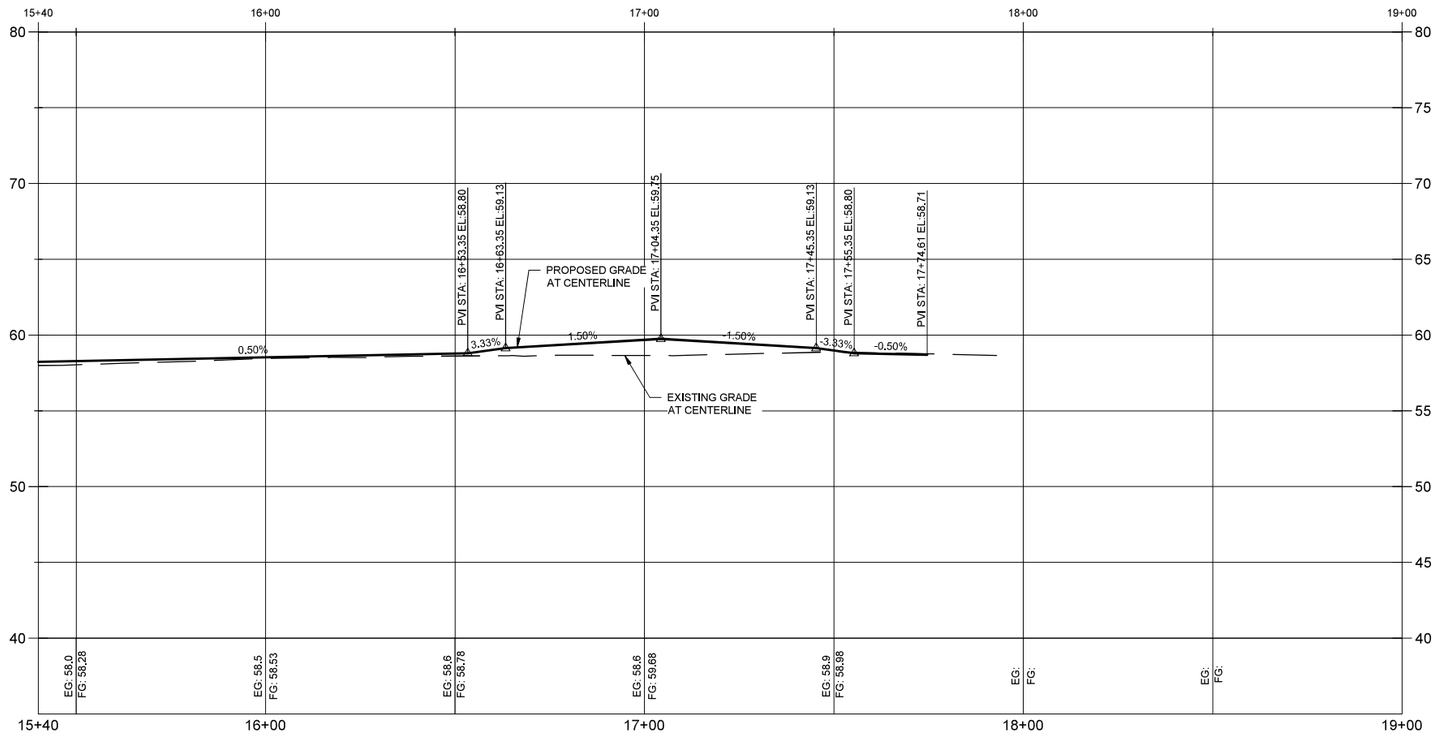
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1 MAIN ST. PLAN
SCALE H: 1"=20'



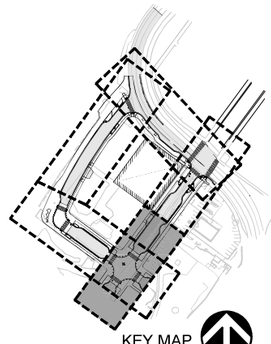
2 MAIN ST. CENTERLINE PROFILE
SCALE H: 1"=20'
SCALE V: 1"=4'



KEYNOTES

1. CONSTRUCT 24" CURB AND GUTTER PER ODOT STD. DWG. RD700
2. CONSTRUCT CONCRETE SIDEWALK PER ODOT STD. DWG. RD721
3. CONSTRUCT SEPARATED SIDEWALK DRIVEWAY PER ODOT STD. DWG. RD725
4. CONSTRUCT PAVEMENT. SEE TYPICAL SECTIONS ON SHEET C101 FOR DETAILS
5. CONSTRUCT CONCRETE RAISED INTERSECTION. SEE DETAILS ON SHEETS C111, C124, & C125
6. INSTALL BLACK DETECTABLE WARNING SURFACE PER ODOT STD. DWGS. RD902 & RD904
7. CONSTRUCT SPECIAL CONCRETE PAVING. FOR DETAILS AND SHEET NOS. SEE SHEET C050, LANDSCAPE AND SIDE DETAILS
8. INSTALL DETECTABLE GUIDE STRIPS BEHIND SPECIAL PAVING PER SITE DETAILS
9. INSTALL BASALT BOLLARDS. FOR DETAILS, SEE SHEET L113
10. REMOVE EXISTING RAIL TRACKS AND TIES
11. CONSTRUCT 36" MODIFIED CONCRETE CURB PER SHEET C110
12. CONSTRUCT STANDARD CURB (E=0") PER ODOT STD. DWG. RD700

GENERAL NOTES:
1. FOR STORMWATER CONSTRUCTION, SEE SHEET C050, STORMWATER SYSTEM FOR SHEET NOS.
2. FOR SITE FURNISHINGS, SEE SHEET C050, SITE FURNISHINGS AND DETAILS FOR SHEET NOS.
3. FOR LANDSCAPING, SEE SHEET C050, LANDSCAPE AND IRRIGATION FOR SHEET NOS.
4. FOR ILLUMINATION, SEE SHEET C050, ILLUMINATION FOR SHEET NOS.
5. FOR STRIPING, SEE SHEET C050, SIGNING AND STRIPING FOR SHEET NOS.



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tumwata village
INFRASTRUCTURE IMPROVEMENTS
PHASE 1
OC PROJECT #:

MAIN ST. CENTERLINE PLAN & PROFILE

REVISIONS

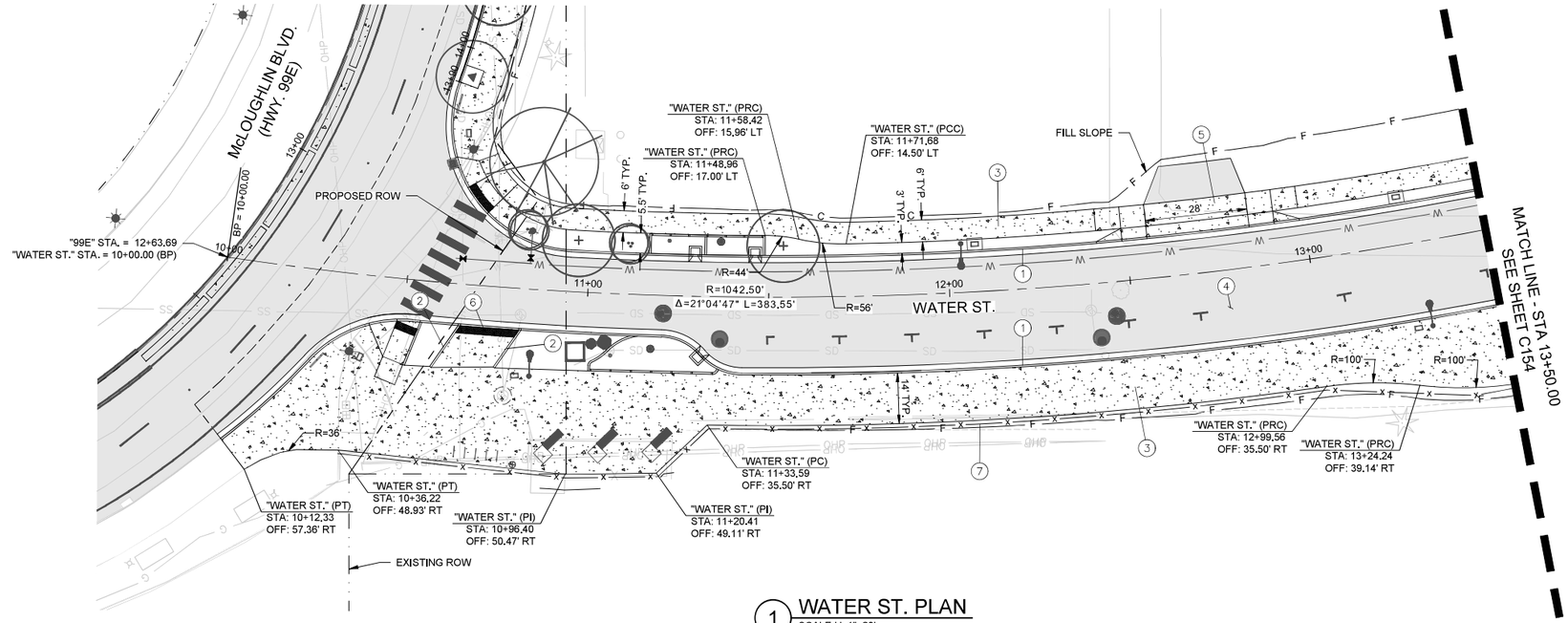
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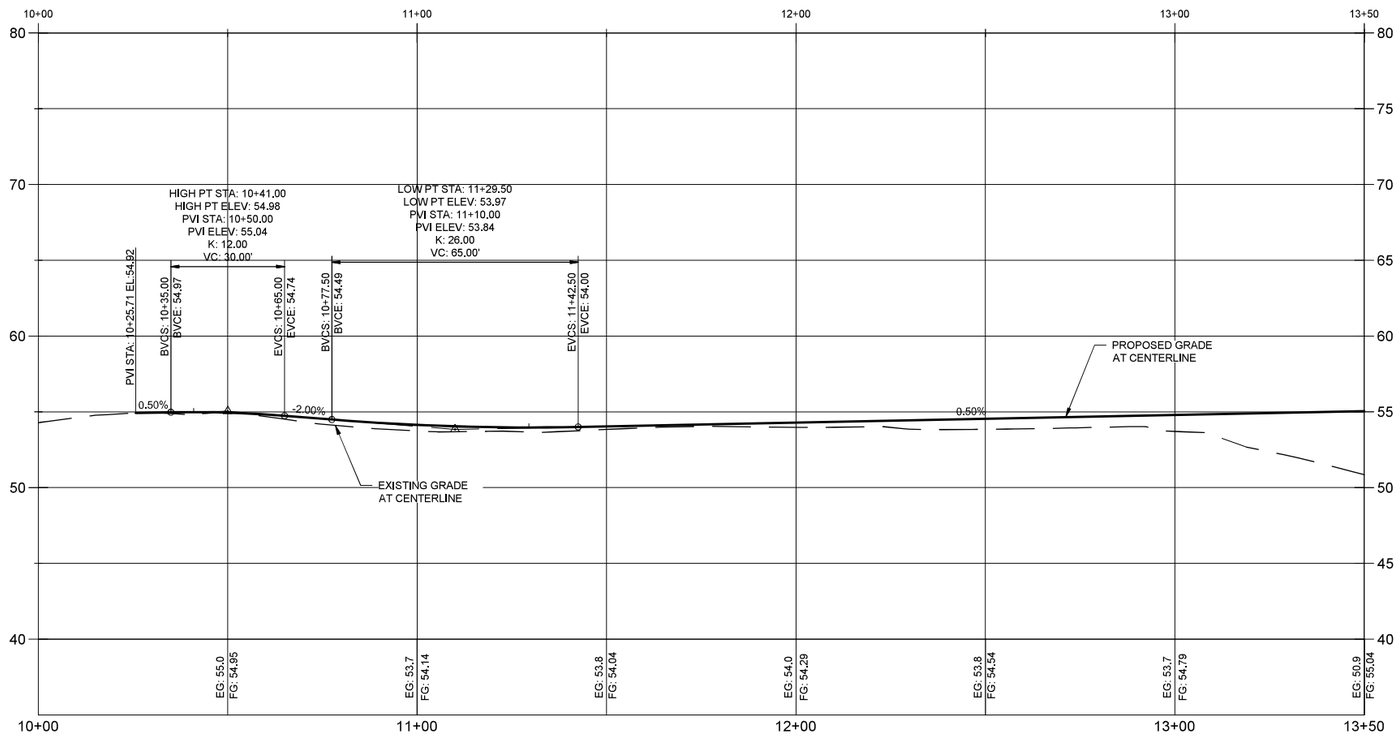
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1 WATER ST. PLAN
SCALE H: 1"=20'

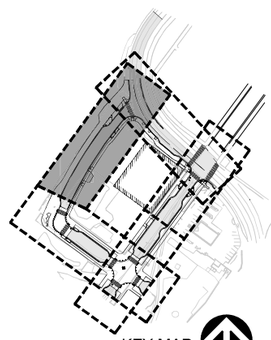


2 WATER ST. CENTERLINE PROFILE
SCALE H: 1"=20'
SCALE V: 1"=4'

KEYNOTES

1. CONSTRUCT 24" CURB AND GUTTER PER ODOT STD. DWG. RD700
2. CONSTRUCT STANDARD CURB PER ODOT STD. DWG. RD700
3. CONSTRUCT CONCRETE SIDEWALK PER ODOT STD. DWGS. RD720 & RD721
4. CONSTRUCT PAVEMENT. SEE TYPICAL SECTIONS ON SHEET C101 FOR DETAILS.
5. CONSTRUCT SEPARATED SIDEWALK DRIVEWAY PER ODOT STD. DWG. RD725
6. CONSTRUCT BIKE RAMP. INSTALL GREEN TRUNCATED DOMES PER ODOT STD. DWG. RD902 & RD909. FOR DETAIL SEE SHEET C122
7. STA. "WATER ST." 10+36.22 TO STA. "WATER ST" 14+06.15 CONSTRUCT DECORATIVE GUARDRAIL PER SHEET L112

GENERAL NOTES:
1. FOR STORMWATER CONSTRUCTION, SEE SHEET C050, STORMWATER SYSTEM FOR SHEET NOS.
2. FOR SITE FURNISHINGS, SEE SHEET C050, SITE FURNISHINGS AND DETAILS FOR SHEET NOS.
3. FOR LANDSCAPING, SEE SHEET C050, LANDSCAPE AND IRRIGATION FOR SHEET NOS.
4. FOR ILLUMINATION, SEE SHEET C050, ILLUMINATION FOR SHEET NOS.
5. FOR STRIPING, SEE SHEET C050, SIGNING AND STRIPING FOR SHEET NOS.



KEY MAP

60% DESIGN PLANS
OCT. 4 2024
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DRAWN BY: RJXM

tumwata village
INFRASTRUCTURE IMPROVEMENTS
PHASE 1
OC PROJECT #:

WATER ST. CENTERLINE PLAN & PROFILE

REVISIONS

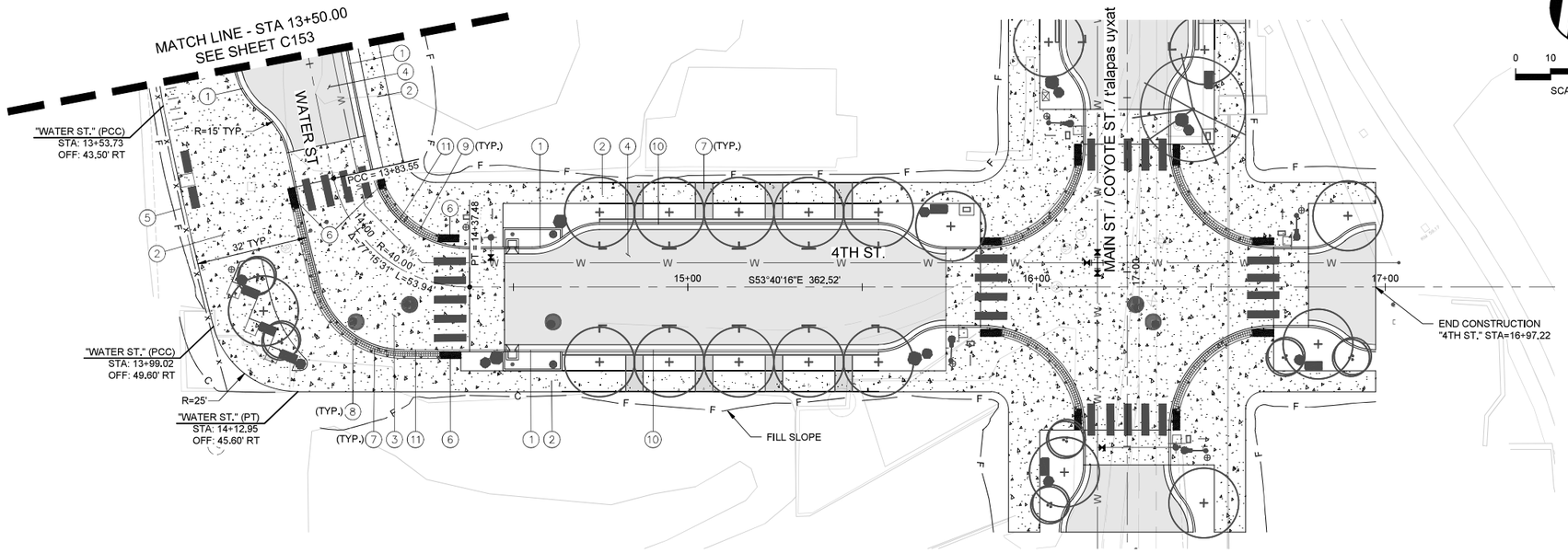
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CITY OF OREGON CITY
PUBLIC WORKS DEPARTMENT
APPROVAL FOR CONSTRUCTION
☐ APPROVED AS SUBMITTED

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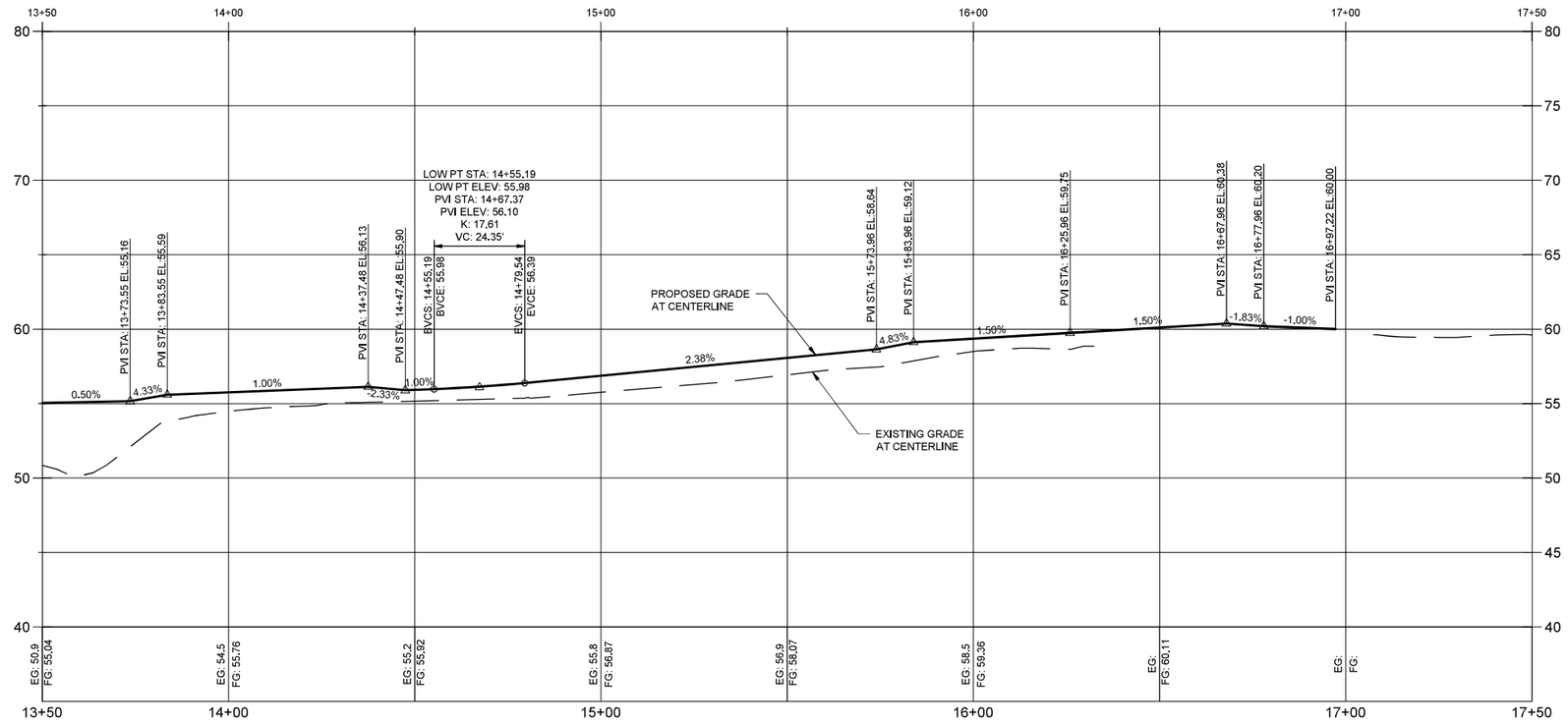


1 4TH ST. PLAN
SCALE H: 1"=20'

0 10 20 40
SCALE: 1" = 20'

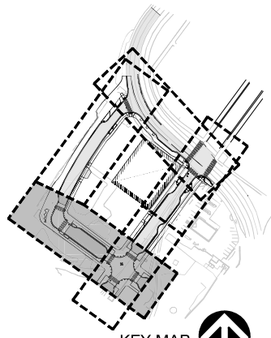
KEYNOTES

1. CONSTRUCT 24" CURB AND GUTTER PER ODOT STD. DWG. RD700
2. CONSTRUCT CONCRETE SIDEWALK PER ODOT STD. DWGS. RD720 AND RD721
3. CONSTRUCT CONCRETE RAISED INTERSECTION. SEE DETAILS ON SHEETS C111 AND C126
4. CONSTRUCT PAVEMENT. SEE TYPICAL SECTIONS ON SHEETS C100 AND C101 FOR DETAILS.
5. SEE SHEET C153, NOTE 7
   CONSTRUCT DECORATIVE GUARDRAIL PER SHEET L112
6. INSTALL BLACK DETECTABLE WARNING SURFACE PER ODOT STD. DWGS. RD902 & RD904
7. CONSTRUCT SPECIAL CONCRETE PAVING, FOR DETAILS AND SHEET NOS. SEE SHEET C050, LANDSCAPE AND SITE DETAILS
8. INSTALL DETECTABLE GUIDE STRIPS BEHIND SPECIAL PAVING PER SITE DETAILS
9. CONSTRUCT BASALT BOLLARDS. FOR DETAILS, SEE SHEET L113
10. CONSTRUCT 36" MODIFIED CONCRETE CURB PER SHEET C110
11. CONSTRUCT STANDARD CURB (E=0") PER ODOT STD DWG. RD700



2 4TH ST. CENTERLINE PROFILE
SCALE H: 1"=20'
SCALE V: 1"=4'

GENERAL NOTES:
1. FOR STORMWATER CONSTRUCTION, SEE SHEET C050, STORMWATER SYSTEM FOR SHEET NOS.
2. FOR SITE FURNISHINGS, SEE SHEET C050, SITE FURNISHINGS AND DETAILS FOR SHEET NOS.
3. FOR LANDSCAPING, SEE SHEET C050, LANDSCAPE AND IRRIGATION FOR SHEET NOS.
4. FOR ILLUMINATION, SEE SHEET C050, ILLUMINATION FOR SHEET NOS.
5. FOR STRIPING, SEE SHEET C050, SIGNING AND STRIPING FOR SHEET NOS.



KEY MAP

60% DESIGN PLANS
OCT. 4 2024
(NOT FOR CONSTRUCTION)

DAVID EVANS AND ASSOCIATES INC.
2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

DESIGNED BY: CRCO
DRAWN BY: RJXM

tumwata village
INFRASTRUCTURE IMPROVEMENTS
PHASE 1
OC PROJECT #:

4TH ST. CENTERLINE PLAN & PROFILE

REVISIONS

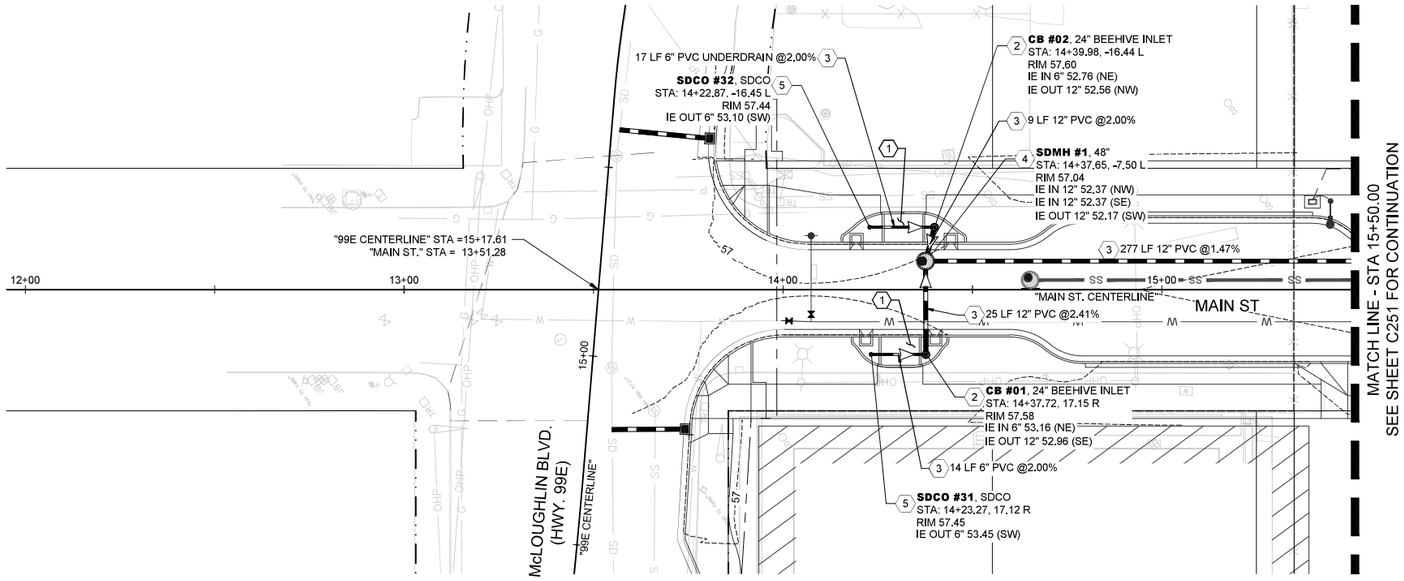
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CITY OF OREGON CITY
PUBLIC WORKS DEPARTMENT
APPROVAL FOR CONSTRUCTION
☐ APPROVED AS SUBMITTED

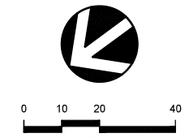
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1 MAIN ST. PLAN
SCALE H: 1"=20'

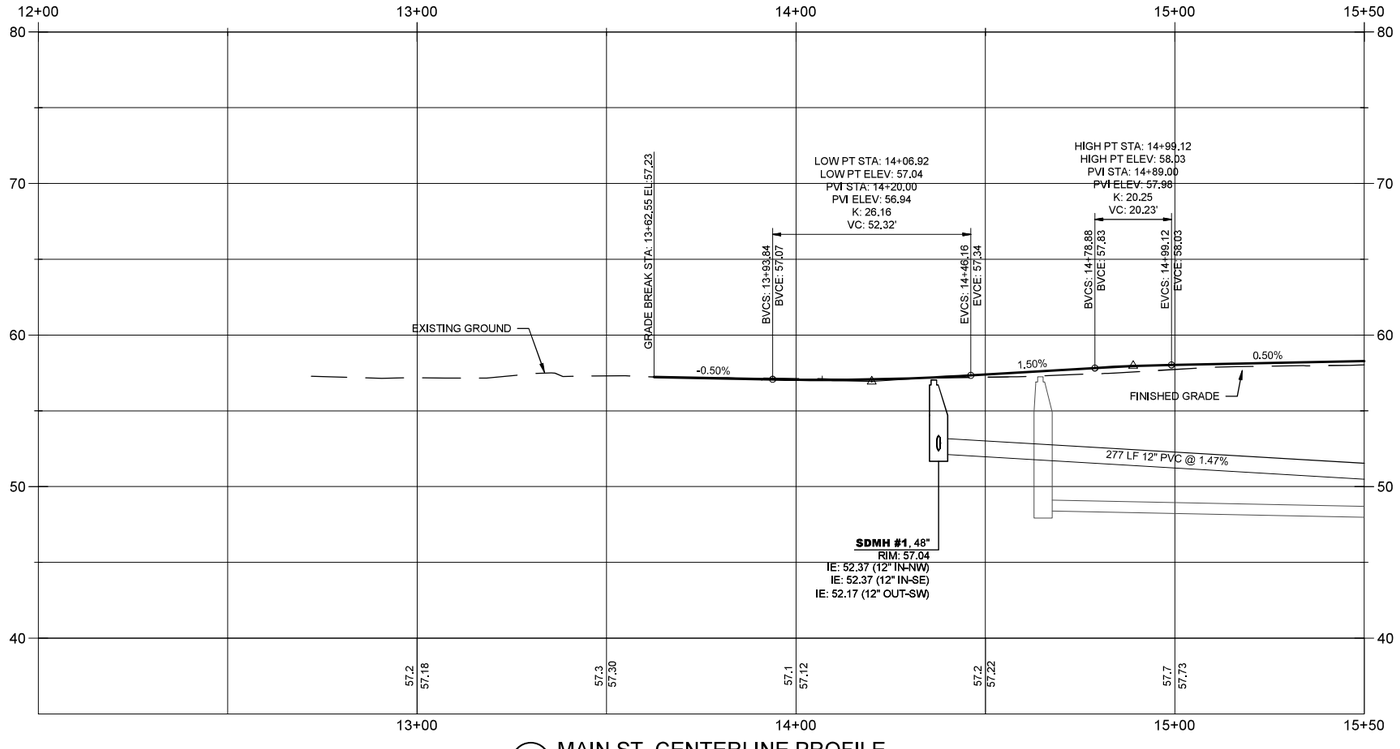


STORM KEYNOTES

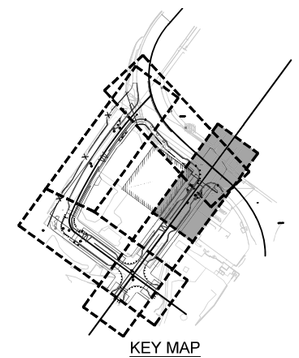
1. CONSTRUCT ROADSIDE STORMWATER PLANTER PER OREGON CITY STD. DWG. OC619.
2. INSTALL BEEHIVE OVERFLOW STRUCTURE PER OREGON CITY STD. DWG. OC626.
3. INSTALL STORM DRAIN LINE PER OREGON CITY STD. DWG. OC313.
4. INSTALL MANHOLE PER OREGON CITY STD. DWG. OC301.
5. INSTALL STORMWATER PLANTER FACILITY CLEANOUT PER OREGON CITY STD. DWG OC627

GENERAL NOTES

1. SEE LANDSCAPE PLANS FOR PLANTING INFORMATION.



2 MAIN ST. CENTERLINE PROFILE
SCALE H: 1"=20'
SCALE V: 1"=4'



KEY MAP

60% DESIGN PLANS
OCT. 4 2024
(NOT FOR CONSTRUCTION)

DAVID EVANS AND ASSOCIATES INC.
2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

DESIGNED BY: SPMO
DRAWN BY: RJXM

tumwata village
INFRASTRUCTURE IMPROVEMENTS
PHASE 1
OC PROJECT #:

MAIN ST. DRAINAGE PLAN

REVISIONS

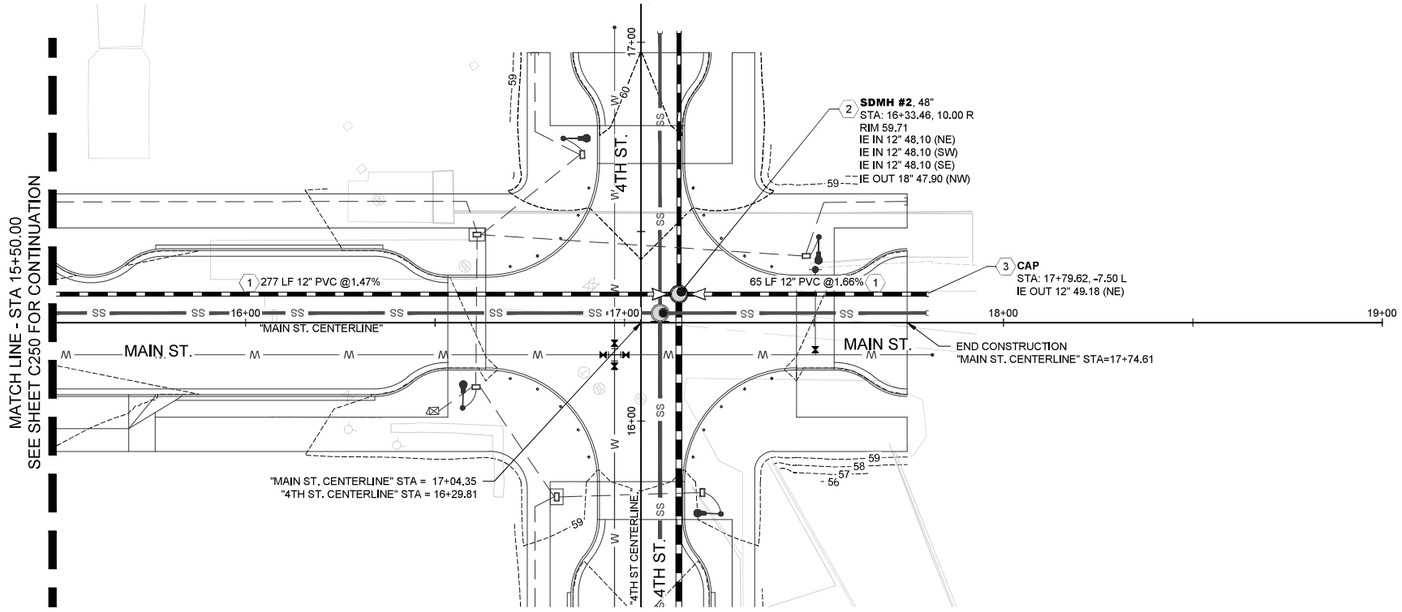
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CITY OF OREGON CITY
PUBLIC WORKS DEPARTMENT
APPROVAL FOR CONSTRUCTION
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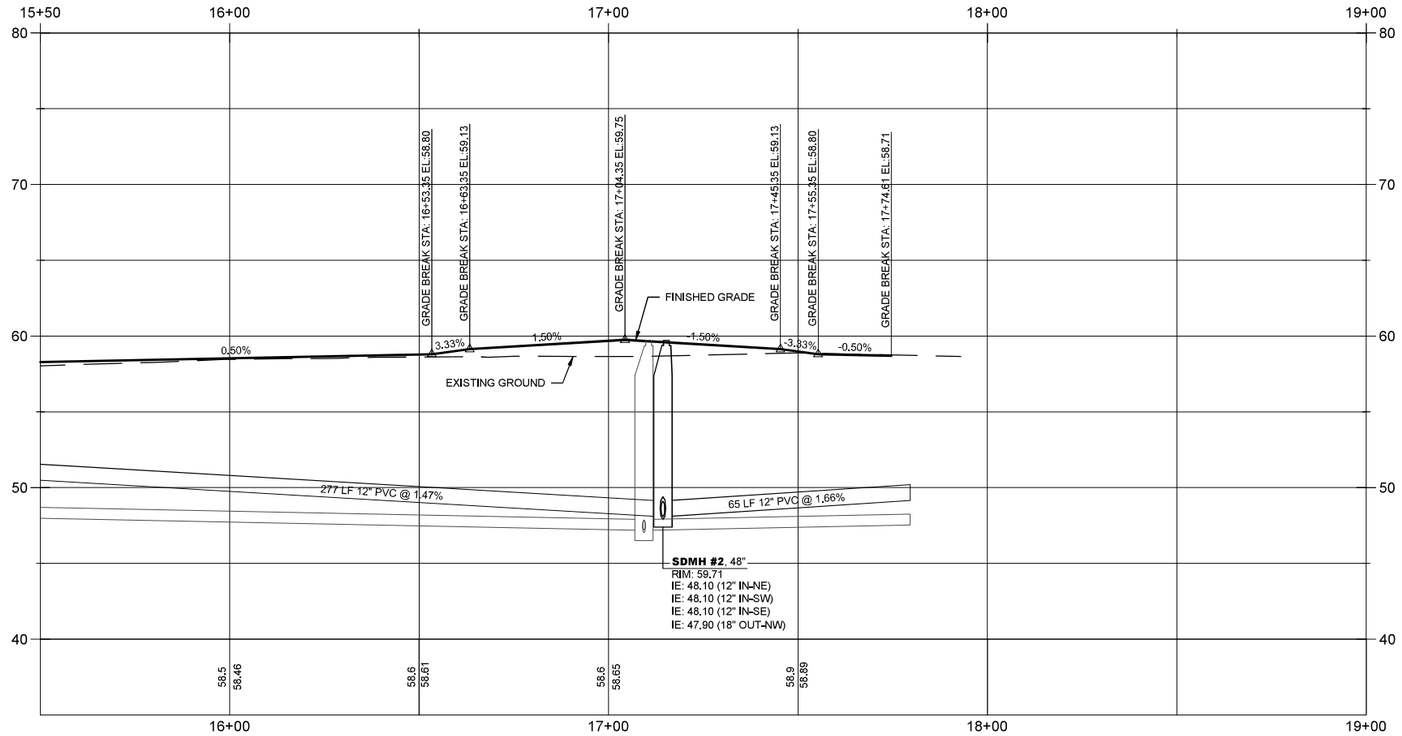
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1 MAIN ST. PLAN
SCALE H: 1"=20'



2 MAIN ST. CENTERLINE PROFILE
SCALE H: 1"=20'
SCALE V: 1"=4'

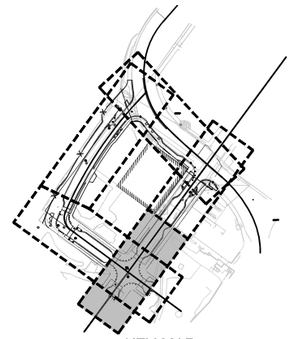
STORM KEYNOTES

1. INSTALL STORM DRAIN LINE PER OREGON CITY STD. DWG. OC313.
2. INSTALL MANHOLE PER OREGON CITY STD. DWG. OC301.
3. CAP STORM DRAIN LINE WITH REMOVABLE WATER TIGHT PLUG FOR FUTURE USE.

GENERAL NOTES

1. SEE LANDSCAPE PLANS FOR PLANTING INFORMATION.

0 10 20 40
SCALE: 1" = 20'



KEY MAP

60% DESIGN PLANS
OCT. 4 2024
(NOT FOR CONSTRUCTION)

DAVID EVANS AND ASSOCIATES INC.
2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

DESIGNED BY: SPMO
DRAWN BY: RJXM

tumwata village
INFRASTRUCTURE IMPROVEMENTS
PHASE 1
OC PROJECT #:

MAIN ST. DRAINAGE PLAN

REVISIONS

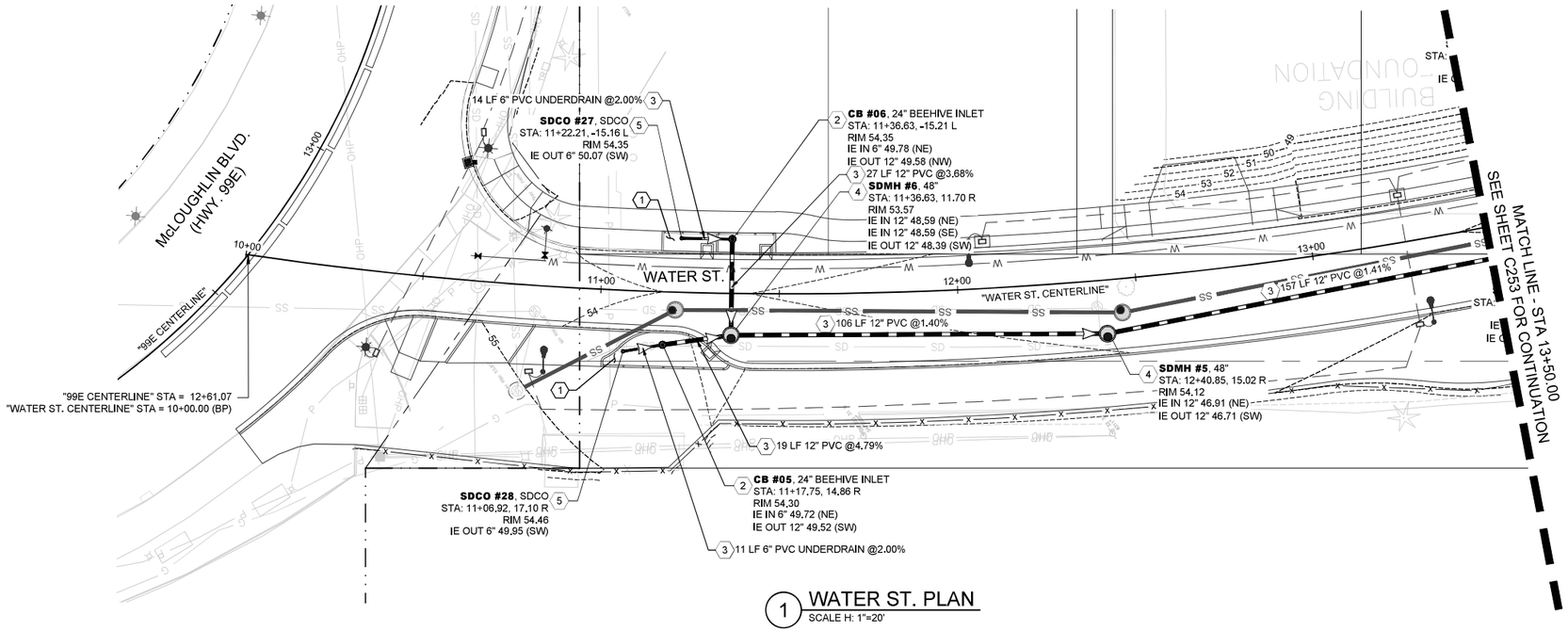
REV #	DATE	DESCRIPTION

CITY OF OREGON CITY
PUBLIC WORKS DEPARTMENT
APPROVAL FOR CONSTRUCTION
☐ APPROVED AS SUBMITTED

SIGNATURE
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DATE:
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1 WATER ST. PLAN
SCALE H: 1"=20'

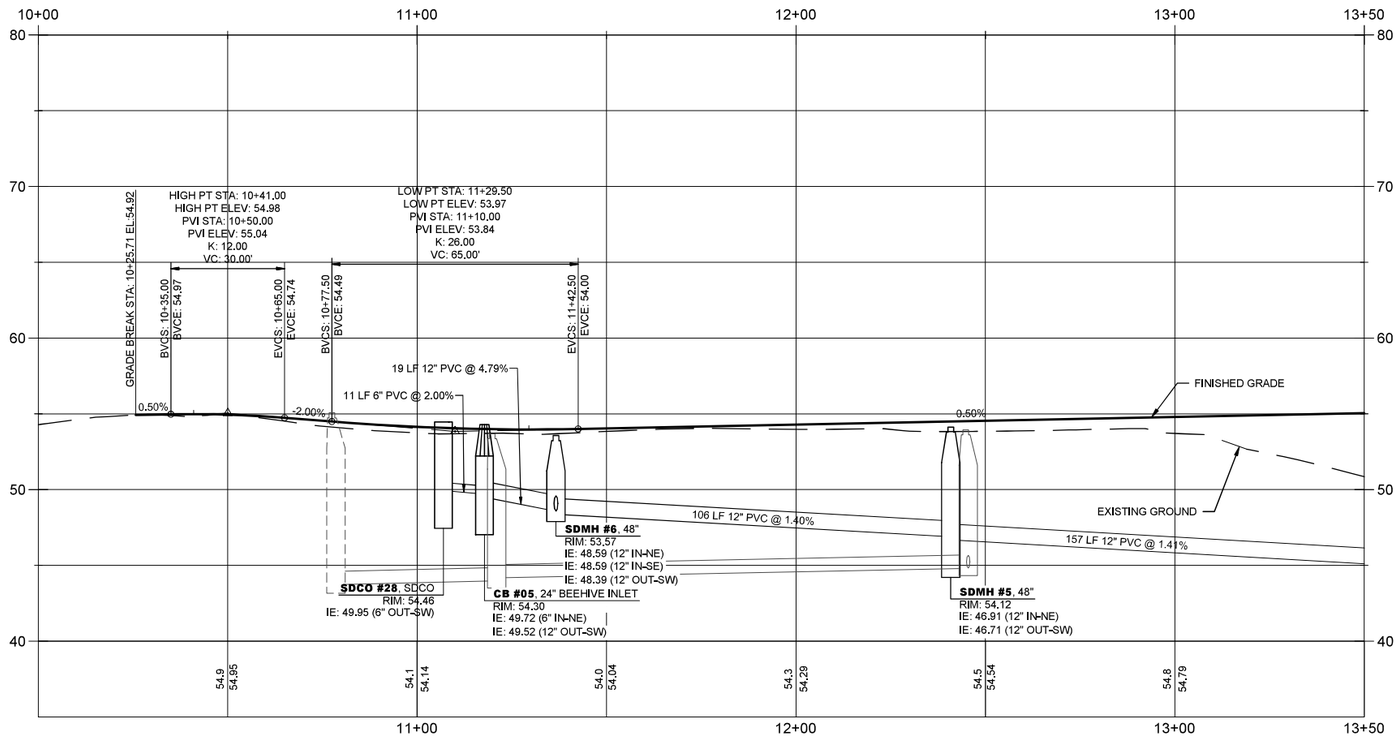
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SCALE: 1" = 20'

STORM KEYNOTES

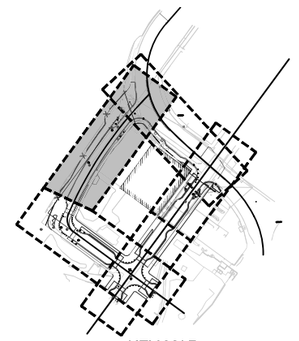
1. CONSTRUCT ROADSIDE STORMWATER PLANTER PER OREGON CITY STD. DWG. OC619.
2. INSTALL BEEHIVE OVERFLOW STRUCTURE PER OREGON CITY STD. DWG. OC626.
3. INSTALL STORM DRAIN LINE PER OREGON CITY STD. DWG. OC313.
4. INSTALL MANHOLE PER OREGON CITY STD. DWG. OC301.
5. INSTALL STORMWATER PLANTER FACILITY CLEANOUT PER OREGON CITY STD. DWG OC627

GENERAL NOTES

1. SEE LANDSCAPE PLANS FOR PLANTING INFORMATION.



2 WATER ST. CENTERLINE PROFILE
SCALE H: 1"=20'
SCALE V: 1"=4'



KEY MAP

60% DESIGN PLANS
OCT. 4 2024
(NOT FOR CONSTRUCTION)

DAVID EVANS AND ASSOCIATES INC.
2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

DESIGNED BY: SPMO
DRAWN BY: RJXM

tumwata village
INFRASTRUCTURE IMPROVEMENTS
PHASE 1
OC PROJECT #:

WATER ST. DRAINAGE PLAN

REVISIONS

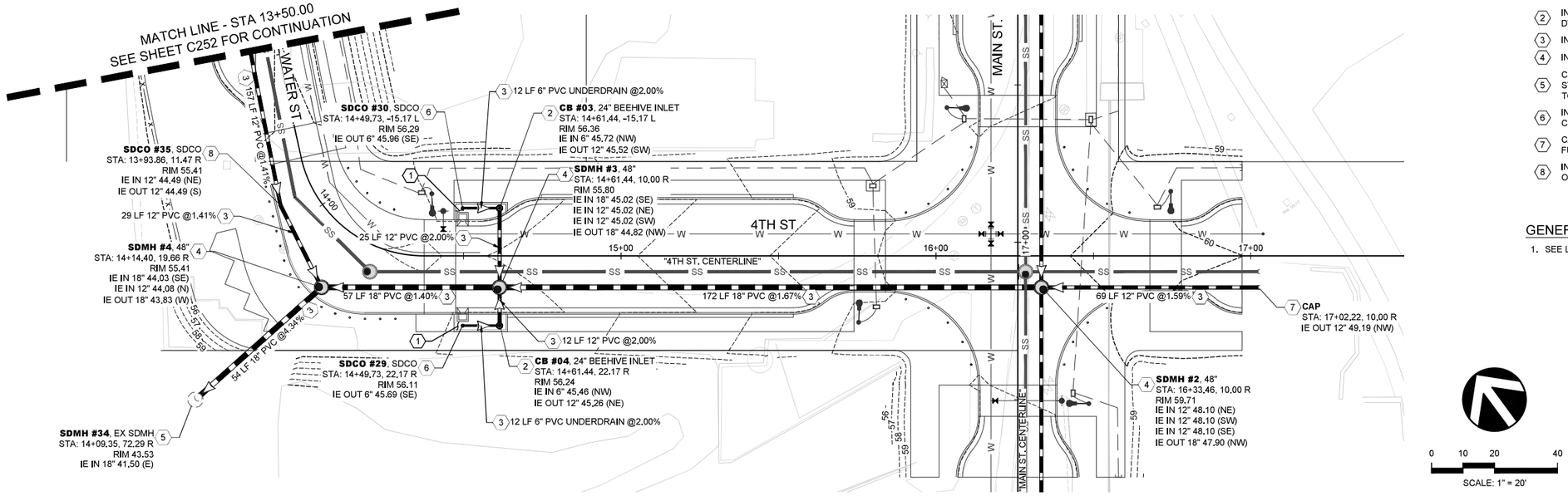
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CITY OF OREGON CITY
PUBLIC WORKS DEPARTMENT
APPROVAL FOR CONSTRUCTION
☐ APPROVED AS SUBMITTED

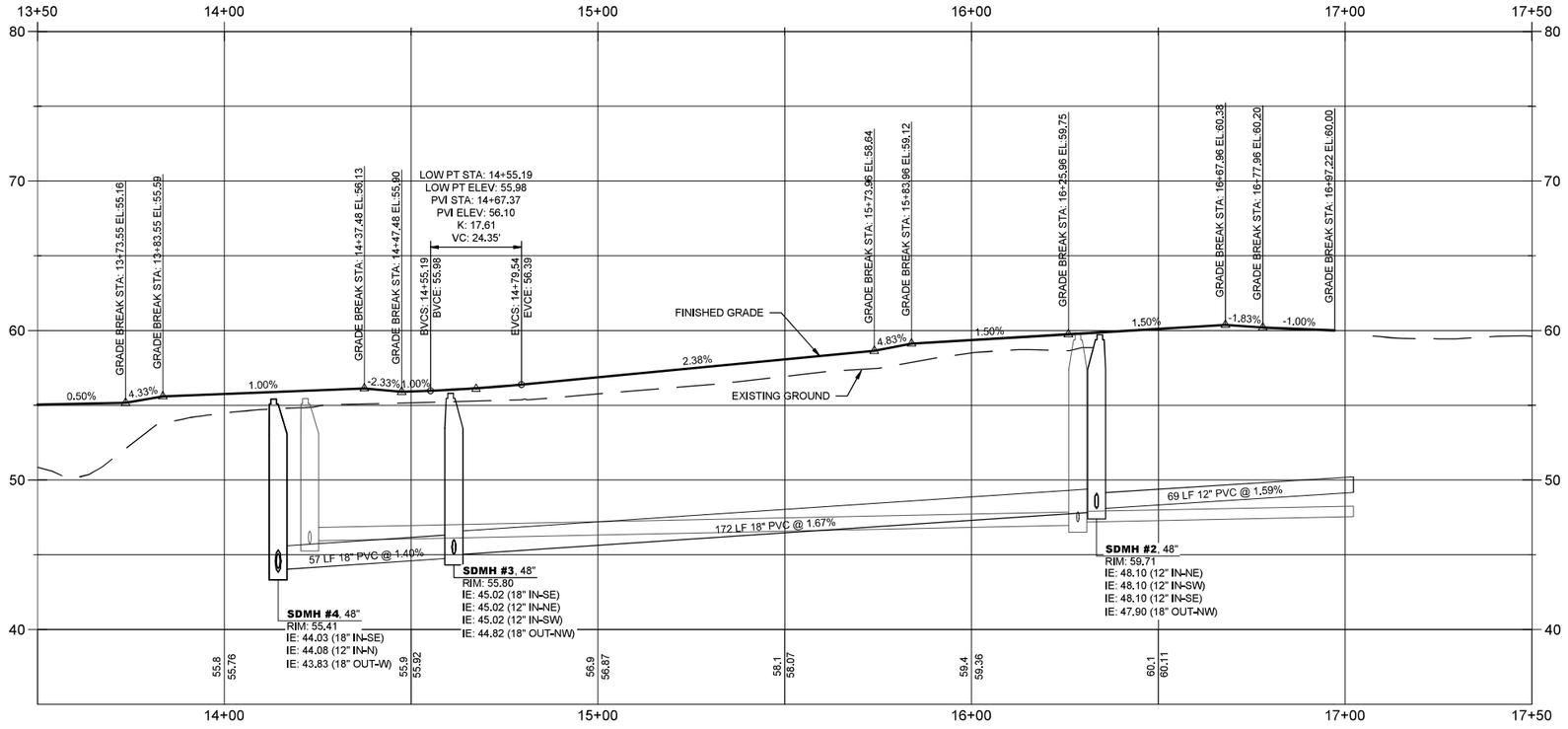
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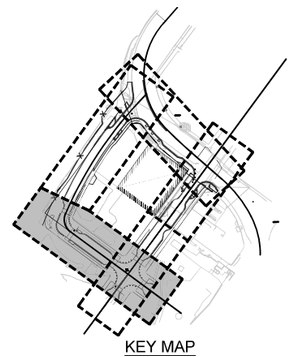
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1 4TH ST. PLAN
SCALE H: 1"=20'



2 4TH ST. CENTERLINE PROFILE
SCALE H: 1"=20'
SCALE V: 1"=4'



KEY MAP

STORM KEYNOTES

1. CONSTRUCT ROADSIDE STORMWATER PLANTER PER OREGON CITY STD. DWG. OC619.
2. INSTALL BEEHIVE OVERFLOW STRUCTURE PER OREGON CITY STD. DWG. OC626.
3. INSTALL STORM DRAIN LINE PER OREGON CITY STD. DWG. OC313.
4. INSTALL MANHOLE PER OREGON CITY STD. DWG. OC301.
5. CONNECT STORM DRAIN LINE TO EXISTING STORMWATER OUTFALL STRUCTURE. FIELD VERIFICATION OF THE OUTFALL IS NEEDED PRIOR TO CONSTRUCTION.
6. INSTALL STORMWATER PLANTER FACILITY CLEANOUT PER OREGON CITY STD. DWG OC627
7. CAP STORM DRAIN LINE WITH REMOVABLE WATER TIGHT PLUG FOR FUTURE USE
8. INSTALL STORMWATER CLEAN OUT PER OREGON CITY STD. DWG OC309

GENERAL NOTES

1. SEE LANDSCAPE PLANS FOR PLANTING INFORMATION.

60% DESIGN PLANS
OCT. 4 2024
(NOT FOR CONSTRUCTION)

DAVID EVANS AND ASSOCIATES INC.
2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

DESIGNED BY: SPMO
DRAWN BY: RJXM

tumwata village
INFRASTRUCTURE IMPROVEMENTS
PHASE 1
OC PROJECT #:

4TH ST. DRAINAGE PLAN

REVISIONS

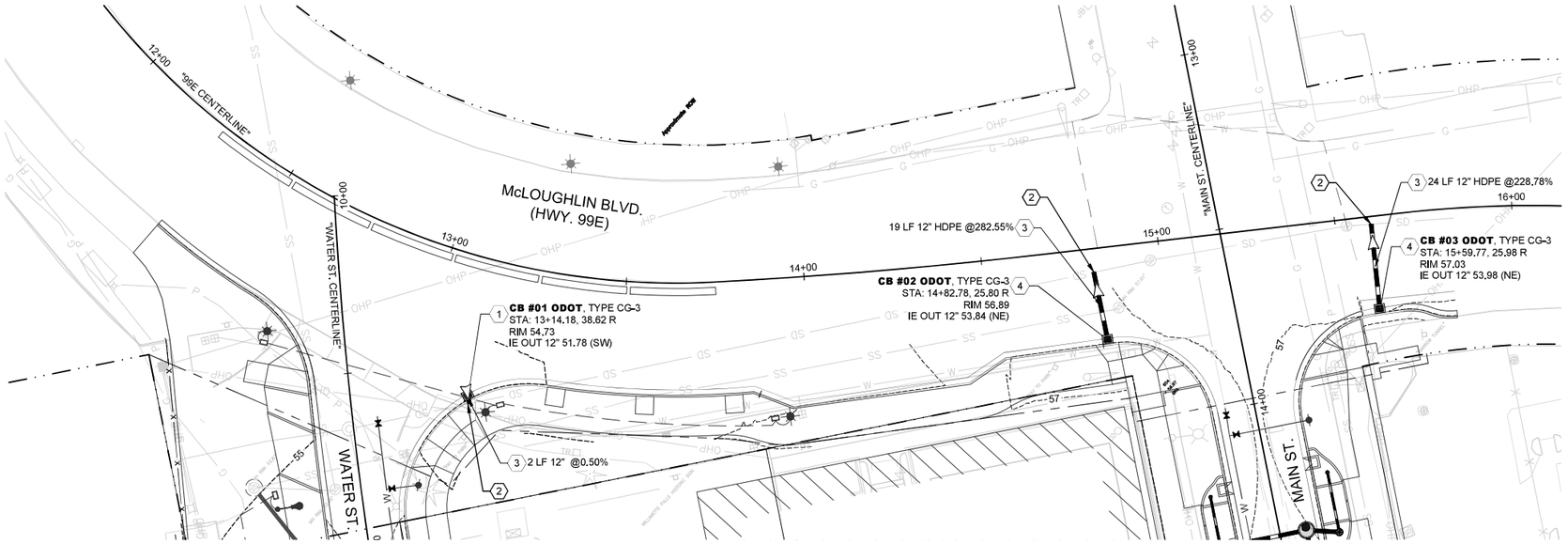
REV #	DATE	DESCRIPTION

CITY OF OREGON CITY
PUBLIC WORKS DEPARTMENT
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1 McLOUGHLIN BLVD. (HWY. 99E) PLAN
SCALE H: 1"=20'

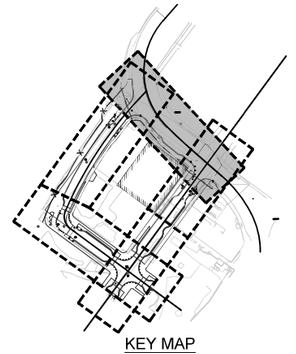
STORM KEYNOTES

1. CONSTRUCT CONCRETE INLET TOP OPTION 1, TYPE CG-2 PER ODOT STD. DWG. RD372. RECONNECT TO EXISTING STORM DRAIN LINE.
2. CONNECT TO EXISTING STORM MAIN
3. INSTALL STORM DRAIN LINE PER OREGON CITY STD. DWG. OC313.
4. INSTALL 2 CARTRIDGE CONTECH STORMFILTER CATCH BASIN

GENERAL NOTES

1. SEE LANDSCAPE PLANS FOR PLANTING INFORMATION.

0 10 20 40
SCALE: 1" = 20'



KEY MAP

60% DESIGN PLANS
OCT. 4 2024
(NOT FOR CONSTRUCTION)

DAVID EVANS AND ASSOCIATES INC.
2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

DESIGNED BY: SPMO
DRAWN BY: RJXM

tumwata village
INFRASTRUCTURE IMPROVEMENTS
PHASE 1
OC PROJECT #:

McLOUGHLIN BLVD. (HWY. 99E) DRAINAGE PLAN

REVISIONS

REV #	DATE	DESCRIPTION

CITY OF OREGON CITY
PUBLIC WORKS DEPARTMENT
APPROVAL FOR CONSTRUCTION
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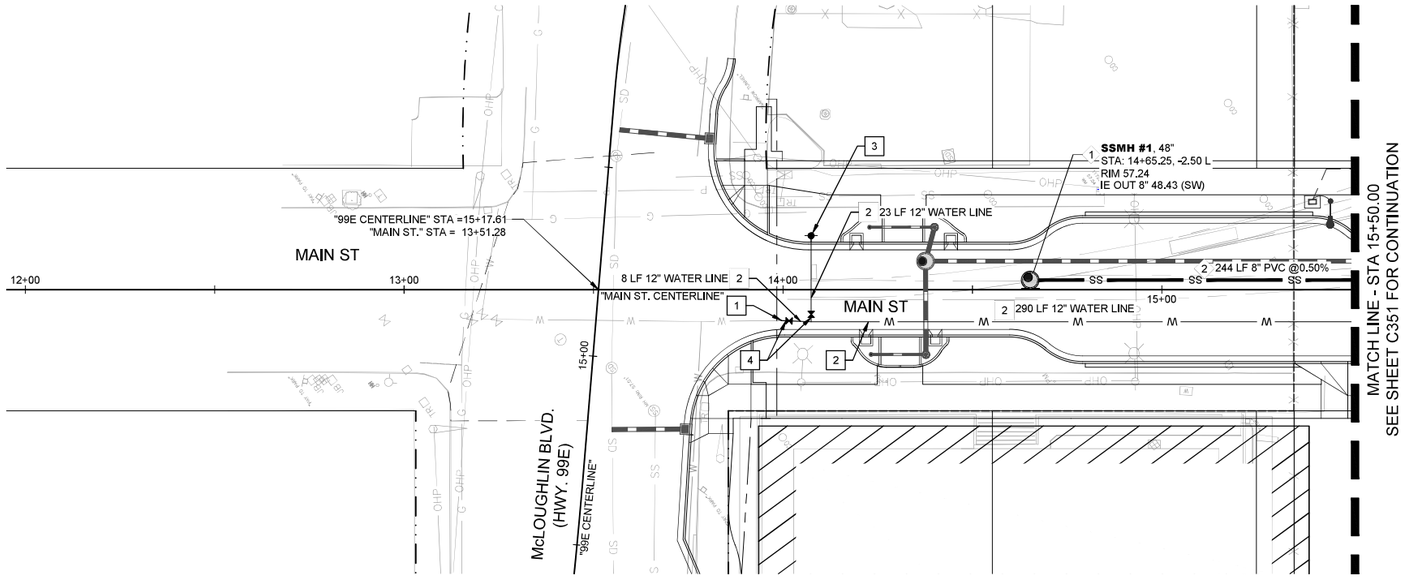
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SANITARY KEYNOTES

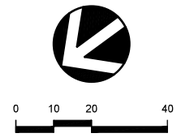
1. INSTALL MANHOLE PER OREGON CITY STD. DWG. OC301.
2. INSTALL SANITARY SEWER LINE PER OREGON CITY STD. DWG. OC313.

WATER KEYNOTES

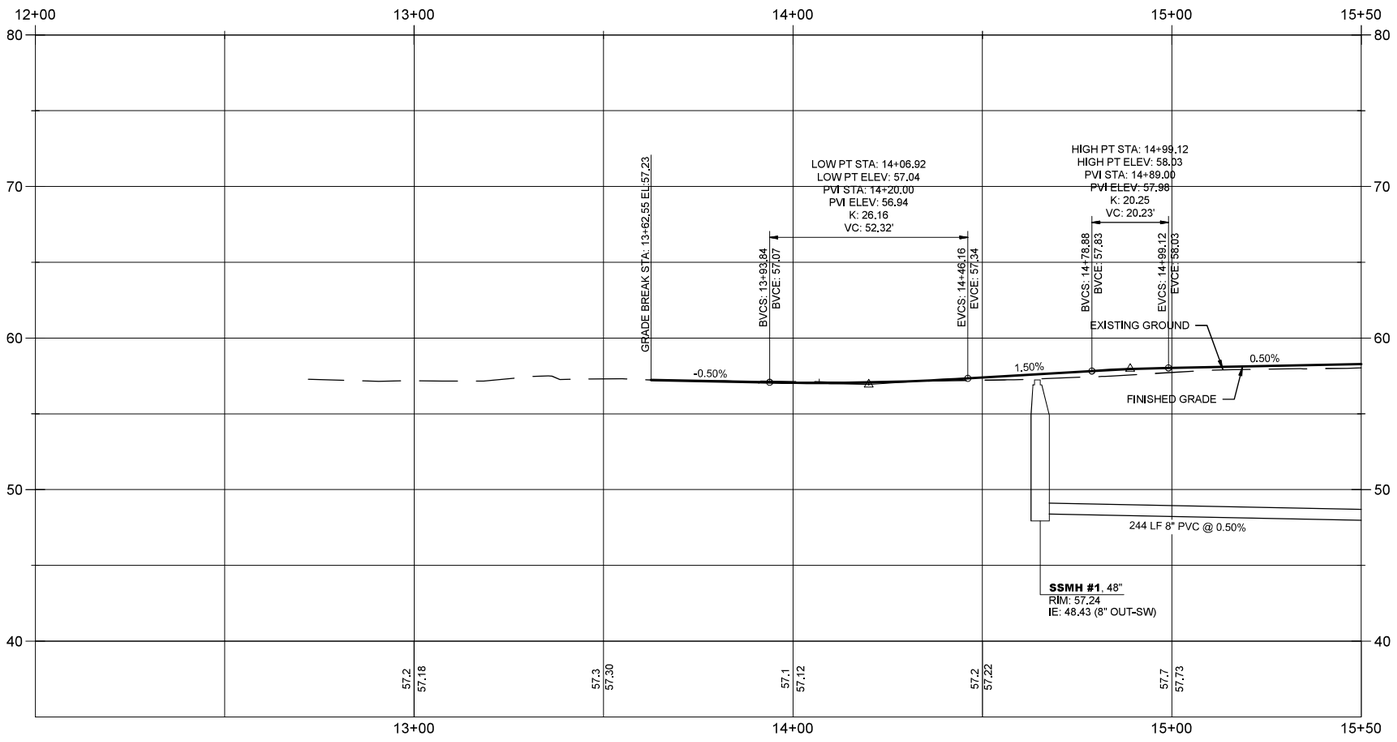
1. CONNECT TO EXISTING 12" WATER MAIN.
2. INSTALL WATER LINE, DUCTILE IRON PIPE, WITH TRENCH INSTALLATION PER OREGON CITY STD. DWG. OC313.
3. INSTALL FIRE HYDRANT ASSEMBLY PER OREGON CITY STD. DWG OC401.
4. INSTALL GATE VALVE PER OREGON CITY STD. DWG. OC410



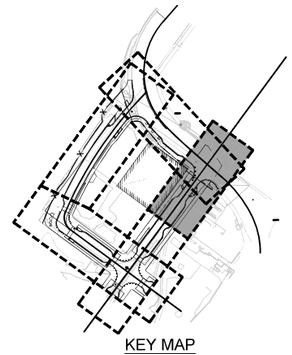
1 MAIN ST. PLAN
SCALE H: 1"=20'



SCALE: 1" = 20'



2 MAIN ST. CENTERLINE PROFILE
SCALE H: 1"=20'
SCALE V: 1"=4'



KEY MAP

60% DESIGN PLANS
OCT. 4 2024
(NOT FOR CONSTRUCTION)

DAVID EVANS AND ASSOCIATES INC.
2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

DESIGNED BY: SPMO
DRAWN BY: RJXM

tumwata village
INFRASTRUCTURE IMPROVEMENTS
PHASE 1
OC PROJECT #:

MAIN ST. SANITARY SEWER & WATER PLAN

REVISIONS

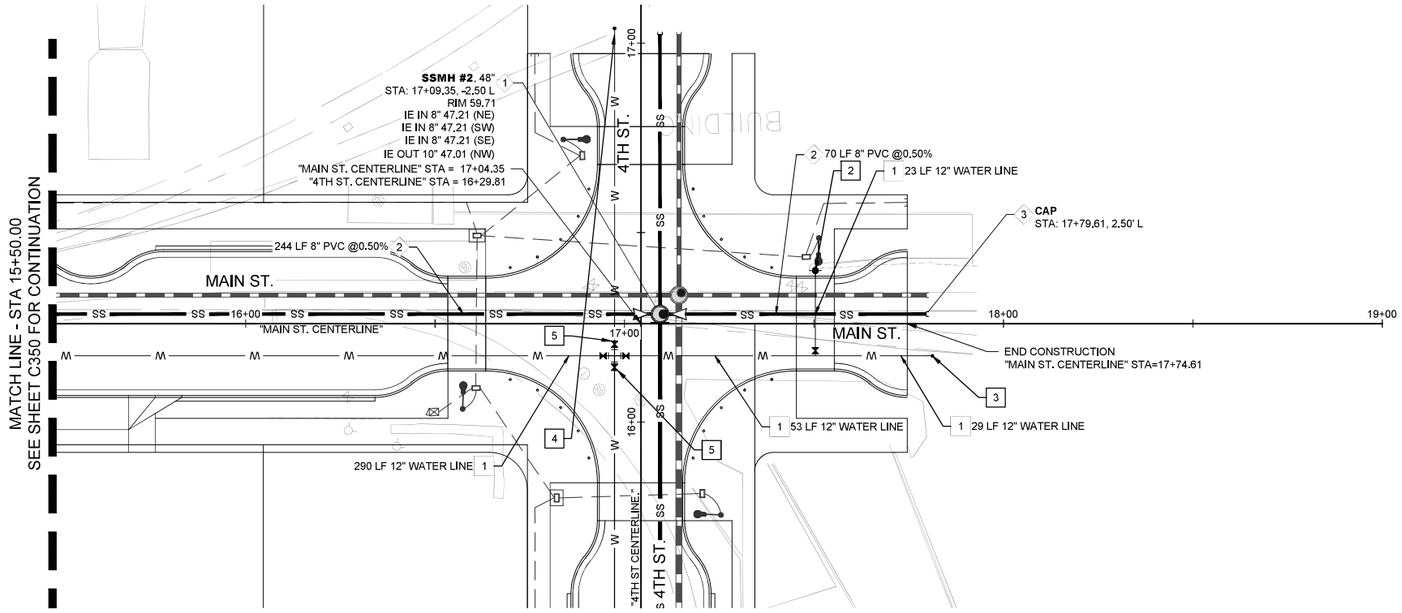
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CITY OF OREGON CITY
PUBLIC WORKS DEPARTMENT
APPROVAL FOR CONSTRUCTION
☐ APPROVED AS SUBMITTED

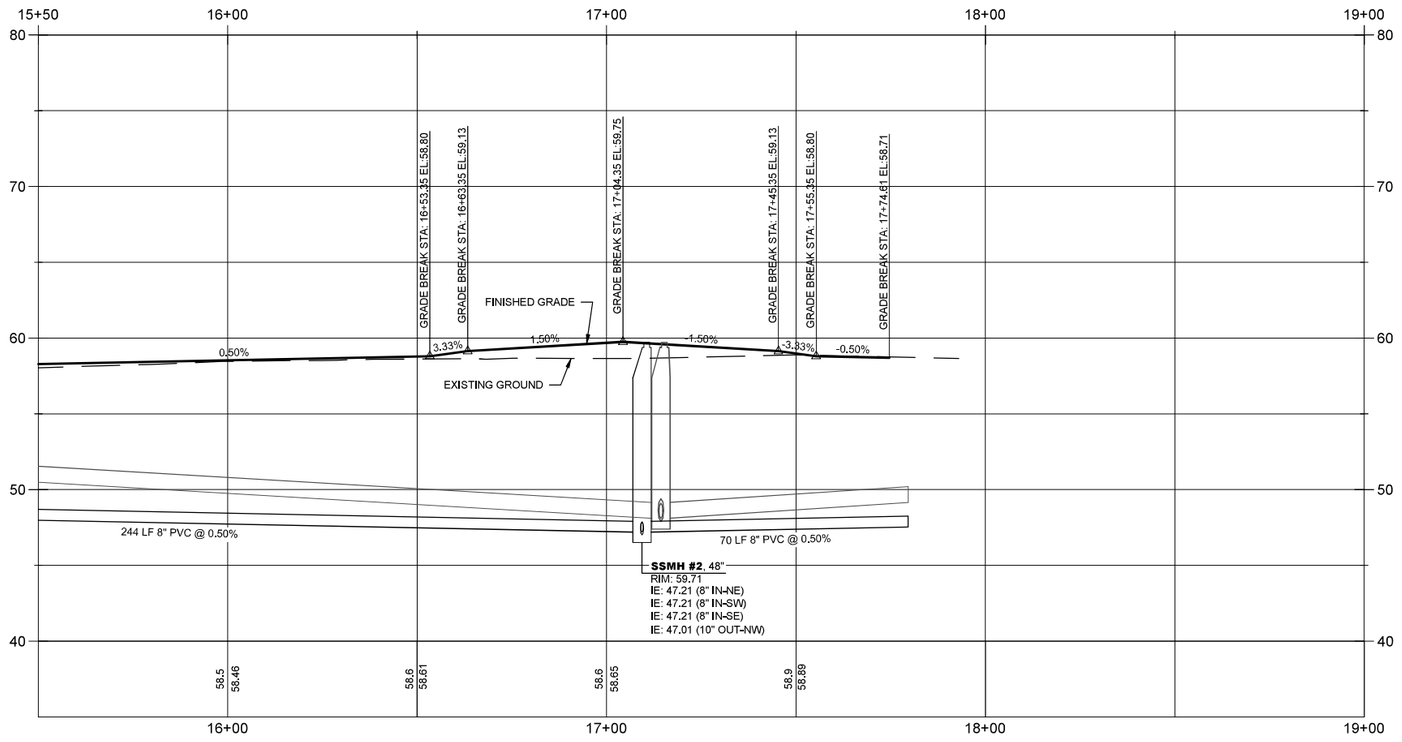
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1 MAIN ST. PLAN
SCALE H: 1"=20'



2 MAIN ST. CENTERLINE PROFILE
SCALE H: 1"=20'
SCALE V: 1"=4'

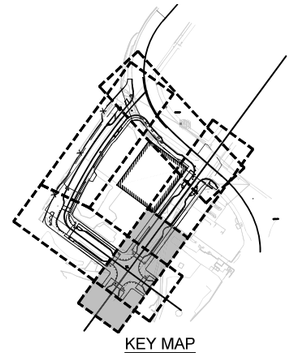
SANITARY KEYNOTES

1. INSTALL MANHOLE PER OREGON CITY STD. DWG. OC301.
2. INSTALL SANITARY SEWER LINE PER OREGON CITY STD. DWG. OC313.
3. CAP SANITARY SEWER LINE WITH REMOVABLE WATER TIGHT PLUG FOR FUTURE USE.

WATER KEYNOTES

1. INSTALL WATER LINE, DUCTILE IRON PIPE, WITH TRENCH INSTALLATION PER OREGON CITY STD. DWG. OC313.
2. INSTALL FIRE HYDRANT ASSEMBLY PER OREGON CITY STD. DWG OC401.
3. INSTALL STANDARD BLOW OFF ASSEMBLY PER OREGON CITY STD. DWG. OC405.
4. INSTALL CROSS FITTING JOINT TO BE MECHANICALLY RESTRAINED.
5. INSTALL GATE VALVE PER OREGON CITY STD. DWG. OC410

0 10 20 40
SCALE: 1" = 20'



KEY MAP

60% DESIGN PLANS
OCT. 4 2024
(NOT FOR CONSTRUCTION)

DAVID EVANS AND ASSOCIATES INC.
2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

DESIGNED BY: SPMO
DRAWN BY: RJXM

tumwata village
INFRASTRUCTURE IMPROVEMENTS
PHASE 1
OC PROJECT #:

MAIN ST. SANITARY SEWER & WATER PLAN

REVISIONS

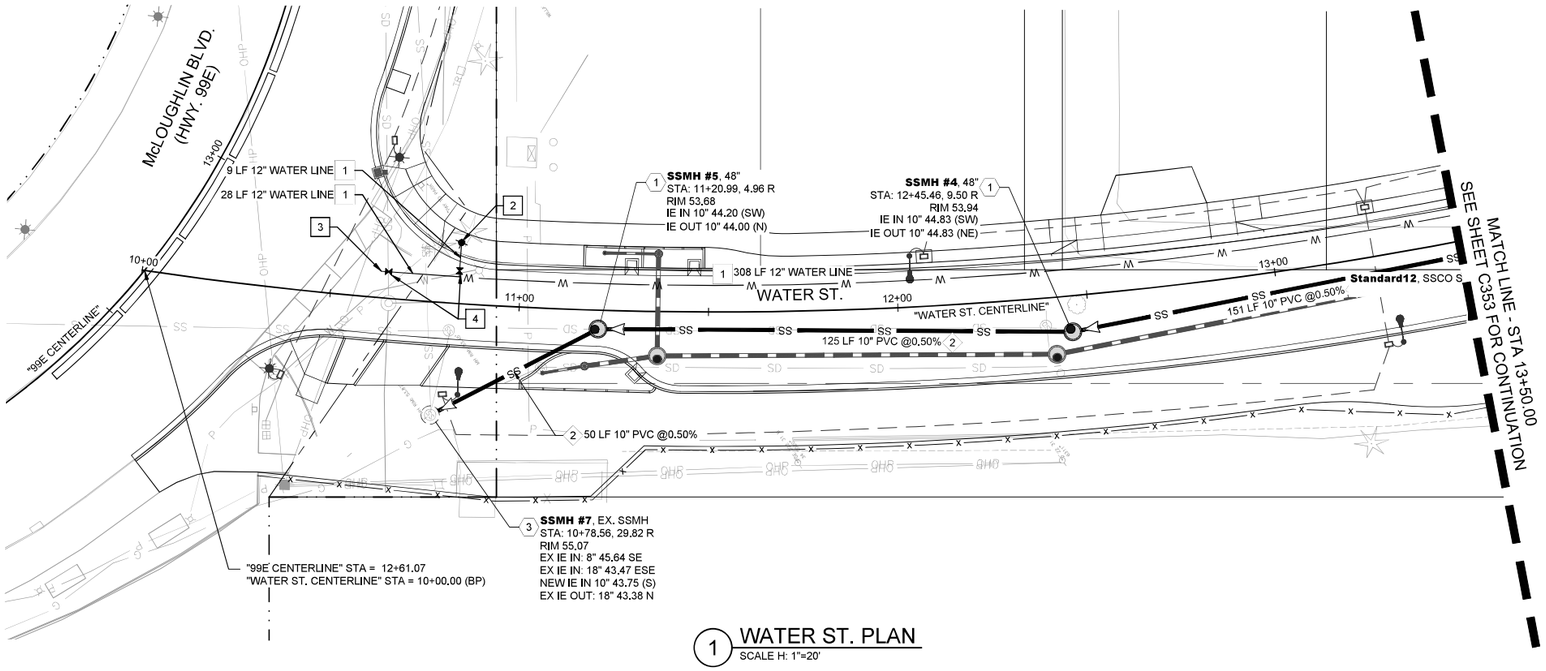
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CITY OF OREGON CITY
PUBLIC WORKS DEPARTMENT
APPROVAL FOR CONSTRUCTION
☐ APPROVED AS SUBMITTED

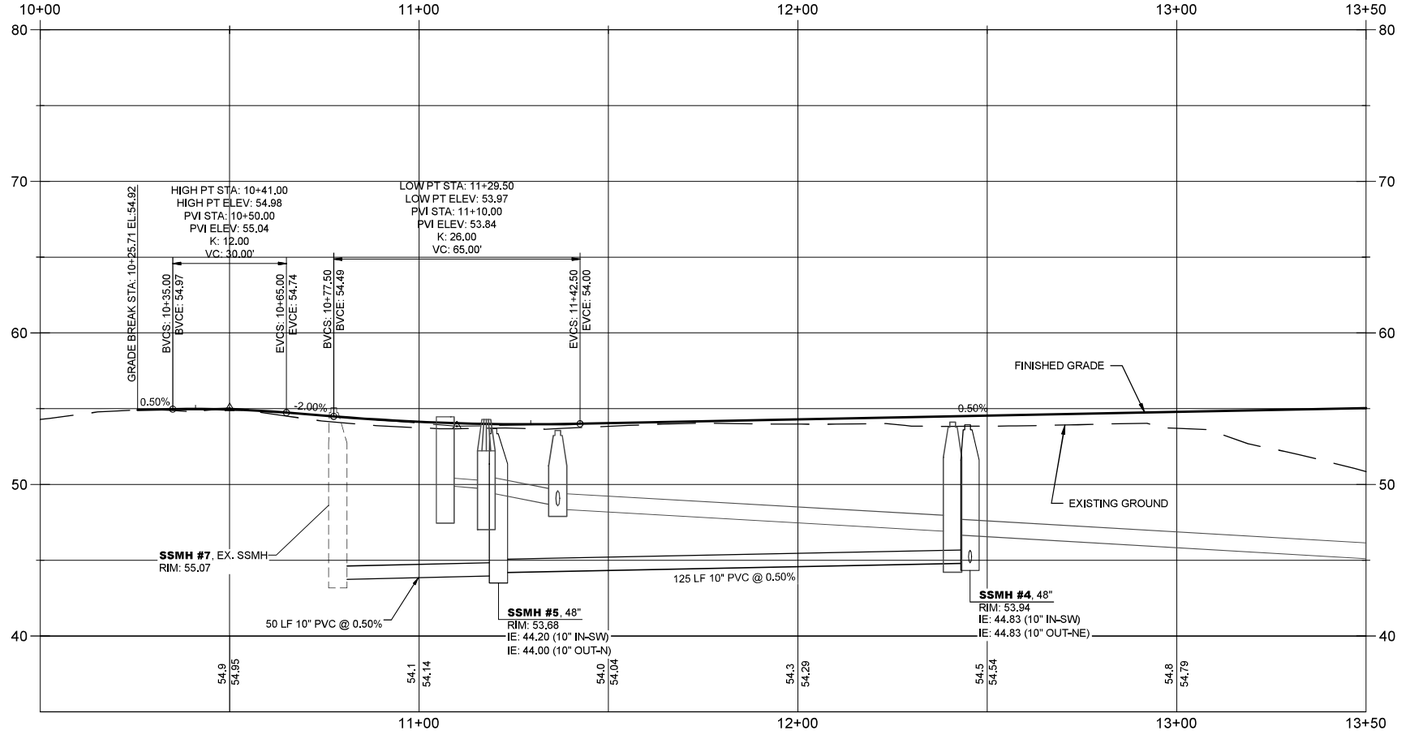
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NAME:
DATE:
APPROVAL EXPIRES 6 MONTHS AFTER DATE ABOVE

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OC RECORD DRAWING #: XXXXXX.XX
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1 WATER ST. PLAN
SCALE H: 1"=20'



2 WATER ST. CENTERLINE PROFILE
SCALE H: 1"=20'
SCALE V: 1"=4'

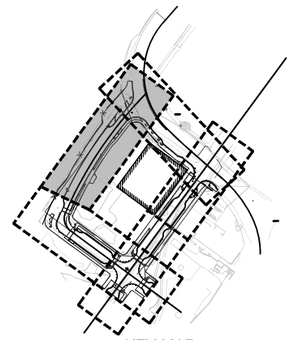
SANITARY KEYNOTES

1. INSTALL MANHOLE PER OREGON CITY STD. DWG. OC301.
2. INSTALL SANITARY SEWER LINE PER OREGON CITY STD. DWG. OC313.
3. CONNECT TO EXISTING SANITARY SEWER MANHOLE. CONTRACTOR TO VERIFY ELEVATIONS PRIOR TO CONNECTION.

WATER KEYNOTES

1. INSTALL WATER LINE, DUCTILE IRON PIPE, WITH TRENCH INSTALLATION PER OREGON CITY STD. DWG. OC313.
2. INSTALL FIRE HYDRANT ASSEMBLY PER OREGON CITY STD. DWG OC401.
3. CONNECT TO EXISTING 12" WATER MAIN. CONNECTION LOCATION IS ASSUMED BASED ON AVAILABLE SURVEY AND SHOULD BE FIELD VERIFIED PRIOR TO WORK.
4. INSTALL GATE VALVE PER OREGON CITY STD. DWG. OC410

0 10 20 40
SCALE: 1" = 20'



KEY MAP

60% DESIGN PLANS
OCT. 4 2024
(NOT FOR CONSTRUCTION)

DAVID EVANS AND ASSOCIATES INC.
2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

DESIGNED BY: SPMO
DRAWN BY: RJXM

tumwata village
INFRASTRUCTURE IMPROVEMENTS
PHASE 1
OC PROJECT #:

WATER ST. SANITARY SEWER & WATER PLAN

REVISIONS

REV #	DATE	DESCRIPTION

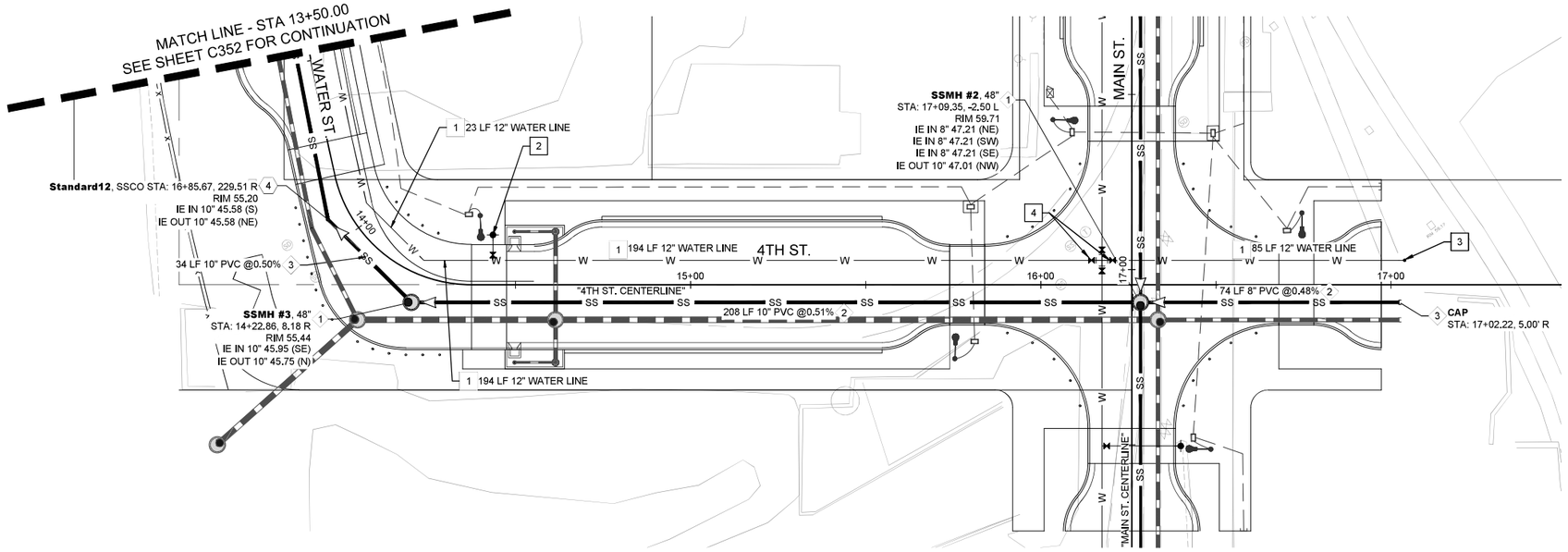
OREGON CITY

CITY OF OREGON CITY
PUBLIC WORKS DEPARTMENT
APPROVAL FOR CONSTRUCTION
☐ APPROVED AS SUBMITTED

SIGNATURE
NAME:
DATE:
APPROVAL EXPIRES 6 MONTHS AFTER DATE ABOVE

PRINTED: 10/4/2024
OC RECORD DRAWING #: XXXXXX.XX
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1 4TH ST. PLAN
SCALE H: 1"=20'

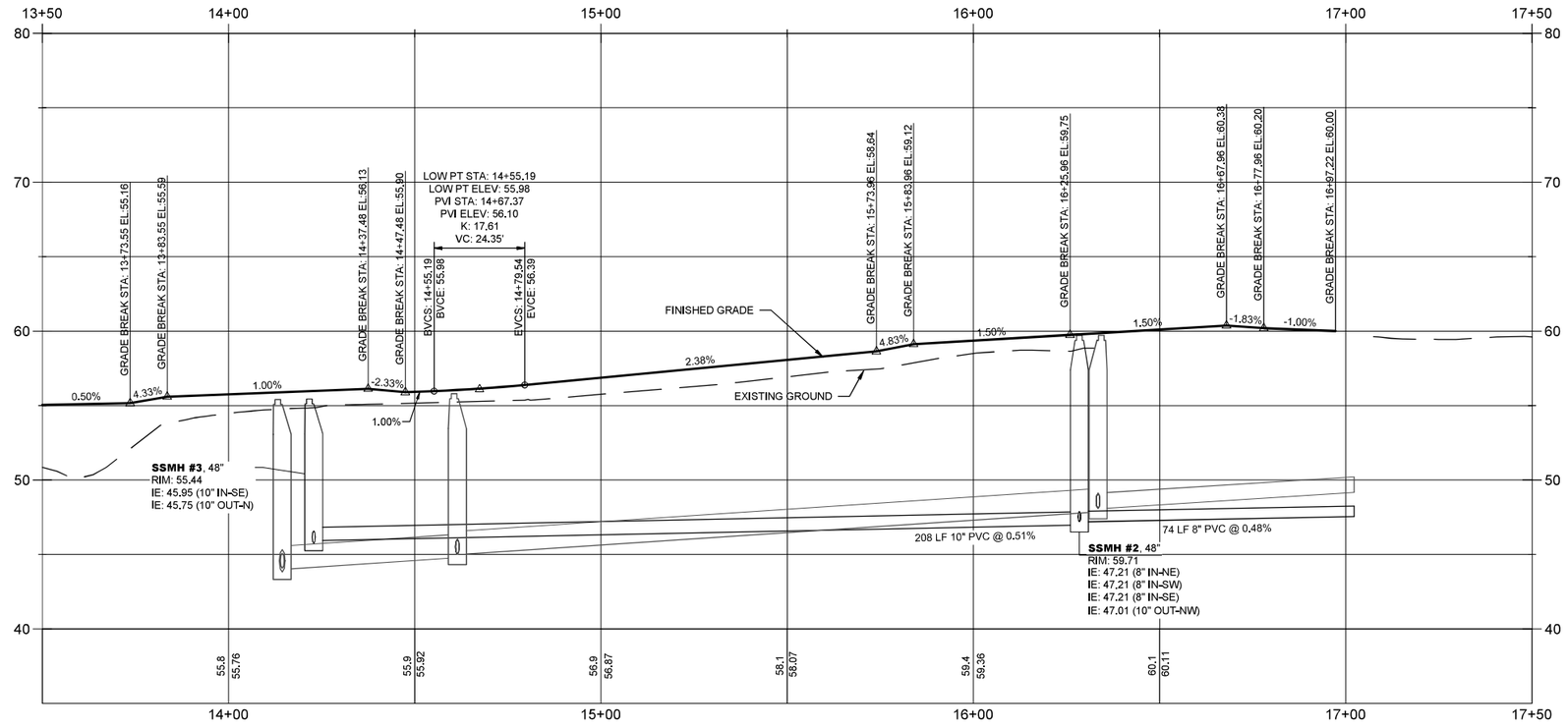
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SANITARY KEYNOTES

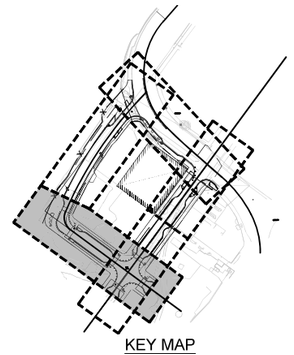
1. INSTALL MANHOLE PER OREGON CITY STD. DWG. OC301.
2. INSTALL SANITARY SEWER LINE PER OREGON CITY STD. DWG. OC313.
3. CAP SANITARY SEWER LINE WITH REMOVABLE WATER TIGHT PLUG FOR FUTURE USE.
4. INSTALL SANITARY SEWER CLEAN OUT PER OREGON CITY STD. DWG. OC309

WATER KEYNOTES

1. INSTALLWATER LINE. DUCTILE IRON PIPE. WITH TRENCH INSTALLATION PER OREGON CITY STD. DWG. OC313.
2. INSTALL FIRE HYDRANT ASSEMBLY PER OREGON CITY STD. DWG OC401.
3. INSTALL STANDARD BLOW OFF ASSEMBLY PER OREGON CITY STD. DWG. OC405
4. INSTALL GATE VALVE PER OREGON CITY STD. DWG. OC410.



2 4TH ST. CENTERLINE PROFILE
SCALE H: 1"=20'
SCALE V: 1"=4'



KEY MAP

60% DESIGN PLANS
OCT. 4 2024
(NOT FOR CONSTRUCTION)

DAVID EVANS AND ASSOCIATES INC.
2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

DESIGNED BY: SPMO
DRAWN BY: RJXM

tumwata village
INFRASTRUCTURE IMPROVEMENTS
PHASE 1
OC PROJECT #:

4TH ST. SANITARY SEWER & WATER PLAN

REVISIONS

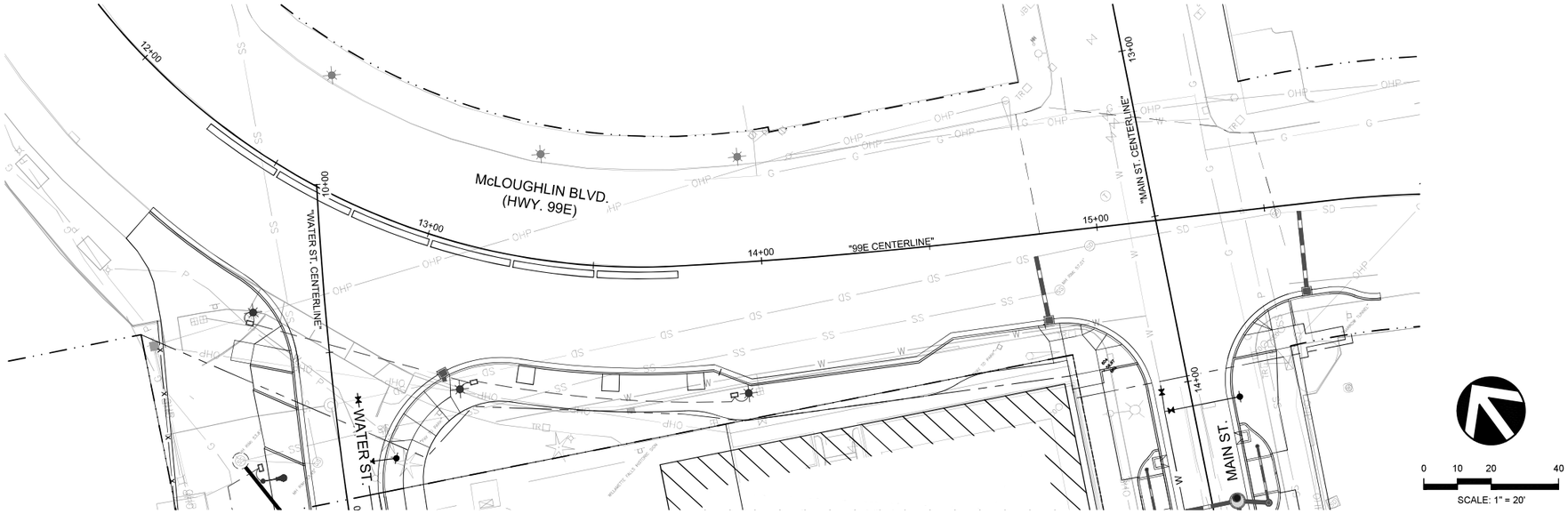
REV #	DATE	DESCRIPTION

CITY OF OREGON CITY
PUBLIC WORKS DEPARTMENT
APPROVAL FOR CONSTRUCTION
☐ APPROVED AS SUBMITTED

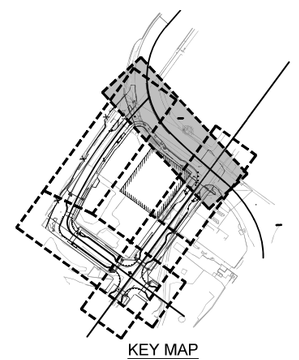
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APPROVAL EXPIRES 6 MONTHS AFTER DATE ABOVE

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1 McLOUGHLIN BLVD. (HWY. 99E) PLAN
SCALE H: 1"=20'



KEY MAP

60% DESIGN PLANS
OCT. 4 2024
(NOT FOR CONSTRUCTION)

DAVID EVANS AND ASSOCIATES INC.
2100 S River Parkway, Suite 100
Portland Oregon 97201
Phone: 503.223.6663

DESIGNED BY: SPMO
DRAWN BY: RJXM

tumwata village
INFRASTRUCTURE IMPROVEMENTS
PHASE 1
OC PROJECT #:

McLOUGHLIN BLVD. (HWY. 99E) SANITARY SEWER & WATER PLAN

REVISIONS

REV #	DATE	DESCRIPTION

CITY OF OREGON CITY
PUBLIC WORKS DEPARTMENT
APPROVAL FOR CONSTRUCTION
☐ APPROVED AS SUBMITTED

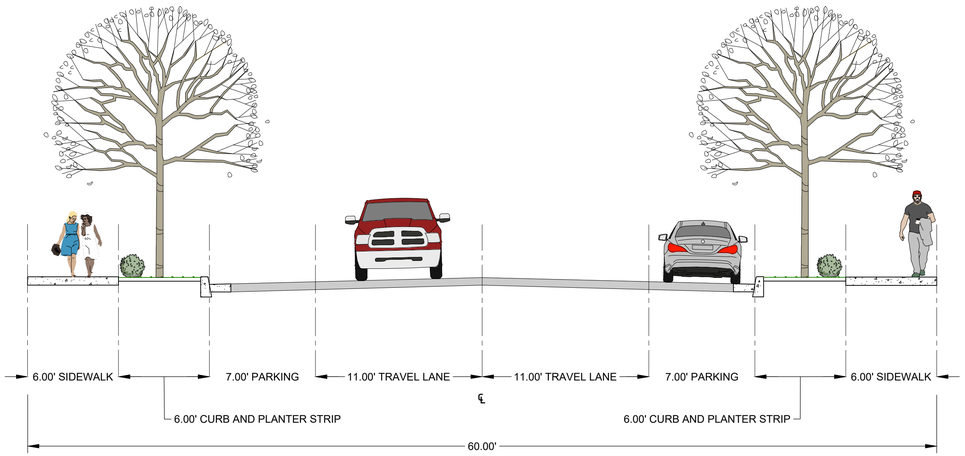
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APPROVAL EXPIRES 6 MONTHS AFTER DATE ABOVE

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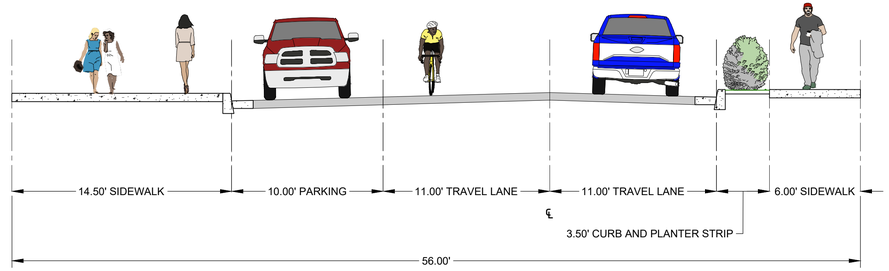
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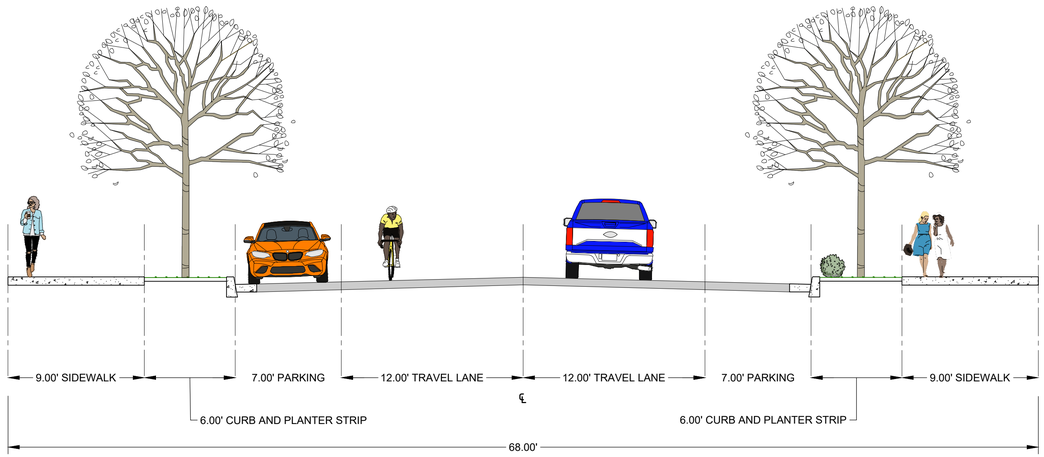
3RD AND 4TH ST TYPICAL SECTION

SCALE 1" = 5'



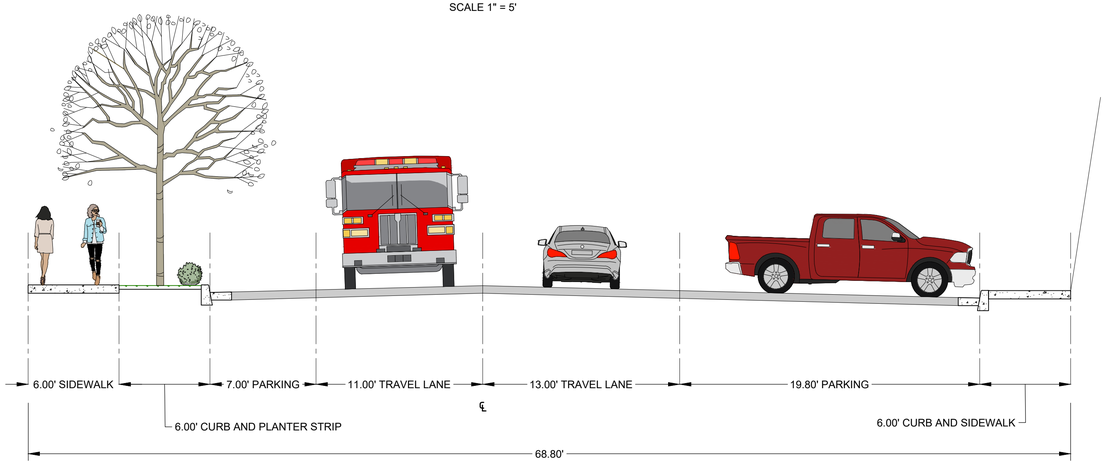
WATER AVE TYPICAL SECTION

SCALE 1" = 5'



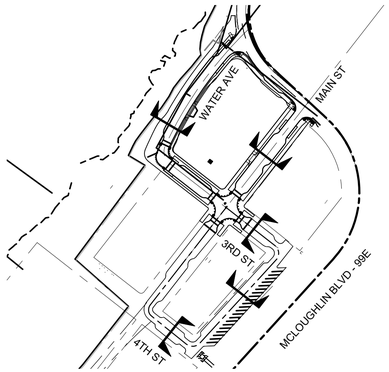
MAIN ST TYPICAL SECTION

SCALE 1" = 5'



RAILROAD AVE TYPICAL SECTION

SCALE 1" = 5'



RAILROAD AVE TYPICAL SECTION

SCALE 1" = 200'
SECTION VIEWS FACE NORTH AND EAST

BIKE TRAFFIC TO SHARE LOW SPEED TRAVEL LANES, TRAVEL LANES TO BE MARKED AS REQUIRED

REVISIONS

REV	DATE	DESCRIPTION	BY

DOWL
WWW.DOWL.COM

TUMWATA VILLAGE
CONFEDERATED TRIBES OF THE GRAND RONDE

CONCEPT CROSS SECTIONS

LEGAL DESCRIPTION
LOCATION

PROJECT 2322.14777.01
DATE 2022-11-22

©DOWL 2022

SHEET

1 OF 1

C:\dowl_pw\d0415263\SC-CS-XS-14777-02.dwg PLOT DATE 2024-8-30 18:50 SAVED DATE 2024-08-30 18:25 USER: lbuslach

EASEMENT FOR RIVERWALK CC
DOCUMENT NUMBER 2014-064826

WILLAMETTE RIVER

UTILITIES SHOWN ONSITE MAY HAVE BEEN
REMOVED OR ABANDON IN PLACE UNDER
SEPARATE DEMO PERMITS

DOWNTOWN OREGON
CITY AND TWO RIVERS
NEIGHBORHOOD

MAIN ST

6TH ST

BS

RAIL ROAD AVE

P MUSEUM OF THE OREGON
TERRITORY

MCLOGHLIN BLVD 99E

PUBLIC UTILITY EASEMENT WITHIN TAXLOT
00572749 DOCUMENT NUMBER 86-05669

PUBLIC UTILITY EASEMENT WITHIN TAXLOT
00570082 CC DOCUMENT NUMBER 2019-011796

250' BOUNDARY FROM PROPERTY LINE

P MCLOUGHLIN PROMENADE

P WORK SOURCE CLACKAMAS

S 1ST ST

1ST ST

HIGH ST

MCLOUGHLIN
NEIGHBORHOOD

2ND ST

3RD ST

4TH ST

5TH ST

CENTER ST

LEGEND

- GIS EXISTING SEWER
- GIS EXISTING STORM
- GIS EXISTING WATER
- GIS TAXLOT LINES
- GIS CAT/TRIMET BUS ROUTE
- BS GIS CAT/TRIMET STOP
- GIS MULTIUSE TRAIL
- P GIS PARK/PUBLIC FACILITY
- GIS BIKE LANES
- GIS PROPOSED BIKE ROUTES (COOC TSP)

UTILITIES SHOWN EXTERNAL TO THE SITE WERE DOWNLOADED FROM OC-WEB MAPS AND TRANSFORMED TO MACH THE SURVEYED COORDINATE SYSTEM AND DATUM AND CARRY THE SAME DISCLAIMERS

N

60 0 60
SCALE IN FEET

REVISIONS

REV	DATE	DESCRIPTION	BY

DOWL
WWW.DOWL.COM

TUMWATA VILLAGE
CONFEDERATED TRIBES OF THE GRAND RONDE
OVERALL GIS UTILITY AND INFRASTRUCTURE PLAN

LEGAL DESCRIPTION
LOCATION

PROJECT	2322.14777.01
DATE	2022-11-22

©DOWL 2022

SHEET

C:\dowl_pw\60415263\SC-CS-UT-14777-02.dwg PLOT DATE 2024-10-10 14:32 SAVED DATE 2024-10-10 13:56 USER: tbuslach

Bateman Seidel

MEMORANDUM

TO:	Chair Espe and Planning Commissioners
FROM:	Carrie A. Richter, Deputy City Attorney
DATE:	January 16, 2025
RE:	Legislative vs Quasi-Judicial Review for tumwata village Master Plan Amendment Application

During the public comment period at its January 13, 2025 meeting, the Planning Commission received testimony asserting that the upcoming tumwata village general development plan (GDP) amendment and detailed development plan (DDP) review must be conducted through a legislative process rather than a quasi-judicial one. The rationale was that the initial master plan was adopted via an ordinance and, as such, any amendment requires adoption by ordinance, which can be accomplished only by the City Commission. This testifier would like the City to proceed through a legislative procedure so that it is not bound by the 120-day decision-making time limit and so that review by the City Commission may occur without a party paying to file an appeal.

As explained in the analysis that follows, this application meets all of the qualifications for review through a quasi-judicial procedure. Ordinance 14-1016, which the subject applications seek to amend, was also accomplished through a quasi-judicial procedure. However, because the 2014 review included changes to the City's comprehensive plan and zoning code, the consolidated GDP review was accomplished through a Type IV quasi-judicial review. No code or plan amendments are proposed as part of this application and therefore, Type IV review is not required. What is proposed are amendments to conditions of approval, which can be modified or removed pursuant to Type III review.

The consolidated process conducted in 2014 does not bind future amendments to the same to a Type IV process unless explicitly directed at the time of adoption as a condition of the Type IV approval. In this case, no specific conditions governing subsequent review were included. As such, amendments to the Master Plan default to the process directed by the Municipal Code and cases considering these issues.

Analysis

This is not simply a matter of City preference. The Oregon City Municipal Code (OCMC) provides that amendments to a general development master plan approvals are to be considered through a Type III procedure. OCMC 17.65.040. Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards. Review is accomplished by the Planning Commission, after 20-day advanced notice to property owners within three hundred feet and the Planning Commission decision is final, unless it is appealed to the City Commission. OCMC 17.50.030(C).

How the OCMC classifies the required review procedure is instructive, but it is not necessarily determinative. Whether a decision is legislative or quasi-judicial in nature is a complex question that has been grappled with by the courts and at LUBA for decades. The seminal case on this question is *Strawberry Hill 4-Wheelers v. Benton Co. Bd. of Comm*., where the Oregon Supreme Court set forth three factors which must be considered in determining whether a local government decision is quasi-judicial. Those factors may be summarized as follows:

1. Is "the process bound to result in a decision?"

2. Is "the decision bound to apply preexisting criteria to concrete facts?"

3. Is the action "directed at a closely circumscribed factual situation or a relatively small number of persons?"

As for the first *Strawberry Hill 4-Wheelers* factor, the City is required to make a decision on this request. The City has received an application from the Confederated Tribes of the Grand Ronde Community of Oregon seeking a GDP and DDP approvals. The City could not decide to just abandon this effort and not reach a decision responding to this request. As such, this factor weighs in favor of the decision being quasi-judicial.

The criteria applicable to this mater plan amendment are set forth in the OCMC and include minimum requirements for public improvements (OCMC 16.12), Flood Management Overlay District (OCMC 17.42), Willamette River Greenway (OCMC 17.48) and Master Plan review (OCMC 17.65) criteria. The City has a legal duty to apply these adopted criteria to the concrete facts set forth in the application in order to determine if the general development plan amendment and detailed development plan requests should be approved. The second *Strawberry Hill 4-Wheelers* factor also weighed in favor of characterizing the decision as quasi-judicial.

Turning to the third factor, the request involves over 23 acres of land. However, all of the property is owned by a single property-owner and the application appears to request approval of a single development. The significant size of the acreage under consideration may suggest more of a legislative decision, but the single owner and single application weigh in favor of a quasi-judicial decision.

Reviewing just the three factors from*Strawberry Hill 4-Wheelers*, two factors weigh in favor of a quasi-judicial decision, while the third factor is, at best, inconclusive. On balance, it appears that the decision is quasi-judicial.

It is worth noting that nothing in the *Strawberry Hill 4-Wheeler* factors place any significance on the title of the document accomplishing the act.[1] In the land use context, whether an action is adopted by

[1] *See also Baker v. Milwaukie*, 271 Or 500 (1975), quoting with approval from 5 McQuillin on Municipal Corporations § 15.02 (1969):

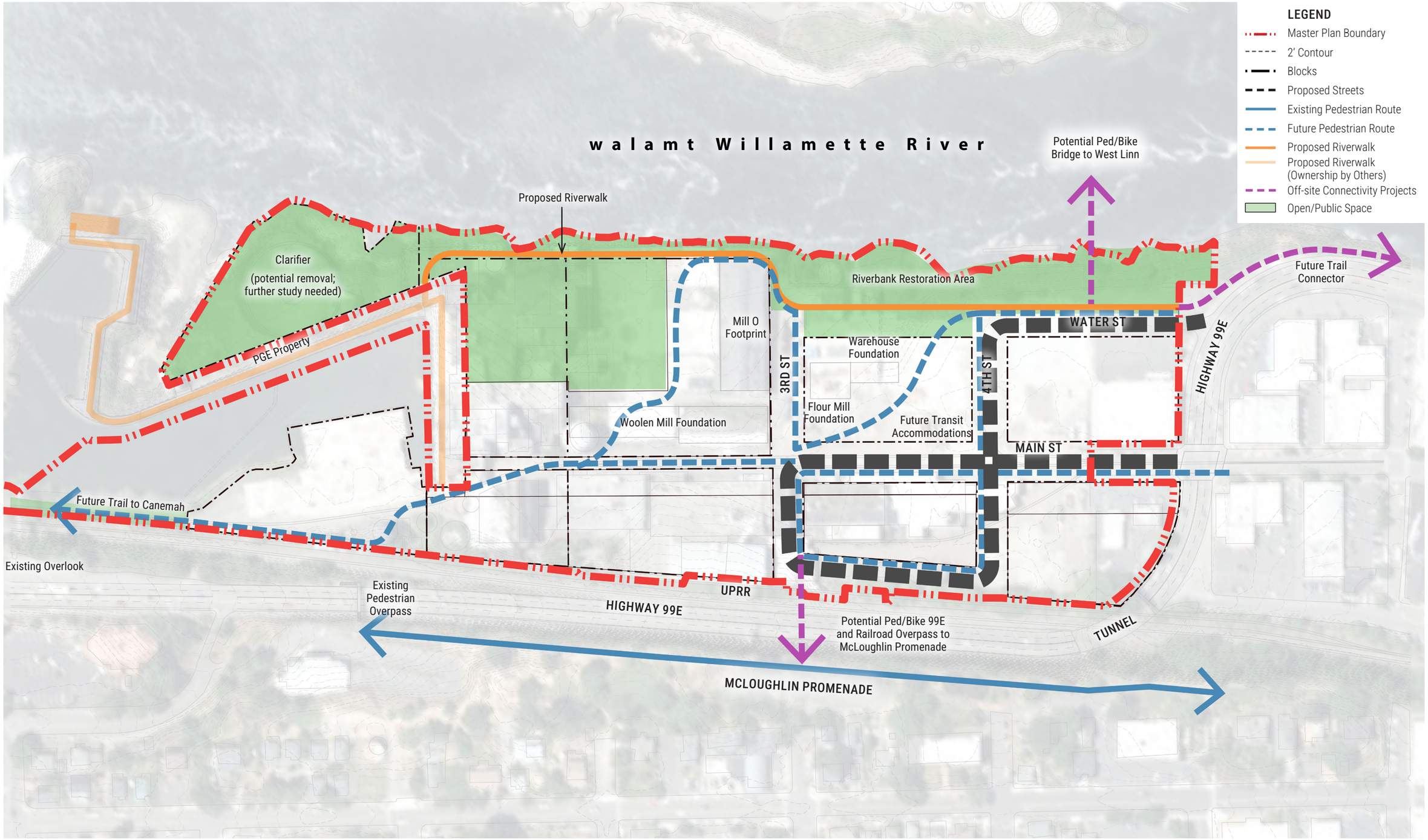
ordinance is generally dictated by whether the action amends the code or other planning document. ORS 227.186(2) explicitly requires that all legislative acts related to comprehensive plans, land use planning, or zoning be done by ordinance. The City has followed this requirement; for example, when the initial Willamette Falls GDP master plan was approved as part of Ordinance 14-1016, it included concurrent amendments to the City's comprehensive plan and zoning code. Under state law, ORS 227.175(2), the City must allow an applicant to consolidate applications for review. When conducting consolidated review, the highest level of review controls. Thus, the GDP approved as part of Ordinance 14-1016 was adopted using a Type IV quasi-judicial procedure. The Type IV procedure was appropriate in that case because code amendments were proposed and the *Strawberry Hill 4-Wheeler* factors were also satisfied.

If code or plan amendments were proposed as part of the subject application, it is likely than an ordinance would be proposed for adoption and the Type IV, quasi-judicial procedure would be employed. However, that is not the case here. In this application, no plan amendments or code changes are sought or proposed. With specific regard to historic resources, the applicant has proposed modifying conditions of approval attached to the 2014 GDP approval that relate to demolition review. None of the conditions of approval indicate that the City Commission must review modifications to the GDP through a Type IV procedure. Participants in this process are certainly free to present evidence and argument that these conditions should remain in place before the Planning Commission. After hearing this testimony, the Planning Commission will determine if the conditions remain as necessary to satisfy the applicable approval criteria. Any party who participates before the Planning Commission may appeal the decision for City Commission review.

For these reasons, the City should proceed with processing these applications through the Type III quasi-judicial procedure.

"Generally, whether what is done by a municipal legislative body is an ordinance or a resolution depends not on what the action is called but on the reality. * * * [W]here a resolution is in substance and effect an ordinance or permanent regulation, the name given to it is immaterial."

09 TRANSPORTATION NETWORK
PROPOSED



Existing Condition of Approval from CP 14-02	Action/Findings	Revised, Proposed Condition	City Comment
1. Unless further amended and extended by the Planning Commission, this Master Plan shall control development on the site for 20 years from the date of initial adoption.	Edit. This COA has been updated to reflect a planning period of twenty years from the plan amendment, consistent with 17.65.040.F.	Per OCMC 17.65.020.A, Unless further amended and extended by the Planning Commission, this Master Plan Amendment shall control development on the site for 20 years from the date of adoption of this General Development Plan Amendment.	Based on previous experience, it will be helpful in the future to include an exact date. Staff has recommended a date of December 31, 2045 and indicate the amended process for DDP reviews.
2. Unless further amended in a refined Master Plan, detailed development plans within the Willamette Falls Downtown District shall be processed as a Type III Land Use Review that is heard before the Oregon City Planning Commission. However, projects that meet Minor Site Plan and Design Review thresholds (OCMC 17.62.035) shall be processed as a Type II review. These projects will still be subject to the standards and conditions of the general development plan approval.	Delete. This plan amendment is processed as a Type III Land Use Decision. Per the OCMC 17.65.040.C, Detailed Development Plans is processed as a Type II procedure, as long as it is consistent with the approved master plan. In 2015, there was less certainty of site ownership and less detail provided in the framework plan. With new ownership and greater information, the default land use process in the code is sufficient.		Staff agree with the applicant's assessment.
3. For all projects requiring Type III review, the ability to comply with district design guidelines shall be assessed by a Design Evaluation Board, a special city-assigned body that will provide broader feedback	Edit. This master plan amendment proposes to remove arbitrary district design guidelines and the ad hoc process for implementing them,	A publicly-funded and led "Riverwalk", including elevated structures along a waterfront trail, requires a detailed development plan application pursuant to OCMC 17.65.060. The Riverwalk	Maintaining the riverwalk review at Type III is also not beneficial due to its limited approval criteria in OCMC 17.62 Site Plan and Design Review. This creates expectations that the public

Existing Condition of Approval from CP 14-02	Action/Findings	Revised, Proposed Condition	City Comment
into the process. The Design Evaluation Board will make its recommendation to the Planning Commission through city staff. This condition may also be met through the addition of adhoc Planning Commission members that can demonstrate specialized Urban Design backgrounds to provide additional expertise to the Planning Commission.	which was never used. Future development will be reviewed consistent with city procedures identified in Chapter 17.65. To insure quality design, the applicant has created a design and materials palette as Appendix G that provides direction and approach for the master plan area with the goal of creating a high quality and visually cohesive development that celebrates the history and ecology of the area, invites the public to the falls, and focuses on natural materials. The Riverwalk development is of particular importance to the City due to the public nature	project will be elevated to a Type III procedure reviewed by the Planning Commission. Privately-funded shared-use paths, pedestrian plazas, and trails are a Type II review, per OCMC 17.65.040.C. Unless otherwise exempt, other new development on the site is subject to detailed development plan review, which includes conformance with OCMC 17.62, Site Plan and Design Review. of the Riverwalk and the interaction with the river's edge. The applicant proposes Riverwalk development should be subject to a Type III review process with a public hearing and public input	hearing will focus on subjective criteria, which it will not. Public engagement for the open space/riverwalk project should take place during the design phase and when the City Commission officially directs the allocation of public funds for permitting and construction. This engagement should not occur through the land use process, as the Planning Commission would have little to review based on the limited site plan and design criteria for open spaces. The revised condition will move all development applications, be they private or public, to a Type II DDP if it is consistent with the Master Plan and Oregon City Municipal Code
4. As the site is located within the newly created Mixed Use Multi- Modal area, all future development will be reviewed for impacts to safety in this area and not be subject review of the development on the capacity of the system.	Edit. No substantive changes. Fix scriveners' error "not subject <u>to</u> review"	As the site is located within a Mixed Use Multi-Modal area, all future development will be reviewed for impacts to safety in this area and not be subject to review of the development on the capacity of the system.	In order to keep track of the MMA the condition should reference the Ordinance number ORD14-1015
5. The following are listed in the Master Plan as Structures Identified for Retention and Reuse. a. Mill O b. Hawley Building	Edit. Since the land use approval of this master plan, significant degradation to site integrity has occurred, most significantly due to lack of maintenance onsite,	The following structures are potentially historically significant per the applicant's HRA study: Woolen Mill Foundation	As the initial intent of the CP 14-02 conditions was to provide a pause or stay of full site demolition until a new owner and vision could be developed, requiring retention of structures not

Existing Condition of Approval from CP 14-02	Action/Findings	Revised, Proposed Condition	City Comment
c. DeInk/Mill B d. No. 4 Paper Machine Woolen Mill Foundations	which accelerated since the mid 1980's. Appendix D, the 10 Structure Study provides an updated historic analysis of each of the five structures and five secondary elements identified. Only two of the ten items previously identified site elements are eligible for listing on the National Register of Historic Places. Future applications proposing site cleanup, demolition, or new construction that will include the disturbance of native soils, or has a high likelihood of containing archeological evidence, as confirmed by the State Historic Preservation Office, shall submit and adhere to an inadvertent discovery plan that, depending on the proposed action, and as recommended by SHPO, could include archeological monitoring during times of site disturbance. Relevant regulation: OCMC 17.65.050.C.4, "protects any inventoried Goal 5 natural, historic, or cultural resources."	Flour Mill Foundation Warehouse Foundation Future development on these sites, modifications, or demolition will comply with historic preservation requirements as outlined by SHPO.	part of the tumwata village vision would be problematic as the existing conditions do not mandate re-use or rehabilitation of the buildings on site and retaining the Hawley Building and Horton Sphere in this location directly conflicts with the owner's goal of ecological restoration for this area. For this reason, staff recommends that the Planning Commission adopt the revised approval condition that acknowledges the retention of the Woolen Mill Foundation and Flour Mill Foundations/No. 2 Paper Machine Site and that all other structures can be removed through a Type I Demo Review. Any future revisions to the Framework Plan that do not retain the Woolen Mill Foundation and Flour Mill Foundations/No. 2 Paper Machine Site would require a Type III Master Plan Amendment.
6. The following are listed in the Master Plan as Secondary Elements Identified For Full or Partial Retention. a. Oregon City Flour Mill Foundation	Delete. See findings above.		See comment above

Existing Condition of Approval from CP 14-02	Action/Findings	Revised, Proposed Condition	City Comment
b. Digesters c. Horton Sphere d. Boilers e. No.1 Paper Machine			
7. Removal of structures or elements not identified for retention will be processed as a Type I Land Use action provided all applicable conditions of approval from the master plan have been met	Delete. See findings above.		
8. Substantial alterations or request for demolitions either to Structures Identified for Retention and Reuse or Secondary Elements Identified for Full or Partial Retention shall be processed as a Type III Land Use action.	Delete. See findings above.		
9. Prior to the demolition of any structures identified as potentially eligible for listing on the National Register, the applicant, shall submit an Intensive Level Survey following the guidelines set forth by the Oregon State Historic Preservation Office. Prior to the demolition of structures not identified as eligible for listing on the National Register or not 50 years old, the applicant shall submit a reconnaissance level survey which shall include at a minimum, photos of all interior floors/rooms and exterior context photos.	Delete, an intensive level survey has been performed, this does not relate to a code provision.		The applicant has fulfilled this obligation by submitting the required ILS information in Exhibit 1D of the Staff Report.
10. Any Detailed Development Plan that includes structures or secondary elements identified for retention or partial reuse shall submit an Intensive Level	Delete, an intensive level survey has been submitted as a part of this land use application, in Appendix D. This condition has		The applicant has fulfilled this obligation by submitting the required ILS information in Exhibit 1D of the Staff Report.

Existing Condition of Approval from CP 14-02	Action/Findings	Revised, Proposed Condition	City Comment
Survey of these elements as part of the Detailed Development Plan completeness review.	been met and therefore should be removed.		
11. While the Master Plan is not requiring local historic designation for buildings identified for retention, and the city recognizes Oregon's local consent legislation. Structures deemed eligible should be considered for designation as part of detailed development review.	Delete. This condition does not relate to a specific code provision. The applicant acknowledges Oregon's local consent legislation.		Staff Agrees. Findings for this topic are found in the staff report.
12. If the applicant is proposing site cleanup, demolition, or new construction that will include the disturbance of native soils, or has a high likelihood of containing archeological evidence, as confirmed by the State Historic Preservation Office, the applicant shall submit and adhere to an inadvertent discovery plan that, depending on the proposed action, and as recommended by SHPO, could include archeological monitoring during times of site disturbance.	Non-substantial edits to simplify. The Confederated Tribes of Grand Ronde has an Inadvertent Discovery Plan that complies with SHPO requirements.	If the applicant is proposing site disturbance, the applicant shall submit and adhere to an inadvertent discovery plan that, depending on the proposed action, and as recommended by SHPO, could include archeological monitoring during times of site disturbance.	Staff concurs with retaining this condition.
13.The applicant shall obtain an Oregon City Erosion Control Permit, if applicable, for all site clean-up, demolition or interim parking uses and verify that the proposed work is consistent or can be made consistent with the DEQ interim stormwater plan	Delete. The applicant acknowledges that an Oregon City Erosion Control Permit is required for development activity meeting the permit thresholds. This is not directly related to master plan criteria and a condition is not necessary to implement the requirement		Staff Agrees. This condition will be added to future DDPs, and it is not required at the Master Plan level.

Existing Condition of Approval from CP 14-02	Action/Findings	Revised, Proposed Condition	City Comment
14. Tenant improvements of existing habitable space is allowed and does not require any further land use review unless the applicant proposes exterior alterations that trigger a Type II or Type III detailed development plan.	Delete. This condition does not enforce a code provision. Future development will require land use applications consistent with procedures identified in Chapter 17.65 Master Plans and Planned Unit Developments.		Staff agrees, most of the existing habitable space has been removed from the site. Future development will be subject to the city's development code and provisions in the amended master plan; this condition is not needed.
15.Amend Guideline to read: Design Guideline 3, "Maintain Downtown Character," which acknowledges the unique industrial scale and history of the site and <u>existing building height</u>, but also emphasizes a smooth transition in architecture and urban design between the existing downtown and the new district	Delete. Building heights in Mixed-Use Downtown District (historic downtown Oregon City north and east of OR99E-McLoughlin Boulevard) are limited to 58-feet inside of the Downtown Design District and 75-feet outside of the Downtown Design District. The building heights in the Willamette Falls Downtown District (location of the *tumwata village* Master Plan Amendment) are limited to 80-feet per the municipal code. As such, the existing heights and height transition between the two downtown districts has already been codified. Future development will go through site plan and design review. This criterion is met and should therefore be removed.		Staff agrees, The previous owner was unlikely to be the final developer for the site. Therefore, it made sense to adopt high-level/boilerplate urban design guidelines as an interim measure. These standards are no longer needed and, in fact, are contrary to tumwata village's vision of healing the site.
16. Amend Guideline 4 as proposed to ensure interpretive elements be included in all development proposals, *Guideline 4. Re-Use, Rehabilitate, ~~and~~ Restore <u>and Interpret</u> Buildings and*	Delete. Different context between 2015 plan and today, no longer necessary to have unique design guidelines and separate review process. Future projects will follow site plan and design		Staff agrees, Hoverer Vision 2.0 and the design palette attached as part of the application should be identified as background documents and not as DDP review criteria, as they are not set up for a clear and objective review process.

Existing Condition of Approval from CP 14-02	Action/Findings	Revised, Proposed Condition	City Comment
Structures Principles: *Key structures. Preservation or rehabilitation of key structures should be a priority in the design of new buildings and open space. Highest value is placed on the following structures: De-Ink Building, #4 Paper Machine, Mill O, Hawley Building, and the Woolen Mill Foundation. If any these key structures must be removed, the applicant must document the specific reason for doing so, and propose mitigation to compensate for the loss of site character.* *Other structures. Incorporate remnants, key features or other significant portions of existing structures into project design. The district's 150-year history as a mill site (flour, wool, paper) and a manufacturing center should be celebrated and recognized when new buildings and uses are established.* *Archaeology. Incorporate pre-colonial history of the site into new development where appropriate. Monitor archeology when disturbance of native soil is proposed.* *Interpretation. Weave interpretive elements throughout the site to provide multiple and diverse opportunities to learn and reflect on the site's history.*	review requirements in 17.65.060.B.3 and 17.62. Development will follow the framework plan, design and materials palette, and city design review requirements. See replacement of Condition 3.		

Existing Condition of Approval from CP 14-02	Action/Findings	Revised, Proposed Condition	City Comment
17. The applicant has proposed a Master Plan that includes a conceptual amount of open/public space in blocks 3 and 4. In order to ensure that the open/public space is implemented in conjunction with overall development and not left to a final phase, the applicant shall show construction of an open/public space area that is a minimum 40,000 square feet and consists of both active and passive uses with prominent views of the falls at the time of completion of the first 400,000 square feet of new habitable space. As part of the detailed development review for this open space, the applicant shall submit a long term maintenance and operation plan to ensure the open/public space can be maintained. This plan anticipates the use of both private and public contributions.	Edit. The amendment shows open/public space in both block 3 and block 4. The specificity of this condition is not based on any code requirement. A proposed reduction in the amount of open space required on a lower trigger is appropriate to the amount of development anticipated in the plan.	The applicant shall show construction of publicly accessible open space area that is a minimum 20,000 square feet at the time of completion of the first 200,000 square feet of new habitable space. Upon completion of site redevelopment, the applicant will achieve a minimum total of 40,000 square feet of open/public space which will consist of both active and passive uses with prominent views of *walamt* and/or *tumwata*. As part of the detailed development review for this open space, the applicant will develop a long term maintenance and operation plan to ensure the publicly-accessible open space can be maintained. This plan anticipates the use of both private and public contributions.	Land use documents should be agnostic to who is building the improvement, be it private development or public access. The condition has been revised to reflect this.
18. The applicant has proposed a Master Plan that includes the Riverwalk along the Willamette River. In order to ensure that the Riverwalk is provided, either independently or in conjunction with overall development and not left to a final phase, the applicant shall design and construct all or some roughly proportional portion of the Riverwalk no later than the time of completion of the first 300,000 square feet of new habitable space. As part of the detailed development review that includes design for the Riverwalk, the applicant shall submit a long term	Delete. This condition is not based on any code provision. The amended master plan provides a location for development of a publicly-funded Riverwalk. Numerous plan elements in the area enhance the river's edge and are in the public interest: habitat restoration, open space, and multi-use paths. See replacement Condition 3.	18. The applicant has proposed a Master Plan that includes the Riverwalk along the Willamette River. In order to ensure that the Riverwalk is provided, either independently or in conjunction with overall development and not left to a final phase, the applicant shall design and construct all or some roughly proportional portion of the Riverwalk no later than the time of completion of the first 300,000 square feet of new habitable space. As part of the detailed development review that includes design for the Riverwalk, the applicant	The applicant's suggested revised condition is a reasonable alternative.

Existing Condition of Approval from CP 14-02	Action/Findings	Revised, Proposed Condition	City Comment
maintenance and operation plan explaining how the Riverwalk will be maintained. This plan anticipates the use of both private and public contributions.		shall submit a long term maintenance and operation plan	
19. Main Street is a "collector" street and future development of this street will comply with the modified sidewalk standard for this Master Plan for minimum 16 foot sidewalks. This dimension could be reduced for a specific development application to accommodate a special condition such as to protect the façade of an existing historic building or support general adaptive reuse proposals of existing buildings.	Delete. Main Street is designated a local street on the city's TSP. A concurrent DDP application proposes full development from 99E to 3rd Street. The DDP application includes a modification to Chapter 16 street standards to accommodate a special condition.		Future street development will either comply with city standards in Chapter 16 , follow the amended private street standard proposed in this application, or seek a modification to accommodate a special condition. Staff concurs with this approach as conditioned
20. Oregon City and ODOT have agreed on three key transportation improvements along OR 99E with the goal of maintaining safety and improving accessibility of the site: a. Intelligent Transportation Systems designed to warn traffic approaching the tunnel of hazardous conditions ahead. b. Prohibiting left turns northbound from OR 99E to Main Street and modification of the right turn geometry from 99E to Railroad Avenue to allow space for turning traffic to slow and maneuver outside the travel lanes on a curve with limited sight distance.	Edit. Condition 20(a) has been completed and it is therefore recommended for removal. Proposed language updates the term "pork chop" with "channelized right turn lane".	Oregon City and ODOT have agreed on two key transportation improvements along OR 99E with the goal of maintaining safety and improving accessibility of the site: a. Prohibiting left turns northbound from OR 99E to Main Street and modification of the right turn geometry from 99E to Railroad Avenue to allow space for turning traffic to slow and maneuver outside the travel lanes on a curve with limited sight distance. Channelized right turn lane at the Water Avenue/OR 99E intersection to prevent unsafe movements and reinforce right-in, right-out access at that location.	Staff agrees that the existing condition should not be amended, except for any needed clarification, with this application as it is tied to an existing Intergovernmental Agreement (IGA) between the city of Oregon City and ODOT.

Existing Condition of Approval from CP 14-02	Action/Findings	Revised, Proposed Condition	City Comment
c. A pork-chop (or raised median) at the Water Avenue/OR 99E intersection to prevent unsafe movements and reinforce right-in, right-out access at that location.			
21. Oregon City will assure design and construction of the three projects as follows: a. A $1,940,000 project to replace the tunnel's illumination system in the 2017-18 timeframe is included in the draft ODOT STIP. ODOT will design and construct project "a" with this illumination project. Should the $1,940,000 available to ODOT be insufficient to fund both the illumination and ITS projects, Oregon City will contribute up to $500,000 to cost of the project, which will include up to $250,000 contribution by the applicant. b. Design of and right of way acquisition for Project "b" will be completed prior to opening of the Riverwalk or within two years of plan adoption (whichever comes first). The design and acquisition will be led by Oregon City in cooperation with ODOT. The applicant is responsible for	Edit. Condition 21(a) has been completed and it is therefore recommended for removal. A contribution in the amount of $250,000 was paid to the City to fulfill this requirement prior to the Tribe's ownership of the property. The language in Condition 21(b) is being updated to reflect that the Riverwalk has yet to be constructed and that work on Project "b" was started by the City, but final design and right-of-way acquisition was not completed. It should be noted that Project "b" will become Project "a." There was a noted scrivener's error proposed for correction in 21(c)(ii) and 21(c)(iii) where text was incorrectly split between the two items. Otherwise there are no proposed text updates to Project "c." It should be noted that Project "c" will become Project "b."	Oregon City will assure design and construction of the two projects as follows: a. Design of and right of way acquisition for Project "a" will be led by Oregon City in cooperation with ODOT. The applicant is responsible for construction of Project "a" which is required to be completed prior to trip generation to the site surpassing 140 peak hour trips. The purpose of this improvement is to safely accommodate the increasing number of motor vehicles slowing in the tunnel to turn right on Railroad Avenue and for the safety of pedestrians crossing Railroad Avenue. The right turn into Railroad Avenue is part of an indirect left turn movement required for OR 99E northbound motor vehicles accessing the Willamette Falls site. b. Project "b" will be constructed during the construction of Water Avenue/OR 99E intersection. Construction of Water Avenue/99E will be triggered when one of the following occurs: i. At the time of Riverwalk construction adjacent to Water	Staff agrees that the existing condition should not be amended, except for any needed clarification, with this application as it is tied to an existing Intergovernmental Agreement (IGA) between the city of Oregon City and ODOT.

Existing Condition of Approval from CP 14-02	Action/Findings	Revised, Proposed Condition	City Comment
construction of project b and is required to be completed prior to trip generation to the site surpassing 140 peak hour trips. The purpose of this improvement is to safely accommodate the increasing number of motor vehicles slowing in the tunnel to turn right on Railroad Avenue and for the safety of pedestrians crossing Railroad Avenue. The right turn into Railroad Avenue is part of an indirect left turn movement required for OR 99E northbound motor vehicles accessing the Willamette Falls site. c. Project "c" will be constructed during the construction of Water Avenue/OR 99E intersection. Construction of Water Avenue/99E will be triggered when one of the following occurs: i. At the time of Riverwalk construction adjacent to Water Avenue. ii. Any new construction or addition over 1,000 square feet on Block 1 of the Framework Master Plan Once development on the site has surpassed 140 peak hour trips.		Avenue. ii. Any new construction or addition over 1,000 square feet on Block 1 of the Framework Master Plan. Once development on the site has surpassed 140 peak hour trips.	

Existing Condition of Approval from CP 14-02	Action/Findings	Revised, Proposed Condition	City Comment
22. In addition, if Oregon City or ODOT determines as part of a detailed development plan review, that significant safety issues remain or will result from the proposal, the applicant shall contribute up to $60,000 (2014 dollars) for the cost of the safety audit. Safety measures identified as a result of an audit tied to review of a development proposal may be required to be implemented after the trip generated from the Willamette Falls area development exceeds 700 peak hour trips.	Non-substantive edits. The applicant acknowledges this condition of approval. Text edits are proposed to provide more clarity on the intent behind this condition of approval. "PAGE 4" was noted as a formatting error related to a footnote and should be removed. "Willamette Falls area" can be better defined for consistency using the designation "Willamette Falls Downtown District."	In addition, if Oregon City or ODOT determines as part of a detailed development plan review, that significant safety issues remain or will result from the proposal, the applicant shall contribute up to $60,000 (2014 dollars) for the cost of the safety audit. Safety measures identified as a result of an audit tied to review of a development proposal may be required to be implemented after the trip generated from the Willamette Falls area development exceeds 700 peak hour trips.	Staff agrees that the existing condition should not be amended, except for any needed clarification, with this application as it is tied to an existing Intergovernmental Agreement (IGA) between the city of Oregon City and ODOT.
23.The Master Plan approval requires ODOT concurrence for any phase of development of the Willamette Falls Master Plan area that would result in the total estimated peak hour trips generated from the Willamette Falls area to exceed 700. If at that time, traffic analysis establishes that additional safety measures are needed, the applicant will be required to include additional safety measures acceptable to ODOT. Or, other safety measures not associated with the proposed development may be provided with agreement from ODOT.	Non-substantive edits. The applicant acknowledges this condition of approval. "Willamette Falls area" can be better defined for consistency using the designation "Willamette Falls Downtown District."	The Master Plan approval requires ODOT concurrence for any phase of development of the Willamette Falls Downtown District that would result in the total estimated peak hour trips generated from the Willamette Falls Downtown District to exceed 700. If at that time traffic analysis establishes that additional safety measures are needed, the applicant will be required to include additional safety measures acceptable to ODOT. Or, other safety measures not associated with the proposed development may be provided with agreement from ODOT. The Applicant will estimate the number of trips at the time of each phase of master plan review and will notify ODOT and the City of the	Staff agrees that the existing condition should not be amended, except for any needed clarification, with this application as it is tied to an existing Intergovernmental Agreement (IGA) between the city of Oregon City and ODOT.

Existing Condition of Approval from CP 14-02	Action/Findings	Revised, Proposed Condition	City Comment
		proposed development and estimated trips 30 days prior to the land use application submittal of a Detailed Development plan. The Institute of Traffic Engineers Trip Generation Manual will be the source for trip generation estimates, unless ODOT and the City agree to an adjustment	
24.The Applicant will estimate the number of trips at the time of each phase of master plan review and will notify ODOT and the City of the proposed development and estimated trips 30 days prior to the first evidentiary hearing.	Delete, see Condition 23.		Staff agrees that the existing condition should not be amended, except for any needed clarification, with this application as it is tied to an existing Intergovernmental Agreement (IGA) between the city of Oregon City and ODOT.
25. The Institute of Traffic Engineers Trip Generation Manual will be the source for trip generation estimates unless ODOT and the City agree to an adjustment.	Delete, see Condition 23.		Staff agrees that the existing condition should not be amended, except for any needed clarification, with this application as it is tied to an existing Intergovernmental Agreement (IGA) between the city of Oregon City and ODOT.
26.For any development that creates over 20,000 square feet of new habitable space the applicant shall be required to submit a transportation demand management plan that addresses the existing conditions and proposes transportation demand programs that proportionally mitigate the impact of the proposed development to the site and abutting downtown	Edit. The City of Oregon City Transportation Demand Management (TDM) Plan adopted in November 2017, met this condition of approval. A new/replacement condition may reference the adopted TDM document as a source for future actions. Alternatively, this condition can be deleted.	Future Detailed Development Plans (DDP's) may use the TDM tools described in the approved 2017 Oregon City Transportation Demand Management Plan.	Staff Agerees- However, the Transportation Demand Management (TDM) plan provides both the city and private development with a list of tools and thresholds for pursuing them. Staff has revised the condition to use the word "encourage" instead of "may," as a successful TDM plan is a collaboration between private and public partners throughout the downtown area.
27.At the time of the Riverwalk Detailed Development Plan, the applicant shall	Delete. The City of Oregon City Transportation Demand		Staff agrees though the following will be added to the TDM condition: The

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be required to submit a transportation demand management and parking plan that addresses the existing conditions and proposes transportation demand programs that proportionally mitigate the impact of the Riverwalk to the site and abutting downtown.	Management (TDM) Plan adopted in November 2017, meets the criteria set for in this condition of approval. This condition of approval is met and should therefore be deleted.		success of public access onsite will be through the use of a combination of public and private TDM tools and projects, that fundamentally will reside outside of any specific Detailed Development Plan. The applicant, city, and downtown interests are encouraged to continue collaborating on a TDM approach to bringing visitors to and from the downtown area, including the subject site.
28.Within six (6) months from the date of the land use approval for CP 14-02 Master Plan, the applicant shall develop, finalize and submit to the City an interim water utility plan for the private onsite water system. The private system currently provides both domestic water service and fire flow protection to the entire site. This condition shall be satisfied prior of the submission of a detailed development plan. The interim water utility plan shall include: a. Detailed operational and maintenance plan for the private water system during the interim period. b. Water System Pipe Schematic showing the private system schematically that will be operation during the interim period, including from the City's metered connection to the ends of the operational pipe segments, primary isolation valves, fire hydrants, sprinkler systems and other	Delete. A utility plan has been submitted as Appendix C, this condition of approval is met and should therefore be deleted.		Staff concurs with this approach as conditioned

Existing Condition of Approval from CP 14-02	Action/Findings	Revised, Proposed Condition	City Comment
notable appurtenances. c. Collaboration with the City's Public Works Operations and Engineering staff regarding the interim operations and maintenance of the private water system. d. Collaboration with Clackamas Fire District #1's (CCFD#1) to determine the minimum fire flow requirements for the existing buildings onsite and how the private system will comply with the requirements. e. Concurrence from the City and CCFD#1 on the final interim water utility plan.			
29. The Master Plan includes a new pedestrian bridge connecting the Promenade over 99E to the site. The project is proposed to be included in the Oregon City TSP project list as part of this application. Currently, there are no development triggers for this project, which is assumed to be primarily a publicly supported project. However, future development applications will need to plan for its location. Completion of and payment towards the project may be used to meet transportation demand management requirements of the Master Plan.	Delete. The pedestrian bridge project connecting the Promenade to 99E has been added to the City's Transportation System Plan via the "Willamette Falls Legacy Project (CP 14- 02) amendment to the TSP."		Staff recommends retaining a portion of the condition and indicating that all future DDPs integrate any bridge planning location efforts into their plans, as the specific site landing location has yet to be finalized. .
30. By September 30, 2015, the applicant shall rectify the stormwater issue at the referenced manhole at Main St/3rd St intersection and separate the storm system from the sanitary sewer	Delete. This work was completed prior to the applicant's acquiring the property.		Staff Agrees

Existing Condition of Approval from CP 14-02	Action/Findings	Revised, Proposed Condition	City Comment
system. The CP 14-02, ZC 14-03, and PZ 14-01 PAGE 5 resolution shall include collaboration and coordination with ODOT to determine what improvements are necessary for the separation of systems, City and ODOT approval of the plan, and implementation. This condition shall be satisfied prior of the submission of a detailed development plan.			
31. Right of Way dedication shall be governed by the street and utility phasing plan which shall be submitted at the time of the first development application of more than 1,000 square feet of new habitable space. The Public Works Director may approve an alternate proposal of private streets governed by a full public access easement if the design and maintenance plan meets or exceeds the intent of the Master Plan.	Edit. No right of way dedication is anticipated.		Staff concurs with this approach as conditioned
32. A utilities/infrastructure phasing plan which shall be required at the time of the first development application of new habitable space over 1,000 square feet or approval of the Riverwalk. If the Riverwalk development application is the first submittal, the phasing plan for the Riverwalk shall be limited to the boundary of the Riverwalk project. The following submittal requirements shall be included in future development application unless amended or waived by the Planning Commission:	Delete. This condition was derived from a series of Oregon City technical memos prepared in 2014. A utilities/infrastructure plan is included with the master plan submittal. All the required utility/infrastructure information required as part of a DDP is still required without a condition re-stating those standards.		Staff agrees with this approach as conditioned. This previous condition is laid out to document future utility analyses needed for the site. This work has been completed by the city in the intervening years and the applicant. The only city infrastructure anticipated to remain within the private property is the water main extension needed to loop the city system that comes from the Promenade via a new pedestrian bridge. The storm system will be private.

Existing Condition of Approval from CP 14-02	Action/Findings	Revised, Proposed Condition	City Comment
a. Stormwater Management i. Compliance with City Standards including Public Works Utility Standards ii. New stormwater facilities that provide for collection and treatment prior to discharge. iii. Consideration of alternative treatment methods such as low impact development due to the nature of the site (bedrock at or near the existing ground surface). iv. Evaluation of existing stormwater system along frontage of site and determination of what improvements are needed to fix any deficiencies found. v. Phasing plan as applicable and meeting the needs for phased redevelopment of the site. *b. Sanitary Sewer* i. Compliance with City Standards including Public Works Utility Standards ii. Capacity evaluation of existing sanitary sewer collection system using City's approved hydrologic/hydraulic model due to the proposed wastewater flow contribution from the entire development, including consideration of the TDSD surcharged interceptor sewers predicted in the 2014 SSMP and potential need for backflow protection improvements due to negative impacts from TCSD surcharged systemiii. Phasing plan for abandonment, removal, and/or			No public sewer will be extended further into the private portion of the property.

Existing Condition of Approval from CP 14-02	Action/Findings	Revised, Proposed Condition	City Comment
replacement of existing sewer facilities, and new public sanitary sewer extensions with lateral services located within future public streets meeting separation standards from other utilities as applicable. *c. Water* i. Compliance with Clackamas Fire District #1's (CCFD#1) and Uniform Fire Code requirements for the site's maximum fire flow based on the overall site development plan and any other conditions of approval as applicable. ii. A looped system providing two sources of supply with consideration of one source being located at the southern end of the site about where the existing pedestrian bridge crosses over Hwy 99E and the railroad tracks. This existing bridge is planned to be replaced sometime in the future with a new pedestrian bridge and consideration should be made for making the new bridge dual purpose and incorporate public utility crossings such as a new water pipeline. iii. Evaluation of the existing water distribution system using City's approved hydraulic network model to determine what new water system improvements are needed to provide adequate service pressures during normal operating conditions, fire flows as required by CCFD#1, and PRV station			

Existing Condition of Approval from CP 14-02	Action/Findings	Revised, Proposed Condition	City Comment
operational parameters based on the redevelopment needs of the site. Note: The existing PRV operational parameters may not work for the proposed redevelopment and be required to change. iv. Evaluation to determine if the City's designated "Paper Mill" pressure zone can be rezoned and made part of the "Lower" pressure zone and whether the PRV station at 5th/Main St is needed with the overall redevelopment plan. v. Phasing plan for new water improvements, including consideration of when existing water facilities will be abandoned, removed and/or replaced, how fire protection will be provided to existing buildings that are remaining in place during that development phase, how the new system will operate during that development phase if there are old water facilities still needed to be operational, replacing and/or upgrading PRV stations, installation of new public water mains, fire hydrants and meteredservices located within future public streets meeting separation standards from other utilities as applicable vi. Consideration of completely abandoning the private system with the first phase development and what new water improvements are needed to			

Existing Condition of Approval from CP 14-02	Action/Findings	Revised, Proposed Condition	City Comment
accomplish this. *d. Streets* i. Compliance with City Standards including Public Works Utility Standards, unless further amended or waived by the Public Works Director. ii. Consideration of design exceptions and alternative streetscape elements if the site conditions (bedrock at or near the existing ground surface, existing buildings) do not allow for City Standards to be met or the proposed alternative can meet or exceed purpose of Master Plan and be acceptable to the Public Works Director. Phasing plan as applicable for phased redevelopment of the site			

NEW APPLICANT CONDITIONS Relevant Code Section	Findings/Action (full findings in application)	Proposed Condition	City Comment
Willamette River Greenway – to meet OCMC 17.48.100.B	The Open space as identified in the framework plan implements the WRG setback. The setback is context sensitive. The framework plan directs development away from river and ensures public access via the riverwalk and shared use path along the River. The amendment to the framework plan still has open space between river and private development. Restoration of riverbank is central to the intent of the Greenway. The framework plan shows restoration areas. On balance, commitment to restoration and public access meets purpose of Greenway and exceeds area that was approved in 2014 master plan.	Boundaries for both the compatibility area and the Greenway setback are shown on Map 07. New development within the Willamette River Greenway is presumed to meet the compatibility review standards of OCMC 17.48.100.B if a) development is located outside the Greenway Setback, or b) the development provides restoration and a shared-use path between the development and the river. Compatibility review requirements are pre-emptively satisfied when development is consistent with the approved framework plan, and no additional Type III review is required. Protection of the Greenway Setback and consistency with the framework plan under this condition will be confirmed through a future Type II detailed development plan review.	Staff concurs with this approach as conditioned
Minimum FAR – to meet OCMC 17.34.080	The site meets minimum FAR requirements of 1.0 across the whole site. A detailed methodology for how FAR is calculated is contained in Appendix H.	Minimum FAR of 1.0 (OCMC 17.34.080) is met for the developable areas on the site, based on a methodology provided in Appendix H. Proposed development will follow this long-term plan for future build out. Compliance will be verified as part of the DDP process.	Staff agrees and added a clarification that the FAR in the Mixed use Downtown Chapter, both have and FAR of 1.0

Minimum Site Frontage – OCMC 17.62.055.D	One of the guiding values of *tumwata village* is Healing, this value manifested in this district through increased access to the falls, environmental remediation, and integrating green/open space. The applicant envisions a green corridor running along main street leading out to the falls. To allow for an enhanced landscaped buffer along main street, the development site to the southeast of Main St. should be allowed a greater setback, as shown in the framework plan. The master plan areas do not have typical lot patterns or public streets, therefore, the applicant proposes to allow the "setback" to be measured from the enhanced landscaped buffer along Main Street.	To allow for a vegetated and landscaped corridor along Main Street, within Block 5, 6, 7 and 8, the front yard setback shall be measured from the edge of the enhanced buffer along Main Street, as shown on the framework plan. Increased setback allowances may still be applied per OCMC 17.62.055(D) in Detailed Development Plan applications.	Staff agrees and has added additional language to provide guidance in future documents. Private streets shall be designed and constructed to the standards required by the city, but those standards may be different than would apply to public streets. The street system, as proposed and conditioned in the Master Plan, can be considered street frontage for the purpose of siting standards in OCMC 17.62 Site Plan and Design Review. Building setbacks are to be taken from the back of the sidewalk (or curb if no sidewalk) along private streets. Small revisions to the street system can be approved through the DDP process if they substantially comply with the Master Plan.

Flood Management Overlay District – OCMC 17.42	A site-specific hydrologic analysis was completed by the applicant to determine the flood elevation of the site, which is based on the 1996 flood. This line is shown as a boundary on the map in Appendix I. Future development will be subject to site development standards based on this line and site elevation. Included in these standards is a balanced cut and fill requirement. Methodology for cut and fill calculations is described in the appendix and will be followed by future development.	All future DDP applications and building permits shall be regulated to the 1996 flood plain elevations established in Appendix I, "Grading and Flood Plain Methodology Memo," dated October 17, 2024. Balanced Cut/Fill as required by the Oregon City Code shall be calculated using the methodology outlined in this memo.	Staff concurs with this approach as conditioned Future DDP applications proposing construction within the Flood Management Overlay District shall conform with Chapter 17.42 of the Oregon City Municipal Code. A final balanced cut and fill determination or plan shall be completed at the conclusion of the master plan. Each DDP shall track the status of cut and fill within each phase of development and, if not balanced, show how cut and fill will be balanced. DDP conditions will be added, when applicable, to ensure that balance cut and fill will be achieved within the 20-year timeline of the Master Plan.
NEW CITY CONDITIONS			
Relevant Code Section	**Findings/Action (full findings in application)**	**Proposed Condition**	**Notes**

Revised Fencing Standards	The applicant proposes to address fencing types and materials more broadly by requesting the adoption of a fencing policy document as part of this master plan amendment, in addition to approving the modification of this development standard. The applicant has detailed the types of fencing and situations where the fencing would be used on the site in a policy document attached as Appendix F	All future development must reference and demonstrate compliance with the fencing standards outlined in Exhibit F of the applicant's submission. Items not covered in Exhibit F shall be consistent with the applicable municipal code unless modified through an amendment to the Master Plan or obtaining an individual Variance or Modification as permitted by the code.	
Street Names	Referring to street names as they may change - conditions are based on names as referenced in the framework plan. Street names may be amended or added over time but should have some cross reference to names in the adopted revised framework plan during future DDP submittal.	Reference to street names in any conditions are based on names as referenced in the submitted framework plan. Street names may be amended or added over time outside of the land use process and should be cross-referenced to names in the adopted revised framework plan.	

Interim parking	Staff has provided a condition of approval that allows the applicant to construct a conventional parking lot, supporting alternative landscape approaches and allowing for above-ground plantings, including trees, where applicable. The applicant has described the proposed areas as "temporary parking zones" necessary to support buildings and activities during the full buildout of the site. However, according to the city's general definition, the duration for which the parking lot will be in service may not necessarily be considered “temporary." Rather, the city views this proposal as a request to build a parking lot through the standard Type II Detailed Development Plan process, with an exception/waiver for below ground landscaping, as bringing in fill for planting does not seem practical	Parking areas in Blocks 5 & 6 are to be reviewed under OCMC 17.52 Off Street Parking and Loading Standards at the DDP level. Requirements for inground landscaping are waived for this block due to the existing lack of soil and plans for the future parking garage. Landscaping requirements may be met through a combination of above-ground planting, including trees through the alternative landscape plan process, as part of a future Type II DDP review.	

Additional vegetative setbacks on Main Steet per Revised Framework Plan		To allow for a vegetated and landscaped corridor along Main Street, within Block 5, 6, 7 and 8, the front yard setback shall be measured from the edge of the enhanced buffer along Main Street, as shown on the framework plan. Increased setback allowances may still be applied per OCMC 17.62.055(D) in Detailed Development Plan applications.	

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

January 16, 2025 ODOT # 13341

ODOT Formal Response

Project Name: Tumwata Village	**Applicant:** Confederated Tribes of the Grand Ronde Community of Oregon
Jurisdiction: City of Oregon City	**Jurisdiction Case #:** PA-24-00017
Site Address: 427 Main St	**State Highway:** OR 99E

The site of this proposed land use action is adjacent to OR 99E. ODOT has permitting authority for this facility and an interest in ensuring that this proposed land use is compatible with its safe and efficient operation.

These comments, standards, and requirements are current as of the date of this letter. If the project scope and/or timeline has been modified, the applicant should contact the ODOT Region 1 Development Review program (ODOT_R1_DevRev@odot.oregon.gov) for an updated letter as updated comments may be necessary.

LAND USE PROPOSAL

The proposed Master Plan Amendment creates a framework for future development of the site that reflects the values of the Confederated Tribes of the Grand Ronde Community of Oregon. The Master Plan documents the Detailed Development Plan for streets and infrastructure, however this application does not provide specific projects for each lot. At the time of development, each lot within the Master Plan will be subject to land use review. Future development can include a combination of open space, commercial, residential, and employment uses, with provisions for public access and enhancement of riparian resources.

COMMENTS/FINDINGS

Modification of Existing Condition #20

ODOT concurs with the proposed modifications to existing condition #20 with the proposed underlined edit:

> Oregon City and ODOT have agreed on two key transportation improvements along OR 99E with the goal of maintaining safety and improving accessibility of the site:

a. Prohibiting left turns northbound from OR 99E to Main Street and modification of the right turn geometry from 99E to Railroad Avenue to allow space for turning traffic to slow and maneuver outside the travel lanes on a curve with limited sight distance.

b. Channelized right turn lane or raised median at the Water Avenue/OR 99E intersection to prevent unsafe movements and reinforce right-in, right-out access at that location.

Modification of Existing Condition #21

ODOT concurs with the proposed modifications to existing condition #21 as stated below:

Oregon City will assure design and construction of the two projects as follows:

a. Design of and right of way acquisition for Project "a" will be led by Oregon City in cooperation with ODOT. The applicant is responsible for construction of Project "a" which is required to be completed prior to trip generation to the site surpassing 140 peak hour trips. The purpose of this improvement is to safely accommodate the increasing number of motor vehicles slowing in the tunnel to turn right on Railroad Avenue and for the safety of pedestrians crossing Railroad Avenue. The right turn into Railroad Avenue is part of an indirect left turn movement required for OR 99E northbound motor vehicles accessing the Willamette Falls site.

b. Project "b" will be constructed during the construction of Water Avenue/OR 99E intersection. Construction of Water Avenue/99E will be triggered when one of the following occurs:
    i. At the time of Riverwalk construction adjacent to Water Avenue.
    ii. Any new construction or addition over 1,000 square feet on Block 1 of the Framework Master Plan.
    iii. Once development on the site has surpassed 140 peak hour trips.

Modification of Existing Condition #22:

ODOT concurs with the proposed modifications to existing condition #22 with the proposed underlined edit:

> In addition, if Oregon City or ODOT determines as part of a future detailed development plan review, that significant safety issues remain or will result from the proposal, the applicant shall contribute up to $60,000 (2014 dollars) for the cost of the safety audit. Safety measures identified as a result of an audit tied to review of a development proposal may be required to be implemented after the trip generated from the Willamette Falls area development exceeds 700 peak hour trips.

Modification of Existing Condition #23, 24 and 25:

ODOT concurs with the proposed modifications to existing condition #23, 24 and 25 with the proposed underlined edit:

> The Master Plan approval requires ODOT concurrence for any phase of development of the Willamette Falls Downtown District that would result in the total estimated peak hour trips generated from the Willamette Falls Downtown District to exceed 700. If at that time traffic analysis establishes that additional safety measures are needed, the applicant will be required to include additional safety measures acceptable to ODOT. Or, other safety measures not associated with the proposed development may be provided with agreement from ODOT. The Applicant will estimate the number of trips at the time of each phase of master plan review and will notify ODOT and the City of the proposed development and estimated trips 30 days prior to the land use application submittal of a future Detailed Development plan. The latest Institute of Traffic Engineers Trip Generation Manual will be the source for trip generation estimates, unless ODOT and the City agree to an adjustment.

State Highway Improvements

We recommend the applicant be required to construct frontage, median, and intersection improvements as necessary to implement the City of Oregon City's planned cross section along the State highway consistent with ODOT Highway Design Manual, ODOT Traffic Manual, and Americans with Disabilities Act (ADA) standards. ODOT will continue to work with the Applicant to deliver improvements along OR 99E (McLoughlin Boulevard) in the Master Plan area.

Note: Right of way shall be donated to ODOT as necessary to accommodate the planned cross section on the ODOT owned facility.

Traffic Impacts

ODOT concurs with the conclusion of the Traffic Impact Analysis that the proposed Master Plan will generate less trips than the previously adopted Master Plan and falls under the previously established trip cap for the Master Plan site of 700 peak hour trips.

Vehicular Access to the State Highway

Looking at the proposed Schematic Street Plan, the proposed change of use of the existing access to Water Street will require an Application for State Highway Approach. ODOT understands that as part of this change, an existing access just north of the proposed Street will be removed and a traffic separator/raised median will be installed within OR 99E. This will restrict the proposed Water Street access to right-in, right-out only movement. ODOT assumes Water Street will be privately owned.

A State Highway Approach Road Permit **is required** by ODOT for access to the State highway.

ODOT Technical Review Requirements

All alterations within the State highway right of way are subject to ODOT standards. Alterations along the State highway but outside of the ODOT right of way may also be subject to ODOT review pending its potential impact on the safe operation of the State highway.

The following ODOT manuals may apply:

- ODOT Traffic Manual
- ODOT Highway Design Manual
- ODOT Hydraulics Design Manual

The ODOT Traffic Manual (TM) identifies items that require ODOT Region Traffic Engineer (RTE) approval. Items requiring RTE approval must be prepared by an Oregon-registered Professional Engineer (P.E.) and will be reviewed by the ODOT Region 1 Technical Center. See the TM for information on authorities and required approvals. Some approvals require a unique request form (Traffic Approval).

Deviations from ODOT Standards

Proposed alterations that deviate from ODOT standards will require a Design Exception/Deviation prepared by an Oregon-registered Professional Engineer (P.E.) for review by the ODOT Region 1 Technical Center. ODOT can only determine if design elements will require a Design Exception/Deviation or RTE approval once detailed plans have been reviewed.

Note: A Design Exception/Deviation or RTE approval items may take **6 months or longer to process**. The preparation of a Design Exception or RTE approval does not guarantee its ultimate approval.

ODOT RECOMMENDED CONDITIONS OF APPROVAL FOR LOCAL JURISDICTION

Edits to Current Conditions of Approval

☒ Condition 20:

Oregon City and ODOT have agreed on two key transportation improvements along OR 99E with the goal of maintaining safety and improving accessibility of the site:

a. Prohibiting left turns northbound from OR 99E to Main Street and modification of the right turn geometry from 99E to Railroad Avenue to allow space for turning traffic to slow and maneuver outside the travel lanes on a curve with limited sight distance.

b. Channelized right turn lane or raised median at the Water Avenue/OR 99E intersection to prevent unsafe movements and reinforce right-in, right-out access at that location.

Condition 22:

In addition, if Oregon City or ODOT determines as part of a future detailed development plan review, that significant safety issues remain or will result from the proposal, the applicant shall contribute up to $60,000 (2014 dollars) for the cost of the safety audit. Safety measures identified as a result of an audit tied to review of a development proposal may be required to be implemented after the trip generated from the Willamette Falls area development exceeds 700 peak hour trips.

Condition 23-25:

The Master Plan approval requires ODOT concurrence for any phase of development of the Willamette Falls Downtown District that would result in the total estimated peak hour trips generated from the Willamette Falls Downtown District to exceed 700. If at that time traffic analysis establishes that additional safety measures are needed, the applicant will be required to include additional safety measures acceptable to ODOT. Or, other safety measures not associated with the proposed development may be provided with agreement from ODOT. The Applicant will estimate the number of trips at the time of each phase of master plan review and will notify ODOT and the City of the proposed development and estimated trips 30 days prior to the land use application submittal of a future Detailed Development plan. The latest Institute of Traffic Engineers Trip Generation Manual will be the source for trip generation estimates, unless ODOT and the City agree to an adjustment.

State Highway Frontage Improvements

☒ Frontage, median, and intersection improvements shall be constructed as necessary to implement the planned cross section along the State highway consistent with current ODOT Highway Design Manual, ODOT Traffic Manual, and Americans with Disabilities Act (ADA) standards. The Applicant shall continue to work with ODOT on the design and construction of improvements on OR 99E (McLoughlin Boulevard) in the Master Plan area. The general roadway cross-section assumes 4-lanes with a raised median at Water Avenue, minimum 12-foot travel lane and a 5-foot clear zone. A 10-foot minimum clear pedestrian walkway is also assumed in the Master Plan area. Final design of improvements on 99E in the Master Plan area, including the conditioned improvements, shall be determined through the permitting process as the Applicant moves to construct. The Applicant may provide all conditioned improvements on OR 99E ahead of the triggered scenarios listed in condition #20 and #21. If the applicant does build all conditioned improvements ahead of the triggers identified in conditions #20 and #21, no additional frontage improvements will be required unless the Master Plan site exceeds the conditioned trip cap of 700 peak hour trips. If condition #22 is triggered, applicant will be required to provide funding for the safety audit. If condition #23 is triggered, the Applicant will be required to provide additional safety measures when the site reaches the conditioned trip cap of 700 peak hour trips.

Note: Ownership of public frontage improvements constructed by the development shall be consistent with jurisdictional boundaries.

☒ Right of way shall be donated or trade exchanged to ODOT as necessary to accommodate the planned cross section on the ODOT owned facility. The donation deed must be to the State of Oregon - Oregon Department of Transportation and shall be recorded with the County. The property owner must be the signatory for the deed and will be responsible for a certified environmental assessment of the site before the property is transferred to ODOT. The ODOT

District Contact will assist in coordinating the transfer. ODOT should verify with the local jurisdiction that this requirement has been fulfilled prior to final permitting.

Note: All public frontage improvements on State owned facilities must be within State owned right of way. Donation of additional property to ODOT may be necessary to construct required improvements.

Note: It may take **6 months or longer** to transfer property ownership to ODOT.

Vehicular Access to the State Highway

☒ An ODOT State Highway Approach Road Permit is required for State highway access with approval of an Application for State Highway Approach. With application submittal, design vehicle turning templates may need to be provided. Site access to the State highway is regulated by OAR 734-051. For application information go to:

https://www.oregon.gov/odot/engineering/pages/access-management.aspx.

Note: It may take up to **6 months or longer** to process an Application for State Highway Approach depending on the level of project complexity and plan review necessary. A general review timeline for Application for State Highway Approach is shown in the link below:

https://www.oregon.gov/odot/Engineering/Docs_AccessMngt/TimeLine.pdf

Permits and Agreements to Work in State Highway

☒ An ODOT Miscellaneous Permit must be obtained for all work in the State highway. When the total value of improvements within the State highway is estimated to be $100,000 or more, a Cooperative Improvement Agreement (CIA) with ODOT is required. A CIA will address the transfer of the improvements to ODOT and any associated technical and administrative costs for projects that meet this improvement threshold. Agreements shall address the work standards that must be followed, maintenance responsibilities, and compliance with ORS 276.071, which includes State of Oregon prevailing wage requirements.

Note: If a CIA is required, it may take **6 months or longer** to process.

☒ The applicant must obtain an ODOT Miscellaneous Permit to place trees in the State right of way. Tree placement must be consistent with the ODOT Highway Design Manual section 406.1.

If the proposed tree placement does not meet ODOT Highway Design Manual criteria, a Design Exception must be prepared by an Oregon-registered Professional Engineer (P.E.) for review by the Region 1 Technical Center. The preparation of a Design Exception request does not guarantee its ultimate approval.

Note: It may take **6 months or longer** to process a Design Exception.

☒ Illumination within the State right of way must be consistent with AASHTO illumination standards, ODOT Traffic Lighting Design Manual, and the ODOT Lighting Policy and Guidelines, which states that local jurisdictions must enter into an Intergovernmental Agreement (IGA) with ODOT wherein the local jurisdiction is responsible for installation, maintenance, operation, and energy costs. ODOT Region Traffic Engineer (RTE) approval will be required and is how the design will be documented to meet the above stated standards.

Note: It may take **6 months or longer** to process a RTE approval.

☒ An ODOT Miscellaneous Permit is required for new or modified connections to State highway drainage facilities. Connections will only be considered if the site's drainage naturally enters the

State highway drainage facility. The applicant must provide ODOT District with a preliminary drainage plan showing impacts to the State highway drainage facility.

A drainage study prepared by an Oregon-registered Professional Engineer (P.E.) is usually required by ODOT if:

1. Modification to site development or State highway facility trigger the need for treatment, detention and drainage modifications per both local and state standards; or
2. Total peak runoff entering the State highway drainage facility is more significant than 1.77 cubic feet per second; or
3. The improvements increase the impervious surface area to greater than 10,758 square feet.

Contact the ODOT Planning Manager identified below for further coordination or questions regarding ODOT comments and requirements during the land use process.

Please send a copy of the Notice of Decision/Staff Report with conditions of approval to: ODOT_R1_DevRev@odot.oregon.gov

Planning Manager: Neelam Dorman	Neelam.Dorman@odot.oregon.gov
Development Review Planner: Marah Danielson	Marah.b.danielson@odot.oregon.gov
Traffic Contact: Avi Tayar, P.E.	Abrahan.Tayar@odot.oregon.gov
District Contact: District 2B Permits	D2bup@odot.oregon.gov

Oregon
Tina Kotek, Governor

Parks and Recreation Department
Oregon Heritage Division
725 Summer St. NE, Suite C
Salem, OR 97301-1271
(503) 986-0690
www.oregonheritage.org

January 15, 2025

Christina Robertson-Gardiner
Oregon City Planning Department
695 Warner Parrot Road
Oregon City, Oregon 97045

Dear Christina,

Thank you for the opportunity to weigh in on the most recent survey and evaluation of the Tumwata Village/Blue Heron site in Oregon City. Although there is no current federal nexus or public ownership requiring compliance with either Section 106 of the National Historic Preservation Act or ORS 358.653, the City has asked the State Historic Preservation Office (SHPO) to offer its concurrence on the findings presented by Historical Research Associates (HRA) in 2022 to the property's owner, the Confederate Tribes of the Grand Ronde (CTGR).

While there have been several historic assessments of the Tumwata Village/Blue Heron site over the past 23 years, HRA's study is the first intensive-level survey conducted on the site. Since all assessments are made with the information at hand, it makes sense that findings may change as scholarship deepens and new information becomes available. This is the reason findings of potential eligibility have been toggling back and forth a bit over the years.

The HRA survey studied ten features at the Tumwata Village/Blue Heron site. I have listed them below with HRA's recommendations and my concurrence remarks.

1. Mill O – HRA recommends Not Eligible; **SHPO Concurs**.

2. Hawley Building – HRA recommends Not Eligible; **SHPO Does Not Concur.** The Hawley Building appears to retain a fair amount of integrity and remains the recognizable, iconic, and distinctive building that could represent the period of significance of the Hawley ownership, the primary period of the site's development as a paper mill complex.

3. Mill B/De-Ink Building – HRA recommends Not Eligible; **SHPO Concurs**.

4. No. 4 Paper Machine Building – HRA recommends Not Eligible; **SHPO Concurs**.

5. Woolen Mills Foundations – HRA recommends Eligible under Criteria C and D; **SHPO Concurs with the additions of Criterion A**.

6. Flour Mill Foundations/No. 2 Paper Machine Site – HRA recommends Eligible under Criterion D; **SHPO Concurs with the addition of Criterion A**. Also, the equipment remainders have high potential for on-site interpretation.

7. Mill C Digesters – HRA recommends Not Eligible; **SHPO Concurs, with the caveat that the digesters have potential for relocation and interpretation.**

8. Hortonsphere™ – HRA recommends Not Eligible; **SHPO Does Not Concur.** The Hortonsphere™ was the brainchild of Horace Ebenezer Horton, founder of the Chicago Bridge & Iron Company (later CBI) and his son George Horton, long-time president of CBI. It was first used in 1923 for the storage of high-pressure natural gas. Between 1923 and 1941, the spheres were made of riveted steel panels; after 1941 they were welded. They have been improved and modernized over the years and are still in use today all over the world. This particular Hortonsphere™ dates from 1941 or before, representing the first iteration of an invention that changed the face of the gas and oil refinery industry. Further research and a comparative analysis would illuminate the relative significance of this structure.

9. Mill G Boilers – HRA recommends Not Eligible; **SHPO Concurs.**

10. No. 1 Paper Machine – HRA recommends Not Eligible; **SHPO Concurs.**

Thank you again for the opportunity to comment on the HRA survey. We really appreciate the detailed analysis conducted by HRA and for the continued concern of the City and the CTGR to ensure that historic resources are balanced with the fresh vision for the Tumwata Village/Blue Heron site. To be clear, these opinions are informal and not related to any current state or federal permitting process. Hopefully they will add clarity to any future assessments that may be required under state law or federal regulation as the development of the site progresses over time. Please let me know if you have any questions about my comments. The SHPO is happy to assist in any way we can.

All best,



Christine Curran
Deputy State Historic Preservation Officer

Oregon
John A. Kitzhaber, MD, Governor

Parks and Recreation Department
State Historic Preservation Office
725 Summer St NE, Ste C
Salem, OR 97301-1266
(503) 986-0671
Fax (503) 986-0793
www.oregonheritage.org

September 20, 2012

Ms. Christina Robertson-Gardiner
City of Oregon City Planning
PO Box 3040
Oregon City, OR 97045-0304

RE: SHPO Case No. 12-0225
Blue Heron Mill Site
Updated Determination of Eligibility
Oregon City, Clackamas County

Dear Christina,

Thank you for submitting the updated survey data for the buildings at the former Blue Heron Paper Mill site at Willamette Falls in Oregon City. Our comments are detailed below:

Overall, it appears there is no eligible historic district at the site. While a district approach to eligibility would normally make the most sense for a property like this, it is difficult for the site to convey the historic paper-making processes because there have been so many additions and alterations over time to accommodate modern products and technologies. For this reason, we assessed each building and structure for individual eligibility, and based our concurrences on the information received by your office in February 2012.

All properties are located at 419 Main Street, Oregon City. National Register status codes are as follows:

Eligible/Significant = ES
Not Eligible/Non-Contributing = NC
Not Eligible/Out of Period = NP
Undetermined/Lack of Info = UN

- No. 4 Paper Machine Building - ES
- Mill "H" - NP
- Mill "D" Warehouse - ES
- Blue Heron Paper Office Building - UN
- Security/First Aid Building - NP
- Butler Building - NC
- No. 3 Paper Machine Building – ES

- Mill "O" – ES
- Carpentry Shop - ES
- Pipe Shop - NC
- Millwright Shop - NC
- Auto Shop - NC
- Woolen Mill Foundation - ES
- Water Filtration Plant - ES
- Mill "G" Boilers - ES
- No. 1 Paper Machine Building - ES
- Mill #1 Finishing Room - ES
- Mill "E" - NC
- Sulphite Plant - ES
- No. 4 Paper Machine Warehouse - ES
- Digesters - ES
- North Substation - NC
- South Substation - NC
- Mill "B " – ES
- De-ink ONP Repulper – NC
- Clarifier – NP
- Willamette Falls Dam – ES
- No. 2 Paper Machine Site – ES

Future investigations may reveal additional information about the properties listed above. If that happens we can always adjust the concurrences if necessary. For now, though, this is our assessment of the structures on the Blue Heron site, which matches up pretty well with your findings, with a few exceptions. Please give me a call if you have any questions or comments. Otherwise, I'm sure we will be in touch as we move toward a treatment plan or agreement document.

All best,

Chrissy Curran
Associate Deputy SHPO
(503) 986-0684
chrissy.curran@state.or.us

Christina Robertson-Gardiner

From: James Nicita <james.nicita@gmail.com>
Sent: Tuesday, January 14, 2025 2:33 PM
To: Denyse McGriff; Rocky Smith, Jr.; Adam Marl; Mike Mitchell; Scott Wilson
Cc: stacia.hernandez@grandronde.org; Tony Konkol; Aquilla Hurd-Ravich; Bill Kabeiseman; Carrie Richter; Oregon City Planning
Subject: Tumwata Village concept master plan amendment application is a legislative proceeding
Attachments: Ordinance 14-1016 adopting WFLP Master Plan.PDF; tumwata_village_public_notice.pdf

Categories: Pete, Christina

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:

Last week I received, as an adjacent property owner, the attached notice of a Planning Commission hearing set for January 27 regarding a request by the Confederated Tribes of Grand Ronde to amend the 2014 ordinance adopting the Willamette Falls Legacy Project concept master plan, also attached. I am cc'ing Stacia Hernandez of the CTGR as a courtesy.

I write to alert the City Commission that this notice is for a quasi-judicial Type III land use proceeding, which means that the City Commission will likely not hear it.

However, amending the 2014 ordinance adopting the Willamette Falls Legacy Project concept master plan is a legislative land use proceeding -- which the City Commission must hear -- for the reasons set forth below. I respectfully request that at Wednesday's regular Commission meeting, the Commission direct the city manager to withdraw the attached notice, and re-notice the request by the CTGR as a Type III or IV legislative hearing.

The very first words in the title of the ordinance are, in fact, "AN ***ORDINANCE*** ADOPTING A CONCEPT MASTER PLAN…" An ordinance is legislation. Any change requires an amendatory ordinance, which is legislation. Therefore it requires a legislative proceeding.

The Planning Commission has no authority to change an ordinance of the City Commission. In fact, the Planning Commission has no authority to change *any* decision of the City Commission; it can only recommend.

There are other factors. A quasi-judicial land use proceeding applies facts to established legal criteria to see if the proposal satisfies the criteria.

That is simply not what is going on here. The current request is to change the legal criteria itself. That is a legislative act, and only the City Commission is authorized to do that.

The ordinance prescribes that ten primary and secondary historic resources must go through a Type III land use review prior to alteration or demolition. See pdf pp. 108, items # 5, 6, and 8.

Those future Type III reviews would likely be quasi-judicial land use decisions. However, enacting an ordinance that prescribes the policy decision to impose the Type III review in the first place is a legislative decision that only the City Commission can make.

The current request is that these procedures and criteria for protection be deleted. That may be the right thing to do. However, only the City Commission has the authority to do so.

I might add too that these historic protections have absolutely nothing to to do with whether the structures are or are not listed in or eligible for listing under the National Historic Preservation Act, Statewide Planning Goal 5, or Oregon City's local historic district ordinance. I draw your attention to pdf p. 5:

With regard to the structures on the subject site, evidence was presented in the hearing that a number of the existing structures may qualify for inclusion on the inventory either through inclusion on the National Register of Historic Places or through local designation. In light of that potential, the master plan application proposes the retention and reuse of five existing resources and encourages the full or partial preservation of five additional resources. Conditions of approval are imposed that require that result. ***The applicant proposed preservation plan and the corresponding conditions are entirely separate and distinct from*** *the Goal 5 protections that come from inclusion within the City's inventory that is adopted as part of the City's Comprehensive Plan and regulated through the Historic District Overlay District program OCMC 17.40.050. (Emphasis added.)*

The protections in Items # 5, 6, and 8 are completely new, independent and original legislative criteria enacted by the City Commission by ordinance. Indeed, the criteria are so original and distinct that the ordinance created an entirely new review body, called the Design Evaluation Board, to assist in that review. See pdf p. 108, item #3.

The developer at the time fully consented to these legal protections, in a willing, voluntary, negotiated exchange, and in return for the extremely valuable legal entitlements and other benefits he was obtaining through enactment of the ordinance adopting the Willamette Falls Legacy Project concept master plan. The CTGR was fully aware, or should have been aware, of these provisions when it purchased the site from the previous owner.

Whether to remove the legal protections, procedures, and criteria in the current concept master plan is a policy and legislative decision that only the City Commission can make legally, and in fact, broader considerations are at issue that only the City Commission can address as part of comprehensive land use planning decision making.

Some of these considerations are brand new, for example:

-
-
- The recent creation of the tourism
- destination management organization, which could be tasked, for example, with working with the CTGR to preserve, or move somewhere else, high-value tourism resources like the Mill C digesters or the Mill G boilers – and in particular the Mill G Recovery Boiler
- which was so crucial to the saving of millions for salmon from mill pollution.
-
-
-
- The Urban Renewal Commission's adaptive
- reuse building rehabilitation program, which is on the agenda for tomorrow, January 15, if the URC boundaries were amended to include the Tumwata Village site.
-

Another consideration might be the revival of the Willamette Falls Legacy Project organization to bring additional expertise and resources to the preservation question.

Finally, this is one of the most consequential decisions ever to be made in Oregon City's history. It is too important to be made within quasi-judical alnd use hearing time constraints like the 180-day rule, or communication constraints like the bias ex parte contact rules.

In sum, for both legal and policy reasons, the request to amend the 2014 ordinance adopting the Willamette Falls Legacy Project concept master plan is a legislative proceeding, and should be re-noticed and conducted as such.

Thank you for your consideration of this matter.

James Nicita
Oregon City

OREGON CITY

Community Development – Planning

695 Warner Parrott Road | Oregon City OR 97045

Ph (503) 722-3789

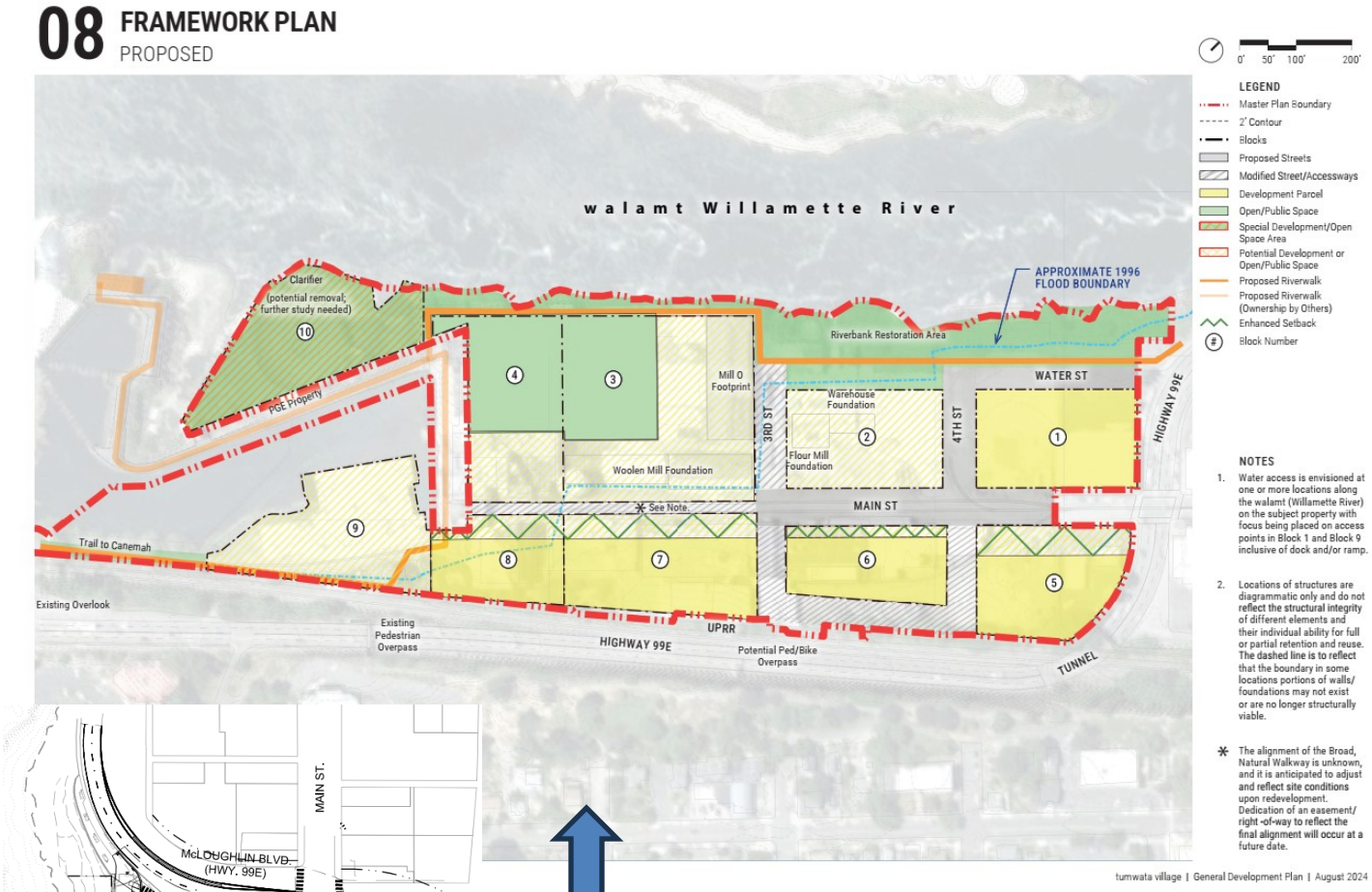
NOTICE OF PUBLIC HEARING – TYPE III LAND USE APPLICATION

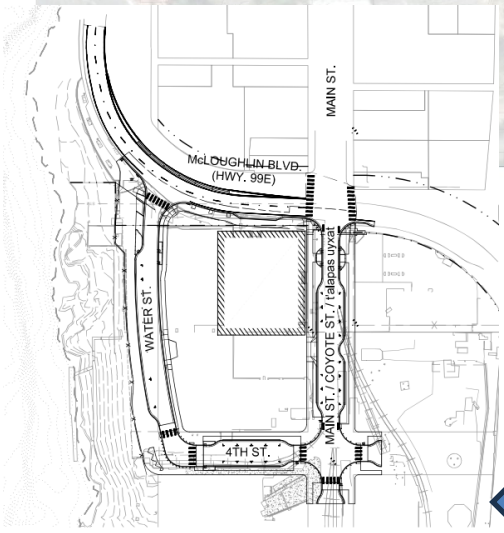
HEARING DATE/ COMMENT DEADLINE:	On **Monday, January 27, 2025, the City of Oregon City Planning Commission will conduct a public hearing at 7:00 p.m. in the Commission Chambers at the Robert Libke Public Safety Building, 1234 Linn Avenue, Oregon City 97045,** and virtually on the following Type III Application. Any interested party may testify at the public hearings or submit written testimony at or prior to the close of the Planning Commission hearing. Please contact **planning@orcity.org** to provide virtual testimony. The meeting may be viewed live at **www.youtube.com/user/CityofOregonCity**. To be included in the staff report, written comments must be received by the Planning Division by 4pm 2 weeks before the first scheduled hearing. Written comments received after that date will be provided to the Commission but may not be included in the staff report. The agenda and associated report will be posted at **www.orcity.org/meetings** one week prior to the meeting.
LOCATION:	419 Main Street, Oregon City, OR 97045 Clackamas County Map: 2-2E-31BD-00100, 200, 300, 500, 600, 390
PROPOSAL:	Proposed Master Plan Amendment to create a framework for future development of the site that reflects the values of the Confederated Tribes of the Grand Ronde Community of Oregon. Detailed Development Plan for streets and infrastructure. No specific building projects are proposed in this application. Future development can include a combination of open space, commercial, residential, and employment uses, with provisions for public access and enhancement of riparian resources.
OWNER:	Confederated Tribes of the Grand Ronde Community of Oregon c/o Stacia Hernandez 9615 Grand Ronde Road Grand Ronde OR 97317
APPLICANT:	Confederated Tribes of the Grand Ronde Community of Oregon Kristen Svicarovich, P.E., Community Development Manager 9615 Grand Ronde Road Grand Ronde OR 97317
REPRESENTATIVE:	Winterbrook Planning Ben Schonberger, AICP and Grace Coffey, AICP 610 SW Alder St, Portland, OR 97205
FILE NUMBERS:	**GLUA-24-00027: MAS-24-00002** (Master Plan Revision to CP 14-02) **MAS-24-00010, NROD-24-00030, GEO-24-00006,WRG-24-00001** (Detailed Development Plan to build street network)
PROJECT WEBPAGE:	**https://oregoncity.teammunicode.com/communitydevelopment/project/glua-24-00027-tumwata-village-master-plan-amendment-and-detailed**
STAFF CONTACT:	Christina Robertson-Gardiner, Senior Planner (503)496-1564, **crobertson@orcity.org**
NEIGHBORHOOD ASSOC. / CPOs:	Two Rivers — **Date of Meeting**: July 11, 2024
CRITERIA:	The Oregon City Municipal Codes are available in the "Quick Links" at **www.orcity.org**. The following Chapters of the Code apply to this proposal: *CHAPTER 12.04 STREETS, SIDEWALKS, AND PUBLIC PLACES, CHAPTER 12.08 - PUBLIC AND STREET TREE; CHAPTER 13.12 STORMWATER MANAGEMENT, CHAPTER 15.48 - GRADING, FILLING AND EXCAVATING, CHAPTER 16.12 MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT, CHAPTER 17.34 MUD MIXED USE DOWNTOWN DISTRICT, CHAPTER 17.35 WILLAMETTE FALLS DOWNTOWN DISTRICT, CHAPTER 17.41 TREE PROTECTION, PRESERVATION, REMOVAL AND REPLANTING STANDARDS, CHAPTER 17.42 - FLOOD MANAGEMENT OVERLAY DISTRICT, CHAPTER 17.44 - US—GEOLOGIC HAZARDS, Chapter 17.48 - WRG WILLAMETTE RIVER GREENWAY OVERLAY DISTRICT, CHAPTER 17.49 NATURAL RESOURCES OVERLAY DISTRICT, CHAPTER 17.50 ADMINISTRATION AND PROCEDURES, CHAPTER 17.52 OFF-STREET PARKING AND LOADING, CHAPTER 17.54 SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS, CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW, CHAPTER 17.65 MASTER PLANS AND PLANNED UNIT DEVELOPMENTS*

For helpful tips on submitting public comments, please visit the "How Do I...?" section of our website: **https://www.orcity.org/1101/How-Do-I** then click on "*How do I Make the Most Effective Comments on Development Applications?"* Thank you!

This application is subject to the Administration and Procedures section of the Oregon City Code set forth in Chapter 17.50. The application is available at the link provided above or can be viewed in person at the OC Planning Division, 695 Warner Parrott Road, 9am- 4pm Monday thru Thursday. The staff report, with all the applicable approval criteria, will also be available to view seven days prior to the hearing. Copies of these materials may be obtained for a reasonable cost in advance.

Any interested party may testify at the public hearing and/or submit written testimony at or prior to the close of the record by the Planning Commission or City Commission. Notice of the decision shall be sent to the applicant and to those persons submitting comments and providing a return address. Any issue that is intended to provide a basis for appeal must be raised before the close of the proceeding, in person or by letter, with sufficient specificity to afford the City and the parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity will preclude any review of that issue. Parties with standing may appeal the decision of the City Commission to the Land Use Board of Appeals. The procedures that govern the hearing will be posted at the hearing and are found in OCMC Chapter 17.50 and ORS 197.763. **A city-recognized neighborhood association requesting an appeal fee waiver pursuant to 17.50.290(C) must officially approve the request through a vote of its general membership or board at a duly announced meeting before filing an appeal.**





GLUA-24-00027: MAS-24-00002 (Master Plan Revision to CP 14-02) Proposed Master Plan Amendment to create a framework for future development of the site that reflects the values of the Confederated Tribes of the Grand Ronde Community of Oregon

MAS-24-00010, NROD-24-00030, GEO-24-00006, WRG-24-00001 Detailed Development Plan - Proposed Street Improvement. No specific building projects are proposed in this application.

TWO RIVERS NEIGHBORHOOD ASSOCIATION

Abernethy Chapel

1326 John Adams Street, Oregon City, OR

July 11, 2024

The meeting was called to order by Sam Drevo, Vice Chair at 6:10pm.

A presentation was present by Kristen Svicarovich, Tribal Planer and Ryan Webb, Project Manager from The Confederated Tribal of Grand Ronde regarding the Concept Plan for Tumwata Village. Discussion followed with a question-and-answer period.

A motion was made to endorse and support the Master Plan and Motion passed. M/S/P

Meeting was adjourned by Sam Drevo, Vice Chair, at 7:20pm.

Respectfully Submitted by,

Marjorie Hughes
Secretary
Two Rivers NA

Sign in sheet attached

ORDINANCE NO. 14-1016

AN ORDINANCE ADOPTING A CONCEPT MASTER PLAN, ADOPTING AMENDMENT TO ANCILLARY DOCUMENTS OF THE COMPREHENSIVE PLAN AND AMENDING OREGON CITY MUNICIPAL CODE CHAPTERS:

17.06.020 ZONING DISTRICT CLASSIFICATIONS, OFFICIAL ZONING MAP,
17.35 WILLAMETTE FALLS DOWNTOWN DISTRICT,
17.48.110 WILLAMETTE RIVER GREENWAY, PROHIBITED ACTIVITIES
17.52.020 OFF STREET PARKING AND LOADING, NUMBER OF AUTO SPACES REQUIRED,

AND AMENDING THE COMPREHENSIVE PLAN MAP BY CHANGING A PORTION OF THE PROPERTY IDENTIFIED AS CLACKAMAS COUNTY MAP 419 MAIN STREET, AND NO ADDRESS, IN OREGON CITY, OR 97045 2-2E-31BD-00300, 500, 600, 390 FROM GENERAL INDUSTRIAL ("GI") TO A NEWLY CREATED WILLAMETTE FALLS DOWNTOWN DISTRICT ("WFDD") AND AMENDING THE COMPREHENSIVE PLAN DESIGNATION FROM INDUSTRIAL ("I") TO MIXED USE DOWNTOWN ("MUD").

OREGON CITY PLANNING FILE
MASTER PLAN: CP 14-02, ZONE CHANGE AND TEXT AMENDMENT: ZC 14-03, COMPREHENSIVE PLAN MAP AMENDMENT AND AMENDMENTS TO ANCILLARY DOCUMENTS OF THE COMPREHENSIVE PLAN: PZ 14-01

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

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

WHEREAS, the subject properties are located at 419 Main Street, in Oregon City, OR 97045 2-2E-31BD-00300, 500, 600, 390 (referenced herein as the "Willamette Falls property" or "Blue Heron Paper Company site"); and

WHEREAS, notice of the proposed Master Plan, Zone Change and Comprehensive Plan and Map amendments were mailed to residents within 300 feet of the subject site, signs were posted on the property, notice was published in a local newspaper and the City held public hearings where the objectives and concepts of the proposal were presented and discussed; and

WHEREAS, on September 8, 15, and 22, the Planning Commission held public hearings and, after considering all the public testimony and reviewing all the evidence in the record, recommended approval with conditions to the City Commission by a 7-0 vote for the requested Master Plan, Zone Change, Text Amendments and Comprehensive Plan and Map Amendments; and

WHEREAS, the Comprehensive Plan requires that "a master plan is developed at the Blue Heron Paper Company site at such time as the property owner proposes a large-scale development, which addresses transitioning the overall site from industrial to non-industrial land uses;" and

WHEREAS, Oregon City wants to strengthen its downtown and provide for additional development and visitors to a newly designated open space along the Willamette River overlooking Willamette Falls and is concurrently approving a New Mixed Use Multi-Modal area ("MMA"), adopted through Ordinance No. 14-1015.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. For the reasons set out in the findings attached as Attachment A, the following Oregon City Municipal Code Sections are amended as depicted in Attachment B:

17.06.020 Zoning District Classifications, Official Zoning Map
17.35 Willamette Falls Downtown District
17.48.110 Willamette River Greenway, Prohibited Activities
17.52.020 Off Street Parking and Loading, Number of Auto Spaces Required

Section 2. Also for the reasons set out in the findings attached as Attachment A, the amendments to the Parks Mast Plan and the Transportation System Plan, ancillary documents to the Comprehensive Plan, as set forth in Attachment C, are hereby adopted.

Section 3. The zone change request from I- Industrial to WFDD Willamette Falls Downtown District (ZC 14-03), Comprehensive Plan Map Industrial to Mixed Use Downtown (PZ 14-01), and the request for approval of a Master Plan (CP 14-02) are hereby approved as proposed by the applicant for the properties located between Main Street south of Highway 99E, and identified as 419 Main Street, in Oregon City, OR 97045 2-2E-31BD-00300, 500, 600, 390

Section 4. The Commission adopts the findings and conclusions that are attached to the Ordinance as Attachment A, and incorporated herein to support the City's approval to amend the zoning map and text, Comprehensive Plan and map and approve the Mater Plan application.

Read for the first time at a regular meeting of the City Commission held on the 15th day of October 2014, the City Commission finally enacted the foregoing ordinance this 5th day of November 2014 and this ordinance will take effect 30 days after enactment.

DOUG NEELEY, Mayor

Attested to this 5th day of November 2014:

Nancy Ide, City Recorder

Approved as to legal sufficiency:

City Attorney

Attachment:

A. Findings of CP 14-02, PZ 14-01 and ZC 14-03.
B. Amendments to OCMC
C. Amendments to Comprehensive Plan ancillary documents

OREGON CITY

Community Development Department

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

M E M O R A N D U M

To: City Commission
From: Christina Robertson-Gardiner, AICP, Planner
Re: Master Plan: CP 14-02, Zone Change and Text Amendment: ZC 14-03, Comprehensive Plan Map Amendment and amendments to ancillary documents of the Comprehensive Plan: PZ 14-01, and creation of a Multi-modal Mixed Use Area (MMA)

Date: September 18, 2014

This memorandum provides a summary of the Planning Commission's additional findings from the Planning Commission "Issues Matrix" and response to public testimony to supplement the staff report and findings for the adoption of the Willamette Falls Legacy Project Master Plan and associated files.

Additional Findings

Staff prepared the Planning Commission Issues Matrix (Exhibit a) in order to summarize and respond accurately to specific concerns raised during the Planning Commission public hearings process. This "issue matrix" contains further findings and recommendations for adoption of the Land Use application to adequately address the outstanding concerns raised during the hearing process. The following findings have additionally been provided to tie back the Issues Matrix and public testimony to the applicable criteria and supplement the existing findings found in the staff report.

Infill Compatibility and Willamette River Greenway
OCMC 17.48.080 (D) (E)

In order to maintain flexibility and to ensure that unforeseen design solutions are not constrained by an arbitrary height limit, the Design Guidelines and Willamette River Greenway are proposed to be the limiting instrument to ensure that riverside redevelopment preserves views and does not create a canyon effect. The following Design Guidelines and Greenway code are applicable.

Design Guideline 1, which includes the following principle: "Views. Take advantage of views toward the river and falls. Step structures down to follow natural change in elevation from the basalt bluffs to water's edge."

Design Guideline 3, "Maintain Downtown Character," which acknowledges the unique industrial scale and history of the site, but also emphasizes a smooth transition in architecture and urban design between the existing downtown and the new district.

The Greenway review standards. 17.48.080(D) additionally directs development away from the river "to the greatest possible degree," in most cases, and 17.48.080(E) establishes a riparian setbacks that preserve "the natural scenic, historic, and recreational qualities" of the greenway. Compatibility review. Projects within 150 feet of the low water line must comply with a compatibility review that requires "maximum possible" landscaped area close to the river, and necessary public access to and along the river.

The Planning Commission also refined Design Guideline 3 to empathize the need to compare new construction to existing buildings heights in the district. This revision is intended not to require new construction be shorter than the highest adjacent building. Rather, existing building heights should be included as a factor in determining compatible infill designs. Design Guideline 3, "Maintain Downtown Character," which acknowledges the unique industrial scale and history of the site and existing building height but also emphasizes a smooth transition in architecture and urban design between the existing downtown and the new district.

Guideline 3. Maintain Downtown Character
Principles:
Continuity. The Willamette Falls District is an extension of the historic downtown. At the same time, the scale of buildings and industrial history of the district should create a different feeling. Buildings and open space areas should pay special attention to existing heights and the transition between the two downtown districts. New development should consider architectural patterns and materials existing in downtown, and also create a new sense of place

Parking

OCMC 17.65.050.A.1.h - Existing transportation analysis, baseline parking demand

While future development applications will be required to adhere to the city's development parking standards, the projections for Riverwalk visitor parking cannot be evaluated at this time with sufficient specificity to ensure that off site parking will not adversely affect Downtown. The Planning Commission included an additional condition that requires a parking plan and Transportation Demand Management Program be submitted at the time of detailed development plan of the Riverwalk . This condition will allow the applicant to respond to this concern at the time of development and be able to look at both traditional and non-traditional ways of ensuring that visitors to the site will not unduly burden any specific business or area.

Transportation

***MMA*- OAR 660-012-0060 & *OCMC* 17.65.050.B.1.h- Transportation Impact**

Additional trips expected to and from the Willamette Falls site would have a significant effect with regard to safety due to lengthened queues, lack of site distance, and poor road geometry. The proposed projects that

ODOT and Oregon City have agreed on allow for a finding for amendments to a comprehensive plan or land use regulation that there is no significant effect on the transportation system, or if there is a significant effect, to put in place measures that that ensure that uses allowed by the proposed amendments are consistent with the function, capacity, and performance standards of the facility.

The proposed MMA designation exempts application of performance standards related to motor vehicle traffic congestion (capacity), but does not exempt a proposed amendment from other transportation performance standards or policies, including safety for all modes and other considerations (OAR 660-0120060(10)). Additional trips expected to and from the Willamette Falls site would have a significant effect with regard to safety due to lengthened queues, lack of site distance, and poor road geometry. The proposed projects that ODOT and Oregon City have agreed on allow for a finding that the land uses allowed by the proposed amendments are consistent with the identified function and performance standards of the transportation facility.

Goal 5 – Historic and Aesthetic Resources

During the proceedings before the Planning Commission, testimony was presented that Goal 5 and the administrative rules implementing Goal 5 with regard to historic resources applied to the subject plan amendment, also known as post-acknowledgment plan amendment (PAPA). OAR 660-023-0250 specifies the circumstances that trigger Goal 5 review. In relevant part, an amendment affects a Goal 5 resource if the PAPA "creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource," or "allows new uses that could be conflicting uses with a particular significant Goal 5 resource site." OAR 660-023-0250(3).

<u>The Willamette Falls Legacy Property</u>

The existing Willamette Falls Legacy property does not currently contain any inventoried Goal 5 historic structures. The City's Goal 5 inventory list adopted in 1982 makes no reference to any structures or sites located on land south or west of Highway 99E. The PAPA does not propose amendment of the City's Goal 5 inventory to include additional historic resources at this time. With regard to the structures on the subject site, evidence was presented in the hearing that a number of the existing structures may qualify for inclusion on the inventory either through inclusion on the National Register of Historic Places or through local designation. In light of that potential, the master plan application proposes the retention and reuse of five existing resources and encourages the full or partial preservation of five additional resources. Conditions of approval are imposed that require that result. The applicant proposed preservation plan and the corresponding conditions are entirely separate and distinct from the Goal 5 protections that come from inclusion within the City's inventory that is adopted as part of the City's Comprehensive Plan and regulated through the Historic Overlay District program OCMC 17.40.050.

In *Urquhart v. Lane Council of Governments*, 80 Or App 176, 721 P2d 870 (1986), the Court of Appeals held that a local government with an acknowledged Goal 5 inventory is not required to update that inventory when adopting a PAPA that does not itself alter the acknowledged Goal 5 inventory. Where an existing acknowledged comprehensive plan Goal 5 inventory has become outdated due to a change in circumstances, the appropriate mechanism for addressing that change in circumstances is periodic review, rather than a PAPA that does not directly or indirectly affect the inventory. *See also Johnson v. Jefferson County*, 56 Or LUBA 25, 28, 2008.

Similarly, the specific rules governing historic resources, OAR 660-023-0200, do not require local governments "to amend acknowledged plans or land use regulations in order to provide new or amended inventories" and, instead, the local government may "choose" to do so. OAR 660-023-0200(2). The City has not amended its Goal 5 inventory as part of this approval at this time and additional analysis and information in the future may result in a decision to amend the inventory.
For these reasons, the PAPA does not affect any existing Goal 5 historic resources and therefore, Goal 5 does not apply.

Willamette Falls
The City's Goal 5 inventory list adopted in 1982 contained no reference Willamette Falls as a historic resource or as a scenic site. However, in the 1982 Comprehensive Plan, Willamette Falls was referenced as a Historical Landmark where it states:

> *The Falls are the most prominent City landmark, visible from many locations and detailed by a marker at Falls Vista on Highway 99E. Care should be taken to preserve views of the Falls, particularly in building construction, which could obstruct the view in certain locations.*

In 2004, the City adopted a new Comprehensive Plan. This new plan, presumably based on the same 1982 inventory list, identified Willamette Falls as a scenic rather than a historic resource. It provides:

> *Policy 5.2.1*
> *Identify and protect significant views of local and distant features such as Mt. Hood, the Cascade Mountains, the Clackamas River Valley, the Willamette River, Willamette Falls, the Tualatin Mountains, Newell Creek Canyon, and the skyline of the city of Portland, as viewed from within the city.*

With regard to the special Goal 5 rules governing Scenic Views, OAR 660-023-0230 imposes the Goal 5 review process on local government decisions only where the "amend acknowledged plans in order to provide or amend inventories of scenic resources." The proposed PAPA will not alter the City's existing Goal

5 inventory including the Willamette Falls as a scenic resource. Therefore, it is likely that Goal 5 does not apply.

However, as noted above, the more general Goal 5 provisions of OAR 660-023-0250(3) state that Goal 5 applies where the PAPA "allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list." Although Willamette Falls is not included on the City's acknowledged inventory list, its inclusion in the 2004 Comprehensive Plan suggests that the scenic view of Willamette Falls is a significant Goal 5 site. It is possible that the PAPA, creating the new Willamette Falls Downtown District plan designation and zone, including increases in building heights, could negatively impact views of Willamette Falls. Therefore, though the City does not believe that Goal 5 is implicated through this PAPA, adoption of the proposed PAPA and master plan will result in a program to achieve Goal 5 for Willamette Falls based on consideration of the economic social, environmental, and energy (ESEE) consequences resulting from this decision.

Currently, views into the site are limited from Highway 99E and views within the site are non-existent because there is no public access. Neighbors have views of the site from above, up on the bluff, and across 99E from the current southern terminus of Main Street. The site is currently occupied by industrial buildings and structures once needed for the paper-making process that was the core of the site's use for the last 100 years. Development at the industrial site was not subject to any design standards or guidelines. The natural resource that abuts the property—the Willamette River and its waterfall—is obscured from view by topography and buildings.

Adoption of the PAPA along with the general development plan will improve the appearance of the site by: establishing a framework to organize development in an orderly fashion, encouraging buildings and open space to be of high quality design, and opening up access and views of the river and the falls, which are the core of the property's visual experience. By improving the site appearance and providing public access for individuals to view the falls will provide economic and social opportunities that do not currently exist. A condition of approval requires the provision of a Riverwalk along the Willamette River that must be designed and constructed no later that the time of completion of the first 300,000 square feet of new development.

Although the new Willamette Falls Downtown District increases the building heights allowed on the Legacy property, the new rules for the development will make more direct interaction with the site possible, and give ordinary citizens visual access to the waterfall. Increasing the building heights to 80 feet will have no affect on the view of the falls currently enjoyed by residential homes located on the bluff. Further, the plan requires that development is consistent with design guidelines, which include:

Take advantage of views toward the river and falls. Step structures down to follow natural change in elevation from the basalt bluffs to water's edge. Open up views toward Canemah down Main Street, and toward river from future 3rd and 4th Streets and the Riverwalk.

The proposed plan for the Willamette Falls Downtown District extends the existing downtown further to the south. The new district is anticipated to have a similar mixed-use feel as downtown, but also have larger buildings and a wider range of uses that are reflective of the industrial and employment history of the area. The change in zoning will allow for a wide range of uses within the area that are typical of Oregon City's downtown, shopping, employment, culture and recreation, and also potentially light industrial uses. The plan creates a network of multi-use paths for pedestrian and bicycle traffic, and preserves and enhances the natural amenities of the site, which are largely related to the river. Most of all, the redevelopment and opening up of this district will preserve and enhance views of Willamette Falls and the Willamette River, by creating public access to the historic center of the region in a way that has not been possible for the last 100-plus years. Further protection for views of Willamette Falls is provided by an existing city Greenway standard requires that new development be directed away from the river "to the greatest possible degree" (OCMC 17.48.080.D).

With regard to energy consequences, Willamette Falls is no longer used as an energy source for industrial and commercial development, but the proposed plan does not interfere with or preclude future use of the falls for this purpose. PGE will retain its current ownership of the dam on the Oregon City side of the falls. It has the authority to use the dam to create and/or transmit hydro power in the future.
Based on the foregoing, to the extent that Goal 5 applies to Willamette Falls as a scenic resource, adoption of the PAPA and general development plan with conditions will provide greater protection to the scenic and aesthetic values provided by Willamette Falls.

Notwithstanding the above Goal 5 discussion, the Planning Commission identified a need to provide additional documentation for future site interpretation and revised the Conditions of Approval to require Intensive Level Surveys be competed for all structures listed as potentially eligible for the National Register prior to any demolition request or detailed development plan.

CONCLUSION AND RECOMMENDATION

Staff recommends the Planning Commission recommends that the City Commission approve Planning Files Master Plan: CP 14-02, Zone Change and Text Amendment: ZC 14-03, Comprehensive Plan Map Amendment and amendments to ancillary documents of the Comprehensive Plan: PZ 14-01, and creation of a Multi-modal Mixed Use Area (MMA) with these additional findings and the attached Revised Conditions of Approval.

EXHIBITS

a. Updated Planning Commission Matrix
b. Revised Conditions of Approval
c. Willamette Falls Downtown District Policies and Design Guidelines (Revised)
d. 17.35 Willamette Falls Downtown District (Revised)
e. Items entered into the record at the September 15, 2014 Planning Commission Meeting (onfile)
    I. Blue Heron Beginning: A Compendium of Research, submitted by James Nicita
    II. Public Comment Packet
    III. Revised Willamette Falls Downtown District (allowing food and beverage production)
    IV. Public Testimony
    V. September 15, 2014 Planning Commission Agenda and Exhibits
        i. Commission Report
        ii. Public Comments
        iii. WFLP Market Memo
        iv. Development Assumptions and Analysis Memo
        v. Planning Commission Issues Matrix for 9.15.14 hearing
        vi. Revised Conditions of Approval
        vii. SHPO Guidelines for Historic Resource Surveys 2011
        viii. Mill C,G and Carpentry Shop Assessment Forms
        ix. Willamette Falls Legacy Project- Historic Context Statement –SDB
        x. 17.35 Willamette Falls Downtown District with Interim Use
        xi. 17.52 Off Street Parking and Loading- Amended
        xii. Master Plan CP 14-02-Willamette Falls Comment Ltr ODOT
f. Items entered into the record at the September 8, 2014 Planning Commission Meeting (onfile)
    I. Public Comment Packet
    II. Public Testimony
    III. Applicant's Presentation
    IV. Staff Presentation
    V. September 15, 2014 Planning Commission Agenda and Exhibits
        i. Commission Report Sept 8
        ii. CP 14-02 Staff Report WFLP (September 2, 2014)
        iii. Vicinity Map
        iv. Land Use Application Form
        v. Master Plan Narrative
        vi. Maps and Drawings
        vii. App A - Transpo Report attachments
        viii. App A - Transpo Report with TSP Amendment
        ix. App B - Site Utilities memo
        x. App C - Hist Res Matrix

xi. App D - SHPO Eligibility Info
xii. App E - Enviro Assessment
xiii. App F - MMA Exhibits
xiv. App G- Public Engagement Summary
xv. Willamette Falls Legacy Archaeology Memo
xvi. Public Notice
xvii. 17.48 Amendment to Willamette River Greenway
xviii. 17.35 Proposed Willamette Falls Downtown District
xix. Willamette Falls Downtown District Policies and Design Guidelines(amended by staff)
xx. TSP Project Amendment
xxi. Trails Master Plan-Parks Master Plan Amendment
xxii. Public Comment Summary 9-2-2014
xxiii. Public Comments Combined 9-2-2014
xxiv. Memo from City Attorney re Review Process
xxv. Memo from Oregon City Public Works – Engineering
xxvi. Replinger & Associates Transportation Letter
xxvii. ORS Fact Sheet - Protection of Publicly Owned Properties
xxviii. Citizen Guide to sec 106
xxix. Rediscover the Falls video link
xxx. Vision Report link
xxxi. Site Stabilization and Building Assessment Report link

Planning Commission Issues for September 22, 2014 Hearing

Master Plan: CP 14-02, Zone Change and Text Amendment: ZC 14-03, Comprehensive Plan Map Amendment
and amendments to ancillary documents of the Comprehensive Plan: PZ 14-01, and creation of a Multi-modal Mixed Use Area (MMA)

Issue	Description	Specific Concerns	How Concern Is Currently Addressed Or Can Be Conditionally Addressed	Recommended Action
1.	Parking	• Where are visitors to the Riverwalk going to park? • How can we ensure that they will not overrun downtown and abutting neighborhoods • Where will the tour buses park? • Generally unease of leaving parking ratios and parking plan to the detailed development plan stage • What happens if the Riverwalk and development are so successful that it fundamentally and negatively alters downtown?	These concerns are very understandable and there is often a want to prescribe a condition to ensure that the worst case scenario cannot happen. This Framework Plan was setup to ensure that the Planning Commission would be able to look at these issues again as projects move to the development stage where specific logistics and design solutions can be further analyzed. A broad unease regarding the logistics of Riverwalk visitors seemed to be a major theme at the September 8, 2015 Hearing. Staff has recommended that Condition of Approval #24 be revised to require a Parking and Transportation Management Plan (TGM) be required as part of the Riverwalk Detailed Development Plan A parking plan and Transportation Demand Management Program will look at traditional and non-traditional ways of ensuring that visitors to the site will not unduly burden any specific business or area.	Revise Condition of Approval #24 to require a Parking and Transportation Management Plan (TGM) to be required as part of the Riverwalk Detailed Development Plan
2.	Historic Resources	• Role of basin and steamship use should be better woven into site's history • Not enough information on the buildings in the existing reconnaissance inventory. Need additional information on buildings before any building is demolished • Obtaining National Register status of the buildings is important for tourism. • Need better understanding of the process that identified the buildings and structures for retention. • Specifically need better understanding why Mill C, Mill G and Pullery building/carpentry shop was not included in buildings identified for regulatory retention.	The role of the steamships and the river basin to the site has been part of the site analysis and is mentioned in the context statement for the site, which staff is attaching to the record. Staff has also revised the conditions of approval to require an Intensive Level Survey for all buildings eligible for listing on the National Register before request for demolition or detailed development plan. All other structures older than 50 years old will require updated photos for the existing Reconnaissance level survey. While the Master Plan is not requiring local historic designation for the buildings identified for retention, and the city recognizes Oregon's local consent legislation. Structures deemed eligible should be considered for designation as part of detailed development review. George Kramer, Kramer and Company, A preservation consultant with a long history of work on this site, will provide an explanation of the historic resource analysis in 2012 (Site Stabilization Report) and through the 2013-214	Revise Condition of Approval #9 to require prior to the demolition of any structures identified as potential eligible for listing on the National Register, the applicant, shall submit an Intensive Level Survey following the guidelines set forth by the Oregon State Historic Preservation Office. Prior to the demolition of structures not identified as eligible for listing on the National Register or not 50 years old, the applicant shall submit a reconnaissance level survey which shall include at a minimum, photos of all interior floors/rooms and exterior context photos. Add an additional condition for Detailed Development Plans involving structures identified for retention: Any Detailed Development Plan that includes structures or secondary elements identified for retention or partial reuse shall submit an Intensive Level Survey of these elements as part of the Detailed Development Plan completeness review. Finally a condition should be added to reflect the Planning Commission's desire to see buildings retained for reuse be local and Nationally designated:

			Visioning and Master Plan process. The large site stabilization report was entered in to the record on September 8, 2014 hearing. Staff has attached the assessment forms for Mill C, Mill G and the Carpentry/Pulley building for easy reference. Mill C, also known as the Sulphite Plant was mostly rebuilt built in the mid-1950s and was analyzed as part of the site stabilization report for ability to reuse was not selected to be studied further based on the condition of the steel structure and the lack of adaptive reuse opportunities. Mill G –as known as the Boiler plant was built in 1949 and was analyzed as part of the site stabilization report for ability to reuse. It was not selected to be studied further based on the condition of the steel structure and the lack of adaptive reuse opportunities. The Pullery building- as known as the Carpentry Shop – was built as early as 1905 and was not deemed eligible for listing on the National Registers due to the extensive alterations and full removal of the exterior siding and encased in metal siding. While not specifically identified in the assessment report, there is also significant water intrusion on the second floor which is accessed from Mill O.	While the Master Plan is not requiring local historic designation for the buildings identified for retention, and the city recognizes Oregon's local consent legislation. Structures deemed eligible should be considered for designation as part of detailed development review.
1.	Stepping Down Height Closer To The River	• Concern over larger buildings creating a canyon feeling on Main Street. • Specifically concerned with Blocks 1 &2 • Not enough comfort that design guidelines can give Planning Commission ability to reduce heights	In order to maintain flexibility and to ensure that unforeseen design solutions are not constrained by an arbitrary height limit, the Design Guidelines and Willamette River Greenway are proposed to be the limiting instrument to ensure that riverside redevelopment preserves views and does not create a canyon effect. Design Guideline 1, which includes the following principle: "Views. Take advantage of views toward the river and falls. Step structures down to follow natural change in elevation from the basalt bluffs to water's edge." Design Guideline 3, "Maintain Downtown Character," which acknowledges the unique industrial scale and	Revised Guideline 3 to include the analysis of existing building height in new development. Carrie Richter, Assistant City Attorney believes this provides future Planning Commissions the ability to redirect large building away from the water side of the development if they are not compatible with the Mater Plan. Design Guideline 3, "Maintain Downtown Character," which acknowledges the unique industrial scale and history of the site and existing building height but also emphasizes a smooth transition in architecture and urban design between the existing downtown and the new district.

			history of the site, but also emphasizes a smooth transition in architecture and urban design between the existing downtown and the new district. Greenway review standards. 17.48.080(D) directs development away from the river "to the greatest possible degree," in most cases, and 17.48.080(E) establishes a riparian setbacks that preserve "the natural scenic, historic, and recreational qualities" of the greenway. Compatibility review. Projects within 150 feet of the low water line must comply with a compatibility review that requires "maximum possible" landscaped area close to the river, and necessary public access to and along the river.	
2.	Rail Spur Large industrial use	• Can it still be used if a new tenant wants to use it? • What if a large industrial user wants to come to the site and is above 60,000 square feet? • Can interim warehousing be allowed? • <u>Is food and beverage production or a food innovation center an allowed use?</u>	The Framework Plan allows the reuse of the spur line.	Outdoor storage or warehousing not accessory to a use allowed in in the zone has been added to the interim use section of the district. Industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials, that exceed 60,000 square feet has been added as a conditional use; <u>While always considered a light industrial use, food and beverage production was specifically identified as a permitted use in the Willamette Falls Downtown District</u>
3.	Transportation Modeling	• What type of transportation modeling occurred with this plan and how did the application coordinate with ODOT?	Since the ultimate build-out of the Willamette Falls Legacy Project site is currently unknown, a high and low land use scenario was developed to identify minimum and maximum development potential of the site. The high land use scenario consisted of about 240 housing units and over 1,600 employees, while the low land use scenario included about 215 households and over 1,200 employees. Taking a conservative approach, the transportation impacts of redeveloping the Willamette Falls Legacy Project site were based on the high land use scenario to represent the reasonable worst case. Overall, the Willamette Falls Legacy Project site is expected to generate about 700 motor vehicle trips	None at this time

			during the p.m. peak hour, or 560 more than what was assumed in the 2013 TSP.	
4.	Multimodal Access	• Tri-Met coordination for service • Bike parking • Site circulation • Was Bus/truck maneuvering taken into account? • Why is the turnaround not depicted in the Framework Master Plan?	Walker Macy coordinated with Tri-Met to ensure that site circulation could support expanded bus service to the site at the time of detailed development. Both Walker May and DKS reviewed the site circulation to ensure that truck traffic and buses could be accommodated during detailed development. The Master Plan does not identify a specific traffic circle design for the end of Main Street. This will be further refined as detailed development plans move forward. Bike parking is required as part of detailed development. It is also envisioned that the Riverwalk will utilized public bike parking throughout the Riverwalk experience.	None at this time
5.	Financing and phasing the project improvements	• What kind of tax abatements or tax credits can the applicant use? • Will this be in an Urban Renewal District • Who is paying for the infrastructure the city or the applicant?	As a land use document, the Framework Master Plan does not detail the financial contributions or individual pro formas of the development proposal. The city is currently pursuing an RFP to hire a development consultant to help the city and the applicant form a better understand of the phasing and funding strategy needed ensure full implementation of the project. This is in addition to the Riverwalk funding strategy currently being led by Metro.	None at this time
6.	Flood Plain	• Can we make sure to show that parking is allowed in the flood plain on the riverside. It is not depicted in the parking options visual.	Parking garages can be built in the flood plain if they meet applicable standards. The complexity of the riverside parcels and the city's balance cut and fill requirement drove the consultant to not specifically call out that option in a diagram. However, it is absolutely allowed.	None at this time
7.	Response To ODOT Letter Dated September 8, 2014	• Recommended Revisions to Conditions of Approval # 20 & 21 • Findings for OAR 660-012-0060 (1) (2)&(10)	The applicant and staff have provided findings for OAR 660-012- (1) (2)&(10) into the staff report. However, staff is happy to add the additional language as requested by ODOT into the final findings.	ODOT requested revisions have been incorporated into the revised conditions of approval. The following findings will be also added to the record: Additional trips expected to and from the Willamette Falls site would have a significant effect with regard to safety due to lengthened queues, lack of site distance, and poor road geometry. The proposed projects that ODOT and Oregon City have agreed on allow for a finding for amendments to a comprehensive plan or land use regulation that there is no significant effect on the transportation system, or if there is a

				significant effect, to put in place measures that that ensure that uses allowed by the proposed amendments are consistent with the function, capacity, and performance standards of the facility. The proposed MMA designation exempts application of performance standards related to motor vehicle traffic congestion (capacity), but does not exempt a proposed amendment from other transportation performance standards or policies, including safety for all modes and other considerations (OAR 660-0120060(10)). Additional trips expected to and from the Willamette Falls site would have a significant effect with regard to safety due to lengthened queues, lack of site distance, and poor road geometry. The proposed projects that ODOT and Oregon City have agreed on allow for a finding that the land uses allowed by the proposed amendments are consistent with the identified function and performance standards of the transportation facility.
8.	Revisions Identified By Staff At Beginning Of 9.8.14 PC Hearing	• Change in use for parking • Remove condition of approval #16- allow vesting of 2014 code • Warehousing allowed in conjunction with permitted use	These Items were announced at the September 8, 2015 Hearing	These revisions have been incorporated in the revised Conditions of Approval and code amendments.
9.	Interim Uses in the Willamette Falls Downtown District.	• Interim uses such as warehousing and filming has been added to the WFDD to provide an avenue for uses that may be appropriate for the early phases of site redevelopment but are not compatible with long term implementation. These uses are allowed through a Type II process for up to three one year approvals.	The applicant has been working with on this issue with staff and the city attorney and is ready to submit the revisions into the record. Staff supports this approach to allow interim uses in the early phases of redevelopment that may not necessarily be appropriate at full development.	The Interim use section has been added to the Willamette Falls Downtown District.
10.	Live work units	• Concern if live work and work live units can both be allowed onsite.		Revised WFDD to allow Live work units, including an individual residential unit in association with a permitted use.

Revised for September 15, 2014 Hearing

Recommended Conditions of Approval

CP 14-02, ZC 14-03, and PZ 14-01

1. Unless further amended and extended by the Planning Commission, this Master Plan shall control development on the site for 20 years from the date of initial adoption.
2. Unless further amended in a refined Master Plan, detailed development plans within the Willamette Falls Downtown District ~~will~~ shall be processed as a Type III Land Use Review that is heard before the Oregon City Planning Commission. However, projects that meet Minor Site Plan and Design Review thresholds (OCMC 17.62.035) shall be processed as a Type II review. These projects will still be subject to the standards and conditions of the general development plan approval.
3. For all projects requiring for Type III review, the ability to comply with district design guidelines ~~will~~ shall be assessed by a Design Evaluation Board, a special city-assigned body that will provide broader feedback into the process. The Design Evaluation Board will make its recommendation to the Planning Commission through city staff. This condition may also be met through the addition of adhoc Planning Commission members that can demonstrate specialized Urban Design backgrounds to provide additional expertise to the Planning Commission.
4. As the site is located within the newly created Mixed Use Multi-Model area, all future development will be reviewed for impacts to safety in this area and not be subject review of the development on the capacity of the system.
5. The following are listed in the Master Plan as Structures Identified for Retention and Reuse.
    a. Mill O
    b. Hawley Building
    c. DeInk/Mill B
    d. No. 4 Paper Machine
    e. Woolen Mill Foundations
6. The following are listed in the Master Plan as Secondary Elements Identified For Full or Partial Retention.
    a. Oregon City Flour Mill Foundation
    b. Digesters
    c. Horton Sphere
    d. Boilers
    e. No.1 Paper Machine
7. Removal of structures or elements not identified for retention will be processed as a Type I Land Use action provided all applicable conditions of approval from the master plan have been met.
8. Substantial alterations or request for demolitions either to Structures Identified for Retention and Reuse or Secondary Elements Identified for Full or Partial Retention shall be processed as a Type III Land Use action.
9. Prior to the demolition of any structures identified as potential eligible for listing on the National Register, the applicant, shall submit an Intensive Level Survey following the guidelines set forth by the Oregon State Historic Preservation Office. Prior to the demolition of structures not identified as eligible for listing on the National Register or not 50 years old, the applicant shall submit a reconnaissance level survey which shall include at a minimum, photos of all interior floors/rooms and exterior context photos.

10. Any Detailed Development Plan that includes structures or secondary elements identified for retention or partial reuse shall submit an Intensive Level Survey of these elements as part of the Detailed Development Plan completeness review.

11. While the Master Plan is not requiring local historic designation for buildings identified for retention, and the city recognizes Oregon's local consent legislation. Structures deemed eligible should be considered for designation as part of detailed development review.

~~9.~~12. ~~Prior to the demolition of any structures identified as potential eligible for listing on the National Register, the applicant, shall submit site plans and documentation photos of the interior and exterior of the buildings that adhere to the Section 106 documentation process~~.

~~10.~~13. If the applicant is proposing site cleanup, demolition, or new construction that will include the disturbance of native soils, or has a high likelihood of containing archeological evidence, as confirmed by the State Historic Preservation Office, the applicant shall submit and adhere to an inadvertent discovery plan that, depending on the proposed action, and as recommended by SHPO, could include archeological monitoring during times of site disturbance.

~~11.~~14. The applicant shall obtain an Oregon City Erosion Control Permit, if applicable, for all site clean-up, demolition or interim parking uses and verify that the proposed work is consistent or can be made consistent with the DEQ interim stormwater plan.

15. Tennant improvements of existing habitable space is allowed and does not require any further land use review unless the applicant proposes exterior alterations that trigger a Type II or Type III detailed development plan.

16. Amend Guideline to read: Design Guideline 3, "Maintain Downtown Character," which acknowledges the unique industrial scale and history of the site and existing building height, but also emphasizes a smooth transition in architecture and urban design between the existing downtown and the new district.

~~12.~~

~~13.~~17. Amend ~~Policy~~ Guideline 4 as proposed to ensure interpretive elements be included in all development proposals,

Guideline 4. Re-Use, Rehabilitate, ~~and~~ Restore and Interpret Buildings and Structures
Principles:
Key structures. Preservation or rehabilitation of key structures should be a priority in the design of new buildings and open space. Highest value is placed on the following structures: De-Ink Building, #4 Paper Machine, Mill O, Hawley Building, and the Woolen Mill Foundation. If any these key structures must be removed, the applicant must document the specific reason for doing so, and propose mitigation to compensate for the loss of site character.

Other structures. Incorporate remnants, key features or other significant portions of existing structures into project design. The district's 150-year history as a mill site (flour, wool, paper) and a manufacturing center should be celebrated and recognized when new buildings and uses are established.

Archaeology. Incorporate pre-colonial history of the site into new development where appropriate. Monitor archeology when disturbance of native soil is proposed.

Interpretation. Weave interpretive elements throughout the site to provide multiple and diverse opportunities to learn and reflect on the site's history.

~~14.~~18. The applicant has proposed a Master Plan that includes a conceptual amount of open/public space in blocks 3 and 4. In order to ensure that the open/public space is implemented in conjunction with overall development and not left to a final phase, the applicant shall show construction of an

open/public space area that is a minimum 40,000 square feet and consists of both active and passive uses with prominent views of the falls at the time of completion of the first 400,000 square feet of new habitable space. As part of the detailed development review for this open space, the applicant shall submit a long term maintenance and operation plan to ensure the open/public space can be maintained. This plan anticipates the use of both private and public contributions.

~~15.~~19. The applicant has proposed a Master Plan that includes the Riverwalk along the Willamette River. In order to ensure that the Riverwalk is provided, either independently or in conjunction with overall development and not left to a final phase, the applicant shall design and construct all or some roughly proportional portion of the Riverwalk no later than the time of completion of the first 300,000 square feet of new habitable space. As part of the detailed development review that includes design for the Riverwalk, the applicant shall submit a long term maintenance and operation plan explaining how the Riverwalk will be maintained. This plan anticipates the use of both private and public contributions.

~~16. The applicant has requested, for ease of long term implementation, to follow the development code in affect at the time of each development application.~~

~~17.~~20. Main Street is a "collector" street and future development of this street will comply with the modified sidewalk standard for this Master Plan for minimum 16 foot sidewalks. This dimension could be reduced for a specific development application to accommodate a special condition such as to protect the façade of an existing historic building or support general adaptive reuse proposals of existing buildings.

~~18.~~21. Oregon City and ODOT have agreed on three key transportation improvements along OR 99E with the goal of maintaining safety and improving accessibility of the site:

a. Intelligent Transportation Systems designed to warn traffic approaching the tunnel of hazardous conditions ahead.

b. Prohibiting left turns northbound from OR 99E to Main Street and modification of the right turn geometry from 99E to Railroad Avenue to allow space for turning traffic to slow and maneuver outside the travel lanes on a curve with limited sight distance.

c. A pork-chop (or raised median) at the Water Avenue/OR 99E intersection to prevent unsafe movements and reinforce right-in, right-out access at that location.

~~19.~~22. Oregon City will assure design and construction of the three projects as follows:

a. A $1,940,000 project to replace the tunnel's illumination system in the 2017-18 timeframe is included in the draft ODOT STIP. ODOT will design and construct project "a" with this illumination project. Should the $1,940,000 available to ODOT be insufficient to fund both the illumination and ITS projects, Oregon City will contribute up to $500,000 to cost of the project, which will include up to $250,000 contribution by the applicant.

b. Design of and right of way acquisition for Project "b" will be completed prior to opening of the Riverwalk or within two years of plan adoption (whichever comes first). The design and acquisition will be led by Oregon City in cooperation with ODOT. The applicant is responsible for construction of project b and is required to be completed prior to trip generation to the site surpassing 140 peak hour trips. The purpose of this improvement is to safely accommodate the increasing number of motor vehicles slowing in the tunnel to turn right on Railroad Avenue and for the safety of pedestrians crossing Railroad Avenue. The right turn into Railroad Avenue is part of an indirect left turn movement required for OR 99E northbound motor vehicles accessing the Willamette Falls site.

c. Project "c" will be constructed during the construction of Water Avenue/OR 99E intersection. Construction of Water Avenue/99E will be triggered when one of the following occurs:

i. At the time of Riverwalk construction adjacent to Water Avenue.

ii. Any new construction or addition over 1,000 square feet on Block 1 of the Framework i

ii. Master Plan Once development on the site has surpassed 140 peak hour trips.

~~20. If after the three safety mitigation projects identified in condition 18 &19 are constructed, Oregon City or ODOT determines, as part of a detailed development plan review, that significant safety issues remain or will result from the proposal, the applicant shall contribute up to $60,000 (2014 dollars) for the cost of a multimodal safety audit in cooperation with Oregon City and ODOT. Identified safety projects may be required to be implemented after the development has exceed 700 peak hour trips.~~

23. In addition, if Oregon City or ODOT determines as part of a detailed development plan review, that significant safety issues remain or will result from the proposal, the applicant shall contribute up to $60,000 (2014 dollars) for the cost of the safety audit. Safety measures identified as a result of an audit tied to review of a development proposal may be required to be implemented after the trip generated from the Willamette Falls area development exceeds 700 peak hour trips.

~~21. Master Plan approval requires ODOT concurrence for any phase of development of the Willamette Falls Master Plan area that would result in the total estimated peak hour trips generated from the area to exceed 700. If at that time, traffic analysis establishes that additional safety measures are needed, the applicant will be required to include additional safety measures or upon ODOT agreement on other countermeasures not provided in association with proposed development.~~

24. The Master Plan approval requires ODOT concurrence for any phase of development of the Willamette Falls Master Plan area that would result in the total estimated peak hour trips generated from the Willamette Falls area to exceed 700. If at that time, traffic analysis establishes that additional safety measures are needed, the applicant will be required to include additional safety measures acceptable to ODOT. Or, other safety measures not associated with the proposed development may be provided with agreement from ODOT.

~~22.~~25. The Applicant will estimate the number of trips at the time of each phase of master plan review and will notify ODOT and the City of the proposed development and estimated trips 30 days prior to the first evidentiary hearing.

~~23.~~26. The Institute of Traffic Engineers Trip Generation Manual will be the source for trip generation estimates unless ODOT and the City agree to an adjustment.

27. For any development that creates over 20,000 square feet of new habitable space~~, or requests approval of the Riverwalk,~~ the applicant ~~will~~ shall be required to submit a transportation demand management ~~program~~ plan that addresses the existing conditions and proposes transportation demand programs that proportionally mitigate the impact of the proposed development to the site and abutting downtown.

28. At the time of the Riverwalk Detailed Development Plan, the applicant shall be required to submit a transportation demand management and parking plan that addresses the existing conditions and proposes transportation demand programs that proportionally mitigate the impact of the Riverwalk to the site and abutting downtown.

~~24.~~

~~25.~~29. Within six (6) months from the date of the land use approval for CP 14-02 Master Plan, the applicant shall develop, finalize and submit to the City an interim water utility plan for the private onsite water system. The private system currently provides both domestic water service and fire flow protection to the entire site. This condition shall be satisfied prior of the submission of a detailed development plan. The interim water utility plan shall include:

a. Detailed operational and maintenance plan for the private water system during the interim period.

b. Water System Pipe Schematic showing the private system schematically that will be operation during the interim period, including from the City's metered connection to the ends of the operational pipe segments, primary isolation valves, fire hydrants, sprinkler systems and other notable appurtenances.
c. Collaboration with the City's Public Works Operations and Engineering staff regarding the interim operations and maintenance of the private water system.
d. Collaboration with Clackamas Fire District #1's (CCFD#1) to determine the minimum fire flow requirements for the existing buildings onsite and how the private system will comply with the requirements.
e. Concurrence from the City and CCFD#1 on the final interim water utility plan.

~~26.~~30. The Master Plan includes a new pedestrian bridge connecting the Promenade over 99E to the site. The project is proposed to be included in the Oregon City TSP project list as part of this application. Currently, there are no development triggers for this project, which is assumed to be primarily a publically supported project. However, future development applications will need to plan for its location. Completion of and payment towards the project may be used to meet transportation demand management requirements of the Master Plan.

~~27.~~31. By September 30, 2015, the applicant shall rectify the stormwater issue at the referenced manhole at Main St/3rd St intersection and separate the storm system from the sanitary sewer system. The resolution shall include collaboration and coordination with ODOT to determine what improvements are necessary for the separation of systems, City and ODOT approval of the plan, and implementation. This condition shall be satisfied prior of the submission of a detailed development plan.

~~28.~~32. Right of Way dedication shall be governed by the street and utility phasing plan which shall be submitted at the time of the first development application of more than 1,000 square feet of new habitable space. The Public Works Director may approve an alternate proposal of private streets governed by a full public access easement if the design and maintenance plan meets or exceeds the intent of the Master Plan.

~~29.~~33. A utilities/infrastructure phasing plan which ~~will~~ shall be required at the time of the first development application of new habitable space over 1,000 square feet or approval of the Riverwalk. If the Riverwalk development application is the first submittal, the phasing plan for the Riverwalk shall be limited to the boundary of the Riverwalk project. The following submittal requirements shall be included in future development application unless amended or waived by the Planning Commission:

a. Stormwater Management

i. Compliance with City Standards including Public Works Utility Standards
ii. New stormwater facilities that provide for collection and treatment prior to discharge.
iii. Consideration of alternative treatment methods such as low impact development due to the nature of the site (bedrock at or near the existing ground surface).
iv. Evaluation of existing stormwater system along frontage of site and determination of what improvements are needed to fix any deficiencies found.
v. Phasing plan as applicable and meeting the needs for phased redevelopment of the site.

b. Sanitary Sewer

i. Compliance with City Standards including Public Works Utility Standards
ii. Capacity evaluation of existing sanitary sewer collection system using City's approved hydrologic/hydraulic model due to the proposed wastewater flow contribution from the entire development, including consideration of the TDSD surcharged interceptor sewers predicted in the 2014 SSMP and potential need for backflow protection improvements due to negative impacts from TCSD surcharged system.
iii. Phasing plan for abandonment, removal, and/or replacement of existing sewer facilities, and new public sanitary sewer extensions with lateral services located within future public streets meeting separation standards from other utilities as applicable.

c. *Water*

i. Compliance with Clackamas Fire District #1's (CCFD#1) and Uniform Fire Code requirements for the site's maximum fire flow based on the overall site development plan and any other conditions of approval as applicable.

ii. A looped system providing two sources of supply with consideration of one source being located at the southern end of the site about where the existing pedestrian bridge crosses over Hwy 99E and the railroad tracks. This existing bridge is planned to be replaced sometime in the future with a new pedestrian bridge and consideration should be made for making the new bridge dual purpose and incorporate public utility crossings such as a new water pipeline.

iii. Evaluation of the existing water distribution system using City's approved hydraulic network model to determine what new water system improvements are needed to provide adequate service pressures during normal operating conditions, fire flows as required by CCFD#1, and PRV station operational parameters based on the redevelopment needs of the site. Note: The existing PRV operational parameters may not work for the proposed redevelopment and be required to change.

iv. Evaluation to determine if the City's designated "Paper Mill" pressure zone can be rezoned and made part of the "Lower" pressure zone and whether the PRV station at 5th/Main St is needed with the overall redevelopment plan.

v. Phasing plan for new water improvements, including consideration of when existing water facilities will be abandoned, removed and/or replaced, how fire protection will be provided to existing buildings that are remaining in place during that development phase, how the new system will operate during that development phase if there are old water facilities still needed to be operational, replacing and/or upgrading PRV stations, installation of new public water mains, fire hydrants and metered services located within future public streets meeting separation standards from other utilities as applicable

vi. Consideration of completely abandoning the private system with the first phase development and what new water improvements are needed to accomplish this.

d. Streets

i. Compliance with City Standards including Public Works Utility Standards, unless further amended or waived by the Public Works Director.

ii. Consideration of design exceptions and alternative streetscape elements if the site conditions (bedrock at or near the existing ground surface, existing buildings) do not allow for City Standards to be met or the proposed alternative can meet or exceed purpose of Master Plan and be acceptable to the Public Works Director .

iii. Phasing plan as applicable for phased redevelopment of the site.

Willamette Falls Downtown District Policies and Design Guidelines

The District Policies and Design Guidelines are mandatory for future development within the Willamette Falls Downtown District, and will be applied during detailed development plan review.

Purpose. The plan policies and design guidelines promote development of high-quality buildings and open space that reinforce the four core values of the site: public access, economic development, healthy habitat, and cultural and historic interpretation. The guidelines are also intended to promote compatibility with the historic character of the district, while allowing contemporary interpretations of the historic patterns.

Guideline 1. Enhance the Special Character of the Willamette Falls Downtown District.

Principles:

Unique setting. Buildings and landscape elements should establish an aesthetic that considers the site's natural setting and industrial history, and promotes permanence and quality. Design elements to consider are materials, massing, views and viewing areas, building transparency, orientation to public and semi-public spaces, and landscaping.

Celebrate the river and falls. Where appropriate, the unique natural setting of the site should be celebrated by building and open space design. Integrate the experience of the river and the falls through site design. Special attention should be paid to development at the river's edge.

Streets. Re-establishment of the historic street grid is fundamental to the new district. Buildings and open spaces should orient themselves toward or open up to these streets. Special care should be taken for the design of ground floor, street-level uses.

Views. Take advantage of views toward the river and falls. Step structures down to follow natural change in elevation from the basalt bluffs to water's edge. Open up views toward Canemah down Main Street, and toward river from future 3rd and 4th Streets and the Riverwalk.

Materials. Building materials should reflect the industrial character of the site. Proposed materials must be high quality and express a sense of permanence fitting for the

industrial history of the site. The first two floors of development especially should use materials that reinforce the high-quality, comfortable pedestrian environment.

Guideline 2. Design for the Comfort and Safety of Pedestrians.

Principles:

Network. Incorporate the pedestrian network that accompanies the street grid and public pedestrian ways into the design of buildings and open spaces. Link pedestrian paths in open space areas to public sidewalks and building entrances. Incorporate main entrances that orient to Main Street.

Visual Interest. Establish areas of visual interest on the ground floor of buildings where they face main streets. Incorporate seating and viewing areas in front of buildings and in open space areas where appropriate.

Natural setting. Locate and design buildings and open space areas to consider effects of sunlight, rain, shadow, wind, and views of the river and the falls. Maximize the amount of direct and indirect sunlight to adjacent public spaces.

Signs. Use pedestrian-scaled signage within the district that offers clear direction into and around the site. Private commercial signage should reflect the pedestrian character of the district and reflect the history of the site. Signage should not obscure or detract from views toward the water or the falls. Conversely, larger publicly-oriented and gateway signage is encouraged when appropriate and complementary to the district.

Lighting. Place and direct outdoor lighting to ensure that the ground level of the building and associated outdoor and pedestrian areas are well lit at night. Integrate exterior lighting so that it does not detract from the uses of adjacent areas. Lighting should be Dark Sky compliant.

Guideline 3. Maintain Downtown Character

Principles:

Continuity. The Willamette Falls District is an extension of the historic downtown. At the same time, the scale of buildings and industrial history of the district should create a different feeling. Buildings and open space areas should pay special attention to existing heights and the transition between the two downtown districts. New development should consider architectural patterns and materials existing in downtown, and also create a new sense of place.

Block Structures. Respect the block structures of the historic downtown. The pedestrian and vehicular experience of streets and sidewalks should be continuous across the barrier of 99E.

Parking. Locate parking to minimize impact on building appearance, streetscape, and pedestrians. Plan for the primary method of car storage to be within structures. Show that parking can flexibly serve different users, times of day, and could be reconfigured for other purposes. Develop, orient and screen structured parking to complement adjacent buildings. Reduce automobile/pedestrian conflicts around parking areas and support the pedestrian environment.

Guideline 4. Re-Use, Rehabilitate, ~~and~~ Restore and Interpret Buildings and Structures

Principles:

Key structures. Preservation or rehabilitation of key structures should be a priority in the design of new buildings and open space. Highest value is placed on the following structures: De-Ink Building, #4 Paper Machine, Mill O, Hawley Building, and the Woolen Mill Foundation. If any these key structures must be removed, the applicant must document the specific reason for doing so, and propose mitigation to compensate for the loss of site character.

Other structures. Incorporate remnants, key features or other significant portions of existing structures into project design. The district's 150-year history as a mill site (flour, wool, paper) and a manufacturing center should be celebrated and recognized when new buildings and uses are established.

Archaeology. Incorporate pre-colonial history of the site into new development where appropriate. Monitor archeology when disturbance of native soil is proposed.

Interpretation. Weave interpretive elements throughout the site to provide multiple and diverse opportunities to learn and reflect on the site's history.

Guideline 5. Build for Long-term Use

Principles:

Future development. Locate buildings to allow for infill on adjacent vacant or underdeveloped parcels. Design compatible transitions between buildings and open spaces. Promote visibility and accessibility between open spaces and adjacent uses.

Quality materials. Promote permanence and quality in new development through the use of substantial and attractive building materials. Re-use existing industrial materials where appropriate.

Guideline 6. Incorporate Ecology into Design

Principles:

Riparian edge. Promote healthy habitat when designing new buildings and open space at river's edge. Take advantage of natural resource enhancement opportunities along the riverbank.

Landscape. Integrate and juxtapose ecological landscape elements with the intense urban and industrial history of district. Create continuous canopy of street trees, where practicable. Integrate innovative stormwater treatment systems with the overall site and development site design.

Buildings. Incorporate sustainable building practices into site and building design. Bring features of the site's natural setting inside buildings as a means for better integrating buildings with significant site elements. Consider shared utilities (eco-districts).

Guideline 7. Create a World-Class Riverwalk

Principles:

Riverwalk design. Establish permanent, prominent and breathtaking public access along the riverfront to structures, water, cultural history, and the falls. The riverwalk should be inviting to a wide range of people, including families and children. Allow for multiple, creative and unexpected opportunities to physically and visually connect to the river.

Integration. Integrate riverwalk with private development as it moves through the site, yet maintain its prominence along the river frontage. Reflect unique aspects of the place

with unifying design elements integrated throughout and connects people physically and emotionally with the river

Views. Emphasize diverse scenic views of the falls and river from the riverwalk. Include views of the falls that reveal themselves as one proceeds along the riverwarlk.

Guideline 8. Create Quality Public Spaces

Principles:

Access to public space. Emphasize arrival by foot, bike or transit while accommodating the automobile. Public spaces should accommodate different ability levels.

Flexibility. Invite flexible programming through site design, rather than being designing for single use. Design for use in multiple ways by many different groups, on seasonal and daily basis. Public space should work at different times of day, weather conditions, and for different users.

Relationship to surroundings. Capitalize on adjacent buildings or natural features to create interesting visual experiences or vistas. Integrate design with adjacent private development. Reflect local character and personality.

OREGON CITY

Community Development – Planning

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

TYPE IV APPLICATION
STAFF REPORT AND RECOMMENDATION
September 2, 2014
Planning Commission Public Hearing: September 8, 2014

FILE NO.: Master Plan: CP 14-02, Zone Change and Text Amendment: ZC 14-03, Comprehensive Plan Map Amendment and amendments to ancillary documents of the Comprehensive Plan: PZ 14-01, and creation of a Multi-modal Mixed Use Area (MMA)

APPLICATION TYPE: Type IV

APPLICANT/ OWNER: Falls Legacy LLC c/o George Heidgerken**.** 3303 S. 35th St. Tacoma, WA 98409

REPRESENTATIVE: Ben Schonberger, AICP**,** Winterbrook Planning**,** 310 SW 4th Avenue, Suite 1100**,** Portland, Oregon 97204

REQUEST: Proposed Zone Change and Text Amendment, Comprehensive Plan Map Amendment and amendments to ancillary documents, creation of a new Mixed Use Multi Modal Area (MMA) and Master Plan to create a framework for future development of the former Blue Heron site. No specific construction projects are proposed in this application. Future development can include a combination of open space, commercial, recreational, residential, and employment uses, with provisions for public access, cultural and historic interpretation, and enhancement of riparian resources.

LOCATION: 419 Main Street, and no address, in Oregon City, OR 97045 2-2E-31BD-00300, 500, 600, 390

ZONING: Industrial "GI"

REVIEWERS: Christina Robertson-Gardiner, AICP, Planner and Kelly Moosbrugger, Assistant Planner

RECOMMENDATION: Planning Commission Approval with Conditions.

PROCESS: Type IV decisions include only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and must be heard by the city commission for final action. The process for these land use decisions is controlled by ORS 197.763. At the evidentiary hearing held before the planning commission, all issues are addressed. If the planning commission denies the application, any party with standing (i.e., anyone who appeared before the planning commission either in person or in writing) may appeal the planning commission denial to the city commission. If the planning commission denies the application and no appeal has been received within **fourteen days** of the issuance of the final decision then the action of the planning commission becomes the final decision of the city. If the planning commission votes to approve the application, that decision is forwarded as a recommendation to the city commission for final consideration. In either case, any review by the city commission is on the record and only issues raised before the planning commission may be raised before the city commission. The city commission decision is the city's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final. IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 722-3789.

A city-recognized neighborhood association requesting an appeal fee waiver pursuant to 17.50.290(C) must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.

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

Oregon City Municipal Code. The City Code Book is available on-line at www.orcity.org

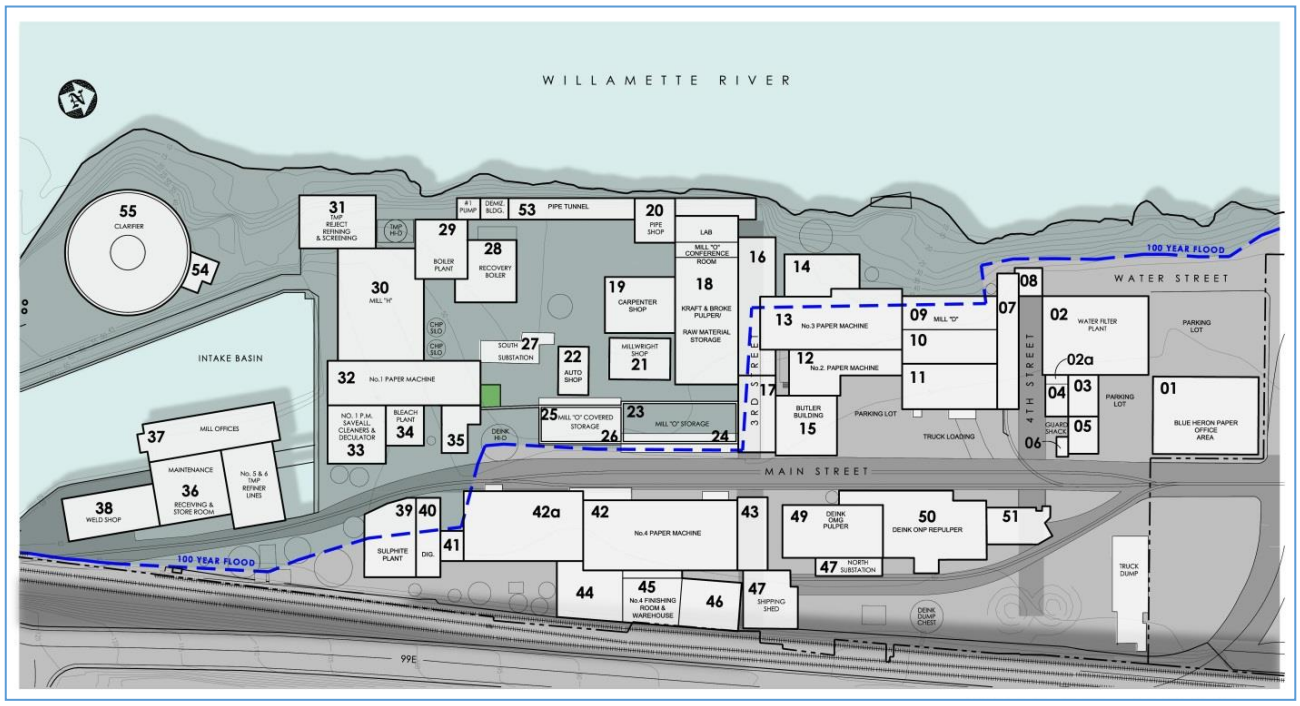
- 17.50 - Administration and Procedures
- 12.04 – Street, Sidewalks and Public Places
- 12.08 – Public and Street Trees
- 17.36 - "GI"—General Industrial District
- 17.68 – Zone Changes
- 17.65 – Master Plans
- 17.49 - Natural Resource Overlay District
- 17.42 - Flood Management Overlay District
- 17.48 - Willamette River Greenway
- 17.44 - Geologic Hazards Overlay District
- 17.62 - Site Plan and Design Review
- 17.52 – Off-street Parking and Loading

EXISTING USE: The 22-acre site is currently occupied by industrial buildings and infrastructure related to the recently-closed Blue Heron Paper Mill. An office building is located near the northwest corner of the site. The built elements of the site include remnants of previous uses.

DEVELOPMENT HISTORY OF THE SITE.
Industrial development began at the site in 1829 when what was almost certainly the first permanent water-powered sawmill in the Oregon Territory was established by Dr. John McLoughlin. The need to portage around the falls and the availability of waterpower they offered made the site logical for settlement. Oregon City, later to become the territorial capital, was founded in 1829. As the “end” of the Oregon Trail, the city was incorporated in 1844. By the mid-19th century development lined both sides of the main commercial corridor, Main Street, in Oregon City. Continued expansion saw the Hawley Company, and later Publishers Paper and others, completely absorb all of Main Street south of 4th Street, resulting in the closure of the public right of way. The original plat, with Main Street and the numbered cross-streets, was vacated within the mill site. Despite the property’s location, immediately adjacent to the downtown core of Oregon City, public access and any direct connection to the site and falls was almost entirely eliminated in favor of the industrial development. Expansion and new industrial construction associated with the paper mill, including water management and treatment facilities, continued into the 1970s. The Blue Heron Paper Company, which purchased the site in 2000, remained in operation until it closed in February 2011.

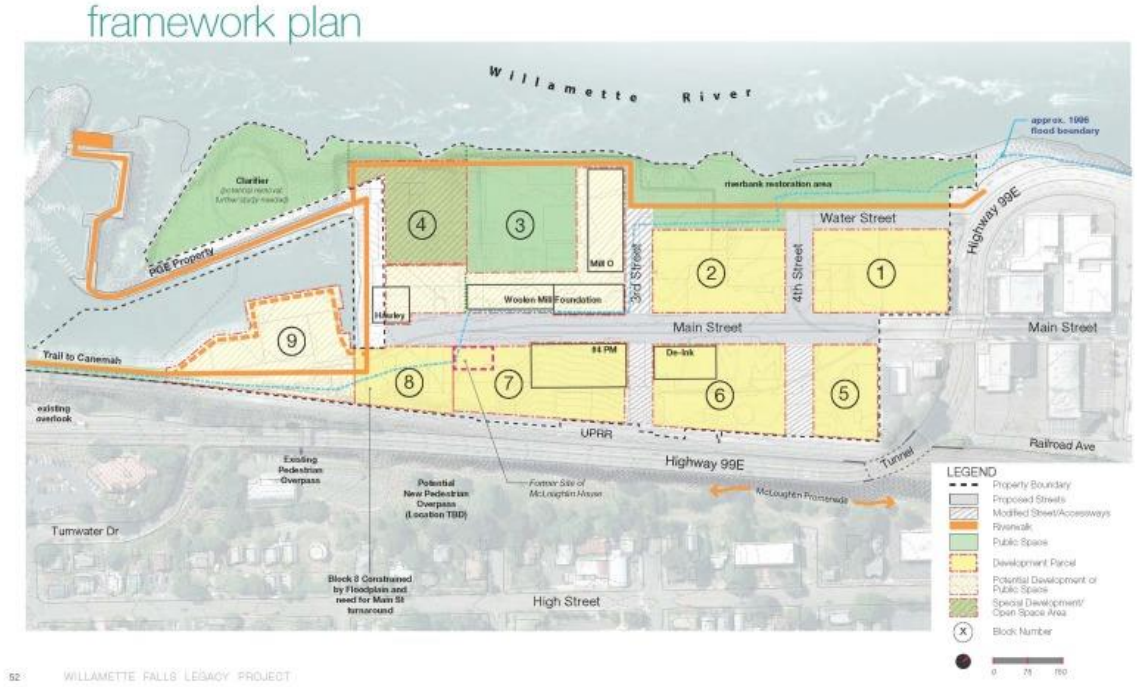
PROCESS FOR LAND USE APPLICATION
Carrie Richter, Assistant City Attorney submitted a letter to the City Commission in the spring of 2014 providing additional direction on the proper land use process for this application. Ms. Richter concluded that “although the creation of the Willamette Falls Downtown District does include some policy making components, overall this decision is more likely quasi-judicial in character in that it requires the application of specific criteria and affects a single, closely circumscribed factual situation. Providing the procedural protections required by a

quasi-judicial process is the most conservative course in any event and will result in a decision by unbiased decision-makers that is not susceptible to a further procedural challenge." Her March 26, 2014 memo is attached as an exhibit to this report.



PROPOSED DEVELOPMENT: This application is for a zone change, text amendment comprehensive plan amendments and concept Master Plan. No specific building projects are proposed in the short term.

The Master Framework Plan outlines how development will generally occur, identifying key areas for public access, open space and development. It re-establishes the Main Street grid and creates connections for people to view majestic Willamette Falls. The site will also change zoning, from industrial to a new mixed use zone that will allow commercial, residential and employment uses.



The areas identified in **green** fall within the 1996 flood inundation area. These areas are more suitable for open space and harder to redevelop. The numbered areas in **yellow** are mostly out of the flood area and are considered easier to develop. These areas will form new City blocks in downtown Oregon City. The **light yellow** areas contain structures that have opportunity for rehabilitation but are within the flood area. These parts of the site will need further refinement and may be a mix of open space and development. In cooperation with the new owner, the master plan has been amended to include a new area in **hashed red,** which represents the most complicated area of the site that has some opportunity for new development above the flood plain but will require special development review. The historic **street grid** is proposed to be reintroduced to the site. Five historic **structures** outlined in black are required to be utilized in redevelopment through adaptive re-use or rehabilitation of some form. The remaining buildings on site may be retained, but are not required to remain. A **shared multiuse path (Riverwalk)** along the riverfront, identified in orange, is also a requirement of the Framework Plan. This walkway leads to a platform that provides fantastic viewing access to Willamette Falls.

SURROUNDING LAND USES: The 22 acre site is currently zoned Industrial and abuts the existing historic downtown which is zoned Mixed Use Downtown "MUD". The master plan boundary includes four contiguous tax lots (2-2E-31BD-0300, 500, 600, and 390). The plan does not include the PGE dam, which zig-zags into the site's south end. It also excludes a property at the northeast corner of the industrial area that is under different ownership, and zoned Mixed Use Downtown (owned by Endres NW).

VISION REPORT

This document is the inspiring "big picture" report we will use over the coming years to secure funding for long term implementation of the Riverwalk and other infrastructure elements, while the Master Plan is a technical land use document and plan that guides future development on the site.

The Vision Document (Exhibit 28) aims to distill the public vision of the site into a dynamic and visually appealing document that includes many inspiration drawings of how the site could be developed. It, however, was never intended to be part of the Master Plan approval criteria. The City Commission will be adopting the

report via resolution as part of the Master Plan and Zone change hearings for this project. This document should be viewed by this and future Planning Commissions with the same direction as any other document adopted by resolution by the City Commission. That is, it provides broad policy direction but should not be construed as being part of the regulatory requirements of any detailed development plan.

PUBLIC INVOLVEMENT PROCESS

This Willamette Falls Legacy Project Master Pan and vision strategy is the result of an intensive, nine-month long community engagement process that has built a broad base of supporters and champions. Project leaders and staff connected with thousands of participants through in-person conversations and online forums, including discussions with more than 62 local and regional groups ranging from civic to business, environmental and government organizations. Staff spoke one-on-one with hundreds of people of all ages at seven summer events including farmers markets, West Linn's Centennial Celebration and Concerts in the Park.

The first of three community interactive events was held at the First City Festival in July 2013 in Oregon City where participants contributed nearly 1,000 distinct comments and ideas for the site. In July and August more than 2,100 people commented through Metro's regional Opt In Online Opinion Panel and the online survey on the project website. Approximately 130 people learned and shared ideas in small group discussions at the second community interactive event in October at the Museum of the Oregon Territory. A second round of surveys through Opt In and the project website garnered an additional 1,900 responses. Nearly 100 people participated in the third community event at Ainsworth House and Gardens to review the draft Master Framework and Demonstration Plans. In addition, nearly three dozen participants signed up to become community champions to support implementation of the Willamette Falls Legacy Project.
The project team continues to stay connected with champions and engage new champions each week. Hundreds of people stay informed through the project website, Facebook page, Twitter feed, Oregon City News, email newsletter, and weekly online blog. The Facebook page alone reaches more than 1,400-1,700 people on a daily basis with updates on events as well as with a photo of the day. Weekly guided tours of the site are just one more way in which members of the public were involved with the master planning process.

On March 6th, approximately three hundred supporters from throughout the region gathered at Keen Headquarters in Portland to celebrate the vision and spread the word about this historic opportunity. The number of Community Champions soared to more than one hundred people as elected officials and residents alike pledged their support to help implement the vision.

Additionally, project partners release a 1 1 /2 minute video on August 26, 2014 which has been attached to the staff report.

OREGON CITY MUNICIPAL CODE CRITERIA:

CHAPTER 17.50 – ADMINISTRATION AND PROCEDURES

Finding: Complies. The Master Plan (formally known as a Concept or General Development Plan), Zone Change and Comprehensive Plan Amendment applications and request for adoption of an MMA were processed as Type IV applications. A neighborhood association meeting was held and a pre-application conference took place on PA 13-38 (Date of Meeting: December 4, 2013) with Oregon City staff. The application was submitted to the City on August 1, 2014 and deemed complete the same day. Notice of the development was mailed to property owners within 300 feet of the site, taxlots within the proposed MMA area, the Two Rivers Neighborhood Association, Citizen Involvement Committee and affected agencies on August 2, 2014. The property was posted with a land use action sign providing details and requesting comments.

Public comments received as of September 2, 2014 have been added as an exhibit 20 to the staff report with a brief content summary. A majority of the letters provide general support for the proposal.

Jackie Hammond Williams- Executive Director of the Oregon City Farmers Market, however, identifies specific items of concern, Staff has responded below:

1) In reference to providing enough flexibility to encourage private investment on the site, removing regulatory and other barriers to redevelopment: On page 64 of the pdf, the proposed zoning prohibits warehousing. Light manufacturing or small-scale food processing (and therefore possibly some kind of warehousing connected to them) would be an excellent use at this site, providing living wage jobs. I think it's too early to start prohibiting this use unless it applies to "stand alone" warehousing.

Staff response: Warehousing in conjunction with a permitted use is allowed in the zone. Stand along warehousing is prohibited. Staff will provide an update to the zoning district at the September 15th hearing that will clarify this item.

2) In reference to retaining site authenticity: The 13 or so buildings (out of 55 on the site) that are determined to be eligible for the National Register of Historic Places should all be included in the plan and preserved. History is what Oregon City and particularly this site is about.

Staff response: As described further in this staff report, the process for determining which buildings were both viable for retention and provided the strongest ability for retaining a sense of authenticity while allowing new buildings and uses, was presented to the public through the yearlong visioning process and a majority of the responses advocated for balanced approach to retention of structures onsite in order to create a plan that fully incorporated the four values and created a market driven model that maintained a balance of certainty and flexibility for long term implementation.

3) I do not believe the Pullery or Picking House is listed as eligible for the Register, yet is the oldest building on the site. (#19 on the map on pdf page 9) I think it's called the Carpentry Shop now. This is where the wool was "pulled" from the sheep skins and this building would have been integral to the Woolen Mills operation, and therefore is very much part of the history of the site.

Staff response: While the carpentry building is indeed quite old, it did not meet the threshold for eligibility on the National Register due to extensive exterior alterations. Additionally, the second story and roof has substantial water intrusion problems that removed it from further adaptive reuse analysis**.**

Chapter 17.65 – MASTER PLANS

17.65.050.A Existing Conditions Submittal Requirements

17.65.050.A.1.a *Current uses of and development on the site, including programs or services.*
Findings: Complies as Proposed. The site is currently a no-longer-operating industrial use. Most recently the site was used as a paper mill.

17.65.050.A.1.b *History or background information about the mission and operational characteristics of the institution that may be helpful in the evaluation of the concept development plan.*
Findings: Complies as Proposed. The site is not an institution. It was until, just recently, owned by the bankruptcy trustee that took control of the site from the Blue Heron Paper operation. Falls Legacy LLC purchased the site in May 2014. They do not have any specific development plans at this time. The applicant submitted a narrative with a variety of information about the subject site (Exhibit 2).

17.65.050.A.1.c *A vicinity map showing the location of the Concept Development Plan boundary relative to the larger community, along with affected major transportation routes, transit, and parking facilities.*
Findings: Complies as Proposed. The applicant submitted a vicinity map displaying the subject site relative to the larger community (Exhibit 2).

17.65.050.A.1.d *Non-institutional uses that surround the development site. May also reference submitted maps, diagrams or photographs.*
Findings: Complies as Proposed. The site is bounded by non-institutional uses. Residential development borders the site to the east, though this is high above the site on the bluff. The river bounds the site to the west and south. To the north, across 99E, is existing downtown Oregon City, which is a commercial district. Aerial photos (Sheet 2) shows surrounding development. The applicant submitted a map displaying the adjacent buildings and zoning designations.

17.65.050.A.1.e *Previous land use approvals within the Concept Development Plan boundary and related conditions of approval.*
Findings: Complies as Proposed. The subject site has received approval of multiple land use applications. City land use files go back only as far as the 1980s. While there are numerous land use review cases in the city's database relating to this property, none have conditions that still apply to the site. File numbers for land use actions on the site are listed below.

CU 95-13	CU 94-04	CU 83-03	SP 95-41
CU 95-09	CU 88-03	CU 80-06	PA 99-50
CU 95-18	CU 86-04	CU 81-08	PA 05-09
SP 88-6	CU 82-00	CU 93-06	SP 95-41
CU 97-02	CU 95-09	CU 95-13	PA 99-50

The land use actions at the site were for site plan and design review activities related to construction or modification of industrial buildings or uses at the site. None are applicable to the proposed uses or development included in this master plan.

17.65.050.A.1.f *Existing utilization of the site. May also reference submitted maps, diagrams or photographs.*
Findings: Complies as Proposed. The applicant provided a narrative statement describing the existing uses of the site and a series of maps (Exhibit 2). The site is fully and intensely developed for industrial use, though the mill use is no longer in operation. The south side of the property contains a lagoon and a long rail spur toward Canemah.

17.65.050.A.1.g *Site description, including the following items. May also reference submitted maps, diagrams or photographs.*
(1) Physical characteristics,
(2) Ownership patterns,
(3) Building inventory,
(4) Vehicle/bicycle parking,
(5) Landscaping/usable open space,
(6) FAR/lot coverage,
(7) Natural resources that appear on the City's adopted Goal 5 inventory,
(8) Cultural/historic resources that appear on the City's adopted Goal 5 inventory, and,

(9) Location of existing trees 6" in diameter or greater when measured 4' above the ground. The location of single trees shall be shown. Trees within groves may be clustered together rather than shown individually.
Findings: Complies as Proposed. The applicant provided a narrative including a description of the site and a series of maps displaying the above existing conditions (Exhibit 2). The site is mostly flat, occupying a basalt shelf at the base of a bluff. The site drops off quickly into the Willamette River, which bounds the site to the west. Willamette Falls is located southwest of the site. Buildings and structures relate to the industrial past that occupied the site for the last 100 years, most recently a paper mill.

17.65.050.A.1.h *Existing transportation analysis, including the following items. May also reference submitted maps, diagrams or photographs.*
(1) Existing transportation facilities, including highways, local streets and street classifications, and pedestrian and bicycle access points and ways;
(2) Transit routes, facilities and availability;
(3) Alternative modes utilization, including shuttle buses and carpool programs; and
(4) Baseline parking demand and supply study (may be appended to application or waived if not applicable).
Findings: Complies as Conditioned. The applicant submitted a transportation impact letter prepared by Carl Springer and Kevin Chewuk of DKS Associates identifying the traffic impacts to the area. As this project is also in conjunction with the adoption of a Mixed Use Multi- Modal MMA area, the applicant was limited to addressing safety conditions on and near the site. As part of the analysis, several system wide improvements were recommended offsite that would address existing safety conditions and mitigate the additional trips created by full build-out of the project. Throughout the last year, the applicant, City and ODOT have met to discuss the planned improvements to 99E proposed as part of this project.

Additional consultation with ODOT has resulted in a modification to the applicant's proposed improvements. This modification removes the proposed traffic signal at 6th Street and has replaced that project with a project that modifies the right turn geometry from 99E to Railroad Avenue to allow space for turning traffic to slow and maneuver outside the travel lanes on a curve with limited sight distance.

ODOT found significant sight distance constraints with the proposed traffic signal on 6th and 99E and recommended the revised safety project on Railroad Avenue. The reconfiguration of Railroad Avenue will allow a small deceleration lane outside of the northbound through lanes and provide better sight distance for pedestrians crossing Railroad Avenue to and from the ODOT pedestrian tunnel. The specific dimension and layout of the deceleration lane will be further detailed and defined in cooperation with the City and ODOT. The transportation study was reviewed by John Replinger, transportation consultant for the City from Replinger Associates who concurred with the transportation analysis and the refined project list and determined that approach presented by the applicant and revised by ODOT was consistent with the goals and intent of City code and the proposed Master Plan.

As part of the approval process for this application, the City Commission will adopt an intergovernmental agreement (IGA) with ODOT addressing safety measures on 99E in conjunction with the approval of the Master Plan and Zone Change. A draft of the IGA is will be submitted into the record as soon as it is finalized. Staff anticipates that a draft will be ready by the September 15th Planning Commission meeting.

Conditions of approval for the Master Plan from the proposed IGA , are as follows:

1) Oregon City and ODOT have agreed on three key transportation improvements along OR 99E with the goal of maintaining safety and improving accessibility of the site:
    A. Intelligent Transportation Systems designed to warn traffic approaching the tunnel of hazardous conditions ahead.

B. Prohibiting left turns northbound from OR 99E to Main Street and modification of the right turn geometry from 99E to Railroad Avenue to allow space for turning traffic to slow and maneuver outside the travel lanes on a curve with limited sight distance.
C. A pork-chop (or raised median) at the Water Avenue/OR 99E intersection to prevent unsafe movements and reinforce right-in, right-out access at that location.

2) Oregon City will assure design and construction of the three projects as follows:
   a. A $1,940,000 project to replace the tunnel's illumination system in the 2017-18 timeframe is included in the draft ODOT statewide Transportation Improvement Program (STIP). ODOT will design and construct project "A" with this illumination project. Should the $1,940,000 available to ODOT be insufficient to fund both the illumination and ITS projects, Oregon City will contribute up to $500,000 to cost of the project, which will include up to $250,000 contribution by the applicant.
   b. Design of and right-of-way acquisition for Project "B" will be completed prior to opening of the Riverwalk or within two years of plan adoption (whichever comes first). The design and acquisition will be led by Oregon City in cooperation with ODOT. The applicant is responsible for construction of project "B", which isrequired to be completed prior to trip generation to the site surpassing 140 peak hour trips. The purpose of this improvement is to safely accommodate the increasing number of motor vehicles slowing in the tunnel to turn right on Railroad Avenue and for the safety of pedestrians crossing Railroad Avenue. The right turn into Railroad Avenue is part of an indirect left turn movement required for OR 99E northbound motor vehicles accessing the Willamette Falls site.
   c. Project "C" will be constructed during the construction of Water Avenue/OR 99E intersection. Construction of Water Avenue/99E will be triggered when one of the following occurs:
      i. At the time of Riverwalk construction.
      ii. Any new construction or addition over 1,000 square feet on Block 1 of the Framework Master
      iii. Once development on the site has surpassed 140 peak hour trips.
   d. Master plan approval requires ODOT concurrence for any phase of development of the Willamette Falls Master Plan area that would result in the total estimated peak hour trips generated from the area to exceed 700. If at that time, traffic analysis establishes that additional safety measures are needed, the applicant will be required to include additional safety measures or upon agreement on other countermeasures not provided in association with proposed development.
3) The Applicant will estimate the number of trips at the time of each phase of master plan review and will notify ODOT and the City of the proposed development and estimated trips 30 days prior to the first evidentiary hearing.
4) The Institute of Traffic Engineers Trip Generation Manual will be the source for trip generation estimates unless ODOT and the City agree to an adjustment.
5) If after the three safety mitigation projects are constructed, Oregon City or ODOT determines that significant safety issues remain or develop, the applicant shall, as part of, the next detailed development plan, pay up to $60,000 (2014 dollars) of the cost of a multimodal safety audit in

cooperation with Oregon City and ODOT and pay for the proportional share of any additional safety measures conditioned as part of a detailed development plan.

The circulation plan for the project is simple, with the most important element being the reconnection of Main Street into the site and the reestablishment of a grid of streets. This new Main Street is proposed to be a multimodal, "complete street" with a full mix of users, including transit, walking, bikes, cars, delivery/service and emergency vehicles. Main Street (along with Water, 3rd and 4th Streets) is intended to be low-speed, with on-street parking and generously-sized sidewalks. It is intended to feel like a seamless extension of Main Street from Oregon City's existing downtown. The crossing of Highway 99E will be a critical point in this extension, so generous crosswalks are proposed, to encourage pedestrian movement and safety. Along the riverbank, the re-extension of Water Street into the site is another important circulation element, with the associated Riverwalk serving as a generous sidewalk to Water Street and extending south as a shared use path along the river into the site and to the Falls, with connections back to 3rd and 4th streets. Circulation into and within the site strives to meet the following City and State objectives:

Active Transportation

• Strengthening the existing urban crossing of Main Street across McLoughlin Boulevard to the site.
• Create at least one pedestrian and bicycle overcrossing of McLoughlin Boulevard and the rail tracks at the south end of the site.
• Create a continuous walking and biking connection between the Willamette Terrace and the site and further south to Canemah.
• Extend transit service into the site on Main Street and support existing service downtown

Motor Vehicle

• Institute transportation demand management policies to reduce vehicle trips generated by the site.
• Understand that congestion on nearby streets is acceptable and actually reflects a successful and thriving downtown.
• Identify at least one additional site access point for motor vehicles.
• Allow for safe left-turns for motor vehicles from McLoughlin Boulevard to Main Street.
• Enhance the McLoughlin Boulevard/Main Street intersection.

The existing private dock offers an opportunity to explore providing a light watercraft launch point into the river and to encourage people to interact with the river safely, both for fishing and other more passive pursuits. Small craft can also be launched along the basin edge of Mill E. Finally, given the site's proximity to the main north-south trunk railroad line, the applicant proposes that future plans should consider and allow for the possibility of passenger rail improvements, with potential for an on-site station.

As this is a framework plan with no specific development being proposed, Staff has also identified the following conditions of approval be added to the report to create a process to address utility and street infrastructure analysis closer to the time of development application:

- Right of Way dedication shall be governed by a street and utility plan which shall be submitted at the time of the first development application of new habitable space. The Public Works Director may approve or require an alternate proposal of a private streets governed by a public access easement if the design meets or exceeds the intent of the Master Plan.
- The Master Plan includes a new pedestrian bridge connecting the McLoughlin Promenade over 99E and the Union Pacific rail line to the site. The project is proposed to be included in the Oregon City TSP project list as part of this application. Currently, there are no development triggers for this project, which is assumed to be primarily a publicly funded project. However, future development applications will need to plan for its location. Completion of and payment towards the project can be used to meet transportation demand management requirements.

Baseline Parking Demand and Supply.

ON-SITE PARKING STRATEGY

Each development block in the Willamette Falls District is sized to park itself, that is, accommodate its own parking, without the need for offsite spaces. Oregon City's parking rules are flexible, both in terms of the location and amount of parking. Parking can be located on each block, or it can be consolidated in the form of a shared garage. Because the site is part of the downtown parking district, minimum requirements may be reduced by up to 50%. The Master Plan envisions that parking will occur in structures at the back of new buildings, or on their upper stories in order to support an active streetscape. Underground parking is highly unlikely because the site is located on solid basalt rock. Parking supply at full build out of the site is estimated at 1,150 spaces off-street, and 85 spaces on-street. Visitor parking is expected to be woven into existing parking garages and on street parking. There is no specific location nor financing plan for a municipal garage at this time. However, the Master Plan anticipates this type of approach and will be processed the same as any development associated with this Master Plan.

OFF-SITE PARKING STRATEGY

This site will be considered integral to the existing downtown and McLoughlin Neighborhood. A Transportation Demand Management approach that works to utilize and improve the existing transportation network and re-stitch the site back into the urban framework should be the guiding approach and will be needed to redevelop the site to its full potential. The development of housing, employment and retail in the subject site and the existing downtown will have a substantial effect on the community's approach to multi-modal living. Investing in the Riverwalk and the 99E/Promenade overcrossing as well as working with Main
Street Oregon City and the City on innovative parking strategies for off-peak and peak hour visitor parking will be an essential part of the site's success.

Minimum Parking Standards			
Uses	Oregon City Minimum Parking Standards	Oregon City Downtown Parking District (WFDD) minimums	Comparison - City of Portland Near or on Transit Streets
Residential	Multi-Family: Studio 1.00 per unit Multi-Family: 1 bedroom 1.25 per unit Multi-Family: 2 bedroom 1.5 per unit Multi-Family: 3 bedroom 1.75 per unit	Multi-Family: Studio .5 per unit Multi-Family: 1 bedroom .63 per unit Multi-Family: 2 bedroom .75 per unit Multi-Family: 3 bedroom .86 per unit	a. Where there are up to 30 units on the site, no parking is required; b. Where there are 31 to 40 units on the site, the minimum number of parking spaces required is 0.20 spaces per unit; c. Where there are 41 to 50 units on the site, the minimum number of parking spaces required is 0.25 spaces per unit; and d. Where there are 51 or more units on the site, the minimum number of parking spaces required is 0.33 spaces per unit.
Office	2.7 spaces per 1,000 square feet	1.35 spaces per 1,000 square feet	none
Hotel	1 space per guest room	.5 spaces per guest room	none
Retail	4.1 spaces per 1,000 square feet	2.05 spaces per 1,000 square feet	none

Guideline 3. Maintain Downtown Character
Parking. Locate parking to minimize impact on building appearance, streetscape, and pedestrians. Plan for the primary method of car storage to be within structures. Show that parking can flexibly serve different users, times of day, and could be reconfigured for other purposes. Develop, orient and screen structured parking to complement adjacent buildings. Reduce automobile/pedestrian conflicts around parking areas and support the pedestrian environment.

A robust transportation management plan will be the critical for the success of the site. While it is implied in the following guidelines , staff recommends a specific condition that spells out what is excepted of the applicant during subsequent development applications.

For any development that creates over 20,000 square feet of new habitable space, or requests approval of any phase of the Riverwalk, the applicant will be required to submit a transportation demand management program that addresses the existing conditions and proposes transportation demand programs that proportionally mitigate the impact of the proposed development to the site and abutting downtown.

17.65.050.A.1.i *Infrastructure facilities and capacity, including the following items.*
(1) Water,
(2) Sanitary sewer,
(3) Stormwater management, and
(4) Easements.
Findings: Complies with Condition. The site is served by City sanitary sewer,water, and stormwater management. Use of existing public facilities is very low because the mill is not operating and the property is unoccupied. Additional utility analysis can be found later in this report.

17.65.050.A.2.a *Existing conditions site plan.*
Findings: Complies as Proposed. The applicant submitted a site plan of the existing conditions of the site (Exhibit 2).

17.65.050.A.2.b*. Vicinity map.*
Findings: Complies as Proposed. The applicant submitted a vicinity map of the development site (Exhibit 2).

17.65.050.A.2.c*. Aerial photo.*
Findings: Complies as Proposed. The applicant submitted an aerial photo depicting the subject site and adjacent property (Exhibit 2).

17.65.050.B. *Proposed Development Submittal Requirements***17.65.050.B.1.a** *The proposed duration of the concept development plan.*
Findings: Complies as Proposed. The General (Master) Plan will be implemented over a period of 20 years from initial adoption.

17.65.050.B.1.b *The proposed development boundary. May also reference submitted maps or diagrams.*
Findings: Complies as Proposed. The applicant submitted a boundary that includes several taxlots.

17.65.050.B.1.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*
Findings: Complies as Proposed*.* Development will occur in multiple phases over the 20-year lifespan of the master plan. The precise location and sequence of development is uncertain because public and private investment in the property has not been finalized.

17.65.050.B.1.d *An explanation of how the proposed development is consistent with the purposes of Section 17.65, the institutional zone, and any applicable overlay district.*
Findings: Complies as Conditioned. The purpose of Chapter 17.65 is to "foster the growth of major institutions and other large-scale development." The site consists of 22 acres of re-developable land, and this master plan fosters its growth by establishing a framework for the locations of streets, development, and open space areas within the district. Compatibility and design quality is ensured through development standards and design guidelines. The site is located in the Willamette River Greenway, Natural Resources, and Geologic Hazards Overlays. The purpose of these chapters is stated in OCMC 17.44.010, 17.48.020, and 17.49.010. As part of this master plan, all future development must still meet the regulations of the overlay districts as part of the detailed development plan process. As a result, the plan is consistent with the purposes of these districts.

17.65.050.B.1.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 250 feet of the proposed development boundary.*
Findings: Complies as Conditioned. Impacts on inventoried Natural Goal 5 resources will depend on the specifics of actual development, which is not proposed as part of this master plan. This general development plan establishes a framework for future development. When building or open space redevelopment is proposed, these plans must demonstrate compliance with city rules for the protection of Goal 5 natural resources at that time. Additional findings can be found in 17.65.050.C.4

As discussed above, there are currently no federally or locally designated historic structures (OCMC 17.40) located on the property. The Blue Heron site is not currently located within a local or National Register Historic District and is not part of the city's Goal 5 inventor*y.* Adoption of this master plan and zone change will not serve to amend the City's acknowledged historic preservation plans. Rather, adoption of this plan serves as a preliminary step in identifying those resources that may be suitable for designation of historic resource or landmark and could be subject to the City's Historic Resource Overlay, OCMC 17.40.050, in the future. Moreover, local designation of historic resource requires owner consent and staff understands the applicant's apprehension for requiring local designation of structures prior to detailed development plans.

The Blue Heron site, despite its stunning location on the Willamette Falls and its historical importance as the founding place of Oregon, also presents significant challenges to attracting private investment. The combination of market conditions, inadequate infrastructure, and challenging site conditions are all barriers to private development. Staff finds that the approach taken in the Master Plan balances these two forces and creates a future development program that requires retention of the buildings with the high adaptive reuse opportunities but provides a fair amount of flexibility for market implementation. An description of this process can be found below.

Through the Vision and Master planning process, the city, in cooperation and on behalf of the applicant, structured the historic resource analysis, protection and mitigation approach based on the best practices model of ORS 358 and the Section 106 process.

> *Oregon Revised Statute (ORS) 358.653 is an Oregon state law obligating state agencies and all "political subdivisions" of the state—including counties, cities, universities, school districts, and local taxing districts—to consult with the State Historic Preservation Office (SHPO) to avoid inadvertent impacts to historic properties for which they are responsible. Impacts are usually the result of construction projects (additions, remodeling, etc.), but may also include the transfer of properties out of public ownership. The statute does not provide many specifics, and there are currently no clarifying administrative rules, so, as a practical matter, SHPO follows a "lite" version of a similar federal*

law, Section 106 of the National Historic Preservation Act. In cases where federal funds, permits, or licenses are used, ORS 358.653 is superseded by Section 106.

Section 106 requires federal agencies to consider the effects of projects they carry out, approve, or fund on historic properties. Additionally, federal agencies must provide the ACHP an opportunity to comment on such projects prior to the agency's decision on them. Section 106 review encourages, but does not mandate, preservation. Sometimes there is no way for a needed project to proceed without harming historic properties. Section 106 review does ensure that preservation values are factored into federal agency planning and decisions. Because of Section 106, federal agencies must assume responsibility for the consequences of the projects they carry out, approve, or fund on historic properties and be publicly accountable for their decisions.

Section 106 Process Overview

Step One: **The agency determines whether its proposed action is an undertaking. An undertaking is defined as a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those carried out by or on behalf of a federal agency; those carried out with federal financial assistance; and those requiring a federal permit, license or approval.**

Finding: There is currently no federal undertaking on the property. However, the applicant and the city anticipate the use of federal funding for site implementation.

Step Two: The agency determines the Area of Potential Effect (APE) and decides on an appropriate survey methodology in consultation with the Oregon SHPO. The appropriate APE will vary from project to project and may include physical, visual, and auditory effects. Contact the SHPO before work begins to avoid unnecessary documentation or delay in completing the Section 106 process.

Agencies are required to contact and consult with the appropriate Native American Nation when an undertaking takes place on tribal lands or when an undertaking will affect Native American cultural sites. A list of contacts can be found on our website: Native American Nation Contacts. Consultation with other interested parties such as Certified Local Governments is also encouraged.

Finding: The APE for this site was limited to the boundaries of the property. The project site is located on the site of Dr. John McLoughlin's original homesite and mill as well as the original first 5 blocks of historic Oregon City, which were slowly overtaken by mill development through the years. The site is also adjacent to scenic Willamette Falls (second largest falls by volume in the United States). Willamette Falls is also recognized by the Confederated Tribes of the Grand Ronde and Warm Springs, and Siletz, and the Confederated Tribes of the Umatilla Indian Reservation, and Yakama Indian Nation as a sacred gathering place of high cultural significance.

While this project did not trigger formal consultation with affected tribes, the city, in cooperation with the owner, contacted and requested engagement with all the tribes listed above. Additionally, the project will be presented at the September 2014 tribal cluster meeting. Moreover, as part of the recently adopted MOU between the Legacy project partners, State Parks has agreed to take the lead on all future tribal communications.

Step Three: **The agency determines if the resources within the APE are already listed in the National Register of Historic Places or may be eligible for listing. Eligible historic properties are those that are at least 50 years of age and maintain the majority of their historic features, called historic integrity. If a building meets these minimum qualifications it is considered eligible for the Register unless the agency**

can prove otherwise through further historical or archaeological studies. The eligibility of archaeological resources is based on careful recordation and evaluation according to professional standards. These guidelines are available here: Guidelines for Conducting Field Archaeology in Oregon.

Finding: As this application is for a framework master plan and no specific development proposal has been submitted, the level of archeological review has been shaped to be more of an overview document that provided direction for future development applications. A memorandum from Rick Minor, Archaeologist from Heritage Research Associates, discusses the archaeological issues and potential for the site and is part of the applicant's submittal.

As discussed above, there are currently no federally or locally designated historic structures (OCMC 17.40) located on the property. The Blue Heron site is not currently located within a local or National Register Historic District and is not part of the city's Goal 5 inventory.

However, a fair amount of information exist on the site. A report was prepared for Portland General Electric & the Blue Heron Paper Company, in cooperation with the West Linn Paper Company, in May 2002 by Kramer and Company, George Kramer, M.S., HP, Sr. Preservation Specialist. This report indicated that some of the buildings located onsite are contributing historic structures. *"Willamette Falls Industrial Area Request for Determination of Eligibility 2002"– George Kramer.*

In the spring of 2012, the City of Oregon City provided updated survey data to the 2002 Determination of Eligibility, including additional information on the 1950s structures into the Oregon Historic Site Database. In the fall of 2012, the Oregon State Historic Preservation Office issued a Revised Determination of Eligibility for the site that concurred with the updated information and indicated that the site was not eligible for listing as a National Register District. Therefore, all of the buildings were reviewed for individually eligibility. A revised Determination of Eligibility review was completed in September 2012 and is attached in the exhibits section of the staff report.

Step Four: The agency decides what the effect of the undertaking will be. A project is said to have "No Effect" if there are no eligible properties in the APE, or a historic property is not affected in anyway. An undertaking may have "No Adverse Effect" if the project does impact the historic property, but the effect is minimal. If the proposed work will diminish the features that qualify a resource for listing the project is said to have an "Adverse Effect."

From the onset of this process, it was understood that a determination of an adverse effect would be the outcome of the master plan, as the city would not be regulating the retention of all structures identified as potentially eligible for listing on the National Register.

As part of the 2012 Site Stabilization and Building Assessment Report, a consultant team comprised of Kramer & Company, DiLoreto Architecture, KPFF, Environmental Science Associates and Environmental Resource Management (ERM) provided historic, reuse, structural, stormwater/habitat and demolition expertise to generate an integrated evaluation of the structures and site. Shiels Obletz Johnsen managed the consultant team's efforts on behalf of the project partners.

KPFF conducted a preliminary structural analysis of each building and sought to identify any "fatal flaws" that would preclude opportunities for reuse. No structural "fatal flaws" were discovered; although some of the buildings scored low in terms of their existing condition and renovation potential, KPFF believes that all of the buildings could be salvaged and re-purposed given sufficient financial resources. Due to the complexity of the basement levels throughout the site, the building foundations were visually reviewed but not individually assessed. The buildings were also evaluated based on historic value and reuse potential.

These evaluations resulted in the identification of fourteen buildings with the greatest potential for adaptive reuse and support for interpreting the history of the site. Note that as building remnant, the woolen mill foundation was not eligible for individual listing on the National Register, but because of size, history and aestic reasons, was later included as an element regulated for retention onsite though the Vision and Master Plan process. .

Given the size and complexity of the site, the consultant team conducted an initial site overview session to prioritize the level of evaluation to be conducted on each building based on their general attributes, and categorize buildings into two major groups The 57 buildings plus miscellaneous structures were identified as either "Category A" buildings or "Category B" buildings. Category A Buildings stood out as having the greatest opportunity for adaptive reuse based on their combined historic integrity, building condition, physical layout, access, structural condition and value for supporting adjacent historic structures. There are 16 structures identified as Category A, including four that have sufficient historic integrity to be considered individually eligible for listing on the National Register of Historic Places. Category B Buildings include minor structures with low priority for retention, although some of these buildings may be worth retaining to support adjacent Category A buildings and broader site goals. A few Category B structures were determined to have high historic value and are considered eligible for listing on the National Register of Historic Places. However, they were found to have low reuse potential as a result of their construction, design, original function or position on the site.

All of the buildings were then evaluated on their historic value, reuse potential and structural condition. More thorough analyses were performed on the prioritized Category A buildings.

This analysis was further refined in 2013-2014 Vision and Master Planning process through the consultant team lead by Walker Macy. In an effort to provide a vision that balanced the four values and provides a balance of certainty and flexibility, the Walker Macy team recommended the Master Plan regulate the retention of No.4 Paper Machine (bldg. 42, 42a), Mill O (bldg. 18), De Ink (bldg.. 49) and the Hawley Building (33) in addition to the Woolen Mill foundation and leave the remainder of the buildings onsite be left to market forces to determine viability. Through the vision process, the consultant team heard from many that the retention of non-building elements was very important for site interpretation as well as retaining a level of authenticity to the site. As part of the Master Plan policies, the applicant will be required show how they are proposing to retain the secondary elements onsite to help tell the story of the site.

As part of the Master Plan process, subsequent development applications must adhere, in addition to the city's development code, to the proposed Master Plan policies. Proposed by the applicant and applicable during future detailed development applications, and Guideline 4 speaks to the historic nature of the site. This guideline will also guide how development proposals will include cultural and historic interpretation as a way to meet this guideline. For the purposes of this report the buildings/ structures fall into two categories.

Guideline 4. Re-Use, Rehabilitate, and Restore Buildings and Structures

Principles:

Key structures. Preservation or rehabilitation of key structures should be a priority in the design of new buildings and open space. Highest value is placed on the following structures: De-Ink Building, #4 Paper Machine, Mill O, Hawley Building, and the Woolen Mill Foundation. If any these key structures must be removed, the applicant must document the specific reason for doing so, and propose mitigation to compensate for the loss of site character.

Other structures. Incorporate remnants, key features or other significant portions of existing structures into project design. The district's 150-year history as a mill site (flour, wool, paper) and a manufacturing center should be celebrated and recognized when new buildings and uses are established.

Archaeology. Incorporate pre-colonial history of the site into new development where appropriate. Monitor archeology when disturbance of native soil is proposed.

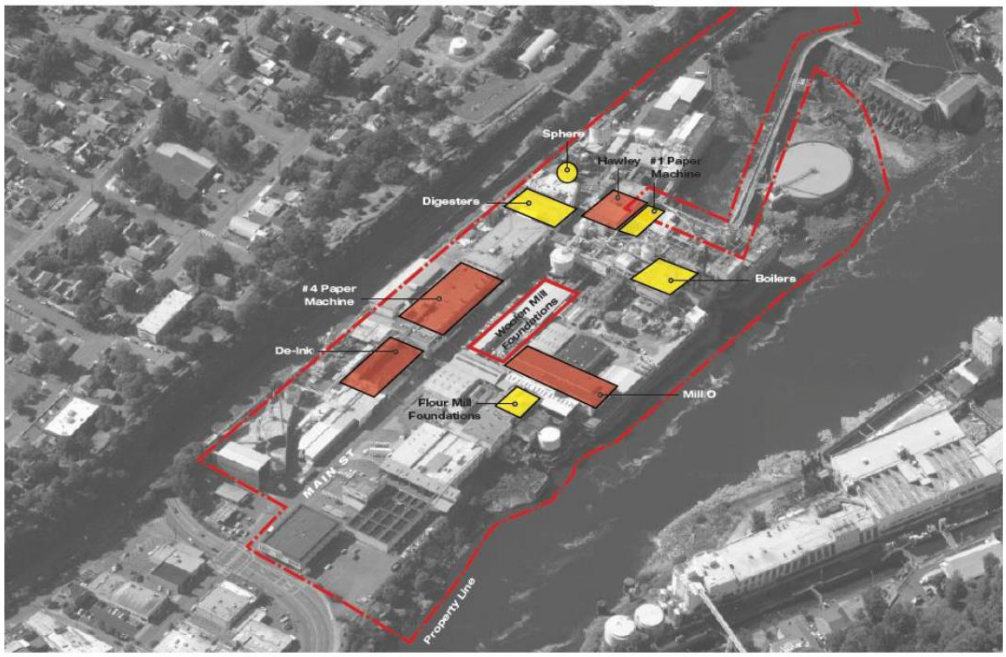
The Applicant has provided a strong guideline statement for building retention. However, interpretation measures should be integrated into this policy. These could include retention of existing industrial elements, historic panels, or other creative ways to tell the story of the site. Staff recommends the following amendments to this policy.

Guideline 4. Re-Use, Rehabilitate, ~~and~~ Restore <u>and Interpret</u> Buildings and Structures
Principles:
Key structures. Preservation or rehabilitation of key structures should be a priority in the design of new buildings and open space. Highest value is placed on the following structures: De-Ink Building, #4 Paper Machine, Mill O, Hawley Building, and the Woolen Mill Foundation. If any these key structures must be removed, the applicant must document the specific reason for doing so, and propose mitigation to compensate for the loss of site character.

Other structures. Incorporate remnants, key features or other significant portions of existing structures into project design. The district's 150-year history as a mill site (flour, wool, paper) and a manufacturing center should be celebrated and recognized when new buildings and uses are established.

Archaeology. Incorporate pre-colonial history of the site into new development where appropriate. Monitor archeology when disturbance of native soil is proposed.

<u>Interpretation. Weave interpretive elements throughout the site to provide multiple and diverse opportunities to learn and reflect on the site's history.</u>



Structures Identified for Retention and Reuse

1. Mill O
2. Hawley Building
3. DeInk/Mill B
4. No. 4 Paper Machine
5. Woolen Mill Foundations

Secondary Elements Identified For Full or Partial Retention

1. Oregon City Flour Mill foundation
2. Digesters
3. Horton Sphere
4. Boilers
5. No.1 Paper Machine

However, future developers are encouraged to reuse or repurpose any of these elements onsite as part of redevelopment projects, as they help in conveying a connection to the past history of the site.

Step Five: The agency or government consults with the State Historic Preservation Office (SHPO) on its determinations by submitting proper documentation for the impacted properties.

Finding: Again, while this site is currently not involved in a federal undertaking, nor is it owned by a public entity, the City has been in close coordination with the State Historic Preservation Office for the last three years to ensure that all site analysis meets the process and intent of the Section 106 process to ensure that future federal funding or public ownership would not be compromised.

Step Six: **SHPO either concurs with the agency's determinations or does not concur.**

Finding: The city submitted a request to review the Section 106 methodology to SHPO. While the site is not currently subject to ORS 358 or Section 106, SHPO will be submitting a concurrence letter acknowledging that the applicant and city have followed a best practices model in preparation for a future Section 106 or ORS submittal.

Staff recommends the addition of the following conditions of approval to help guide the future owner and Legacy Project Partner agencies when they submit specific development proposals to the Planning Commission.

1. Prior to the demolition of any structures identified as potential eligible for listing on the National Register, the applicant, shall submit site plans and documentation photos of the interior and exterior of the buildings the adhere to the Section 106 documentation process.
2. If the applicant is proposing site cleanup, demolition, or new construction that will include the disturbance of native soils, or has a high likelihood of containing archeological evidence, as confirmed by the State Historic Preservation Office, the applicant shall submit and adhere to an inadvertent discovery plan that, depending on the proposed action could include archeological monitoring during times of site disturbance.
3. Removal of structures not identified for retention (including the secondary elements) will be processed as a Type I Land Use action provided all applicable conditions of approval from the CP 14-02 have been met.

4. Substantial alterations or request for demolitions to structures identified for retention (including the secondary elements) shall be processed as a Type III Land Use action.

If SHPO Concurs:

- No Historic Property, No Effect, or No Adverse Effect: The applicant is finished with the Section 106 Review consultation process.

- Adverse Effect: The agency enters into a "Memorandum of Agreement" (MOA) to mitigate the adverse effect or submits a research design to mitigate adverse effects through proper recovery. The MOA is signed by the agency and SHPO. The federal agency submits the MOA to the Advisory Council, along with a description of the project and the alternatives that were considered to mitigate the "adverse effect." The Advisory Council has 30 days to review the project and decide if it is willing to sign the MOA. Once the MOA is signed, the documentation should be completed and accepted by designated repositories before the project begins.

If SHPO Does Not Concur: Federal agencies may appeal to the Keeper of the National Register of Historic Places or the Advisory Council on Historic Preservation.

Finding: Complies as Conditioned. As stated above, the site is currently not involved with a federal undertaking nor is it owned by a public entity.

17.65.050.B.1.f *An analysis of the impacts of the proposed development on the surrounding community and neighborhood, including:*
(1) Transportation impacts as prescribed in Subsection "g" below;
(2) Internal parking and circulation impacts and connectivity to sites adjacent to the development boundary and public right-of-ways within 250 feet of the development boundary;
(3) Public facilities impacts (sanitary sewer, water and stormwater management) both within the development boundary and on city-wide systems;
(4) Neighborhood livability impacts;
(5) Natural, cultural and historical resource impacts within the development boundary and within 250 feet of the development boundary.
Findings: The applicant submitted documentation on the impacts of the proposed development. Please refer to the analysis within this report. Building and open spaces placement, development standards, design guidelines, and environmental enhancement opportunities identified in Section 1 will ensure the development's compatibility with the surrounding community. Transportation impacts from full build-out of the site can be managed with incremental improvements to the existing street network. There will be a net positive impact on natural features, as upgrades will occur with new development. Section 1, Development Impacts and Mitigation, identifies potential impacts on the community.

17.65.050.B.1.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.*
Findings: Complies as Conditioned. Please refer to the analysis in OCMC Chapter 17.65.050.B.1.i of this report.

17.65.050.B.1.h *In addition to the summary statement of anticipated transportation impacts, an applicant shall provide a traffic impact study as specified by City requirements. The transportation impact study shall either:*
(1) address the impacts of the development of the site consistent with all phases of the concept development plan; or

(2) address the impacts of specific phases if the City Engineer determines that the traffic impacts of the full development can be adequately evaluated without specifically addressing subsequent phases.
Findings: Complies as Conditioned. As this is a unique Framework plan that that does not include a concurrent detailed development plan, the applicant and the city are proposed a bit of hybrid approach for ensuring safety impacts are mitigated during the full build out of this plan. A traffic impact study prepared by Carl Springer of DKS Associates has been developed for the site, based on broad assumptions about the long term redevelopment of the site. This study summarizes impacts from proposed development, and identifies mitigation measures that will allow the existing transportation system to accommodate anticipated new trips. The transportation study was reviewed by John Replinger, transportation consultant for the City from Replinger and Associates who agreed with the analysis and the revised project list as agreed upon by ODOT. His letter has been attached to this report as well as the condition requiring a safety audit after the completion of the three off- site projects is additional safety concern are addressed.

Mr. Replinger specifically found that the traffic analysis (TA) provides an adequate basis upon which to assess the impacts of the redevelopment proposal and found believes that the TA provides sufficient documentation and mitigation measures showing that the transportation needs and safety associated with a Mixed Use Multimodal Area (MMA) will be satisfied. He specifically recommends that approval of the master plan, the rezoning, and designation of the MMA be conditioned on the identification and commitment of adequate resources from the applicant and others to assure that the identified mitigations or other alternative solutions can be constructed and operational at the time when the impacts become significant. Staff believed that the conditions and timing relating to the three offsite projects as proposed by ODOT and integrated into a future IGA, will address Mr. Replinger's concern.

17.65.050.B.1.i *If an applicant chooses to pursue option h(1), the applicant may choose among three options for implementing required transportation capacity and safety improvements:*
(1) The concept development plan may include a phasing plan for the proposed interior circulation system and for all on-site and off-site transportation capacity and safety improvements required on the existing street system as a result of fully implementing the plan. If this option is selected, the transportation phasing plan shall be binding on the applicant.
(2) The applicant may choose to immediately implement all required transportation safety and capacity improvements associated with the fully executed concept development plan. If this option is selected, no further transportation improvements will be required from the applicant. However, if a concept development plan is later amended in a manner so as to cause the projected average daily trips, the projected AM or PM peak hour trips, or the peak parking demand of the development to increase over original projections, an additional transportation impact report shall be required to be submitted during the detailed development plan review process for all future phases of the development project and additional improvements may be required.
(3) The applicant may defer implementation of any and all capacity and safety improvements required for any phase until that phase of the development reaches the detailed development plan stage. If this option is selected, the applicant shall submit a table linking required transportation improvements to vehicle trip thresholds for each development phase.
Findings: Complies as Conditioned.The applicant submitted a traffic impact analysis prepared by DKS and Associates discussing the transportation impacts of the proposed development. The traffic impact study has quantified transportation impacts based on anticipated future development. As discussed in the narrative, this plan includes a range of potential improvements to the area around and adjacent to the site. The study addresses impacts consistent with all phases of the general development plan.

This analysis is based on a full build-out of 700 peak hour trips. As part of the agreement with ODOT, the city and the applicant have agreed that additional safety measures may be required when the development exceeds 700 peak hour trips. A safety audit may also be triggered after the construction of the three offsite improvement to

identify safety projects, but at this time, additional offsite safety measures will not be required prior to the exceeding 700 peak hour trips. Internal infrastructure improvements will be assessed at each development application.

The Master plan approval additionally requires ODOT concurrence for any phase of development of the Willamette Falls Master Plan area that would result in the total estimated peak hour trips generated from the area to exceed 700. If at that time, traffic analysis establishes that additional safety measures are needed, the applicant will be required to include additional safety measures or upon ODOT agreement on other countermeasures not provided in association with proposed development.

17.65.050.B.1.j*The applicant or city staff may propose objective development standards to address identified impacts that will apply within the proposed development on land that is controlled by the institution. Upon approval of the concept development plan, these standards will supersede corresponding development standards found in this code. Development standards shall address at least the following:*
(1) Pedestrian, bicycle and vehicle circulation and connectivity;
(2) Internal vehicle and bicycle parking;
(3) Building setbacks, landscaping and buffering;
(4) Building design, including pedestrian orientation, height, bulk, materials, ground floor windows and other standards of Chapter 17.62; and
(5) Other standards that address identified development impacts.
Findings: Development standards specific to this facility are contained in the new zoning chapter for the Willamette Falls Downtown District. In addition to the adopted municipal development code, this application contains design guidelines for future development in the area. See page 17 of this report.

17.65.050.B.2.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.*
Findings: Complies as Proposed. The applicant submitted a site plan for the proposed development displaying the approximate location of proposed vehicular, bicycle, and pedestrian access points and circulation patterns, parking and loading areas. Sheet 8 of the applicant's submittal shows the circulation patterns on the site. The historic street grid will be re-established on the site, and a pedestrian/bike access will be created along the riverfront and south to Canemah.

17.65.050.B.2.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 250 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 250 feet may be extended to and/or through the proposed development.*
Findings: Complies as Conditioned. The proposal shows the location of all proposed streets and pedestrian/bicycle access ways. The historic street grid will be re-established on the site, and a pedestrian/bike access (The Riverwalk) will be created along the riverfront and south to Canemah. It should be noted that ROW acquisition and/or dedication of a public access easements will be determined at the time of a detailed development review.

This plan establishes the expectations for the general location and purpose of connections into and through the site. The final configuration and location of the pedestrian paths and streets will be determined during the development review process and through negotiations for a public easement across the site.

In certain situations or locations, it may be in the city's best interest to retain streets in private ownership with a public access easement. This analysis is contingent and should be related to a specific development application.

17.65.050.B.2.c *The approximate location of all public facilities to serve the proposed development, including water, sanitary sewer, stormwater management facilities.*
Findings: Complies as Conditioned. Sheet 10 of the applicant's submittal, the proposed utility plan, shows approximate location of water, sanitary sewer, and stormwater management facilities. Please refer to the analysis within this report.

17.65.050.B.2.d *The approximate projected location, footprint and building square footage of each phase of proposed development.*
Findings: Complies as Proposed. The approximate location and footprint of proposed development is outlined by the framework plan map, on Sheet 7 of the applicant's submittal. The precise location, footprint, and square footage of structures will depend on future development. The City will review location and building design at detailed development plan review.

17.65.050.B.2.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.*
Findings: Complies as Conditioned. Open space is proposed in the framework plan. These areas are below the floodplain and will develop with a combination of open space/recreational uses and rehabilitated industrial buildings. The exact nature of the open space will be determined at the time of development or purchase of public easements. The natural resources subject to protection are related to the riparian corridor and are subject to the city's natural resource overlay. Historic structures to be preserved are shown Section 1.

To ensure proper planning, construction and maintenance of these facilities,

1. The applicant has proposed a Master Plan that includes a conceptual amount of open/public space in blocks 3 and 4. In order to ensure that the open/public space is implemented in conjunction with overall development and not left to a final phase, the applicant shall show construction of an open/public space parcel that is a minimum 40,000 square feet and consists of both active and passive uses with prominent views of the falls at the time of completion of the first 400,000 square feet of new habitable space. As part of the detailed development review for this open space, the applicant shall submit a long term maintenance and operation plan to ensure the open/public space can be maintained. This plan anticipates the use of both private and public contributions.
2. The applicant has proposed a Master Plan that includes the Riverwalk along the Willamette River. In order to ensure that the Riverwalk is provided, either independently or in conjunction with overall development and not left to a final phase, the applicant shall design and construct all or some roughly proportional portion of the Riverwalk no later than the time of completion of the first 300,000 square feet of new habitable space. As part of the detailed development review that includes design for the Riverwalk, the applicant shall submit a long term maintenance and operation plan explaining how the Riverwalk will be maintained. This plan anticipates the use of both private and public contributions.

17.65.050.C. *Approval Criteria for a General Development Plan.*

17.65.050.C.1 *The proposed General Development plan is consistent with the purposes of Section 17.65.*
Findings: Complies as Proposed. Chapter 17.65.010 of the Oregon City Municipal Code states:
"It is the intent of this Chapter to foster the growth of major institutions and other large-scale development, while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure. The City recognizes the valuable services and employment opportunities that these developments bring to Oregon City residents. The master plan process is intended to facilitate an efficient and flexible review process for major developments and to provide them with the assurance they need over the long term so that they can plan for and execute their developments in a phased manner. To facilitate this, the master plan process is structured to allow an applicant to address the 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 is consistent with the purpose and intent statement in OCMC Chapter 17.65.010 as it identifies the growth expected on the former Blue Heron Paper mill over the next twenty years.

The Willamette Falls Legacy Project site is a 22 acre site, and has the potential for large-scale development to the benefit of Oregon City and the region. The potential impacts of the redevelopment of the site are favorable with regard to economic development, public access, and new opportunities for people to experience the natural wonder of the largest falls in Oregon. The impacts on surrounding properties with regard to transportation and public infrastructure will be mitigated by incremental offsetting changes to public systems for accommodating new growth, that is, the transportation and public utility improvements that are identified in this plan and will be implemented concurrent with new development. A re-developed and revitalized Willamette Falls District would provide a range of services and employment opportunities to Oregon City residents--which are as-yet undefined, and contingent on market conditions.

This plan provides the first step in setting the future of the new district and establishes a flexible review process for major new development. This review process includes an assurance of compliance with the principles of and standards within the general development plan, all the requirements and information necessary for the subsequent detailed development plan, and further, compliance with a district-only set of design guidelines that will be approved with the general development plan. Setting up the master plan in this way allows planning and design of individual projects within the larger district to go forward, and gives a clear path to gaining future approval for development of both new buildings and open space. Establishing parameters for future development on the site allows for renewal of the area to occur over time, in a phased manner, while assuring consistency with the general principles of the plan, which have been expressed by a broad and inclusive public process that leads up to this document. This general development plan addresses the larger development issues, such as street location, layout of development and open space areas, and infrastructure capacity, while leaving details of building orientation or how uses are mixed until the detailed development phase. Ultimately, the general development plan will foster the growth of the Willamette Falls District by clearly delineating areas for new development and open space, designating public access through a grid of streets and multi-use paths along the waterfront, and setting up a future land use approval process, including new design guidelines, that ensure a clear path forward for high-quality future projects.

17.65.050.C.2 Development shall demonstrate compliance with Chapter 12.04, Streets, Sidewalks and Public Places.
Findings: Complies as Proposed. The master plan for the new Willamette Falls District establishes street locations and dimensions that are generally consistent with OCMC 12.04. The primary facilities that will be established over the life of the master plan are a new Main Street, Water Street, 3rd and 4th Streets, and a multi-use pedestrian and bicycle path along the waterfront and potentially south toward Canemah. The grid of

public streets is the continuation and re-creation of the historic pattern that already exists in downtown Oregon City. This network of streets was vacated in the past to make way for large-scale industrial development. As the site re-develops with a mix of uses, the site can again benefit from the accessibility that can be provided by a continuous street network.

Main Street is a "collector" street and future development of this street will comply with the City's standards for collector streets with one exception. Rather than a standard 10.5 foot sidewalk, the Main Street profile will include 16 foot sidewalks. This dimension could be reduced for a specific development application to accommodate a special condition such as to protect the façade of an existing historic building. This proposed change will accommodate an expected high level of pedestrian activity that is forecast for the new district, and is in response to the current experience of Main Street in downtown Oregon City, where street furniture and signage has often left the through-zone for pedestrian traffic seeming congested. Additional findings relating to this chapter can be found later in the staff report.

17.65.050.C.3 *Public services for water supply, police, fire, sanitary waste disposal, and storm-water disposal are capable of serving the proposed development, or will be made capable by the time each phase of the development is completed.*
Findings: Complies with Condition. An analysis of the proposed impacts is provided below. As part of the pre-application meeting, city and area service providers provided information in response to the applicant's request regarding water, sanitary, storm, and other public services. The applicant provided the response in the application.

Oregon City Public Works staff submitted a memorandum dated August 27, 2014 which updates and refines the initial analysis from the pre-application conference. Staff has incorporated the recommend conditions from Public Works and adjusted the mas needed to ensure they met the compliance triggers identified in the conditions. The comments mainly focused on two items:

1. Submittal requirements needed in a utilities/infrastructure phasing plan which will be required at the time of the first detailed development plan of new habitable space over 1,000 square feet. If the Riverwalk development application is the first submittal, the phasing plan for the Riverwalk shall be limited to the boundary of the Riverwalk project.
2. Immediately addressing an existing condition of the onsite manhole at the intersection of 3rd St and Main St that has been changed with the addition of a weir to direct the storm water flow into the onsite sanitary sewer system, which flows directly to the TCSD interceptor pipe. This storm water issue further exacerbates the surcharging condition in the TCSD interceptor sewers and needs to be rectified prior to the submittal of a detailed development plan.

PUBLIC FACILITIES AND SERVICES

WATER
Existing Water System
The existing public water system serving the former Blue Heron site consists of an onsite 10-inch cast iron (CI) water main that connects to a bi-directional pressure reducing valve (PRV) station at the north end of the property in Main Street just south of the intersection of Highway 99E (5th Street) and Main Street. The 10-inch CI water main extends south from the PRV station in the alignment of Main Street to approximately the middle of the property just south of where 3rd Street would be located. Then the 10-inch CI turns easterly in a location under the existing building and continues easterly under the railroad tracks and Hwy 99E. On the east side of Hwy 99E, the water main transitions from underground to above ground and is located vertically on the bluff wall, attached with pipe supports, from Hwy 99E at the bottom to the McLoughlin Promenade at the top where the water main

transitions back to underground. The 10-inch water main continues easterly underground from the bluff wall to a second PRV station at 3rd Street just westerly of High Street. The 10-inch main is the source of water supply to the former Blue Heron's large metered water service and onsite private water system.

The 3rd/Bluff PRV station is the primary source of water supply to the 10-inch main. The station contains two PRVs that control the flow of water from the upper pressure zone to the lower pressure zone with one small PRV providing water service during normal operating conditions and one large PRV providing higher flows during fire flow conditions. During normal operating conditions the 10-inch system is a dead end main served by the 3rd/Bluff PRV and providing water to the onsite metered service. The 5th/Main PRV operation is bi-directional and only provides flow to the 10-inch main during fire flow conditions. It should be noted that the operational parameters of the PRV stations were designed and set based on the operational needs of the former Blue Heron industrial site. The PRV stations need to be evaluated for operational changes based on the proposed redevelopment uses of the site.

The 2012 Water Master Plan evaluated the fire flow capacity of the 10-inch main onsite using a hydraulic model. The estimated available fire flow at 20 psi residual pressure is 2,450 gallons per minute (gpm). The former Blue Heron site's required fire flow was 5,000 gpm. For the site's fire protection needs, the public system is supplemented by an onsite private water system. This private system includes a fire protection system and potable water system. The private fire system facilities include a tank on a property at the westerly corner of High Street and 1st Street, with a private fire main that extends from the tank, down the bluff wall, crosses under Hwy 99E and the railroad tracks, with a network of fire mains onsite that provide flow to onsite private fire hydrants and sprinkler systems located inside the existing buildings. It is assumed as the site redevelops, the private system will be abandoned, removed and/or demolished including the private fire system facilities.

The referenced public 10-inch CI and steel water mains are old, in poor condition and need to be replaced. The above ground steel main failed in December 2013 with leaking pipes and the City made temporary repairs to keep the pipeline in service. The referenced PRV stations are also old and have operational and maintenance problems with the 3rd/Bluff PRV station needing to be replaced.

The capacity of the existing public 10-inch system with two PRV stations is not adequate to provide the commercial fire flow requirement of 3,000 gpm at 20 psi residual pressure. Due to the existing system's deficiencies, there needs to be a hydraulic analysis performed to determine what water system improvements are needed to provide the fire flow requirements as required by the Uniform Fire Code and Clackamas Fire District #1 for the range of uses and overall development proposal.

During the interim period, between approval of the Master Plan and the first detailed development plan application, it is important to document the plan for how the existing onsite private water system will be operated and maintained, when the large metered service is anticipated to be removed, and what the fire protection requirements are for the existing buildings on the site.

Recommended Conditions of Approval:

1. Within six (6) months from the date of the land use approval for CP 14-02 Master Plan, the applicant shall develop, finalize and submit to the City an interim water utility plan for the private onsite water system. The private system currently provides both domestic water service and fire flow protection to the entire site. The interim water utility plan shall include:
   a. Detailed operational and maintenance plan for the private water system during the interim period.
   b. Water System Pipe Schematic showing the private system schematically that will be operation during the interim period, including from the City's metered connection to the ends of the operational pipe segments, primary isolation valves, fire hydrants, sprinkler systems and other notable appurtenances.
   c. Collaboration with the City's Public Works Operations and Engineering staff regarding the interim operations and maintenance of the private water system.
   d. Collaboration with Clackamas Fire District #1's (CCFD#1) to determine the minimum fire flow requirements for the existing buildings onsite and how the private system will comply with the requirements.

   2.. Prior to site development and concurrent with the first development land use application, the applicant shall develop an overall water utility plan for providing a public water system that provides both potable water service and fire flow protection to the entire site. The overall water utility plan shall require final approval by the City and include:

   a. Compliance with City Standards including Public Works Utility Standards

   b. Compliance with Clackamas Fire District #1's (CCFD#1) and Uniform Fire Code requirements for the site's maximum fire flow based on the overall site development plan and any other conditions of approval as applicable.

   c. A looped system providing two sources of supply with consideration of one source being located at the southern end of the site about where the existing pedestrian bridge crosses over Hwy 99E and the railroad tracks. This existing bridge is planned to be replaced sometime in the future with a new pedestrian bridge and consideration should be made for making the new bridge dual purpose and incorporate public utility crossings such as a new water pipeline.

   d. Evaluation of the existing water distribution system using City's approved hydraulic network model to determine what new water system improvements are needed to provide adequate service pressures during normal operating conditions, fire flows as required by CCFD#1, and PRV station operational parameters based on the redevelopment needs of the site. Note: The

existing PRV operational parameters may not work for the proposed redevelopment and be required to change.

e. Evaluation to determine if the City's designated "Paper Mill" pressure zone can be rezoned and made part of the "Lower" pressure zone and whether the PRV station at 5th/Main St is needed with the overall redevelopment plan.

f. Phasing plan for new water improvements, including consideration of when existing water facilities will be abandoned, removed and/or replaced, how fire protection will be provided to existing buildings that are remaining in place during that development phase, how the new system will operate during that development phase if there are old water facilities still needed to be operational, replacing and/or upgrading PRV stations, installation of new public water mains, fire hydrants and metered services located within future public streets meeting separation standards from other utilities as applicable.

g. Consideration of completely abandoning the private system with the first phase development and what new water improvements are needed to accomplish this.

2. Prior to building permits for the first site development, the plan will be implemented as approved.

SANITARY SEWER

Existing Sanitary Sewer System

There is an existing private sanitary sewer collection system on site which is a gravity system consisting of 8-inch and 12-inch pipe. This system connects directly to the Tri-City Service District (TCSD) interceptor system located on Highway 99E near the location of the future Water Street. A portion of the private pipe is located beneath the water filtration plant.

The existing private system on site is old, the condition is unknown and is at least partially inaccessible. This system will need to be abandoned in place and/or removed, and replaced with a public sanitary sewer system complying with City standards and located in future public right-of-way. As the site is relatively flat, it may be difficult to provide gravity sanitary sewer service to the south end of the site. The City's 2014 Sanitary Sewer Master Plan (SSMP) that is being adopted, includes an evaluation of the capacity of the Tri-City interceptor sewers along Hwy 99E. A number of the Tri-City sewers were found to be surcharging under both existing and future conditions. Water Environment Services (WES) manages and operates the Tri-City interceptor system. There will need to be coordination with WES and WES approvals regarding the connection to the Tri-City interceptor system with future sanitary sewer system improvements.

Recommended Conditions of Approval:

1. Prior to site development and concurrent with the first development land use application, the applicant shall develop an overall sanitary sewer utility plan for providing a public sanitary sewer system to the entire site. The overall sanitary sewer utility plan shall require final approval by the City and include:

a. Compliance with City Standards including Public Works Utility Standards

b. Capacity evaluation of existing sanitary sewer collection system using City's approved hydrologic/hydraulic model due to the proposed wastewater flow contribution from the entire development, including consideration of the TDSD surcharged interceptor sewers predicted in the 2014 SSMP and potential need for backflow protection improvements due to negative impacts from TCSD surcharged system.

c. Phasing plan for abandonment, removal, and/or replacement of existing sewer facilities, and new public sanitary sewer extensions with lateral services located within future public streets meeting separation standards from other utilities as applicable.

2. Prior to building permits for the first site development, the plan will be implemented as approved.

STORM DRAINAGE

Existing water quality facilities have been installed as temporary measures until development occurs. The temporary measures include gabions with filter material at one tailrace and the pipe gallery; retention and settling in the grotto; and rain gardens in totes for the roof drains. There are two existing outfalls on the site located within the redevelopment area, one at approximately 3rd Street and the second at 4th Street.

The 3rd St outfall and pipe conveyance system collects storm water runoff through Oregon Department of Transportation (ODOT) Hwy 99E from Tumwater Drive to 3rd Street and conveys the flows downstream to the pipe system onsite along 3rd Street to the 3rd St outfall. Confirmation was made that one of the onsite manholes along this conveyance system at the intersection of 3rd St and Main St has been changed with the addition of a weir to direct the storm water flow into the onsite sanitary sewer system which flows directly to the TCSD interceptor pipe. This storm water issue further exacerbates the surcharging condition in the TCSD interceptor sewers and needs to be rectified.

The 4th St outfall system appears to collect onsite drainage and convey this through a pipe system to the outfall. There is a third outfall at the south end of the site discharging storm water to the pond above the dam from the Oregon Department of Transportation (ODOT) Hwy 99E and City 2nd St/High St stormwater systems. The outfall is submerged in the pond and this section is believed to be damaged, requiring repairs and/or replacement to make the system fully functional.
There is a fourth outfall at the north end of the site where the future Water Street intersects Hwy 99E (5th St). The 5th/Water outfall system collects and conveys stormwater from Railroad Ave, along the site's frontage on 5th St to the outfall. There appears to be operational problems with this system that include surcharging of the catch basins in the intersection of Main St and Hwy 99E. The site contributes stormwater runoff to this system. This problem will need to be evaluated for existing deficiencies in the system.

The site has been cleaned up such that storm water from the site can be discharged to the Willamette River without further environmental remediation. Due to the direct discharge to the Willamette River detention will not be required. Standard water quality treatment will be required per the City's stormwater management standards.

Recommended Conditions of Approval:

1. Prior to site development and concurrent with the first development land use application, the applicant shall develop an overall stormwater management plan for the entire site. The plan shall require final approval by the City and include:
   a. Compliance with City Standards including Public Works Utility Standards
   b. New stormwater facilities that provide for collection and treatment prior to discharge.

c. Consideration of alternative treatment methods such as Low Impact Development due to the nature of the site (bedrock at or near the existing ground surface).
d. Evaluation of existing stormwater system along frontage of site and determination of what improvements are needed to fix any deficiencies found.
e. Phasing plan as applicable and meeting the needs for phased redevelopment of the site.
2. By September 30, 2015, the applicant shall rectify the stormwater issue at the referenced manhole at Main St/3rd St intersection and separate the storm system from the sanitary sewer system. The resolution shall include collaboration and coordination with ODOT to determine what improvements are necessary for the separation of systems, City and ODOT approval of the plan, and implementation.

In addition to these conditions, staff recommends the applicant obtain an Oregon City Erosion Control Permit, if applicable, for all site clean-up, demolition or interim parking uses and verifies that the proposed work is consistent or can be made consistent with the DEQ interim stormwater plan.

STREETS

The master plan for the new Willamette Falls District establishes street locations and dimensions that are generally consistent with OCMC 12.04. The primary facilities that will be established over the life of the master plan are a new Main Street, Water Street, 3rd and 4th Streets, and a multi-use pedestrian and bicycle path along the waterfront and potentially south toward Canemah.
The grid of public streets is the continuation and re-creation of the historic pattern that already exists in downtown Oregon City. This network of streets was vacated in the past to make way for large-scale industrial development. As the site re-develops with a mix of uses, the site can again benefit from the accessibility that can be provided by a continuous street network.

Main Street is a “collector” street and future development of this street will comply with City standards with one exception. Rather than a standard 10.5 foot sidewalk, the standard profile will include minimum 16 foot sidewalks. This dimension could be reduced for a specific development application to accommodate a special condition such as to protect the façade of an existing historic building. This change will accommodate an expected high level of pedestrian activity that is forecast for the new district, and is in response to the current experience of Main Street in downtown Oregon City, where street furniture and signage has often left the through-zone for pedestrian traffic seeming congested.

Water Street is a new street that will be classified as a “local street” and comply with the design standards for that classification as contained in 12.04. Likewise, 3rd and 4th Streets will also be designated as local streets. These streets have the most flexibility depending on the nature of future development, since they are short segments, bounded by 99E and basalt cliffs to the east, and the river to the west. These streets could be established in a traditional section, or as shared streets, or as stubs into a parking structure.

For all streets within the district, the requirement for street trees will be modified as part of this master plan approval. The entire Willamette Falls Downtown District is on a basalt shelf that has only a shallow layer of soil—if any--that is a poor environment for growing trees. A continuous

canopy of street trees is strongly encouraged, and should be installed wherever it is feasible. In locations where underlying basalt does not allow standard street tree installation, an alternative approach will be allowed. Design guidelines proposed with the plan will encourage streetscapes to have a lively vegetative presence regardless of the underlying soil conditions, whether in planters or using smaller trees and shrubs.

Recommended Conditions of Approval:

1. Prior to site development and concurrent with the first development land use application, the applicant shall develop an overall street utility plan for the entire site. The plan shall require final approval by the City and include:
2. Compliance with City Standards including Public Works Utility Standards, unless amended by this review or from the public works director
3. Consideration of design exceptions and alternative streetscape elements if the site conditions (bedrock at or near the existing ground surface) do not allow for City Standards to be met.
4. Phasing plan as applicable for phased redevelopment of the site.
5. Prior to disturbance of soil associated with the proposed development, the applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement.
6. The applicant is responsible for this project's compliance with Engineering Policy 00-01 found at http://www.orcity.org/sites/default/files/EP00-01v6.pdf. The policy pertains to any land use decision requiring the applicant to provide any public improvements.

Staff finds that the applicant has shown that services for water supply, police, fire, sanitary waste disposal, and storm-water disposal are capable of serving the proposed development, or will be made capable by the time each phase of the development is completed if the Conditions of Approval are met.

17.65.050.C.4 *The proposed Concept Development plan protects any inventoried Goal 5 natural, historic or cultural resources within the proposed development boundary consistent with the provisions of applicable overlay districts.*

Findings: Analysis of the plan to protect historic and cultural elements was discussed previously in 17.65.050.B.1.e**.**

The city's mechanism for inventorying and protecting Goal 5 natural resources on the site is through the Natural Resources Overlay District. The Natural Resource Overlay District designation provides a framework for protection of Metro Titles 3 and 13 lands, and Statewide Planning Goal 5 resources within Oregon City. The Natural Resource Overlay District (NROD) implements the Oregon City Comprehensive Plan Natural Resource Goals and Policies, as well as Federal Clean Water Act requirements for shading of streams and reduction of water temperatures, and the recommendations of the Metro ESEE Analysis. Resources on this site are related to its proximity to the Willamette River and the associated NROD district boundary reflects the riparian resources. The city's Natural Resource Overlay District applies to a large portion of the Willamette Falls District, and its requirements will be met as part of any future detailed development plan application.

Though the site is on the banks of the river, the entire developed area of the site and covered with impervious surface. The NROD chapter provides an exemption for properties that do not increase impervious surface over existing conditions (17.49.080.J). This exemption is likely to be invoked for future development, since there is virtually no pervious surface on the existing site. Because the property is completely built out with decades of industrial development. Changes to the site will likely increase pervious surface in the district.

Nevertheless, satisfying the overall district objectives requires attention to habitat restoration and environmental protection. To that end, the master plan identifies restoration and enhancement opportunities for the site that will improve riparian conditions and fish and wildlife habitat. These enhancement actions can also provide improvements for water resources, including stormwater treatment and water quality. The existing conditions and menu of proposed, high-value site improvements is outlined in an natural resources assessment prepared by ESA in October 2012, "Willamette Falls Legacy Project: Habitat and Water Resources Opportunities," which is included as an appendix. In addition, Metro scientists have completed two years of study about the healthy habitat elements of the site, and further refined the list of environmental restoration targets at the site. These inputs have created key recommendations for enhancing the site's natural resource values:

- Expose and restore the historical shoreline
- Diversify habitat, restore tailraces, revegetate, remove invasive species
- Provide stormwater treatment along shoreline and in grotto
- Increase circulation in lagoon
- Diversify lagoon habitat

Two of the above identified actions would be especially important to improving the habitat values of the Willamette Falls site and its adjunct river corridor. Tail races once carved deep into the site at its southern end have been filled in or channelized as industrial development dominated the site. The intake basin (*i.e.*, lagoon), which creates an upper section of river through the site above the dam, provided a place for water transportation into the site from upstream. This water body is now stagnant. Re-establishing the mill races, either in part or in full, to receive greater flows from the lagoon has multiple environmental benefits. The water quality of the lagoon improves by circulating fresh water through the area. Greater circulation would aerate water flowing through the tail races, thus providing a more welcoming habitat for fish and other riparian vegetation. The master plan allows for this concept, with the understanding that the development of the open space in this location is still undetermined. The design of the open space and development in this area of the site will be determined in a future development application and any proposal will be required to show compliance with the overlay districts and the concept development plan.

17.65.050.C.5 *The proposed Concept 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.*
Findings: Complies as Conditioned.

Needed Housing.
The applicant has proposed a master plan in conjunction with a new zoning designation that allows for, but does not require residential units. The applicant has also proposed a review process that requires future detailed development plans to show compliance with master plan policies through a Type II or Type III process. This proposed process would not provide "clear and objective" standards for housing and thus would not contribute to needed housing in the City.

> **Needed Housing:** As used in ORS *197.307 (Effect of need for certain housing in urban growth areas)*, needed housing means housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels, including at least the following housing types:
> *(a)* Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;
> *(b)* Government assisted housing;
> *(c)* Mobile home or manufactured dwelling parks as provided in ORS *197.475 (Policy)* to *197.490 (Restriction on establishment of park)*;

(d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; *and*
(e) Housing for farmworkers.

During the City's last Comprehensive Plan update, the city produced a housing needs analysis based on data up to 2002 that looked at existing housing units and land available for housing. The report found that the City had a deficiency of land available for housing development through the year 2017 and needed to increase the capacity to accommodate an additional 1,444 units by the year 2017. The report predicted that by 2017, the City would gain an additional 6,075 units through development of existing and new residential land. In fact, the City has gained less than 3,000 additional units between 2002 and 2014. The Great Recession decreased the growth of housing demand, and the ultimate need may not be quite as high as predicted. Nonetheless, the city has increased its housing unit capacity since 2002 by 953 units, and has vastly expanded the opportunity for housing in new mixed use zones.

The 2004 revised Comprehensive Plan and Zoning maps responded to the need for additional housing types by upzoning areas throughout the city to help provide additional infill development. Through this Comprehensive Plan and Zoning Map amendment (L 03-01), the City added capacity for 628 units. The city reviewed infill opportunities again in 2008 and provided additional capacity for 150 units through a Comprehensive Plan and Zoning Map amendment L 08-01. In addition, property owner-initiated zone changes have increased capacity by 175 units between 2002 and today.

During this time period, the city also created and approved concept plans for three areas (South End, Beavercreek, Park Place) recently brought into the UGB. The density for these areas is prescribed by Title 11 of the Metro Functional Plan.

Concept Plan Areas	Units Required	Units Provided	Net capacity Added
Park Place (2002 UGB expansion only)	1091	1091	0
Beavercreek (Currently under review by courts)	0	1023	923
South End (2002 UGB expansion only)	1330	1210	-120
TOTAL	**2421**	**3324**	**803**

While not counted as contributing to needed housing, the City also increased housing through the introduction of mixed use zones in 2004 – MUC-1, MUC-2, and MUD zones, which all allow for multifamily development. Capacity from these new mixed use zones is estimated at a potential 8,000 units within the City limits. The provision for accessory dwelling units in all single family residential zones has increased overall housing availability as well.

The city has additionally adopted cottage housing and accessory dwelling units as a permitted use in single family residential zones. These two unit types provide a diverse and often affordable housing opportunities within existing neighborhoods.

The applicant has requested to pursue a non-clear and objective implementation model for future detailed development plans. Staff agree with this approach, given the lack of detailed for future phases, and finds that the city has adequately addressed the 2002 Housing Study and over the last twelve years has implemented zone changes and permitted new types of residential uses that greatly expands the capacity and variety of housing units in the city and additionally finds that this industrially zone site is not subject to meeting needed housing in the city.

Mitigation

The applicant provided the following table to summarize the discussion of impacts.

Impact category	Impact from Master Planned development	Summary of Proposed Mitigation
Aesthetics	New mixed use development and open space waterfront areas.	Impact is positive, no mitigation required.
Environmental Resources	Riparian corridor already badly degraded from years of heavy industrial use. New development subject to NROD and protects sensitive resources.	Plan includes enhancement opportunities to: expose and restore historical shoreline (diversify habitat, restore mill races, revegetate); provide stormwater treatment along shoreline and in grotto; increase circulation in lagoon and diversify habitat; establish vegetated buffer upslope.
Cultural Resources	Open up access to highly significant Native American site. Undertaken Sec 106 process as a best practice to understand final impact of Mater Plan to historic resources.	Impact is generally positive for access to Willamette Falls - no mitigation required. Future development will coordinate with tribes to assess impacts. Coordinate Mater Plan policies and Conditions of Approval to use for potential Memorandum of Understanding if federal funds or public ownership is involved in future phases.
Hydrology and Water Quality	Site already heavily impervious because of basalt shelf and industrial development. No increase in impervious surface anticipated.	Areas in floodplain generally designated for open space uses
Noise	Reduced noise impacts from what is allowed under current zoning, because of conversion to mixed use development.	Impact is positive, no mitigation required.
Transportation/Traffic	Additional vehicle and pedestrian traffic from development of new buildings and open space uses.	Package of improvements in and near site to mitigate impacts. Includes: signal at 6th and 99E, shared use path on waterfront, Water Street access, northbound right at Main/99E intersection, indirect left into site via Railroad, and ped bridge over 99E at south end of site.

17.65.050.C.6 *The proposed Concept Development Plan is consistent with the Oregon City Comprehensive Plan and its ancillary documents.*
Findings: Complies as Conditioned.

Introduction
Statements of Principle
Oregon City's Comprehensive Plan is founded on a number of principles, which shape the City Commission's vision for the future growth and development of the city. The principles help determine the scope of issues, concerns, and actions that will guide development, and they are reflected in the plan's goals and policies. Statements of these principles, listed below, are not legally binding. They are instead intended to help citizens understand the kind of city this plan will help to achieve.

> *Promote sustainability and sustainable development. ****
> *Contain urban development. ****
> *Promote redevelopment. ****
> *Protect natural resources. ****
> *Foster economic vitality. ****
> *Provide efficient and cost-effective services. ****
> *Ensure a sense of history and place. ****

Finding: The proposed general development plan for the Willamette Falls Downtown District is consistent with the above statements of principle because it takes a comprehensive approach to the redevelopment and revitalization of the district. The plan promotes sustainability by incorporating protections and enhancement for the site's riparian values, promoting the adaptive reuse of existing historic buildings on the site, and creating a pedestrian-friendly street and pathway network that will minimize car travel. It contains urban development by anticipating highly urban uses and building types downtown, which is the most central area of the city and will reinforce the core of the city. It promotes redevelopment by establishing a clear set of rules for buildings and open space, and designating more than six acres of the site for new development, and laying out the anticipated network of transportation and utility connections that will accompany future development. It protects natural resources by identifying a list of resource enhancement opportunities and requiring compliance with existing city rules for environmental protection. It fosters economic vitality by designating land for redevelopment consistent with current market realities, and providing more certainty for private and public investment on the site with regard to the spatial organization of the property. It provides efficient and cost-effective services because it promotes the redevelopment of 22 acres adjacent to the core of the city where it is easiest to provide utilities and other public services. It ensures a sense of history and place by designating specific buildings and structures for historic preservation, reestablishing the historic street grid, and requiring that new development show respect for the natural, territorial, and industrial history of the site.

Section 2: Land Use
Industrial Land
There is often pressure to convert industrially zoned land to easily developable sites and other uses. The goals of the City are to protect existing industrial land from conversion, where appropriate, to annex industrial land and expand the Urban Growth Boundary to add urbanizable industrial land to the inventory, and to ensure that public facilities can serve future development.

> *• Industrial (I) — uses related to manufacturing, processing and distribution of goods. Employment-based uses are encouraged. Intensive or heavy industrial uses are allowed in certain zones. Zones in the Comprehensive Plan Land-Use Map district are designed to comply with requirements of Title 4 of Metro's Urban Growth Management Functional Plan (1998).*

• Mixed Use Downtown (MUD) — urban density, mixed uses that are conducive to pedestrian and transit uses. This category is intended to be used to implement the Oregon City Downtown Community Plan (1999), the Oregon City Waterfront Master Plan (2002), and Metro's Regional Center concept, particularly in terms of connecting the Downtown with the waterfront. A design overlay is included in this area and is intended to promote development consistent with Oregon City's traditional Downtown form.

Finding: Complies as Proposed. The proposed plan is for re-development of the formerly industrial site, and is concurrent with a zone change from industrial to a mixed-use zone that supports a wider range of uses including office, craft industrial, commercial, and residential uses. This is consistent with comprehensive plan policy 2.2.12, "Ensure a master plan is developed at the Blue Heron Paper Company site ... which addresses transitioning the overall site from industrial to non-industrial land uses." The industrial history of the site is rooted in its proximity to the falls as a source of power. Being close to hydro-power is no longer a necessary requirement for desirable industrial land. Moreover, the location of this site has numerous challenges that have rendered it less appealing for industrial use than other site's within the city: limited transportation access, more than half the property being within the floodplain, and the presence of existing mill infrastructure. Finally, the city currently has in its inventory adequate and industrial land in areas with many fewer constraints.

Goal 2.1 Efficient Use of Land
Ensure that property planned for residential, commercial, office, and industrial uses is used efficiently and that land is developed following principles of sustainable development.
Policy 2.1.1
Create incentives for new development to use land more efficiently, such as by having minimum floor area ratios and maximums for parking and setbacks.
Policy 2.1.2
Encourage the vertical and horizontal mixing of different land-use types in selected areas of the city where compatible uses can be designed to reduce the overall need for parking, create vibrant urban areas, reduce reliance on private automobiles, create more business opportunities and achieve better places to live.
Policy 2.1.3
Encourage sub-area master planning for larger developments or parcels, including re-development, where it may be feasible to develop more mixed uses, or campus-style industrial parks, with shared parking and landscaping areas.Allow developments to vary from prescriptive standards if planned and approved under this provision.
Policy 2.1.4
Use redevelopment programs such as urban renewal to help redevelop underutilized commercial and industrial land.

Finding: Complies as Proposed The proposed plan for the Willamette Falls District will use land efficiently because it provides for a range of uses to mix on the same site at urban densities, and in a location that is close to existing development and public services. The new zone that is being created for this area encourages efficient use of land by establishing a minimum floor area ratio, no minimum setback, and very low parking minimums. The historic street grid that will be re-established on the site likewise creates a very rational and efficient division of the site into development blocks that are well suited for mixed use development of many different kinds, while providing sufficient access to each area of the site. The range of uses that are allowed and anticipated to occur at the site--employment, residential, commercial--will create a vibrant urban setting that drives economic development and also reduces the need for parking and automobile travel. The large scale nature of this development area and its current status as being in a single ownership provides unique opportunities for shared parking and common landscape areas. The areas proposed in the master plan for open space which are closest to the river (and below the floodplain) are an example of a common open space that efficiently serves the whole district.

Goal 2.2 Downtown Oregon City
Develop the Downtown area, which includes the Historic Downtown Area, the "north end" of the Downtown, Clackamette Cove, and the End of the Oregon Trail area, as a quality place for shopping, living, working, cultural and recreational activities, and social interaction. Provide walkways for pedestrian and bicycle traffic, preserve views of Willamette Falls and the Willamette River, and preserve the natural amenities of the area.
Policy 2.2.1
Redefine the Metro Regional Center concept to recognize the unique character of Oregon City while being in accordance with Metro's 2040 Growth Concept.
Policy 2.2.2
Support multi-modal transportation options throughout the Regional Center and to other Regional and Town Centers.
Policy 2.2.3
Develop and promote a vision for the economic development and redevelopment of the Downtown area that solidifies the Oregon City Downtown Community Plan and Oregon City Waterfront Master Plan.
Policy 2.2.4
Target public infrastructure investments and create public/private partnerships to leverage maximum benefits from public investment and to help ensure that the Regional Center develops to its maximum capacity and realizes its full potential.
Policy 2.2.5
Encourage the development of a strong and healthy Historic Downtown retail, office, cultural, and residential center.
Policy 2.2.6
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.
Policy 2.2.9
Improve connectivity for vehicles, bicycles, and pedestrians within the Oregon City Downtown community and waterfront master plan areas and improve links between residential areas and the community beyond.
Policy 2.2.11
Investigate an interpretive scheme that incorporates the End of the Oregon Trail Interpretive Center, the waterfront, and Downtown. Describe environmental, social, and historic aspects including the concept of a greenway along Abernethy Creek and nearby structures of historic significance.
Policy 2.2.12
Ensure a master plan is developed at the Blue Heron Paper Company site at such time as the property owner proposes a large-scale development, which addresses transitioning the overall site from industrial to non-industrial land uses.
Policy 2.2.13
Monitor the redevelopment within the Downtown Design District and investigate the need to require retail and service uses on the first floor and limit residential and office uses to the second floor and above.

Finding: Complies as Proposed The proposed plan for the Willamette Falls Downtown District extends the existing downtown farther to the south. The new district is anticipated to have a similar mixed-use feel as downtown, but also have larger buildings and a wider range of uses that are reflective of the industrial and employment history of the area. The change in zoning will allow for a wide range of uses within the area that are typical of Oregon City's downtown, shopping, employment, culture and recreation, and also potentially light industrial uses. The plan creates a network of multi-use paths for pedestrian and bicycle traffic, and preserves the natural amenities of the site, which are largely related to the river. Most of all, the redevelopment and opening up of this district will preserve and enhance views of Willamette Falls and the Willamette River, by creating public access to the historic center of the region in a way that has not been possible for the last 100-plus years.

The master plan supports Metro's Regional Center concept by increasing development and multi-modal transportation options within an existing downtown. The proposed new development will be well-served by existing services that are already present on site or close to it. Connectivity to the existing downtown and its surrounding areas will be vastly improved by the anticipated transportation improvements including a riverfront pathway that will provide access up to the edge of the falls.

The most directly applicable policy is 2.2.12, "Ensure a master plan is developed at the Blue Heron Paper Company site at such time as the property owner proposes a large-scale development, which addresses transitioning the overall site from industrial to non-industrial land uses." This is exactly the purpose of this land use application, as it sets out the rules and expectations for the long term conversion and redevelopment of the site from its former industrial use to that of a district more consistent with the mixed use character reflective of the existing historic downtown.

Goal 2.3 Corridors
Focus transit-oriented, higher intensity, mixed-use development along selected transit corridors.
Policy 2.3.1
Ensure planning for transit corridors includes facilities and access management, aesthetics (including signage and building facade improvements), infill and redevelopment opportunities, high-density residential development, and business assistance to existing businesses.

Finding: Complies as Proposed This site is bounded by a transit corridor, on Highway 99E, which is served by TriMet's line 33 bus. The site itself is not open to the public, nor is it currently in use as an employment center, so it is not served in any real way by transit. There is a stop three blocks north of the site in the downtown at 7th and Railroad, and southeast of the site at 2nd and Tumwater. Nevertheless, with the anticipated redevelopment of the site, transit access into and through the site is likely to improve. Overall, the development standards and requirements for the site are highly supportive of transit-oriented development.

Goal 2.6 Industrial Land Development
Ensure an adequate supply of land for major industrial employers with family-wage jobs.
Policy 2.6.1
Work with Metro to ensure that there is enough land available within the Urban Growth Boundary to meet the need for industrial and/or commercial may be appropriate to annex. The selection of these areas will be based on market factors, protection of environmentally sensitive areas, compatibility with development. If there is not enough, identify areas outside the boundary that adjoining and nearby uses, public facilities and infrastructure, proximity to expressways and transit, site requirements of specific types of industries, and the desires of the property owners.
Policy 2.6.2
Ensure that land zoned or planned for industrial use is used for industrial purposes, and that exceptions are allowed only where some other use supports industrial development. New non-industrial uses should especially be restricted in already developed, active industrial sites.
Policy 2.6.3
Protect the city's supply of undeveloped and underdeveloped land zoned for industrial uses by limiting non-industrial community uses, such as schools, parks, and churches on such properties and by limiting larger commercial uses within those areas.
Policy 2.6.4
Protect existing and planned undeveloped and underdeveloped industrial lands from incompatible land uses, and minimize deterrents to desired industrial development.
Policy 2.6.5
Ensure that land-use patterns create opportunities for citizens to live closer to their workplace.

Policy 2.6.6
Identify industrial uses that could partner with Clackamas Community College as training centers and future employers of students graduating from CCC.
Policy 2.6.7
Establish priorities to ensure that adequate public facilities are available to support the desired industrial development.

Finding: Complies as Proposed The plan will re-develop a formerly industrial site, and is proposed concurrent with a zone change from industrial to a mixed-use zone that supports a wide range of uses including office, craft industrial, commercial, and residential uses. This change is consistent with the comprehensive plan policy most clearly directed at the site, policy 2.2.12, which states, "Ensure a master plan is developed at the Blue Heron Paper Company site ... which addresses transitioning the overall site from industrial to non-industrial land uses." This policy must be balanced against policies for preserving industrial land within the city. The decision to convert this land to mixed-use is the result of an analysis of its highest and best use, and that proximity to hydro-power is no longer a necessity for industrial users. Constraints on the site--limited access, floodplain, existing mill infrastructure--make it even more challenging for industrial development. The new Willamette Falls Downtown District will still allow craft industrial or light industrial uses such as small-scale apparel manufacturing or beer brewing. Finally, the city currently has in its inventory adequate and industrial land in areas with many fewer constraints.

Goal 5.1 Open Space
Establish an open space system that conserves fish and wildlife habitat and provides recreational opportunities, scenic vistas, access to nature and other community benefits.
Policy 5.1.2
Manage open space areas for their value in linking citizens and visitors with the natural environment, providing solace, exercise, scenic views and outdoor community benefits. Conserve open space along creeks, urban drainage ways, steep hillsides, and education. Built features in open space sites should harmonize with natural surroundings.

Finding: Complies as Proposed. The proposed framework plan for the site identifies area near the waterfront and below the flood zone for open space uses. Because these areas are closest to the river and within the flood zone, they will be amenable to the values identified above. Some of this area is currently open water or cliff-top and thus unbuildable. A wide range of possibilities for the construction of these open space blocks could improve fish and wildlife habitat by roughening the shoreline and re-employing the mill races that have been hidden or covered over by decades of industrial development. Recreational opportunities could be created that will allow people to circulate through the district on a riverfront path to the edge of the falls, and beyond to Canemah. A planned waterfront path reaches its terminus at the edge of the falls, which is one of the most spectacular scenic vistas in the State of Oregon. Shoreline restoration and enhancement and the presence of a riverfront path will allow people access to this natural resource in a way that has not been possible for over 100 years. In all the anticipated options for development of the open spaces, citizens and visitors will be able to connect with the natural environment and gain access to views and the outdoors.

Goal 5.2 Scenic Views and Scenic Sites
Protect the scenic qualities of Oregon City and scenic views of the surrounding landscape.
Policy 5.2.1
Identify and protect significant views of local and distant features such as Mt. Hood, the Cascade Mountains, the Clackamas River Valley, the Willamette River, Willamette Falls, the Tualatin Mountains, Newell Creek Canyon, and the skyline of the city of Portland, as viewed from within the city
Policy 5.2.2

Maximize the visual compatibility and minimize the visual distraction of new structures or development within important viewsheds by establishing standards for landscaping, placement, height, mass, color, and window reflectivity.

Finding: Complies as Proposed The plan protects the scenic qualities of the city by setting up a framework that will prioritize public access and help bring citizens and visitors to the falls. The most significant feature of the site, its presence at the edge of the falls, is currently obscured by industrial buildings and the lack of access. The proposed plan will create new access, and new buildings will comply with a proposed design guideline that insures respect for the views. Development standards in the new zone and compliance with design guidelines address the details of future development.

Goal 5.3 Historic Resources
Encourage the preservation and rehabilitation of homes and other buildings of historic or architectural significance in Oregon City.
Policy 5.3.4
Support the preservation of Oregon City's historic resources through public information, advocacy and leadership within the community, and the use of regulatory tools and incentive programs.
Policy 5.3.8
Preserve and accentuate historic resources as part of an urban environment that is being reshaped by new development projects.

Finding: Complies as Conditioned. This plan identifies buildings of historical significance on the site and designates certain buildings for preservation or rehabilitation as part of any redevelopment project. Four buildings and a foundation (of the 50-plus structures on the site) are identified as highest value considering their historicity and potential for re-use. Five other structures are designated as worth saving, either whole or in part, but were found to be difficult to repurpose and generally could not be seen as income generating buildings Elements or pieces of other buildings on the site have value, but will be more difficult to save. This plan lays out the regulatory tools and incentive programs for historic preservation. As part of the plan and as also promoted by the design guidelines, new development projects will emphasize and accentuate the historic value of the site and integrate these resources into the new setting.

Goal 5.4 Natural Resources
Identify and seek strategies to conserve and restore Oregon City's natural resources, including air, surface and subsurface water, geologic features, soils, vegetation, and fish and wildlife, in order to sustain quality of life for current and future citizens and visitors, and the long-term viability of the ecological systems.
Policy 5.4.1
Conserve and restore ecological structure, processes and functions within the city to closely approximate natural ecosystem structure, processes, and functions.
Policy 5.4.2
Cooperate with Clackamas County, Metro and other agencies to identify and protect wildlife habitat, distinctive natural areas, corridors and linkages and other ecological resources within the Urban Growth Boundary and incorporate the information into the Urban Growth Management Agreement with Clackamas County.
Policy 5.4.4
Consider natural resources and their contribution to quality of life as a key community value when planning, evaluating and assessing costs of City actions.
Policy 5.4.5
Ensure that riparian corridors along streams and rivers are conserved and restored to provide maximum ecological value to aquatic and terrestrial species. This could include an aggressive tree and vegetation planting program to stabilize slopes, reduce erosion, and mitigate against invasive species and stream impacts where appropriate.

Policy 5.4.6
Support and promote public education, interpretation, and awareness of the city's ecological resources.
Policy 5.4.8
Conserve natural resources that have significant functions and values related to flood protection, sediment and erosion control, water quality, groundwater recharge and discharge, education, vegetation and fish, and wildlife habitat.
Policy 5.4.9
Protect and enhance riparian corridors along streams in Oregon City to increase shade, reduce streambank erosion and intrusion of sediments, and provide habitat for a variety of plants, animals, and fish.
Policy 5.4.10
Encourage and promote the restoration of the hydrologic and ecological character and function of streams and wetlands that have been degraded by channeling or eliminated from the landscape by routing into culverts.
Policy 5.4.16
Protect surfacewater quality by:
- *providing a vegetated corridor to separate protected water features from development*
- *maintaining or reducing stream temperatures with vegetative shading*
- *minimizing erosion and nutrient and pollutant loading into water*
- *providing infiltration and natural water purification by percolation through soil and vegetation.*

Finding: Complies as Proposed This plan identifies both the location and type of restoration projects that will improve the natural resources present on the site. Though degraded by a century of heavy industrial use, the riparian setting provides tremendous opportunities. As listed in the plan, future development could expose and restore the historical shoreline, increase the circulation in the lagoon and diversify habitat, and establish a vegetated buffer along the riverbank. These actions would dramatically improve resource values and upgrade habitat for fish, birds, and plant communities. Finally, by designating a large area of the site as ideal for open space or park uses, the plan sets a framework for a large reduction in impervious surface and an increase in landscaped area. This would have an overall benefit to the site's natural resource functions.

Goal 6.1 Air Quality
Promote the conservation, protection and improvement of the quality of the air in Oregon City.
Policy 6.1.1
Promote land-use patterns that reduce the need for distance travel by single occupancy vehicles and increase opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.
Policy 6.1.2
Ensure that development practices comply with or exceed regional, state, and federal standards for air quality.

Finding: Complies as Proposed This plan creates a multi-modal district with a mix of uses that will reduce the need for distance travel. By placing a range of uses together within close distance, and accessible by non-auto methods of travel, air quality will be protected. All development in the district will be subject to current regional, state, and federal air quality standards.

Goal 6.2 Water Quality
Control erosion and sedimentation associated with construction and development activities to protect water quality.
Policy 6.2.1
Prevent erosion and restrict the discharge of sediments into surface- and groundwater by requiring erosion prevention measures and sediment control practices.
Policy 6.2.2
Where feasible, use open, naturally vegetated drainage ways to reduce stormwater and improve water quality.

Finding: Complies as Proposed .The city's existing erosion control standards in OCMC 15.48 are to be used for any future construction or development on the site. This will reduce or eliminate discharge of sediment. Stormwater planters will be incorporated into site design as feasible, although the solid basalt base for the site offers little natural ability for water to be absorbed.

Goal 7.1 Natural Hazards
Protect life and reduce property loss from the destruction associated with natural hazards.
Policy 7.1.1
Limit loss of life and damage to property from natural hazards by regulating or prohibiting development in areas of known or potential hazards.
Policy 7.1.5
Minimize the risk of loss of life and damage to property from flooding by limiting development in the 100-year floodplain and by ensuring that accepted methods of flood proofing are used.
Policy 7.1.6
Encourage the use of land and design of structures that are relatively unaffected by the periodic effects of flooding, such as parking and other uses not normally occupied by humans.
Policy 7.1.7
Prohibit uses in areas subject to flooding that would exacerbate or contribute to hazards posed by flooding by introducing hazardous materials, filling or obstructing floodways, modifying drainage channels, and other detrimental actions.

Finding: Complies as Proposed As a riverfront site, 12.5 acres of the 22 acre site is located within the 100 year floodplain. This plan outlines a design that protects life and reduces property loss by locating open space and waterfront uses within areas most vulnerable to flooding. This insures that those areas likely to flood are occupied by land and structures unaffected by flooding, like open spaces or unoccupied areas underneath buildings. Though some building development could occur within these zones, especially if it relates to the adaptive reuse of historic structures, any construction would be subject to the city's Flood Management Overlay District rules (OCMC 17.42). These rules require flood proofing and balanced cut and fill.

Goal 8.1 Developing Oregon City's Park and Recreation System
Maintain and enhance the existing park and recreation system while planning for future expansion to meet residential growth.
Policy 8.1.1
Provide an active neighborhood park-type facility and community park-type facility within a reasonable distance from residences, as defined by the Oregon City Park and Recreation Master Plan, to residents of Oregon City.
Policy 8.1.3
Develop regional and community parks in such a way that revenue-producing amenities are included to bring in a revenue stream to partially fund maintenance of the parks system.

Finding: Complies as Conditioned The proposed plan identifies areas of the site well-suited for open space or waterfront uses. A large portion of this area is expected to be developed into a regional, neighborhood or community park-like facility that would be available for use by all residents of Oregon City and the region. Design of the facility or funding for it is still uncertain, but the plan clearly designated land close to the river for this use. Depending on the nature of the open space facility, this could include a revenue-producing amenity that offsets maintenance costs. Conditions of Approval that implement development triggers for the open space can be found in the end of the staff report.

Goal 9.1 Improve Oregon City's Economic Health

Provide a vital, diversified, innovative economy including an adequate supply of goods and services and employment opportunities to work toward an economically reasonable, ecologically sound and socially equitable economy.
Policy 9.1.1
Attract high-quality commercial and industrial development that provides stable, high-paying jobs in safe and healthy work environments, that contributes to a broad and sufficient tax base, and that does not compromise the quality of the environment.
Policy 9.1.2
Contribute to the health of the regional and state economy by supporting efforts to attract "traded sector industries" such as high technology and production of metals, machinery, and transportation equipment. (Traded sector industries compete in multi-state, national, and international markets and bolster the state's economy by bringing money in from sales of goods and services outside of the state.)

Finding: Complies as Proposed The proposed mix of uses, including employment, office, residential, retail, and light industrial uses, will allow a wide range of businesses and employers to locate at the Willamette Falls site, thereby building toward a strong local economy. The site has been an economic engine for the city for more than a century. While future development is expected to be at a smaller scale in a variety of businesses and industries, the framework established by this plan will nevertheless create fertile ground for high-quality commercial development.

Goal 9.6 Tourism
Promote Oregon City as a destination for tourism.
Policy 9.6.1
Protect historic, recreational, and natural resources as the basis for tourism, such as the Historic Downtown Area.
Policy 9.6.2
Ensure land uses and transportation connections that support tourism as an important aspect of the City's economic development strategy. This could include connections to the End of the Oregon Trail Interpretive Center and the train depot.
Policy 9.6.3
Provide land uses in the Downtown Historic Area, 7th Street corridor, and the End of the Oregon Trail Interpretive Center that support tourism and visitor services.
Policy 9.6.4
Encourage and support citywide events that would attract visitors and tie to the historic attractions of the city. Preserve tourism-related transportation services like the Oregon City Elevator and trolley.
Policy 9.6.5
Encourage river-related tourism facilities and services, such as docking facilities, river transit and river tours.
Policy 9.6.6
Encourage private development of hotel, bed and breakfast, restaurant facilities and other visitor services.

Finding: Complies as Proposed The master plan has been structured to be especially responsive to tourism, and anticipates that the site will be a regional destination that could attract visitors and outside investment on a large scale, to the benefit of the entire city. The core attraction of the site is its namesake and a spectacular natural feature: the second largest falls, by volume, in North America, behind only Niagara Falls. The key component of this master plan is public access to the site, giving the greater public a chance to access the falls for the first time in 100 years. A waterfront pathway that leads to the falls is expected to be a major attraction. Facilities and uses that support this attraction are allowed in the new district, and will build out as people begin to discover the site. Also, planned open space blocks that will be most visited and shared by the public are oriented toward the falls. The plan therefore explicitly encourages river-related tourism and facilities to support it.

Goal 9.8 Transportation System
Recognize the importance of the land use-transportation link and encourage businesses to locate in areas already served by the type of transportation system they need.
Policy 9.8.1
Through coordination with TriMet and local employers, encourage and promote the use of mass transit to travel between residential areas and employment areas.
Policy 9.8.2
Participate in regional efforts to encourage employers to promote telecommuting and other flexible work arrangements.
Policy 9.8.4
Promote "shared parking" and transportation demand management techniques such as transit vouchers, car or van pooling, and flexible schedules and telecommuting options to reduce peak hour trips.
Policy 9.8.6
Encourage the provision of multi-modal transportation to support major existing employers.
Policy 9.8.7
Assess methods to integrate the pedestrian, bicycle and elevator transportation modes into the mass transit system.

Finding: Complies as Conditioned. The new Willamette Falls District has been planned to be a multi-modal area that has a high level of pedestrian and bicycle amenities, a mix of land uses in close proximity, and high densities that will support convenient and efficient transportation, and reduce peak hour trips. Transit stops that are close to but not on the site may one day be brought into the property, and the rich network of pedestrian and bicycle connections will complement transit opportunities. The plan explicitly encourages shared parking both within and outside the district.

Goal 10.1 Diverse Housing Opportunities
Provide for the planning, development and preservation of a variety of housing types and lot sizes.
Policy 10.1.3
Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.

Finding: Complies as Proposed There is no housing currently on the site because it is not allowed by the existing General Industrial zoning. The proposed change in zoning will allow for multi-family residential uses. This is just one of many uses in what is anticipated by the master plan to be a mixed use zone with office, recreational, retail, and employment uses. Re-establishing a regular street grid makes development blocks that are well-suited for many types of development, including housing.

Goal 10.2 Supply of Affordable Housing
Provide and maintain an adequate supply of affordable housing.
Policy 10.2.1
Retain affordable housing potential by evaluating and restricting the loss of land reserved or committed to residential use. When considering amendments to the Comprehensive Plan Land-Use Map, ensure that potential loss of affordable housing is replaced.

Finding Complies as Proposed: By changing from a zone where housing is prohibited to one in which housing is an allowed use, this land use action creates an opportunity for new housing at any price level. Regardless of the affordability of potential future housing on the site, increasing supply will reduce price pressure on other units in the city. Affordable housing potential, as described in Policy 10.2.1, is increased by creating land where it could be built.

Goal 12.1 Land Use-Transportation Connection
Ensure that the mutually supportive nature of land use and transportation is recognized in planning for the future of Oregon City.
Policy 12.1.1
Maintain and enhance citywide transportation functionality by emphasizing multi-modal travel options for all types of land uses.
Policy 12.1.3
Support mixed uses with higher residential densities in transportation corridors and include a consideration of financial and regulatory incentives to upgrade existing buildings and transportation systems.
Policy 12.1.4
Provide walkable neighborhoods. They are desirable places to live, work, learn and play, and therefore a key component of smart growth.

Finding: Complies as Condition. The Willamette Falls District is a multi-modal district that has a high level of pedestrian and bicycle amenities, a mix of land uses in close proximity, and high densities that will enhance convenient and efficient transportation choices. The development standards, use provisions, and design standards that are part of the district's regulatory scheme will promote mixed uses and higher residential densities, along with walkable neighborhoods.

Goal 13.1 Energy Sources
Conserve energy in all forms through efficient land-use patterns, public transportation, building siting and construction standards, and city programs, facilities, and activities.
Policy 13.1.1
Maintain the historic use of Willamette Falls as an energy source for industrial and commercial development.

Finding: Complies as Proposed Willamette Falls is no longer used as an energy source for industrial and commercial development, but the proposed plan does not interfere with or preclude future use of the falls for this purpose. PGE will retain its current ownership of the dam on the Oregon City side of the falls. It has the authority to use the dam to create and/or transmit hydro power in the future.

Goal 13.2 Energy Conservation
Plan public and private development to conserve energy.
Policy 13.2.3
Plan for complementary mixed uses when considering annexation of new, under- or undeveloped areas so that new urban residential areas have closer access to jobs and services.
Policy 13.2.5
Construct bikeways and sidewalks, and require connectivity of these facilities to reduce the use of petroleum-fueled transportation.

Finding: Complies as Proposed Development on the site is organized to accommodate a wide range of complementary mixed uses: office and other employment, retail, residential, and recreational. The planned network of sidewalks on the street network and a multi-use path along the riverfront will create connectivity throughout the site. Buildings are expected to be multi-story, multi-use structures, which are more energy-efficient than the same uses in detached buildings. Taken together, these plan elements will help conserve energy.

Goal 15.1 Protect the Willamette River Greenway
Ensure the environmental and economic health of the Willamette River by adopting goals, policies and procedures that meet LCDC Statewide Planning Goal 15, Willamette River Greenway.

Policy 15.1.1
Protect the significant fish and wildlife habitat of the Willamette River by maximizing the preservation of trees and vegetative cover.
Policy 15.1.2
Preserve major scenic views, drives and sites of the WRG.
Policy 15.1.3
Encourage access to and along the river consistent with the Oregon City Park and Recreation Master Plan and the Oregon City Waterfront Master Plan.
Policy 15.1.4
Restrict new substations and power line towers in the WRG and river view corridor.
Policy 15.1.5
Protect and maintain parks and recreation areas and facilities along the Willamette River to minimize effects in the WRG, in accordance with the Oregon
City Park and Recreation Master Plan and the Oregon City Waterfront Master Plan.
Policy 15.1.6
Review uses proposed for inside the Willamette River Greenway Compatibility Review Boundary for consistency with local goals and policies for that area.

Finding: Complies as Conditioned. The entire Willamette Falls District is within the Willamette River Greenway, protects the scenic, historic, and recreational qualities of the riverfront. Allowed uses in the new zone are appropriate for lands within the greenway, as long as the development associated with these uses protects the important riverfront qualities.

The plan requires that applicants meet Willamette River Greenway standards, including a setback that keeps structures separated from the river. Separation between buildings and the river must be found to "protect, maintain, preserve and enhance the natural scenic, historic and recreational qualities of the Willamette River Greenway" (17.48.080.E)

For everything within 150 feet of the ordinary low water line, there is a Greenway "compatibility review" (17.48.100.A) that will be part of a future detailed development plan application. This compatibility review emphasizes landscaped area between the new activity and the river and public access along the riverfront.

The application also proposes a text amendment to the Willamette River Greenway code that would remove the 35 foot height limit for main or accessory residential structures in the Willamette Falls District. Development within the district (which is entirely covered by the Greenway overlay) will maintain compliance with this planning goal because it is also subject to land use review through the master plan requirements. New development must show that it is consistent with the master plan and the four core values for the site, and comply with development standards and design guidelines. This process will protect the stated values of the Greenway.

Modifications and Adjustments to Master Plan Process
The applicant requests two adjustments to development standards, as permitted during the master plan process. First, the applicant requests that future detailed development plans be reviewed through a Type III, rather than a Type II process, as would otherwise be required in OCMC 17.65.040.C. The reason for this change is that the proposed general development plan is less specific than usual for a master plan, because it is designed to be a flexible framework plan for future development. The shape of new buildings and open space on the site will evolve depending on the direction of a future developer, combined with a funding and financing plan that is not yet determined. The proposed plan offers a great deal of flexibility for a range of positive outcomes. However, that flexibility requires greater scrutiny and discretion by Oregon City at the next stage of the development process, more than can appropriately be decided by staff. One of the key elements of future

review will be compliance with the design guidelines contained in this approval, for which planning staff anticipates incorporating the advice of the design community as part of the review. Also, future detailed plans will have to comply with underlying zoning, consistency with this general development plan and design guidelines, the equivalent of site plan and design review, and compliance with rules for four overlay zones that might apply depending on location. Given the depth and complexity of a future development review, and the importance of this site to the City, future detailed development plans should be reviewed as a Type III process, which automatically is considered by the Planning Commission.

One exception to the above adjustment request—that all detailed development plans be elevated to Type III review—is for smaller projects, specifically those that meet all the requirements for minor site plan and design review (OCMC 17.62.035). In these limited situations, the detailed development plan may remain as a Type II review, but is still subject to the same standards identified in this master plan.

The second adjustment to the master plan process relates to the timing of which regulations apply. Although the master plan chapter allows development to freeze regulations in time as of the date of general development plan approval, the applicant requests that future plans instead be subject to the land use regulations in effect on the date those plans are submitted.

Overall, through the duration of this master plan, the principle of redevelopment of historic and non-historic structures on the site is vested by this framework plan. Current rules allow, for example, renovation of waterfront structures if habitable areas are above flood elevation, Greenway compatibility standards are met, natural resources are protected, etc. The proposed modification—allowing future applications to be subject to development standards that are current—should not be construed to override the principle that redevelopment is permitted and encouraged. As long as proposals comply with all the standards of the master plan, and can meet development standards, they may be approved.

The timeframe for this approval is 20 years long. The site will build out in different stages, over a long period of time. In addition, properties on the site, depending on location, could be subject to multiple different sections of the Oregon City Municipal Code: rules for master plans, site plan and design review, and four different overlay zones. For ease of review by city staff, and so that future developers do not have to comb through old codes to find out which version is applicable, this general development plan streamlines the review by making future applications subject to regulations in effect at the date of detailed development plan submittal. This is specifically allowed by the master plan.

17.65.070 Adjustments to development standards.

A. Purpose. In order to implement the purpose of the city's master plan process, which is to foster the growth of major institutions 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 process. These include, but are not limited to, items such as: dimensional standards of the underlying zone, site plan and design review criteria, residential design standards, and standards for land division approval.

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.

Process for Detailed Development Plan moved to Type III process

The requirement that detailed development review is subject to a Type II process is an “applicable development regulation” as stated above, because it is contained in OCMC 17.65.040.C. The request to increase the level of review from Type II to Type III is not specifically listed under subsection (A), but this list is not exhaustive, as

evidenced by the “but are not limited to” clause. The adjustment request is processed concurrently with the general development plan. An ancillary effect of this change will be that detailed development plans will be under a Type III review—with the exception of those small changes that can meet the minor site plan and design review thresholds—regardless of whether they also request an adjustment to a development standard.

Increase minimum Sidewalk width on Main Street
Main Street is a “collector” street and future development of this street will comply with these standards with one exception. Rather than the standard 10.5 foot sidewalk, the proposal for Main Street is 16 foot sidewalks. This dimension could be reduced for a specific development application to accommodate a special condition such as to protect the façade of an existing historic building. This change will accommodate an expected level of pedestrian activity that is forecast for the new district, and is in response to the current experience of Main Street in downtown Oregon City, where street furniture and signage has often left the through-zone for pedestrian traffic seeming congested.

C. Regulations That May Not be Adjusted. Adjustments are prohibited for the following items:
1. To allow a primary or accessory use that is not allowed by the regulations;
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. Any exception to allow a use not identified as a permitted or conditional use in the underlying zone.

Finding: The applicant requested to increase the level of review for detailed development plans from a Type II to a Type III process, with a minor exception for those small projects that meet minor site plan and design review thresholds. Such a change to the master plan process is not listed as a prohibited adjustment in this section, and is therefore allowed to proceed. The increase in minimum sidewalk width is not identified as a regulation that cannot be adjusted.

D. Approval Criteria. A request for an adjustment to one or more applicable development regulations under this section shall be approved if the review body finds that the applicant has shown the following criteria to be met.
1. Granting the adjustment will equally or better meet the purpose of the regulation to be modified;

Finding: The purpose of the master plan regulation is as follows:

17.65.010 - Purpose and intent.
It is the intent of this Chapter to foster the growth of major institutions and other large-scale development, while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure. The City recognizes the valuable services and employment opportunities that these developments bring to Oregon City residents. The master plan process is intended to facilitate an efficient and flexible review process for major developments and to provide them with the assurance they need over the long term so that they can plan for and execute their developments in a phased manner. To facilitate this, the master plan process is structured to allow an applicant to address the 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 change to procedure that requires upgrading review from Type II to Type III is at the request of the applicant and serves to improve the level of scrutiny and insure the efficient growth of development on the site. The relatively open nature of the general development plan as a framework addresses “the larger development issues” but leaves specifics to a later date. The location and design of new buildings and open space on the site depends on the direction of a future owner, and a funding and financing plan that is not yet in place. The flexibility and discretion offered by the plan requires greater scrutiny by Oregon City at the detailed plan stage. Given the depth and complexity of a future development review, and the importance of this site to the city,

future detailed development plans should be reviewed as a Type III process, which automatically goes to the Planning Commission. By doing so, the change helps facilitate an efficient and flexible review process, and provides more certainty for both future developers and the city.

Small projects that meet minor site plan and design review thresholds (OCMC 17.62.035) may still be processed as a Type II review. These projects will still be subject to the standards and conditions of the general development plan approval.

The increase in the width of sidewalks on Main Street is intended to provide a pedestrian environment that can accommodate the expected development.

2. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zone;

Finding: The two adjustments are very different in nature and have been explained in the findings above; staff does not see either of them having a cumulative effect on the overall purpose of the zone.

3. City-designated Goal 5 resources are protected to the extent otherwise required by Title 17.

Finding: The first proposed change is procedural, and will have no effect on city designated Goal 5 resources. This criterion does not apply. To the extent that a future development application might impact Goal 5 resources, the increased level of scrutiny offered by a Type III rather than Type II review could potentially protect these resources more thoroughly than without the proposed change. The second proposed change increase the pedestrian environment of the site and can be adjusted to protect historic resources through the detailed development process.

4. Any impacts resulting from the adjustment are mitigated; and

Finding: The first proposed change is procedural, and will have no on-the-ground impacts, and therefore nothing that needs to be mitigated. The change is merely to upgrade the level of review for future detailed development applications, from a Type II to a Type III land use review. The second proposed change increases the pedestrian environment of the site and can be adjusted to protect historic resources through the detailed development process.

5. If an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable.

Finding: The first proposed change applies to the entire area covered by the master plan, which includes areas within the Natural Resource Overlay District. However, this change is strictly procedural, increasing the level of land use review for future projects from Type II to Type III, and therefore has no impacts on the resource and resource values. Because there are no significant detrimental environmental impacts, this criterion does not apply. As Main Street is not located within the National Resource Overlay District, no detrimental impacts are projected for the increase in sidewalk width.

6. The proposed adjustment is consistent with the Oregon City Comprehensive Plan and ancillary documents.

Finding: The first proposed change is procedural, and merely increases the level of public review from Type II to Type III. This is a minor change to procedure and is consistent with the Oregon City Comprehensive Plan. Insofar as any findings are required to satisfy this criterion, the findings for consistency of the master plan under OCMC 17.65.050.C.6 also are incorporated here, by reference, for the adjustment. The second proposed change

increases the pedestrian environment of the site and can be adjusted to protect historic resources through the detailed development process.

17.65.090 Regulations that apply.
An applicant is entitled to rely on land use regulations in effect on the date its general development plan application was initially submitted, pursuant to ORS 227.178(3), as that statute may be amended from time to time. After a general development plan is approved, and so long as that General Development Plan is in effect, an applicant is entitled to rely on the land use regulations in effect on the date its general development plan application was initially submitted, as provided above, when seeking approval of detailed development plans that implement an approved general development plan. At its option, an applicant may request that a detailed development plan be subject to the land use regulations in effect on the date its detailed development plan is initially submitted.

Finding: Along with the street modification above, the applicant requests that future detailed development plans be subject to the land use regulations in effect on the date its detailed development plan is initially submitted. Because this master plan may have multiple ownerships over the life of the plan, and because the financial and funding mechanisms are not yet in place for all district development, the level of detail and certainty is less than would be expected in a more traditional master plan. This approval has a 20 year lifespan. The site will build out in different stages, over a long period of time. In addition, properties on the site, depending on location, could be subject to multiple different sections of the Oregon City Municipal Code: rules for master plans, site plan and design review, and four different overlay zones. For ease of review by city staff, and so that future developers do not have to comb through old codes to find out applicable language, this general development plan prefers the ease of making future applications subject to whatever land use regulations are in effect at the date of detailed development plan submittal.

Zone Change (OCMC 17.68)

17.68.010 Initiation of the amendment.
A text amendment to this title or the comprehensive plan, or an amendment to the zoning 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 presented on forms and accompanied by information prescribed by the planning commission.
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 zone change and comprehensive plan amendment results from an application to the planning division per 17.68.010.C above.

The applicant is requesting a zone change from Light Industrial to a newly created Willamette Falls Downtown District (Exhibit 16). The proposed district language is attached in the exhibits and is generally described through the following description:

The Willamette Falls Downtown (WFD) district applies to the historic Willamette Falls site, bordered by 99E to the north and east, and the Willamette River to the west and south. This area was formerly an industrial site occupied by the Blue Heron Paper Mill and is the location of Oregon City's founding. A mix of open space, retail, high-density residential, office, and compatible light industrial uses are encouraged in this district, with retail, service, and light industrial uses on the ground floor and office

and residential uses on upper floors. Allowed uses in the District will encourage pedestrian and transit activity. This district includes a Downtown Design overlay for the historic downtown area. Design guidelines for this sub-district require storefront façades along designated public streets featuring amenities to enhance the active and attractive pedestrian environment

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: Consistency with comprehensive plan goals and policies for the zone change was addressed in the findings for the general development plan, OCMC 17.65.50(C)(6), earlier in this document. The plan goals and policies, and the applicant response to these policies, were selected and responded to in consideration of the whole proposal, both master plan and zone change. Therefore, rather than duplicate the entire section of policies and responses, this response incorporates those findings by reference. Based on the findings contained in that section, this parallel criterion for the zone change is met.

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: Complies as Conditioned. As part of the pre-application conference, city and area service providers provided information in response to the applicant's request regarding water, sanitary, storm, and other public services. This information, analysis and proposed conditions of approval needed to show compliance with this section can be found in section **17.65.050.C.3 of this report**

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: Complies as Conditioned. The proposed zoning allows a wide range of uses on the site, encouraging the development of a mixed use area that is similar to that of the existing downtown. The historic street pattern of downtown will be re-established, linking the district to the rest of the city with a pedestrian-friendly network of local streets. In addition to new streets, public access to the site will include pedestrian and bicycle connections. Final configuration and location of the pedestrian paths and streets will be determined when building or park space development on the site is proposed.

Improvements to the existing public system of streets, sidewalks, and pedestrian paths will be constructed in combination with new development on the site. The package of improvements assumes increased use of the Willamette Falls site, from workers, residents, and visitors to new buildings and activities. A transportation analysis performed for the zone change and master plan showed that relatively light infrastructure improvements to the south end of the existing downtown and the north end of the new Willamette Falls District can accommodate the potential vehicular and pedestrian traffic in and out of the site. The package of projectss is listed in the conditions of for approval and, a shared use path on the riverfront, creation of a new Water Street connection, modifications to the Main Street/99E intersection geometry, and a pedestrian bridge over 99E at the south end of the site.

These improvements will enable the functioning of the transportation system in and around the site at the planned capacity and level of service. This conclusion is based on analysis done in cooperation with Oregon City and ODOT transportation officials, and assumed high levels of development and activity at the site.

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

Finding: Comprehensive Plan goals and policies were addressed previously in the section under the master plan approval, 17.65. The following statewide planning goals are applicable to the change in zoning, and are satisfied by the proposal.

Goal 1. Citizen Involvement

The zone change and master plan is the outcome of an extensive public engagement process. This process has reached out to thousands of Oregonians, as has been described in detail in the application's Public Engagement Summary.

Goal 2. Land Use Planning

The zone change and master plan establishes an orderly, fact-based, rational process for development on the site, in conformance with existing land use planning codes and policies in Oregon City. The creation of a new zone and the master plan that applies to the site are existing, adopted policies within the city code.

Goal 5. Natural Resources, Scenic and Historic Areas, and Open Spaces

The zone change and master plan protect all identified Goal 5 natural resources through a combination of: delineating areas for open space development, identifying opportunities for enhancement, and improving public access to the resources. Existing city protections of Goal 5 resources will remain in place, specifically, compliance with the Natural Resources Overlay District, OCMC 17.49.

There are currently no federally or locally designated historic structures (OCMC 17.40) located on the property. The Blue Heron site is not currently located within a local or National Register Historic District and is not part of the city's Goal 5 inventory. Adoption of this master plan and zone change will not serve to amend the City's acknowledged historic preservation plans. Rather, adoption of this plan serves as a preliminary step in identifying those resources that may be suitable for designation of historic resource or landmark and could be subject to the City's Historic Resource Overlay, OCMC 17.40.050, in the future. Through the Vision and Master planning process, the city, in cooperation and on behalf of the applicant, structured the historic resource analysis, protection and mitigation approach based on the best practices model of ORS 358 and the Section 106 process.

Goal 6. Air, Water and Land Resources Quality

The change to base zoning on the site that this application requests does not change existing city protections provided by overlays for natural resources, stormwater rules, or other environmental protections. These are specifically enhanced by the city code's acknowledged compliance with Metro code Title 3 and Title 13.

Goal 7. Areas Subject to Natural Hazards

The change to base zoning on the site that this application requests does not change existing city protections provided the city's Geologic Hazards Overlay, OCMC 17.44. These city rules are consistent with Goal 7 and protect development from inappropriate development on steep slopes.

Goal 8. Recreational Needs

The proposed zoning includes parks and open areas as allowed permitted use, and the master plan anticipates new public access and open space areas for recreation. Access to the falls and to the river resource is a core element of the master plan that will be enabled by the new zoning.

Goal 9. Economic Development

The proposed mix of uses permitted in the new zone, including employment, office, retail, and light industrial uses, will allow a wide range of businesses and employers to locate at the site, thereby building toward a strong local economy. The framework established by this plan will create fertile environment for high-quality commercial development and jobs.

The proposed plan is for re-development of the formerly industrial site, and is concurrent with a zone change from industrial to a mixed-use zone that supports a wider range of uses including office, craft industrial, commercial, and residential uses. The industrial history of the site is rooted in its proximity to the falls as a source of power. Being close to hydro-power is no longer a necessary requirement for desirable industrial land. Moreover, the location of this site has numerous challenges that have rendered it less appealing for industrial use than other site's within the city: limited transportation access, more than half the property being within the floodplain, and the presence of existing mill infrastructure. Finally, the city currently has in its inventory adequate and industrial land in areas with many fewer constraints.

Goal 10. Housing

The proposed new zone permits for multi-family residential uses, which is appropriate for a downtown location. Under current industrial zoning, housing is not allowed permitted use. Re-establishing a regular street grid will create development blocks that are well-suited for the development of housing, as well as other types of development.

Goal 11. Public Facilities and Services

Public facility provision is addressed in the response to criterion 17.68.020.B above. All future development in the zone will meet current Oregon City code.

Goal 12. Transportation

A transportation study included with the application studied access to the site and evaluated a full-build out scenario. It assumed a mix of uses as allowed by the proposed zoning, and a network of streets and pedestrian facilities to serve the site as outlined in the master plan. Final configuration and location of paths and streets will be determined when building or open space is proposed.

Based on modeling, these trips can be accommodated on the existing transportation network if a number of relatively minor improvements are made to improve safety and flow. Improvements will be built incrementally, as development occurs, and will enable the smooth functioning of the transportation system in and around the site. This conclusion is based on analysis done in cooperation with Oregon City and ODOT transportation officials. Additional findings for this section can be found ibn OCM 17.65.050a1h

Goal 13. Energy Conservation

Mixed-use development encouraged by the new zone is more energy efficient that other development patterns. The zoning and the master plan for the site is organized to accommodate a wide range of complementary mixed

uses: office and other employment, retail, residential, and recreational. Buildings are expected to be multi-story, multi-use structures, which are more energy-efficient than the same uses in detached buildings. Taken together, these plan elements will help conserve energy.

Goal 15. Willamette River Greenway

The entire Willamette Falls District zoning designation is within the Willamette River Greenway, which protects the scenic, historic, and recreational qualities of the riverfront. The base zoning requested does not change the fact that future development is subject to city rules for Willamette River Greenway standards, including a setback that keeps structures separated from the river. Separation between buildings and the river must be found to "protect, maintain, preserve and enhance the natural scenic, historic and recreational qualities of the Willamette River Greenway" (17.48.080.E) Also, for all development within 150 feet of the ordinary low water line, there is a Greenway "compatibility review" (17.48.100.A) that will be part of a future development application.

Regional Functional Plan Requirements
The regional policies which are adopted by this Urban Growth Management Functional Plan recommend and require changes to city and county comprehensive plans and implementing ordinances. The purpose of the functional plan is to implement regional goals and objectives adopted by the Metro Council as the Regional Urban Growth Goals and Objectives (RUGGO), including the Metro 2040 Growth Concept and the Regional Framework Plan. The comprehensive plan changes and related actions, including implementing regulations, required by this functional plan as a component of the Regional Framework Plan, shall be complied with by cities and counties as required by Section 5(e)(2) of the Metro Charter.

Title 1: Housing Capacity
Finding: Oregon City is currently in compliance with this section of the Regional Functional Plan. Furthermore, by rezoning the site from Industrial to Willamette Falls Downtown District, the city is provide additional housing opportunities and increases housing density within the Regional Center. This meets the overall goal of title 1

Title 3: Water Quality and Flood Management
Finding: No changes to Natural Resource Overlay District or Floor Management Overlay District are being proposed as part of this application. This section does not apply.

Title 4: Industrial and Other Employment Areas
Finding: The site is not included on the Employment and Industrial Areas Map of Title 4. For this reason, the city is not required to comply with section 3.07.450 of Title 4 for amendments to the Comprehensive Plan or zoning code due to a rezone from industrial to non-industrial uses.

Title 6: Centers, Corridors, Station Communities and Main streets
Finding: The Regional Framework Plan identifies Centers, Corridors, Main Streets and Station Communities throughout the region and recognizes them as the principal centers of urban life in the region. Title 6 calls for actions and investments by cities and counties, complemented by regional investments, to enhance this role. A regional investment is an investment in a new high -capacity transit line or designated a regional investment in a grant or funding program administered by Metro or subject to Metro's approval

Oregon City's downtown was designated as a Regional Center as part of a Metro Ordinance No. 95-625A, adopted in Dec 1995. The Regional Center boundary map was approved by the city as part of the 2013 TSP is consistent with the map shown as a Conceptual boundary on the Title 6 maps.

In order to be eligible for a regional investment in a Center, Corridor, Station Community or Main Street, or a portion thereof, a city or county shall take the following actions:

1. Establish a boundary for the Center, Corridor, Station Community or Main Street, or portion thereof, pursuant to subsection B;
2.Perform an assessment of the Center, Corridor, Station Community or Main Street, or portion thereof, pursuant to subsection C; and
3. Adopt a plan of actions and investments to enhance the Center, Corridor, Station Community or Main Street, or portion thereof, pursuant to subsection D

For the last 19 years, Oregon City has been working diligently on assessing, planning and investing in the Regional Center. The city has chosen to weave these goal, policies and improvements into the following documents below. The last step in the process (formally adopting the Regional Center Boundary) has been missing and can be rectified as part of this application process.

Oregon City Comprehensive Plan and Municipal Code Update (2004)
Oregon City Futures Plan (2004/2006)
Downtown Community Plan (1999)
Downtown Oregon City Parking Study (2009)
Oregon City Urban Renewal Plan (2007)
Oregon City Transportation System Plan (2013)

Title 7: Housing Choice
Finding: The city, nor the applicant is choosing to pursue an affordable housing program at this time. This section is not applicable.

Title 8: Compliance Procedures
Finding: The city is currently in compliance with the functional plan and has provided notice to Metro for the proposed changes to the comprehensive plan and municipal code.

Title 11: *Planning For New Urban Areas*
Finding: This is not a new urban area. This section is not applicable.

Title 12: Protection of Residential Neighborhoods
Finding: The site is not part of an existing residential neighborhood. This section does not apply.

Title 13: Nature in Neighborhoods
Finding: No changes to the Natural Resource Overlay District are being proposed as part of this application. This section does not apply.

CHAPTER 12.04 STREETS SIDEWALKS, AND PUBLIC PLACES

12.04.007 Modifications.
The review body may consider modification of this standard resulting from constitutional limitations restricting the city's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications shall be processed through a Type II Land Use application and may require additional evidence from a transportation engineer or others to verify compliance. Compliance with the following criteria is required:

A. The modification meets the intent of the standard;

Finding: Two modifications are proposed, for increased sidewalk width and for not requiring street trees in areas that have little to no soil or cannot support the inclusion of planter vaults. The intent of the street design standards is found in OCMC 12.04.175.

Modification to Street Standards
This general development plan application includes two modifications to the street standards contained in OCMC 12.04.180. Because of the unique character of the district, this application requests that the minimum sidewalk width of Main Street through the site, which is classified as a collector street, be increased from 10.5 feet to 16 feet. This is based on an observation by the city that the current 12 foot width of the sidewalks on Main Street frequently results in a congested condition for pedestrians, especially in locations where "sandwich" type sign boards, newspaper boxes, café tables, or other street furniture is present. The additional width will provide a livelier streetscape in the new district that will also have sufficient space for a pedestrian "through zone." Without this modification, the city would have no basis to compel future development to provide the desired sidewalk width. The city may approve a reduction from this requested sidewalk width for unique conditions, such as to allow for the encroachment of a historic building façade.

Secondly, the geology of the area requires a modification of the typical requirement in OCMC 12.04.180 for street trees to always be planted on both collectors and local streets. A continuous canopy of street trees should be planted if at all feasible. However, the entire Willamette Falls Downtown District is on a basalt shelf that has only a shallow layer of soil—if any--that is a poor environment for growing trees. In some locations, underlying conditions may make installing tree wells and meeting typical street tree impractical. Nevertheless, design guidelines included with the plan will encourage streetscapes to have a lively vegetative presence, in planters above ground or integrated into facing buildings. This modification will apply both to collectors (Main Street) and local streets (3rd, 4th, Water) in the district.

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

A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;

B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved…[***]

Increasing the width of proposed Main Street's sidewalk through the district was considered "in relation to:… public convenience and safety for all modes of travel." City of Oregon City planning and engineering staff have observed that the presence of street furniture, sign boards, and other amenities in the sidewalk area reduces the capacity of the sidewalk to accommodate people walking through. A minor increase in width can increase the "through zone" of the sidewalk and create a livelier and more comfortable pedestrian environment, which is an essential component of the planned mixed use area. This has the effect of improving the "proposed use of land to be served by the streets."

Modifying the requirement for street trees is a necessity given the unique topography and soil conditions of the Willamette Falls District. In this sense, the modification was considered "in relation to:… topographical conditions," per the statement of intent. "Topographical or other conditions" make matching the pattern of street development that is typical of downtown and other local area streets an unreasonable burden. Despite the modifying the street trees requirement, trees will still be installed if it is practical to do so. If local conditions prevent street trees, the street design will still maintain a lively vegetative presence by using planters or other ways of bringing green into the streetscape.

B. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;

Finding: Complies as Proposed The express purpose of the modification for wider sidewalks is to provide for more efficient movement of pedestrians. The rest of the right of way will be unchanged from existing standards, so this should have no effect on other modes. On balance, therefore the movement of all users will be improved. The exception for street trees in the right of way due to localized soil conditions has no impact on the safety or efficiency of any user.

C. The modification is consistent with an adopted plan; and

Finding: Complies as Proposed The modifications to street standards are still consistent with the city's TSP, and have virtually no effect on any of the principles espoused in that plan. As a result of this planning process, it is expected that the Oregon City Commission will adopt the findings of the new zone and master plan that contains the modification, thereby making the change consistent with the Willamette Falls District master plan.

D. The modification is complementary with a surrounding street design; or, in the alternative;

Finding: Complies as Proposed The proposed modifications are complementary with the street designs in the existing downtown, in that the general dimensions and appearance of the streetscape will be very similar, with only minor changes to improve pedestrian accessways and sidewalks and respond to local soil conditions. The alignment, overall right of way width, continuous storefront pattern, and provision of streetscape amenities are complementary to the surrounding street design.

E. If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The city shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.

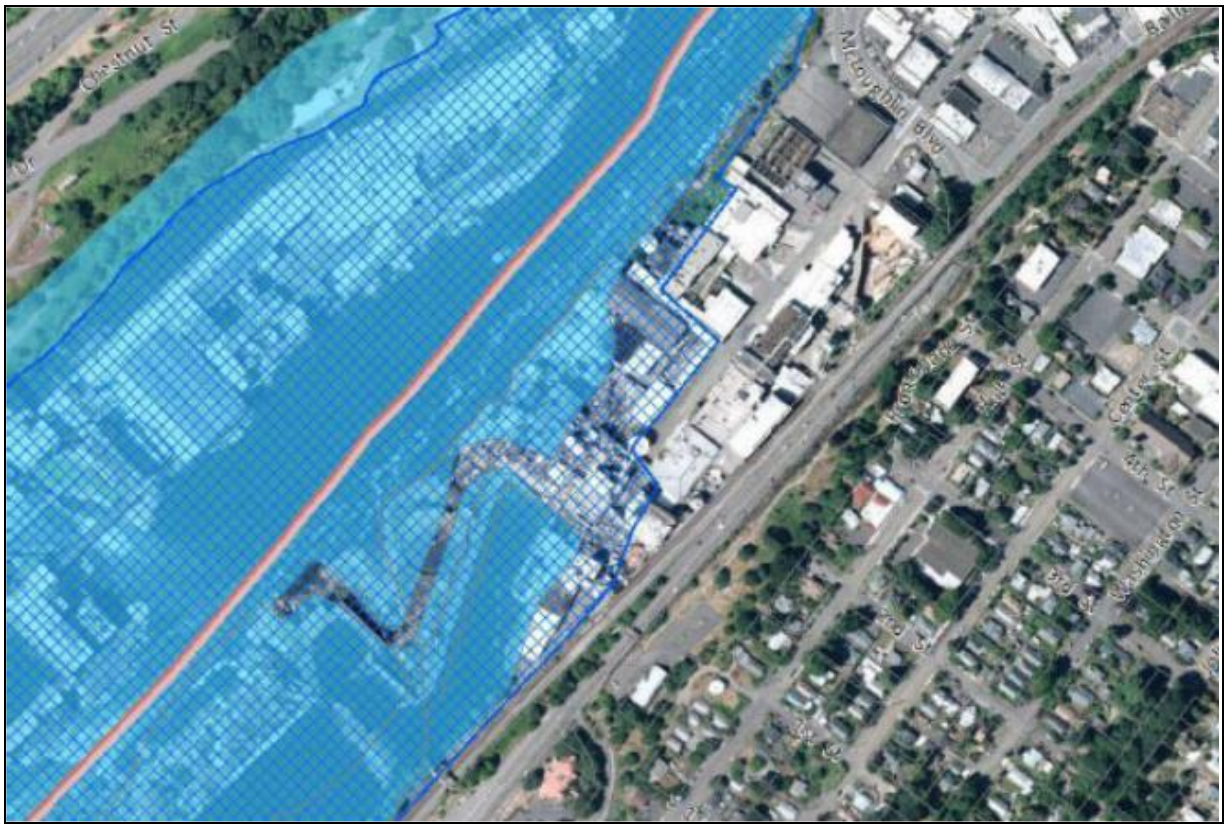
Finding: Complies as Proposed The modification is not requested for constitutional reasons.

CHAPTER 17.42 FLOOD MANAGEMENT OVERLAY DISTRICT

17.42.020 Applicability.
A. This chapter shall apply to development in the flood management overlay district, which may also be referred to as the "floodplain overlay district" in this code. The flood management overlay district includes all areas of special flood hazards and all flood management areas within the city. The overlay district restricts the uses that are allowed in the base zone by right, with limitations, or as provisional uses.
B. The flood management areas which have been mapped include the following locations:
1. Land contained within the one hundred-year floodplain, flood area and floodway as shown on the Federal Emergency Management Agency flood insurance maps dated June 17, 2008, including areas of special flood hazard pursuant to Section 17.42.040 and the area of inundation for the February 1996 flood; and

2. Lands that have physical or documented evidence of flooding within recorded history based on aerial photographs of the 1996 flooding and/or the water quality and flood management areas maps.
C. The standards that apply to the flood management areas apply in addition to state or federal restrictions governing floodplains or flood management areas.

Finding: Complies as Proposed 12.5 acres of the Willamette Falls District is within the city-defined flood management area as shown in the map below:



FLOOD MANAGEMENT OVERLAY ZONE.

17.42.080 Administration.
This chapter establishes a flood management overlay district, which is delineated on the water quality and flood management areas map attached and incorporated by reference as a part of this document.
A. The following maps and studies are adopted and declared to be a part of this chapter. These maps are on file in the office of the city recorder:
1. The Water Quality and Flood Management Areas Map, dated June 7, 1999;
2. The Federal Insurance Administration, Flood Insurance Rate Maps for Clackamas County, Oregon and Incorporated Areas dated June 17, 2008;
B. Applicants are required to provide the city with a delineation of the flood management areas on the subject property as part of any application. An application shall not be complete until this delineation is submitted to the city.
C. The city shall review the water quality and flood management areas maps during periodic review as required by ORS 197.633 (1997).
D. Development Permit.
1. A development permit shall be obtained before construction or development begins within any portion of the flood management overlay district. The permit shall be for all structures, including manufactured homes and all other development, including fill and other activities, as set forth in Chapter 17.04 (Definitions).

2. Application for a development permit shall be made on forms furnished by the community development department. Requirements may include, but are not limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage materials, drainage facilities; and the location of the foregoing.
3. The following information is specifically required:
a. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
b. Elevation in relation to mean sea level to which any structure has been floodproofed;
c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 17.42.170E.5.; and
d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

Finding: Complies as Proposed No specific development projects are proposed as part of this general development plan application. Rather, this application addresses the framework for future development, but does not request permits for work in the flood management area. As such, this chapter continues to apply to the district after the change in zoning and approval of the master plan. As part of the future detailed development plan application, which is required for any development in this district, compliance with the standards of this chapter will be required. Specifically, it is expected that the city will require a hydrologic analysis of the area to be developed that creates a more precise measurement of both the horizontal extent of the floodplain area and the vertical elevation of the floodplain as it relates to existing structures. This study will be dependent on a specific development application.

17.42.160 Flood management area standards.
A. Uses Permitted Outright:
1. Excavation and fill required to plant any new trees or vegetation.
2. Restoration or enhancement of floodplains, riparian areas, wetland, upland and streams that meet federal and state standards provided that any restoration project which encroaches on the floodway complies with the requirements of Section 17.42.190 (Floodways).
B. Provisional Uses.
1. All uses allowed in the base zone or existing flood hazard overlay zone are allowed in the flood management overlay district subject to compliance with the development standards of this section.
C. Prohibited Uses.
1. Any use prohibited in the base zone;
2. Uncontained areas of hazardous materials as defined by the Department of Environmental Quality.
*D. Site Development Standards. All development in the floodplain shall conform to the following balanced cut and fill standards: ****
E. Construction Standards.
*1. Anchoring.****
*2. Construction Materials and Methods. ****
*3. Utilities. ****
*4. Residential Construction. ****
*5. Nonresidential Construction. ****

Finding: Complies as Proposed As stated above, all future development in the Willamette Falls District is subject to the Flood Management Overlay District rules, which include these area standards. All of the uses written into the new Willamette Falls Downtown District designation will be permitted in the flood zone, “subject to compliance with development standards” for flood protection. These include provisions for anchoring, construction materials, utilities, and residential and non-residential construction.

CHAPTER 17.44: GEOLOGIC HAZARD OVERLAY DISTRICT

17.44.025 When required; regulated activities; permit and approval requirements.

No person shall engage in any of the following regulated activities within the adopted Oregon City Geologic Hazards Overlay Zone as defined in section 17.04.515 of the Oregon City Municipal Code without first obtaining permits or approvals as required by this chapter:

A. Installation or construction of an accessory structure greater than 500 square feet in area;

B. Development of land, construction, reconstruction, structural alteration, relocation or enlargement of any building or structure for which permission is required pursuant to the Oregon City Municipal Code;

C. Tree removal on slopes greater than 25 percent where canopy area removal exceeds 25 percent of the lot.

D. Excavation which exceeds two feet in depth, or which involves twenty-five or more cubic yards of volume;

The requirements of this chapter are in addition to other provisions of the Oregon City Municipal Code. Where the provisions of this chapter conflict with other provisions of the Oregon City Municipal Code, the provisions that are the more restrictive of regulated development activity shall govern.

Finding: Complies as Proposed As clearly shown on city maps, a large portion of the site is within a Geologic Hazard Overlay District.



GEOLOGIC HAZARD OVERLAY DISTRICT.

Consequently, the regulations within this chapter apply and future development proposals will be required to respond to the standards within it. As with the other overlay zones, the development standards are intended to apply to the specifics of a proposal to develop land, not to general plans such as the first step of a two-step master plan. Therefore, the rules of this chapter will be addressed as part of a future development application.

17.44.050 Development—Application requirements and review procedures and approvals.

Except as provided by subsection B. of this section, the following requirements apply to all development proposals subject to this chapter:

A. A geological assessment and geotechnical report that specifically includes, but is not limited to:

1. Comprehensive information and data regarding the nature and distribution of underlying geology, the physical and chemical properties of existing soils and groundwater; an opinion of site geologic stability, and

*conclusions regarding the effect of geologic conditions on the proposed development. In addition to any field reconnaissance or subsurface investigation performed for the site, the following resources, as a minimum, shall be reviewed to obtain this information and data: ****
2. Information and recommendations regarding existing local drainage, proposed permit activity impacts on local drainage, and mitigation to address adverse impacts;
3. Comprehensive information about site topography;
4. Opinion as to the adequacy of the proposed development from an engineering standpoint;
5. Opinion as to the extent that instability on adjacent properties may adversely affect the project;
Finding: Complies as Proposed To reiterate, all the protections of this chapter will be in effect when a detailed development plan application is requested. The information required at that time will include a geotechnical study, as listed in this section.

17.44.060 Development standards.
Notwithstanding any contrary dimensional or density requirements of the underlying zone, the following standards shall apply to the review of any development proposal subject to this chapter. Requirements of this chapter are in addition to other provision of the Oregon City Municipal Code. Where provision of this chapter conflict with other provision of the Oregon City Municipal Code, the provisions that are more restrictive of regulated development activity shall govern.
***
17.44.090 Stormwater drainage.
The applicant shall submit a permanent and complete stormwater control plan. The program shall include, but not be limited to the following items as appropriate: curbs, gutters, inlets, catch basins, detention facilities and stabilized outfalls. Detention facilities shall be designed to city standards as set out in the city's drainage master plan and design standards.
***
17.44.100 Construction standards.
During construction on land subject to this chapter, the following standards shall be implemented by the developer:
A. All development activity shall minimize vegetation removal and soil disturbance and shall provide positive erosion prevention measures in conformance with OCMC Chapter 17.47—Erosion and Sediment Control.
***

Finding: Complies as Proposed The above quoted and truncated sections are to indicate that, as stated, all future development must comply with the standards of this chapter. That includes numerous standards related to slope stability, drainage, soil disturbance, vegetation removal, and cut and fill provisions. It also regulates stormwater methods and erosion and sediment control. None of these protections are altered as part of this application.

CHAPTER 17.48 WILLAMETTE RIVER GREENWAY OVERLAY DISTRICT

Future development in the district must meet Willamette River Greenway standards. One of the key elements in this review is a setback separating structures from the river. Separation between buildings and the river, which will be determined at the detailed development plan phase, must "protect, maintain, preserve and enhance the natural scenic, historic and recreational qualities of the Willamette River Greenway" (OCMC 17.48.080.E)

For all development within 150 feet of the ordinary low water line, there is a Greenway "compatibility review" (17.48.100.A) that will be part of a future detailed development plan application. This compatibility review emphasizes landscaped area between the new activity and the river and public access along the

riverfront. Both of these criteria would be satisfied by a landscaped riverfront access path. Such a path is shown in schematic form on the general master plan drawings.

17.48.070 Development standards—Specific use.
In approving any development or change or intensification of use, the approving officer or body shall apply the following standards:

Considerations for Specific Uses.
A. With respect to recreational uses only: the considerations set forth in section C.3.b of Goal 15.
B. With respect to those fish and wildlife habitats identified in the city comprehensive plan only: the considerations set forth in section C.3.d. of Goal 15.
C. With respect to those scenic qualities and views identified in the city comprehensive plan only: the considerations set forth in section C.3.e. of Goal 15.
D. With respect to timber resources only: the considerations set forth in section C.3.h. of Goal 15.
E. With respect to aggregate extraction only: the considerations set forth in section C.3.i. of Goal 15.

Finding: Complies as Proposed To the extent that any of the above identified uses are proposed or located on the site, the applicable Goal 15 standards will apply. The greenway overlay does not restrict uses on the property, generally. Rather, uses that are permitted are listed in the underlying zone.

17.48.080 Development standards—General considerations.
The following considerations shall be applicable to all Willamette River Greenway permits.
A. Access. Adequate public access to the Willamette River shall be considered and provided for.
B. Protection and Safety. Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided for to the maximum extent practicable.
C. Vegetative Fringe. The natural vegetative fringe along the Willamette River shall be protected and enhanced to the maximum extent practicable.
D. Directing Development Away from the River. Development shall be directed away from the Willamette River to the greatest possible degree, provided that lands committed to urban uses within the Greenway may continue as urban uses, subject to the nonconforming use provisions of Chapter 17.58 of this title.
E. A Greenway Setback. In each application, the approving officer or body shall establish a setback to keep structures separated from the Willamette River in order to protect, maintain, preserve and enhance the natural scenic, historic and recreational qualities of the Willamette River Greenway, as set forth in the city comprehensive plan; provided, however, that the requirement to establish such setbacks shall not apply to water-related or water-dependent uses.
F. Other Applicable Standards. The Oregon Department of Transportation Greenway Plan, the Greenway portions of the city comprehensive plan, the Willamette River Greenway statutes and the provisions of Statewide Planning Goal 15, shall also be considered in actions involving Willamette River Greenway permits.

Finding: Complies as Proposed Future development applications will be subject to these development standards. At that time, a review can include the fact that this general development plan proposes a multi-use pedestrian path along the riverfront that would satisfy the consideration under subsection (A). Likewise, the design of the path will determine protection and safety under subsection (B). The vegetative fringe consideration in subsection (C) can also be achieved by some of the environmental enhancements listed in this plan and be used to satisfy requirements under the Natural Resources Overlay District. The size of the setback and the extent to which development will be "directed away from the Willamette River to the greatest possible degree" in subsections (D) and (E) will be determined at the time a project is proposed, acknowledging the fact that the entire district is committed to urban uses. On balance, staff

finds that the Master Plan meets the intent of the Purpose of this Overlay Zone. Specifically, the master plan calls for a significant addition of direct pedestrian access to Willamette Falls and Willamette River in conjunction with substantial riparian improvements via the future Riverwalk project. The rehabilitation of existing buildings and approval of any new construction within the Greenway Compatibility boundaries will need to comply with the above standards and be seen as supporting the overall goal of the project to protect, maintain, preserve and enhance the natural scenic, historic and recreational qualities of the Willamette River Greenway.

17.48.100 Compatibility review.

A. In all areas within one hundred fifty feet of the ordinary low-water line of the Willamette River, hereinafter referred to as the "compatibility boundary," the provisions of this subsection shall be applicable to all developments and changes or intensification of uses, so as to ensure their compatibility with Oregon's Greenway statutes, and to assure that the best possible appearance, landscaping and public access be provided.

B. All development or changes or intensifications of uses in the compatibility area shall be approved only if the following findings be made by the planning commission.

1. That to the greatest extent possible, the development or change or intensification of use provides for the maximum possible landscaped area, open space or vegetation between the activity and the river.

2. That to the greatest degree possible, necessary public access is provided to and along the Willamette River by appropriate legal means.

C. Procedure for action on compatibility review shall be as set forth in Section 17.48.060 and shall include application of the relevant use management considerations and requirements provided in Sections 17.48.070 and 080. The planning commission, after notice and public hearing held pursuant to Chapter 17.50 shall approve issuance, approve issuance with conditions or disapprove issuance of the Willamette River Greenway conditional use permit. The application shall be accompanied by the fee listed in Chapter to defray the costs of publication, investigation and processing.

Finding: Complies as Proposed The compatibility review described in this section will be required at the time of detailed development review. Two elements of this plan, if incorporated, would support a finding of compatibility for a future project. First, "maximum possible landscaped area, open space or vegetation between the activity and the river" could be achieved by riparian enhancements which are identified in this master plan. Riverbank improvements would also help satisfy the requirements of the Natural Resources Overlay District. Second, "necessary public access…to and along the Willamette River" is shown, schematically, on the master plan by way of a multi-use riverfront path that leads from a re-established Water Street and south along the PGE dam to the edge of the falls.

17.48.110 Prohibited activities.

The following are prohibited within the Willamette River Greenway:

A. Any main or accessory residential structure exceeding a height of thirty-five feet;

B. Structural bank protection, except rip rap or a channelization used as an emergency measure only to protect existing structures. Any such rip rap or channelization to stabilize undeveloped sites shall be prohibited as well;

C. Subsurface sewage disposal drainfields within one hundred feet of the ordinary mean low-water line of the Willamette River.

Finding: Complies as Conditioned Structural bank protection is not anticipated on the site, nor is subsurface sewage disposal. Residential development in mixed use structures is expected to occur at the site. The residential restriction in subsection (A) creates a potential conflict. Residential uses are allowed outright in the proposed Willamette Falls Downtown District; height limits go up to 80 feet. A new or reconstructed building that is predominantly residential (and therefore defined as a "main…residential

structure") proposed to be taller than 35 feet would be prohibited under current rules. Also, this prohibition/height limitation is a local restriction, and not part of state law. For example, no similar limitation on residential building height in the Greenway exists in West Linn. Many existing buildings on the site currently exceed this height. Buildings in which residential is not the "main" use, and residential buildings shorter than 35 feet, and non-residential development, are not subject to this restriction.

Residential uses and structures are anticipated to be constructed on the site under the master plan, and are therefore allowed under the new zoning code chapter. It is likely that new residential buildings could exceed this 35 foot threshold. Therefore, in order to make way for this potential development outcome, this application proposes a text amendment to the Greenway code (Exhibit 15). The amendment provides an exception to the height limit, only within the Willamette Falls Downtown District, up to the maximum allowed by the zone. Property within this district is different from other Greenway-overlay property in the city, in that any proposal with the new district will be required to go through a process to show consistency with the master plan and the four core values. This process includes compliance with development standards and design guidelines that are outlined in the plan.

Regulatory elements of future reviews that will protect the Willamette River Greenway and the riverfront character of the site, including for residential structures taller than 35 feet, include:

- Design Guideline 1, which includes the following principle: "Views. Take advantage of views toward the river and falls. Step structures down to follow natural change in elevation from the basalt bluffs to water's edge."

- Design Guideline 3, "Maintain Downtown Character," which acknowledges the unique industrial scale and history of the site, but also emphasizes a smooth transition in architecture and urban design between the existing downtown and the new district.

  Greenway review standards. 17.48.080(D) directs development away from the river "to the greatest possible degree," in most cases, and 17.48.080(E) establishes a riparian setbacks that preserve "the natural scenic, historic, and recreational qualities" of the greenway.
- Compatibility review. Projects within 150 feet of the low water line must comply with a compatibility review that requires "maximum possible" landscaped area close to the river, and necessary public access to and along the river.

In combination, these regulatory requirements will protect the principles of the greenway for all buildings at least as well as a blanket restriction on residential building height.

The applicant also supports a future, City-initiated, city-wide review of the Greenway code to help further understand the community's desire for residential units in urban areas that are also located within the Greenway boundary.

CHAPTER 17.49: NATURAL RESOURCES OVERLAY DISTRICT

As clearly shown on city maps, a large portion of the Willamette Falls District is within the NROD. Consequently, future applications for development at the site will be subject to the requirements of 17.49. The standards for developing buildings or other structures within this overlay are specific to actual development proposals, not concept planning, so review under this chapter will be done at the time a detailed development plan is proposed.

In anticipation of future development, the master plan identifies both the location and type of restoration projects that will improve the natural resource condition of the site. Though degraded by a century of heavy industrial use, natural resources are present on the property and the riparian setting provides tremendous opportunity for restoration. Future development could expose and restore the historical shoreline, increase the circulation in the lagoon and diversify habitat, and establish a vegetated buffer along the riverbank. These actions would dramatically improve the riparian resource values and upgrade habitat for fish, birds, and plant communities. Finally, by designating a large area of the site as ideal for open space or park uses, the plan sets a framework for a large reduction in impervious surface and an increase in landscaped area. This would have an overall benefit to the site's natural resource functions.

17.49.080 Uses allowed outright (exempted).
The following uses are allowed within the NROD and do not require the issuance of an NROD permit:
A. Stream, wetland, riparian, and upland restoration or enhancement projects as authorized by the city.
*****
I. Routine repair and maintenance of existing structures, roadways, driveways and utilities.
J. Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased.
K. Measures mandated by the City of Oregon City to remove or abate nuisances or hazardous conditions.
L. Planting of native vegetation and the removal of non-native, invasive vegetation (as identified on the Oregon City Native Plant List), and removal of refuse and fill, provided that:
1. All work is done using hand-held equipment;
2. No existing native vegetation is disturbed or removed; and
3. All work occurs outside of wetlands and the top-of-bank of streams.

Finding: The most significant element of the NROD regulations as it relates to the Willamette Falls district is the exemption contained in 17.49.080.J, which exempts from NROD permits development "where ground level impervious surface area is not increased." This exemption applies even to "replacement" of existing structures. Virtually the entire area where new development will occur in the Willamette Falls District—where structures and other development will be replaced-- is impervious surface. This is the result of more than a century of urban development, most recently for heavy industrial uses. Nearly every developed square foot of the site is either paved or covered by a building. Because the site is built on top of a basalt shelf, even those areas without buildings or paving are impervious. In the long run the anticipated development of open space on the site (per the framework plan's designation of more than 5 acres of the site for some kind of waterfront or open space use), and the anticipated habitat and shoreline restoration opportunities identified in the master plan will result in a site that has significantly more impervious surface than exists under current conditions.

Nevertheless, healthy habitat is a core value for the site that has been repeatedly expressed by all the partners in the planning of this site, and other regulations will encourage restoration of the natural resource values. The enhancements identified in the master plan are a starting point for the restoration of the site's unique setting and natural resources.

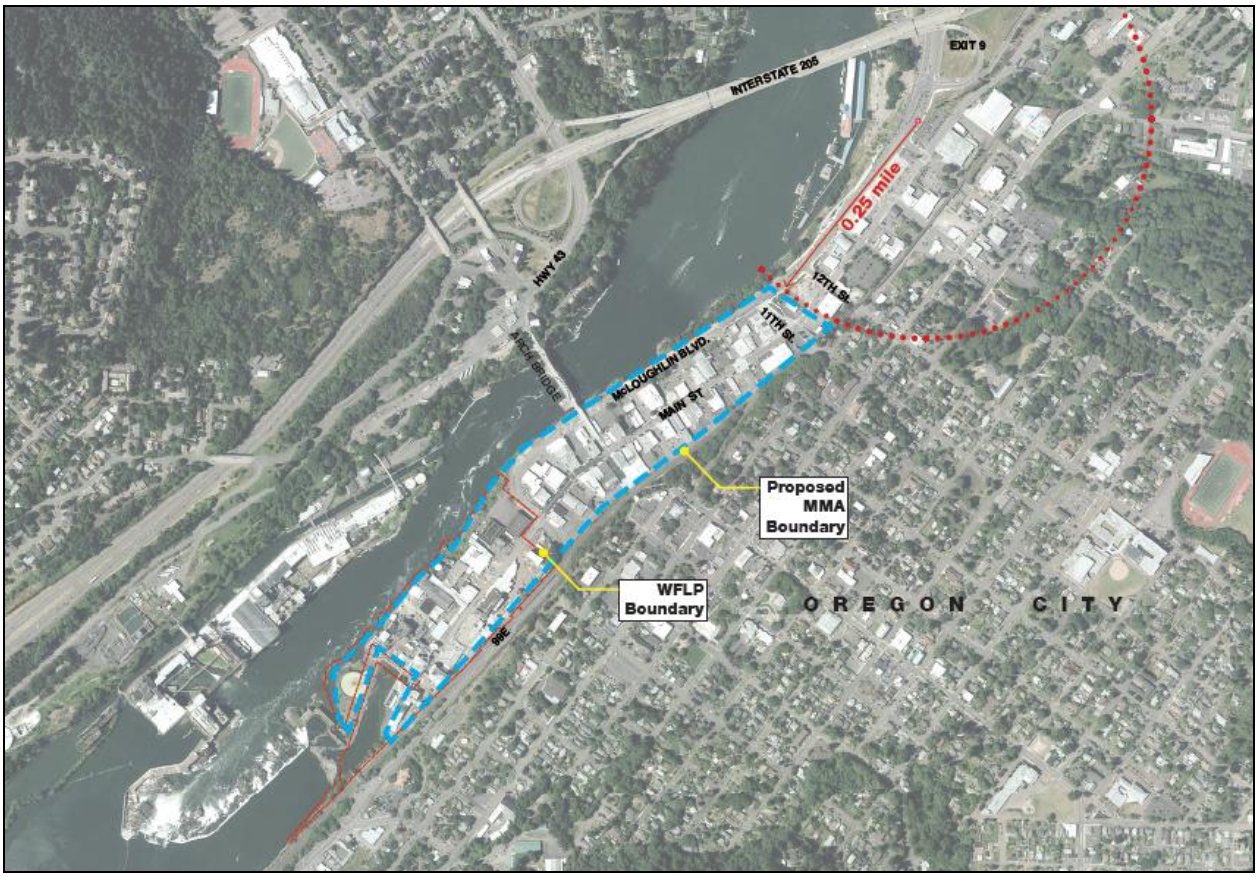
Finally, several other uses identified above could occur at the site and would be exempt from NROD permits: natural resource enhancement projects, routine maintenance and repair, and nuisance abatement. These categories—combined with any development that doesn't increase impervious surface--are likely to cover virtually all potential projects at the site.

17.49.[0]90 Uses allowed under prescribed conditions.
The following uses within the NROD are subject to the applicable standards listed in Sections 17.49.100 through 190 pursuant to a Type II process:

A. Alteration to existing structures within the NROD when not exempted by Section 17.49.080, subject to Section 17.49.13
*****
D. Land divisions when not exempted by Section 17.49.080, subject to the applicable standards of Section 17.49.160
E. Trails/pedestrian paths when not exempted by Section 17.49.080, subject to Section 17.49.170 (for trails) or Section 17.49.150 (for paved pedestrian paths).
F. New roadways, bridges/creek crossings, utilities or alterations to such facilities when not exempted by Section 17.49.080.
G. Roads, bridges/creek crossings Subject to Section 17.49.150
H. Utility lines subject to Section 17.49.140
I. Stormwater detention or pre-treatment facilities subject to Section 17.49.155
J. Institutional, industrial or commercial development on a vacant lot of record situated in an area designated for such use that has more than seventy-five percent of its area covered by the NROD, subject to subsection 17.49.120B.
K. City, county and state capital improvement projects, including sanitary sewer, water and storm water facilities, water stations, and parks and recreation projects.

Finding: In the event that a future development proposal under the master plan cannot show that it is exempt, it would be "allowed under prescribed conditions" and subject to all the standards of this chapter. Because future development actions in the plan are subject to detailed development plan approval under a Type III process, the NROD review would occur concurrent with this process.

MULTI-MODAL MIXED USE AREA (OAR 660-012-0060)



PROPOSED MMA BOUNDARY.

When a city proposes changes to its Comprehensive Plan, state law requires transportation impacts of that change to be analyzed. The Transportation Planning Rule ("TPR"), OAR 660-012-0060, outlines the analysis. The purpose of the TPR is to maintain a balance between allowed land uses and the transportation system necessary to support them. The rule assesses whether changes create a "significant impact" on the system. If so, mitigation must be proposed that brings the conditions back to the same level (or better) than the no-build condition.

However, as of 2012, new TPR regulations allow more leeway for projects that are located in areas designated as "Mixed-use Multi-modal Areas" ("MMA"). Cities can rezone areas for more intensive use without the impact analysis that would typically be required if that area is within an MMA. Specifically, Section 10 of the rule now authorizes a local government to amend local land use provisions without applying the TPR performance standards, if the amendment meets two specified requirements:

1. The amendment must be a map or text amendment affecting only land entirely within a multimodal mixed-use area (MMA); and

2. The amendment must be consistent with the definition of an MMA and consistent with the function of the MMA as described in the findings designating the MMA.

Because it offers flexibility for future development, this application requests the creation of a new MMA that encompasses the existing downtown area of Oregon City and the newly rezoned Willamette Falls

Downtown District. The city anticipates demand for more mixed-use development in the new Willamette Falls District and the existing downtown, which is already zoned mixed-use.

A key requirement for an MMA is that it be more than ¼ mile from freeway on ramps. The proposed boundary's north edge is at 12th Street, which is farther than ¼ mile from the nearest I-205 ramp. In fact, there are two freeway interchanges near the downtown—one over the river in West Linn, and one north of downtown on Highway 99E—but both are more than ¼ of a mile distance by road from the proposed MMA boundary. At this time, these freeway interchanges have enough transportation capacity, but with additional development, there could be some traffic capacity issues at some intersections in the area. Oregon City wants to strengthen their downtown and provide for additional development and visitors to a newly designated open space along the Willamette River overlooking Willamette Falls. Without the flexibility offered by an MMA, Oregon City is concerned that the old system of mitigating for significant impacts would require major, expensive, impractical upgrades to create more automobile capacity. These upgrades could be more than the applicant, Oregon City, and even ODOT can afford, especially because of the area's unique topography (cliffsides, riverfront, basalt rock) would drive up infrastructure costs.

Oregon City has used the Model Development Code that was jointly developed by the Oregon Department of Transportation and Department of Land Conservation and Development as a reference to create zoning in the existing Mixed Use Downtown District and for the newly created Willamette Falls Downtown District. The existing Municipal Code has been updated and refined over the last nine years to better meet the intent of a multi-modal Regional Center.

The Willamette Falls Downtown (WFD) district is designed to apply within the historic Willamette Falls downtown area, between McLoughlin Boulevard and the Willamette River. This area was formerly an industrial site occupied by the Blue Heron Paper Mill. A mix of open space, retail, high-density residential, office and light industrial uses are encouraged in this district, with retail and service uses on the ground floor and office and residential uses on the upper floors. Allowed uses in the District will encourage pedestrian and transit activity. This district includes a Downtown Design overlay for the historic downtown area. The design standards for this sub-district require a continuous storefront façade featuring streetscape amenities to enhance the active and attractive pedestrian environment.

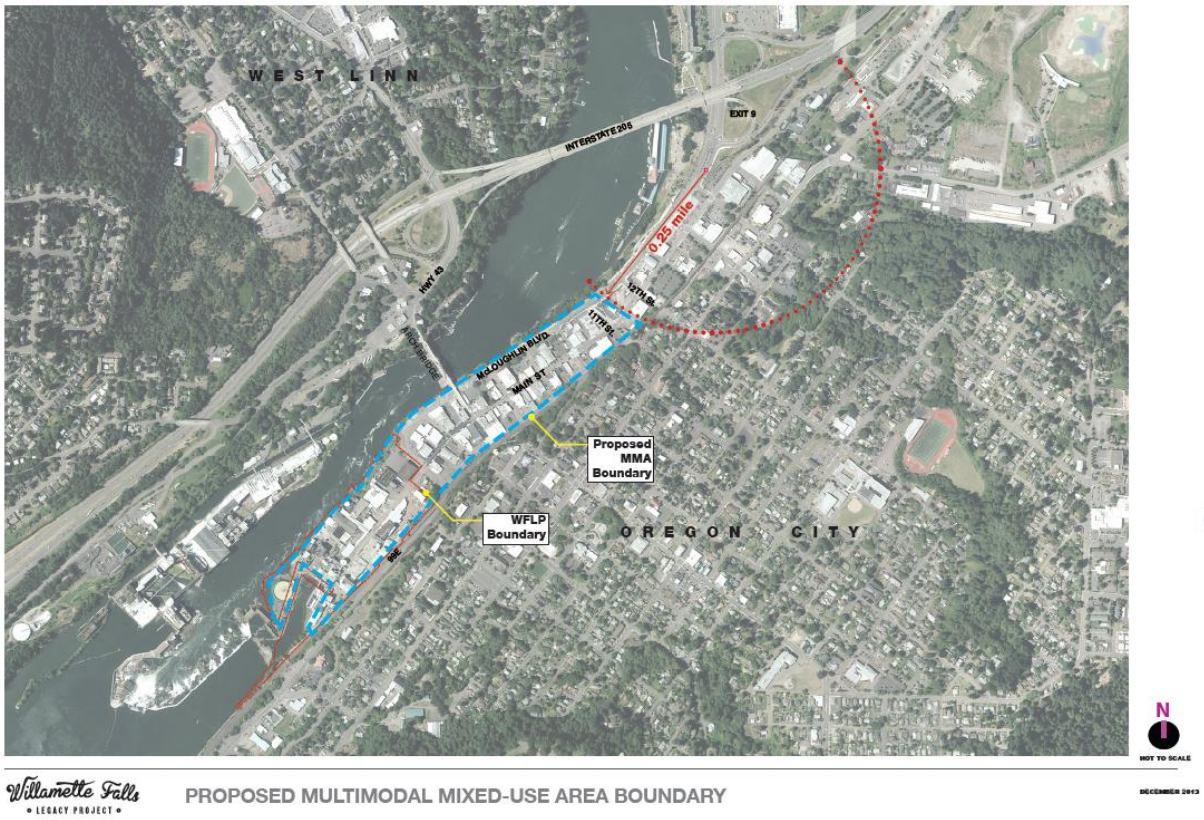
The existing mixed-use downtown (MUD) district applies within the traditional downtown core along Main Street and includes the "north-end" area, generally between 5th Street and Abernethy Street, and some of the area bordering McLoughlin Boulevard. Land uses are characterized by high-volume establishments constructed at the human scale such as retail, service, office, multi-family residential, lodging or similar as defined by the community development director. A mix of high-density residential, office and retail uses are encouraged in this district, with retail and service uses on the ground floor and office and residential uses on the upper floors. The emphasis is on those uses that encourage pedestrian and transit use. This district includes a Downtown Design District overlay for the historic downtown area. Retail and service uses on the ground floor and office and residential uses on the upper floors are encouraged in this district. The design standards for this sub-district require a continuous storefront façade featuring streetscape amenities to enhance the active and attractive pedestrian environment.

OAR 660-012-0060 Findings

(10)(b)(A) Requires the MMA to be an area "With a boundary adopted by a local government as provided in subsection (d) or (e) of this section and that has been acknowledged."

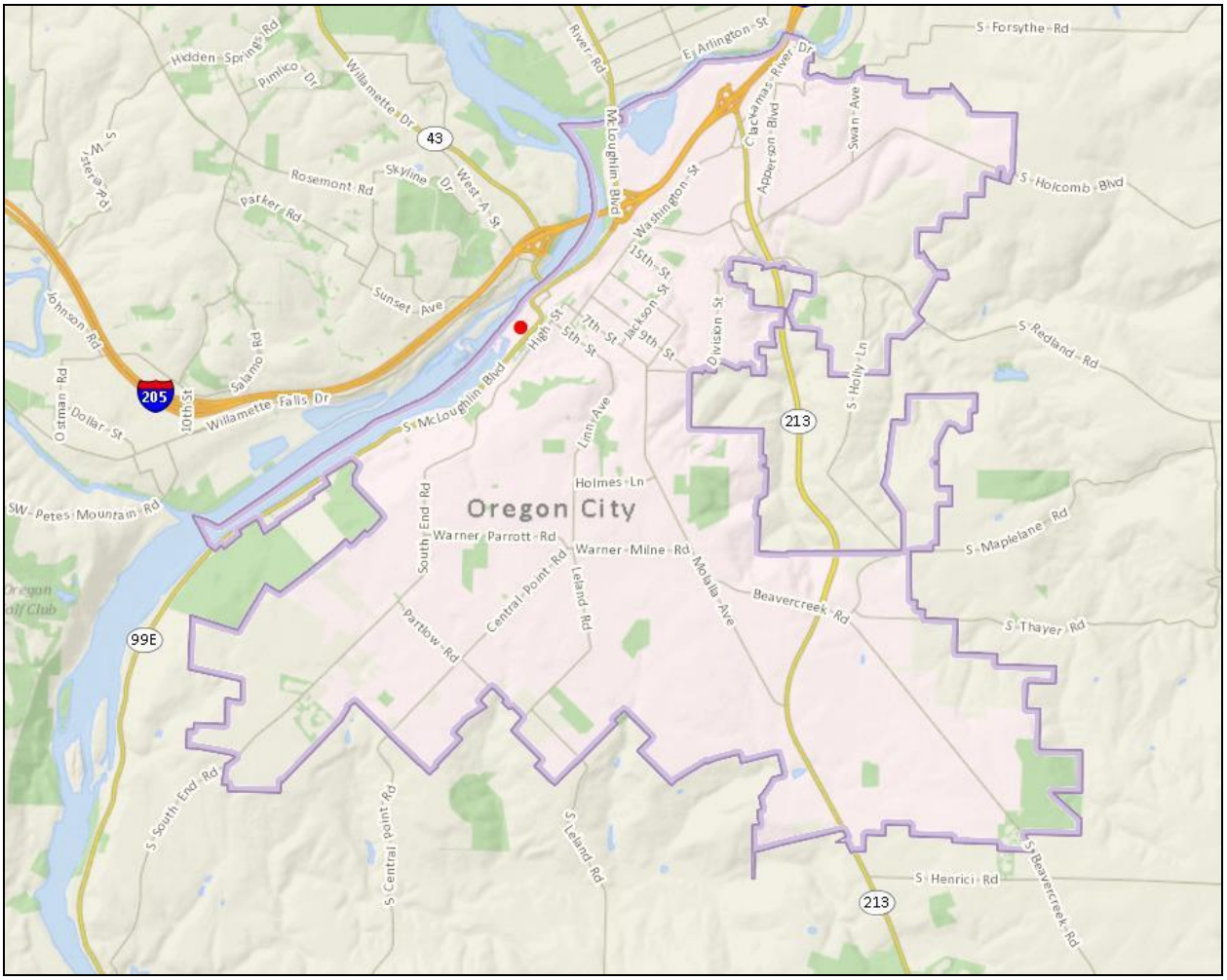
Finding: Complies as Proposed the Map below shows the proposed boundary around the MMA area. The proposed area includes most of downtown Oregon City, including the existing downtown and the new

Willamette Falls Downtown District. The boundary follows 11th Street to the north, Railroad Avenue and 99E to the east, the lagoon to the south, and the Willamette River to the west. Through the adoption and acknowledgement of this proposed MMA boundary in the Oregon City Comprehensive Plan, this requirement can be met.



(10)(b)(B) Requires MMAs to be located "Entirely within an urban growth boundary."

Finding: Complies as Proposed Downtown Oregon City is entirely within the city's urban growth boundary. The UGB is shown below in purple. The Willamette Falls Downtown District is identified with a red dot. The MMA area includes the Willamette Falls Downtown District and the existing downtown, just north of the district, both of which are within Oregon City's UGB.



OREGON CITY URBAN GROWTH BOUNDARY.

(10)(b)(C) Requires MMAs to have "adopted plans and development regulations that allow the uses listed in paragraphs (8)(b)(A) through (C) of this rule and that require new development to be consistent with the characteristics listed in paragraphs (8)(b)(D) through (H) of this rule."

Finding: Complies as Proposed The proposed language for a Willamette Falls Downtown District is included with this application. The zoning district regulations address allowed and prohibited uses, minimum FAR, height, and other development standards. A set of plan policies and design guidelines is also anticipated to be approved with the master plan and will apply to development on the site. These plans will constitute "adopted plans and development regulations" as described in this standard. The existing downtown, which is also part of the proposed MMA, is within the city's Mixed Use Downtown District (OCMC 17.34). The MUD chapter regulates new development consistent with the uses and characteristics identified. In total, the proposed WFDD and the existing MUD satisfy the requirements of this rule.

(8)(b)(A) Requires MMAs to allow "A concentration of a variety of land uses in a well-defined area, including the following:"

Finding: The MMA is centered on Main Street, south from 11th street, through downtown and into the proposed through the Willamette Falls Downtown District. This area includes a variety of retail, office, and civic uses, with allowances for higher-density residential, craft industrial, and recreational attractions. The

downtown, due to geography and the historic development of the area, is well-defined with denser development than in other areas of Oregon City.

(8)(b)(A)(i) Requires MMAs to allow "Medium to high density residential development (12 or more units per acre)."

Finding: Complies as Proposed Multifamily residential development is allowed in the proposed MMA, both in the existing MUD and proposed WFDD. Within the stated limits on height, there is no restriction on the density of residential units. Ultimately, the number of units on a site and the overall residential density will be dictated by proposed development, but the zone encourages higher densities by incorporating a minimum FAR, expansive height limits, and reduced parking requirements.

(8)(b)(A)(ii) Requires MMAs to allow "Offices or office buildings."

Finding: Complies as Proposed Office uses are allowed in the proposed MMA, both in the existing MUD (17.34) and the proposed Willamette Falls Downtown District.

(8)(b)(A)(iii) Requires MMAs to allow "Retail stores and services."

Finding: Complies as Proposed Retail and service uses are allowed in the proposed MMA, both in the existing MUD (17.34) and the proposed Willamette Falls Downtown District.

(8)(b)(A)(vi) Requires MMAs to allow "Restaurants"

Finding: Complies as Proposed Restaurants are allowed in the proposed MMA, both in the existing MUD (17.34) and the proposed Willamette Falls Downtown District.

(8)(b)(A)(v) Requires MMAs to allow "Public open space or private open space which is available for public use, such as a park or plaza."

Finding: Complies as Proposed Public and private open spaces for public use are allowed in the proposed MMA, both in the existing MUD (17.34) and the proposed Willamette Falls Downtown District. The new Willamette Falls District master plan designates more than five acres of land for open-space and waterfront uses.

(8)(b)(B) Requires MMAs to "Generally include civic or cultural uses."

Finding: Complies as Proposed Civic and cultural uses are allowed in the proposed MMA, both in the existing MUD (17.34) and the proposed Willamette Falls Downtown District.

(8)(b)(C) Requires MMAs to allow "A core commercial area where multi-story buildings are permitted."

Finding: Complies as Proposed The proposed MMA is centered on the existing Main Street core commercial areas, on which there are existing multi-story buildings in a historic downtown center, which includes the Main Street core commercial area. There are existing multi-story buildings on Main Street, both north and south of McLoughlin Boulevard. Building height limits in the existing downtown vary, but go up to 75 feet. The downtown design district height limit is 58 feet. The new Willamette Falls district allows buildings up to 80 feet.

(8)(b)(D) Requires MMAs to have development standards where "buildings and building entrances oriented to streets."

Finding: Complies as Proposed Any new development in the existing MUD zone must go through site plan and design review (17.62), which requires that all new buildings oriented to streets. OCMC 17.62.055(D)(1) through (3) requires "the front most architecturally significant facade shall be oriented toward the street and shall be accessed from a public sidewalk," and "primary building entrances shall be clearly defined and recessed or framed by a sheltering element." OCMC 17.62.050.A.2 also requires parking areas to be located behind buildings, below buildings, or on one or both sides of buildings.

New development in the proposed WFDD zone is subject to a detailed development review, the second step of a master planned development. This review requires compliance with the same standard in 17.62 for buildings to face streets and de-emphasize parking, per 17.65.060(B)(3).

(8)(b)(E) Requires MMAs to have "street connections and crossings that make the center safe and conveniently accessible from adjacent areas."

Finding: Complies as Proposed The proposed MMA is located within an historic downtown grid of streets that is either existing or will be re-established on the Willamette Falls property. Accessibility for the existing downtown will not change, and with development of the Willamette Falls area, this adjacent area will re-create a connected downtown street grid, resulting in a safer and greater public access. Existing streets in the downtown area of the MMA have sidewalks on both sides of the street; this condition will be a requirement of development in the new Willamette Falls District. There are crosswalks throughout the MMA and strong pedestrian connections planned from the historic downtown across 99E.

(8)(b)(F) Requires MMAs to have "a network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and onstreet parking."

Finding: Complies as Proposed The proposed MMA is a series of blocks within a street grid. The proposed MMA is approximately 15 blocks long and two blocks wide. Approximately 90 percent of streets have sidewalks on both sides of the street. Most intersections within the existing downtown are marked, and crossing distances are short. Downtown has a strong, pedestrian oriented streetscape. A map of the proposed MMA showing the local street network is included as an exhibit.

(8)(b)(G) Requires MMAs to have "one or more transit stops (in urban areas with fixed route transit service)."

Finding: Complies as Proposed TriMet serves the proposed MMA with its Line 33 and Line 99 bus service, with multiple stops within the district. The Oregon City Transit Center is within the proposed MMA, 11th Street and Main Street, where multiple bus lines operate. Oregon City's TSP (2013 update) identifies downtown as a regional transit hub.

(8)(b)(H) Requires regulations within MMAs to "limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services."

Finding: Complies as Proposed Industrial uses are not permitted in the MUD zone district, and only light industrial or craft industrial uses such as brewpubs or apparel studios are allowed in the WFDD zone. These

uses are size-limited. Automotive sales, service, rental and repair are expressly prohibited in both zones, and are drive-through uses require a conditional use permit.

(10)(b)(D) requires MMAs to have "land use regulations that do not require the provision of off-street parking, or regulations that require lower levels of off-street parking than required in other areas and allow flexibility to meet the parking requirements (e.g. count on-street parking, allow long-term leases, allow shared parking)."

Finding: Complies as Proposed The off-street parking requirement in both the MUD and proposed WFDD zones are unique in Oregon City in that they allow reduction from the city's existing standard by up to 50 percent. Likewise, there is flexibility within both districts for shared parking between uses, and for sharing parking between the two zoned areas. On street parking in both zones may count toward the minimum standard when it is on the street face abutting the proposed land use. A change in use of an existing building within the Downtown Design District and WFDD zone is exempt from parking review and required parking increases. In this respect the MMA area requires lower levels of off-street parking than required in other areas.

(10)(b)(E) Requires the MMA to be "located in one or more of the categories below:
(i) At least one-quarter mile from any ramp terminal intersection of existing or planned interchanges;
(ii) Within the area of an adopted Interchange Area Management Plan (IAMP) and consistent with the IAMP; or
(iii) Within one-quarter mile of a ramp terminal intersection of an existing or planned interchange if the mainline facility provider has provided written concurrence with the MMA designation as provided in subsection (c) of this section."

Finding: The proposed MMA is more than ¼ mile from any ramp terminal intersection of the existing I-205 interchange. Subsection (i) is satisfied and this requirement is met.

Chapter 12.04 STREETS, SIDEWALKS AND PUBLIC PLACES

12.04.005 *Jurisdiction and management of the public rights-of-way*
Finding: Complies as Proposed. The adjacent right-of-way is under the jurisdiction of Oregon City.

12.04.010 *Construction specifications – improved streets*
All sidewalks hereafter constructed in the city on improved streets shall be constructed to city standards and widths required in the Oregon City Transportation System Plan. The curb shall be constructed at the same time as the construction of the sidewalk and shall be located as provided in the ordinance authorizing the improvement of said street next proceeding unless otherwise ordered by the city commission. Both sidewalks and curbs are to be constructed according to plans and specifications provided by the city engineer.
Finding: Not applicable. No new streets are proposed with this development.

12.04.020 *Construction specification – unimproved streets*
Finding: Not Applicable. The site does not abut an unimproved street.

12.04.025 *Street design – Curb cuts*
Finding: Not applicable. The applicant has not proposed to alter a curb cut onsite.

12.04.030 *– Maintenance and repair*
The owner of land abutting the street where a sidewalk has been constructed shall be responsible for maintaining said sidewalk and abutting curb, if any, in good repair.

Finding: Complies. The applicant is subject to compliance with OCMC Chapter 12.04.

12.04.031 *Liability for sidewalk injuries*

A. The owner or occupant of real property responsible for maintaining the adjacent sidewalk shall be liable to any person injured because of negligence of such owner or occupant in failing to maintain the sidewalk in good condition.

B. If the city is required to pay damages for an injury to persons or property caused by the failure of a person to perform the duty that this ordinance imposes, the person shall compensate the city for the amount of the damages paid. The city may maintain an action in a court of competent jurisdiction to enforce this section.

Finding: Complies. The applicant is subject to compliance with OCMC Chapter 12.04.

12.04.032 *Required sidewalk repair*

A. When the public works director determines that repair of a sidewalk is necessary he or she shall issue a notice to the owner of property adjacent to the sidewalk.

B. The notice shall require the owner of the property adjacent to the defective sidewalk to complete the repair of the sidewalk within ninety days after the service of notice. The notice shall also state that if the repair is not made by the owner, the City may do the work and the cost of the work shall be assessed against the property adjacent to the sidewalk.

C. The public works director shall cause a copy of the notice to be served personally upon the owner of the property adjacent to the defective sidewalk, or the notice may be served by registered or certified mail, return receipt requested. If after diligent search the owner is not discovered, the public works director shall cause a copy of the notice to be posted in a conspicuous place on the property, and such posting shall have the same effect as service of notice by mail or by personal service upon the owner of the property.

D. The person serving the notice shall file with the city recorder a statement stating the time, place and manner of service or notice.

Finding: Not Applicable. The applicant has not proposed and is not required to repair a sidewalk with this development review.

12.04.033 *city may do work*

If repair of the sidewalk is not completed within ninety days after the service of notice, the public works director shall carry out the needed work on the sidewalk. Upon completion of the work, the public works director shall submit an itemized statement of the cost of the work to the finance director. The city may, at its discretion, construct, repair or maintain sidewalks deemed to be in disrepair by the public works director for the health, safety and general welfare of the residents of the city.

Finding: Not Applicable. The City has not proposed to do sidewalk repairs with this development.

12.04.034 *Assessment of costs*

Upon receipt of the report, the finance director shall assess the cost of the sidewalk work against the property adjacent to the sidewalk. The assessment shall be a lien against the property and may be collected in the same manner as is provided for in the collection of street improvement assessment.

Finding: Not Applicable. The City has not proposed to do sidewalk repairs with this development.

12.04.040 *Streets - Enforcement*

Any person whose duty it is to maintain and repair any sidewalk, as provided by this Chapter, and who fails to do so shall be subject to the enforcement procedures of Chapters 1.16, 1.20 and 1.24. Failure to comply with the provisions of this Chapter shall be deemed a nuisance. Violation of any provision of this Chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.

Finding: Not Applicable. The subject site is not under enforcement action at this time.

12.04.045 *Street design – Constrained local streets and/or rights-of-way*

Finding: Not Applicable. No constrained streets are proposed or required.

12.04.050 *Retaining walls - Required*

Every owner of a lot within the city, abutting upon an improved street, where the surface of the lot or tract of land is above the surface of the improved street and where the soil or earth from the lot, or tract of land is liable to, or does slide or fall into the street or upon the sidewalk, or both, shall build a retaining wall, the outer side of which shall be on the line separating the lot, or tract of land from the improved street, and the wall shall be so constructed as to prevent the soil or earth from the lot or tract of land from falling or sliding into the street or upon the sidewalk, or both, and the owner of any such property shall keep the wall in good repair.
Finding: Not Applicable. The applicant did not propose to install a retaining wall in the public right-of-way. Future retaining walls within the right-of-way are subject to compliance with this standard.

12.04.060 *Retaining walls- Maintenance*
When a retaining wall is necessary to keep the earth from falling or sliding onto the sidewalk or into a public street and the property owner or person in charge of that property fails or refuses to build such a wall, such shall be deemed a nuisance. The violation of any provision of this Chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.
Finding: Not Applicable. The applicant did not propose to install a retaining wall in the public right-of-way.

12.04.070*- Removal of sliding dirt.*
It shall be the duty of the owner of any property as mentioned in Section 12.04.050, and in case the owner is a nonresident, then the agent or other person in charge of the same, to remove from the street or sidewalk or both as the case may be, any and all earth or dirt falling on or sliding into or upon the same from the property, and to build and maintain in order at all times, the retaining wall as herein required; and upon the failure, neglect or refusal of the land owner, the agent or person in charge of the same to clean away such earth or dirt, falling or sliding from the property into the street or upon the sidewalk, or both, or to build the retaining wall, shall be deemed guilty of a misdemeanor.

Finding: Not Applicable. The applicant has not proposed and is not required to remove sliding dirt with this application.

12.04.080 *- Excavations—Permit required.*

It shall be unlawful for any person to dig up, break, excavate, disturb, dig under or undermine any public street or alley, or any part thereof or any macadam, gravel, or other street pavement or improvement without first applying for and obtaining from the engineer a written permit so to do.
Finding: Complies. The applicant is subject to compliance with OCMC Chapter 12.04.

12.04.090 *- Excavations—Permit restrictions.*
The permit shall designate the portion of the street to be so taken up or disturbed, together with the purpose for making the excavation, the number of days in which the work shall be done, and the trench or excavation to be refilled and such other restrictions as may be deemed of public necessity or benefit.
Finding: Not Applicable. The applicant is subject to compliance with OCMC Chapter 12.04.

12.040.095 *- Street Design—Curb Cuts.*
To assure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents
Finding: Not Applicable. There is an existing curb cut and no others are anticipated.

12.04.100 *- Excavations—Restoration of pavement.*

Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the city for any purpose whatsoever under the permit granted by the engineer, it shall be the duty of the person making the excavation to put the street or alley in as good condition as it was before it was so broken, dug up or disturbed, and shall remove all surplus dirt, rubbish, or other material from the street or alley.
Finding: Applies. The applicant is subject to this standard but no excavations are proposed.

12.04.110 - *Excavations—Nuisance—Penalty.*
Any excavation in violation of this Chapter shall be deemed a nuisance. Violation of any provision of this Chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.
Finding: Not Applicable. The applicant has not proposed an excavation with this development.

12.04.120 *- Obstructions—Permit required.*
Finding: Not Applicable. The applicant has not proposed an obstruction within the right-of-way.

12.04.130 *- Obstructions—Sidewalk sales.*
A. It is unlawful for any person to use the public sidewalks of the city for the purpose of packing, unpacking or storage of goods or merchandise or for the display of goods or merchandise for sale. It is permissible to use the public sidewalks for the process of expeditiously loading and unloading goods and merchandise.
B. The city commission may, in its discretion, designate certain areas of the city to permit the display and sale of goods or merchandise on the public sidewalks under such conditions as may be provided.
Finding: Not Applicable. The applicant has not proposed a sidewalk sale with this development.

12.04.140 *- Obstructions—Nuisance—Penalty.*
Any act or omission in violation of this Chapter shall be deemed a nuisance. Violation of any provision of this Chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.
Finding: Complies. The applicant is subject to compliance with OCMC Chapter 12.04.

12.04.150 *- Street and alley vacations—Cost.*
At the time of filing a petition for vacation of a street, alley or any part thereof, a fee as established by city commission resolution shall be paid to the city.
Finding: Not Applicable. The applicant has not proposed a street or alley vacation with this application.

12.04.160 *- Street vacations—Restrictions.*
The commission, upon hearing such petition, may grant the same in whole or in part, or may deny the same in whole or in part, or may grant the same with such reservations as would appear to be for the public interest, including reservations pertaining to the maintenance and use of underground public utilities in the portion vacated.
Finding: Not Applicable. The applicant has not proposed a street or alley vacation with this application.

12.04.170 *- Street design—Purpose and general provisions.*
All development shall be in conformance with the policies and design standards established by this Chapter and with applicable standards in the city's public facility master plan and city design standards and specifications. In reviewing applications for development, the city engineer shall take into consideration any approved development and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any development must be reviewed and approved by the city engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction. **Finding Complies as Conditioned.** As part of the conditioned of approval, the applicant will be required to submitted infrastructure phasing plan at the time of the First Type III detailed development plan.

12.04.175 - *Street design—Generally.*

The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. Where location is not shown in the development plan, the arrangement of streets shall either:

A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;

B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the city engineer. Access control in accordance with section 12.04.200 shall be required to preserve the objectives of street extensions.

Finding Complies as Conditioned. As part of the conditioned of approval, the applicant will be required to submitted infrastructure phasing plan at the time of the First Type III detailed development plan.

12.04.180 - *Street design—Minimum right-of-way.*

All development shall provide adequate right-of-way and pavement width. Adequate right-of-way and pavement width shall be provided by:

A. Complying with the street design standards contained in the table provided in Chapter 12.04. The street design standards are based on the classification of streets that occurred in the Oregon City Transportation System Plan (TSP), in particular, the following TSP figures provide the appropriate classification for each street in Oregon City: Figure 5-1: Functional Classification System and New Roadway Connections; Figure 5-3: Pedestrian System Plan; Figure 5.6: Bicycle System Plan; and Figure 5.7: Public Transit System Plan. These TSP figures from the Oregon City Transportation System Plan are incorporated herein by reference in order to determine the classification of particular streets.

Table 12.04.020 STREET DESIGN STANDARDS		
Type of Street	*Maximum Right-of-Way Width*	*Pavement Width*
Major arterial	*124 feet*	*98 feet*
Minor arterial	*114 feet*	*88 feet*
Collector street	*86 feet*	*62 feet*
Neighborhood Collector street	*81 feet*	*59 feet*
Local street	*54 feet*	*32 feet*
Alley	*20 feet*	*16 feet*

B. The applicant may submit an alternative street design plan that varies from the street design standards identified above. An alternative street design plan may be approved by the city engineer if it is found the alternative allows for adequate and safe traffic, pedestrian and bicycle flows and transportation alternatives and protects and provides adequate multi-modal transportation services for the development as well as the surrounding community.

Finding: Complies as Proposed. The applicant has not proposed to alter the right-of-way with this application The additional 4 feet requested in the modified sidewalks for Main Street can fit within the maximum ROW. Findings for the request can be found in the modification request and the conditions relating to street phasing plan.

12.04.185 *- Street design—Access control.*

A. A street which is dedicated to end at the boundary of the development or in the case of half-streets dedicated along a boundary shall have an access control granted to the city as a city controlled plat restriction for the purposes of controlling ingress and egress to the property adjacent to the end of the dedicated street. The access control restriction shall exist until such time as a public street is created, by dedication and accepted, extending the street to the adjacent property.

B. The city may grant a permit for the adjoining owner to access through the access control.

C. The plat shall contain the following access control language or similar on the face of the map at the end of each street for which access control is required: "Access Control (See plat restrictions)."

A. Said plats shall also contain the following plat restriction note(s): "Access to (name of street or tract) from adjoining tracts (name of deed document number[s]) shall be controlled by the City of Oregon City by the recording of this plat, as shown. These access controls shall be automatically terminated upon the acceptance of a public road dedication or the recording of a plat extending the street to adjacent property that would access through those Access Controls."

Finding: Complies as Proposed. The applicant has not proposed and is not required to alter the access with this development application.

12.04.190 *- Street design—Alignment.*

The centerline of streets shall be:

A. Aligned with existing streets by continuation of the centerlines; or

A. Offset from the centerline by no more than ten feet, provided appropriate mitigation, in the judgment of the city engineer, is provided to ensure that the offset intersection will not pose a safety hazard.

Finding: Not Applicable. The applicant has not proposed a street alignment with this application.

12.04.195 *- Minimum street intersection spacing standards.*

Finding: Not Applicable. The applicant has not proposed and is not required to install a new intersection with this development.

12.04.200 *- Street design—Constrained local streets and/or rights-of-way.*

Finding: Not Applicable. The development proposal does not include a constrained street.

12.04.205 *- Intersection level of service standards.*

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

A. For signalized intersection areas of the city that are located outside the Regional Center boundaries a LOS of "D" or better for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of critical movements.

B. For signalized intersections within the Regional Center boundaries a LOS "D" can be exceeded during the peak hour; however, during the second peak hour, LOS "D" or better will be required as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0.

C. For unsignalized intersection throughout the city a LOS "E" or better for the poorest approach and with no movement serving more than twenty peak hour vehicles operating at worse than LOS "F" will be tolerated for minor movements during a peak hour.

Finding: Complies as Conditioned. The applicant has requested approval of a Mixed Use Multi-Modal area that limits transportation mitigation for projects located within the boundary be limited to safety improvements and supersede these requirements. Conditions of approval and findings for these improvement may be found in OCMC 17.65.050.A.1.h in the report.

12.04.210 *- Street design—Intersection angles.*

Finding: Not Applicable. The applicant has not proposed and is not required to redesign an intersection.

12.04.215 *- Street design—Off-site street improvements.*
During consideration of the preliminary plan for a development, the decision maker shall determine whether existing streets impacted by, adjacent to, or abutting the development meet the city's applicable planned minimum design or dimensional requirements. Where such streets fail to meet these requirements, the decision-maker shall require the applicant to make proportional improvements sufficient to achieve conformance with minimum applicable design standards required to serve the proposed development.
Finding: : Complies as Conditioned. The applicant has requested approval of a Mixed Use Multi-Modal area that limits transportation mitigation for projects located within the boundary be limited to safety improvements and supersede these requirements. Conditions of approval and findings for these improvement may be found in OCMC 17.65.050.A.1.h in the report.

12.04.220 *- Street design—Half street.*
Half streets, while generally not acceptable, may be approved where essential to the development, when in conformance with all other applicable requirements, and where it will not create a safety hazard. When approving half streets, the decision maker must first determine that it will be practical to require the dedication of the other half of the street when the adjoining property is divided or developed. Where the decision maker approves a half street, the applicant must construct an additional ten feet of pavement width so as to make the half street safe and usable until such time as the other half is constructed. Whenever a half street is adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Access control as described in [Section] 12.04.200 may be required to preserve the objectives of half streets.
Finding: Complies as Conditioned .

12.04.225 *- Street design—Cul-de-sacs and dead-end streets.*
Finding: Not Applicable. A new street is not proposed or constructed with this application

12.04.230 *- Street design—Street names.*
Finding: Not Applicable. A new street is not proposed or constructed with this application

12.04.235 *- Street design—Grades and curves.*
Grades and center line radii shall conform to the standards in the city's street design standards and specifications.
Finding: Not Applicable. A new street is not proposed or constructed with this application .

12.04.240 *- Street design—Development abutting arterial or collector street.*
Where development abuts or contains an existing or proposed arterial or collector street, the decision maker may require: access control; screen planting or wall contained in an easement or otherwise protected by a restrictive covenant in a form acceptable to the decision maker along the rear or side property line; or such other treatment it deems necessary to adequately protect residential properties or afford separation of through and local traffic. Reverse frontage lots with suitable depth may also be considered an option for residential property that has arterial frontage. Where access for development abuts and connects for vehicular access to another jurisdiction's facility then authorization by that jurisdiction may be required.
Finding: Not Aapplicable. The abutting portion of 99E is designated as a Major arterial in the Oregon City Transportation System Plan, but the applicant has not proposed a new building or exterior alterations to existing buildings and thus this standard is not applicable.

12.04.245 *- Street design—Pedestrian and bicycle safety.*

Where deemed necessary to ensure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, the decision maker may require that local streets be so designed as to discourage their use by nonlocal automobile traffic.
All crosswalks shall include a large vegetative or sidewalk area which extends into the street pavement as far as practicable to provide safer pedestrian crossing opportunities. These curb extensions can increase the visibility of pedestrians and provide a shorter crosswalk distance as well as encourage motorists to drive slower. The decision maker may approve an alternative design that achieves the same standard for constrained sites or where deemed unnecessary by the city engineer.
Finding: Not Applicable. A new street is not proposed or constructed with this application

12.04.255 - *Street design—Alleys.*
Finding: Not Applicable. The applicant has not proposed to install a new alley with this application.

12.04.260 *- Street design—Transit.*
Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with Tri-Met where the application impacts transit streets as identified on Figure 5.7: Public Transit System Plan of the Oregon City Transportation System Plan. Pedestrian/bicycle access ways shall be provided as necessary in conformance with the requirements in Section 17.90.220 of this code and Chapter 12.24 to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified.
Finding: Not Applicable. The applicant has not proposed and is not required to install transit improvements for this application .

12.04.265 *- Street design—Planter strips.*
All development shall include vegetative planter strips that are five feet in width or larger and located adjacent to the curb. This requirement may be waived or modified if the decision maker finds it is not practicable. The decision maker may permit constrained sites to place street trees on the abutting private property within 10 feet of the public right-of-way if a covenant is recorded on the title of the property identifying the tree as a city street tree which is maintained by the property owner. Development proposed along a collector, minor arterial, or major arterial street may use tree wells with root barriers located near the curb within a wider sidewalk in lieu of a planter strip, in which case each tree shall have a protected area to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.
To promote and maintain the community tree canopy adjacent to public streets, trees shall be selected and planted in planter strips in accordance with Chapter 12.08, Street Trees. Individual abutting lot owners shall be legally responsible for maintaining healthy and attractive trees and vegetation in the planter strip. If a homeowners' association is created as part of the development, the association may assume the maintenance obligation through a legally binding mechanism, e.g., deed restrictions, maintenance agreement, etc., which shall be reviewed and approved by the city attorney. Failure to properly maintain trees and vegetation in a planter strip shall be a violation of this code and enforceable as a civil infraction.
Finding: Not Applicable. A new street is not proposed or constructed with this application

12.04.270 - *Standard construction specifications.*
The workmanship and materials for any work performed under permits issued per this Chapter shall be in accordance with the edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city, in effect at the time of application. The exception to this requirement is where this Chapter and the Public Works Street Design Drawings provide other design details, in which case the requirements of this Chapter and the Public Works Street Design Drawings shall be complied with. In the case of work within ODOT or Clackamas County rights-of-way, work shall be in conformance with their respective construction standards.

Finding: Not Applicable. A new street is not proposed or constructed with this application

12.08.015 Street tree planting and maintenance requirements.
All new construction or major redevelopment shall provide street trees adjacent to all street frontages. Species of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List or be approved by a certified arborist. If a setback sidewalk has already been constructed or the Development Services determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed within the front yard setback, exclusive of any utility easement.
Finding: Not Applicable A new street is not proposed or constructed with this application

Chapter 17.58 – NONCONFORMING USES, STRUCTURES AND LOTS
Nonconforming situations are created when the application of zoning district to a site changes or the zoning regulations change. As part of the change, existing uses, density, or development might no longer be allowed or are further restricted. Nonconforming uses, structures and lots are those uses, structures and lots that were lawfully established but do not conform to the provisions of this title or the provisions of the zoning district in which the use, structure or lot is located. The intent of these provisions is not to force all nonconforming situations immediately to be brought into conformance. Instead, the intent is to guide nonconforming situations in a new direction consistent with city policy, and, eventually, bring them into conformance.
Findings: Applicable. Much of the subject site was constructed before the adoption of this zoning code and does not meet a variety of criteria including design, landscaping, etc. The proposed development to the nonconforming site requires compliance with OCMC 17.58.040.C.2.

17.58.040.C.2.a *Thresholds triggering compliance. The standards of Subparagraph C.2.b below shall be met when the value of the proposed exterior alterations or additions to the site, as determined by the Community Development Director, is more than $75,000. The following alterations and improvements shall not be included in the threshold calculation:*
(1) Proposed alterations to meet approved fire and life safety agreements;
(2) Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;
(3) Alterations required to meet Seismic Design Requirements; and
(4) Improvements to on-site stormwater management facilities in conformance with Oregon City Stormwater Design Standards.
Findings: Complies. The master plan proposes a plan that will, as development occurs, mitigate and implement site upgrades for any non-confirming structures that pursue rehabilitation**.**

17.58.040.C.2. *An expansion of a nonconforming structure with alterations that exceed the threshold of Subparagraph C.2.a below shall comply with the development standards listed in Subparagraph C.2.b. The value of the alterations and improvements is based on the entire project and not individual building permits.*
b. Standards that shall be met. Developments not complying with the development standards listed below shall be brought into conformance.
1. Pedestrian circulation systems, as set out in the pedestrian standards that apply to the sites;
2. Minimum perimeter parking lot landscaping;
3. Minimum interior parking lot landscaping;
4. Minimum site landscaping requirements;
5. Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with Chapter 17.52—Off-Street Parking and Loading;
6. Screening; and
7. Paving of surface parking and exterior storage and display areas.
c. Area of required improvements.

1. Generally. Except as provided in C.2.c.2. below, required improvements shall be made for the entire site.
Findings: Complies as Proposed. Complies. The master plan proposes a plan that will, as development occurs, mitigate and implement sire upgrades for any non-confirming structures that pursue rehabilitation**.**

17.58.040.C.d *Timing and cost of required improvements. The applicant may choose one of the two following options for making the required improvements:*
Findings: Not applicable. No development application is being proposed as part of this applications

CONCLUSION AND RECOMMENDATION:
Based on the analysis and findings as described above, Staff recommends the Planning Commission recommend approval of Planning files Master Plan: CP 14-02, Zone Change and Text Amendment: ZC 14-03, Comprehensive Plan Map Amendment and amendments to ancillary documents of the Comprehensive Plan: PZ 14-01, and creation of a Multi-modal Mixed Use Area (MMA) with the Conditions listed below.

EXHIBITS:
1. Vicinity Map
2. Land Use Application Form
3. Narrative
4. Maps and Drawings
5. Appendix A: Transportation Report
6. Appendix A: Transportation Report Attachments
7. Appendix B: Utilities Memo
8. Appendix C: Historic Resources Matrix
9. Appendix D: SHPO Eligibility
10. Appendix E: Environmental Assessment
11. Appendix F: MMA Exhibits
12. Appendix G: Public Engagement Summary
13. Archaeology Report
14. Public Notice
15. Amendment to the Willamette River Greenway
16. New Willamette Falls Downtown District Zone
17. Proposed Plan Guidelines (excerpt of Master Plan Narrative)
18. Proposed Amendments to Ancillary Document to the Comprehensive Plan
    a. Transportation System Plan
    b. Parks Master Plan
19. Engineering Policy 00-01 (onfile)
20. Public Comments
21. Draft ODOT- Oregon City IGA- Transportation Improvement *(will be submitted at the September 15, 2014 PC Hearing)*
22. March 26, 2014 Memo from Carrie Richter- Willamette Legacy Project Master Plan Review Process.
23. Public Works Memo
24. Traffic Analysis Memo-Replinger and Associates August 27, 2014
25. ORS Fact Sheet - Protection of Publicly Owned Properties
26. Citizen Guide to sec 106
27. Rediscover the Falls video link
28. Vision Report link
29. Site Stabilization and Building Assessment Report link

Recommended Conditions of Approval
CP 14-02, ZC 14-03, and PZ 14-01

1. Unless further amended and extended by the Planning Commission, this Master Plan shall control development on the site for 20 years from the date of initial adoption.
2. Unless further amended in a refined Master Plan, detailed development plans within the Willamette Falls Downtown District will be processed as a Type III Land Use Review that is heard before the Oregon City Planning Commission. However, projects that meet Minor Site Plan and Design Review thresholds (OCMC 17.62.035) shall be processed as a Type II review. These projects will still be subject to the standards and conditions of the general development plan approval.
3. For all projects requiring for Type III review, the ability to comply with district design guidelines will be assessed by a Design Evaluation Board, a special city-assigned body that will provide broader feedback into the process. The Design Evaluation Board will make its recommendation to the Planning Commission through city staff. This condition may also be met through the addition of adhoc Planning Commission members that can demonstrate specialized Urban Design backgrounds to provide additional expertise to the Planning Commission.
4. As the site is located within the newly created Mixed Use Multi-Model area, all future development will be reviewed for impacts to safety in this area and not be subject review of the development on the capacity of the system.
5. The following are listed in the Master Plan as Structures Identified for Retention and Reuse.
    a. Mill O
    b. Hawley Building
    c. DeInk/Mill B
    d. No. 4 Paper Machine
    e. Woolen Mill Foundations
6. The following are listed in the Master Plan as Secondary Elements Identified For Full or Partial Retention.
    a. Oregon City Flour Mill Foundation
    b. Digesters
    c. Horton Sphere
    d. Boilers
    e. No.1 Paper Machine
7. Removal of structures or elements not identified for retention will be processed as a Type I Land Use action provided all applicable conditions of approval from the master plan have been met.
8. Substantial alterations or request for demolitions either to Structures Identified for Retention and Reuse or Secondary Elements Identified For Full or Partial Retention shall be processed as a Type III Land Use action.
9. Prior to the demolition of any structures identified as potential eligible for listing on the National Register, the applicant, shall submit site plans and documentation photos of the interior and exterior of the buildings that adhere to the Section 106 documentation process.
10. If the applicant is proposing site cleanup, demolition, or new construction that will include the disturbance of native soils, or has a high likelihood of containing archeological evidence, as confirmed by the State Historic Preservation Office, the applicant shall submit and adhere to an inadvertent discovery plan that, depending on the proposed action, and as recommended by SHPO, could include archeological monitoring during times of site disturbance.

11. The applicant shall obtain an Oregon City Erosion Control Permit, if applicable, for all site clean-up, demolition or interim parking uses and verify that the proposed work is consistent or can be made consistent with the DEQ interim stormwater plan.
12. Tennant improvements of existing habitable space is allowed and does not require any further land use review unless the applicant proposes exterior alterations that trigger a Type II or Type III detailed development plan.
13. Amend Policy 4 as proposed to ensure interpretive elements be included in all development proposals,

    Guideline 4. Re-Use, Rehabilitate, ~~and~~ Restore <u>and Interpret</u> Buildings and Structures
    Principles:
    Key structures. Preservation or rehabilitation of key structures should be a priority in the design of new buildings and open space. Highest value is placed on the following structures: De-Ink Building, #4 Paper Machine, Mill O, Hawley Building, and the Woolen Mill Foundation. If any these key structures must be removed, the applicant must document the specific reason for doing so, and propose mitigation to compensate for the loss of site character.

    Other structures. Incorporate remnants, key features or other significant portions of existing structures into project design. The district's 150-year history as a mill site (flour, wool, paper) and a manufacturing center should be celebrated and recognized when new buildings and uses are established.

    Archaeology. Incorporate pre-colonial history of the site into new development where appropriate. Monitor archeology when disturbance of native soil is proposed.

    <u>Interpretation. Weave interpretive elements throughout the site to provide multiple and diverse opportunities to learn and reflect on the site's history.</u>

14. The applicant has proposed a Master Plan that includes a conceptual amount of open/public space in blocks 3 and 4. In order to ensure that the open/public space is implemented in conjunction with overall development and not left to a final phase, the applicant shall show construction of an open/public space area that is a minimum 40,000 square feet and consists of both active and passive uses with prominent views of the falls at the time of completion of the first 400,000 square feet of new habitable space. As part of the detailed development review for this open space, the applicant shall submit a long term maintenance and operation plan to ensure the open/public space can be maintained. This plan anticipates the use of both private and public contributions.
15. The applicant has proposed a Master Plan that includes the Riverwalk along the Willamette River. In order to ensure that the Riverwalk is provided, either independently or in conjunction with overall development and not left to a final phase, the applicant shall design and construct all or some roughly proportional portion of the Riverwalk no later than the time of completion of the first 300,000 square feet of new habitable space. As part of the detailed development review that includes design for the Riverwalk, the applicant shall submit a long term maintenance and operation plan explaining how the Riverwalk will be maintained. This plan anticipates the use of both private and public contributions.
16. The applicant has requested, for ease of long term implementation, to follow the development code in affect at the time of each development application.
17. Main Street is a "collector" street and future development of this street will comply with the modified sidewalk standard for this Master Plan for minimum 16 foot sidewalks. This dimension could be reduced for a specific development application to accommodate a special condition such as to protect the façade of an existing historic building or support general adaptive reuse proposals of existing buildings.

18. Oregon City and ODOT have agreed on three key transportation improvements along OR 99E with the goal of maintaining safety and improving accessibility of the site:
    a. Intelligent Transportation Systems designed to warn traffic approaching the tunnel of hazardous conditions ahead.
    b. Prohibiting left turns northbound from OR 99E to Main Street and modification of the right turn geometry from 99E to Railroad Avenue to allow space for turning traffic to slow and maneuver outside the travel lanes on a curve with limited sight distance.
    c. A pork-chop (or raised median) at the Water Avenue/OR 99E intersection to prevent unsafe movements and reinforce right-in, right-out access at that location.
19. Oregon City will assure design and construction of the three projects as follows:
    a. A $1,940,000 project to replace the tunnel's illumination system in the 2017-18 timeframe is included in the draft ODOT STIP. ODOT will design and construct project "a" with this illumination project. Should the $1,940,000 available to ODOT be insufficient to fund both the illumination and ITS projects, Oregon City will contribute up to $500,000 to cost of the project, which will include up to $250,000 contribution by the applicant.
    b. Design of and right of way acquisition for Project "b" will be completed prior to opening of the Riverwalk or within two years of plan adoption (whichever comes first). The design and acquisition will be led by Oregon City in cooperation with ODOT. The applicant is responsible for construction of project b and is required to be completed prior to trip generation to the site surpassing 140 peak hour trips. The purpose of this improvement is to safely accommodate the increasing number of motor vehicles slowing in the tunnel to turn right on Railroad Avenue and for the safety of pedestrians crossing Railroad Avenue. The right turn into Railroad Avenue is part of an indirect left turn movement required for OR 99E northbound motor vehicles accessing the Willamette Falls site.
    c. Project "c" will be constructed during the construction of Water Avenue/OR 99E intersection. Construction of Water Avenue/99E will be triggered when one of the following occurs:
        i. At the time of Riverwalk construction adjacent to Water Avenue.
        ii. Any new construction or addition over 1,000 square feet on Block 1 of the Framework i
        ii. Master Plan Once development on the site has surpassed 140 peak hour trips.
20. If after the three safety mitigation projects identified in condition 18 &19 are constructed, Oregon City or ODOT determines, as part of a detailed development plan review, that significant safety issues remain or will result from the proposal, the applicant shall contribute up to $60,000 (2014 dollars) for the cost of a multimodal safety audit in cooperation with Oregon City and ODOT. Identified safety projects may be required to be implemented after the development has exceed 700 peak hour trips.
21. Master Plan approval requires ODOT concurrence for any phase of development of the Willamette Falls Master Plan area that would result in the total estimated peak hour trips generated from the area to exceed 700. If at that time, traffic analysis establishes that additional safety measures are needed, the applicant will be required to include additional safety measures or upon ODOT agreement on other countermeasures not provided in association with proposed development.
22. The Applicant will estimate the number of trips at the time of each phase of master plan review and will notify ODOT and the City of the proposed development and estimated trips 30 days prior to the first evidentiary hearing.
23. The Institute of Traffic Engineers Trip Generation Manual will be the source for trip generation estimates unless ODOT and the City agree to an adjustment.

24. For any development that creates over 20,000 square feet of new habitable space, or requests approval of the Riverwalk, the applicant will be required to submit a transportation demand management program that addresses the existing conditions and proposes transportation demand programs that proportionally mitigate the impact of the proposed development to the site and abutting downtown.
25. Within six (6) months from the date of the land use approval for CP 14-02 Master Plan, the applicant shall develop, finalize and submit to the City an interim water utility plan for the private onsite water system. The private system currently provides both domestic water service and fire flow protection to the entire site. This condition shall be satisfied prior of the submission of a detailed development plan. The interim water utility plan shall include:
    a. Detailed operational and maintenance plan for the private water system during the interim period.
    b. Water System Pipe Schematic showing the private system schematically that will be operation during the interim period, including from the City's metered connection to the ends of the operational pipe segments, primary isolation valves, fire hydrants, sprinkler systems and other notable appurtenances.
    c. Collaboration with the City's Public Works Operations and Engineering staff regarding the interim operations and maintenance of the private water system.
    d. Collaboration with Clackamas Fire District #1's (CCFD#1) to determine the minimum fire flow requirements for the existing buildings onsite and how the private system will comply with the requirements.
    e. Concurrence from the City and CCFD#1 on the final interim water utility plan.

26. The Master Plan includes a new pedestrian bridge connecting the Promenade over 99E to the site. The project is proposed to be included in the Oregon City TSP project list as part of this application. Currently, there are no development triggers for this project, which is assumed to be primarily a publically supported project. However, future development applications will need to plan for its location. Completion of and payment towards the project may be used to meet transportation demand management requirements of the Master Plan.
27. By September 30, 2015, the applicant shall rectify the stormwater issue at the referenced manhole at Main St/3rd St intersection and separate the storm system from the sanitary sewer system. The resolution shall include collaboration and coordination with ODOT to determine what improvements are necessary for the separation of systems, City and ODOT approval of the plan, and implementation. This condition shall be satisfied prior of the submission of a detailed development plan.
28. Right of Way dedication shall be governed by the street and utility phasing plan which shall be submitted at the time of the first development application of more than 1,000 square feet of new habitable space. The Public Works Director may approve an alternate proposal of private streets governed by a full public access easement if the design and maintenance plan meets or exceeds the intent of the Master Plan.
29. A utilities/infrastructure phasing plan which will be required at the time of the first development application of new habitable space over 1,000 square feet or approval of the Riverwalk. If the Riverwalk development application is the first submittal, the phasing plan for the Riverwalk shall be limited to the boundary of the Riverwalk project. The following submittal requirements shall be included in future development application unless amended or waived by the Planning Commission:
    a. Stormwater Management
        i. Compliance with City Standards including Public Works Utility Standards
        ii. New stormwater facilities that provide for collection and treatment prior to discharge.
        iii. Consideration of alternative treatment methods such as low impact development due to the nature of the site (bedrock at or near the existing ground surface).

iv. Evaluation of existing stormwater system along frontage of site and determination of what improvements are needed to fix any deficiencies found.
v. Phasing plan as applicable and meeting the needs for phased redevelopment of the site.

b. Sanitary Sewer

i. Compliance with City Standards including Public Works Utility Standards
ii. Capacity evaluation of existing sanitary sewer collection system using City's approved hydrologic/hydraulic model due to the proposed wastewater flow contribution from the entire development, including consideration of the TDSD surcharged interceptor sewers predicted in the 2014 SSMP and potential need for backflow protection improvements due to negative impacts from TCSD surcharged system.
iii. Phasing plan for abandonment, removal, and/or replacement of existing sewer facilities, and new public sanitary sewer extensions with lateral services located within future public streets meeting separation standards from other utilities as applicable.

c. *Water*

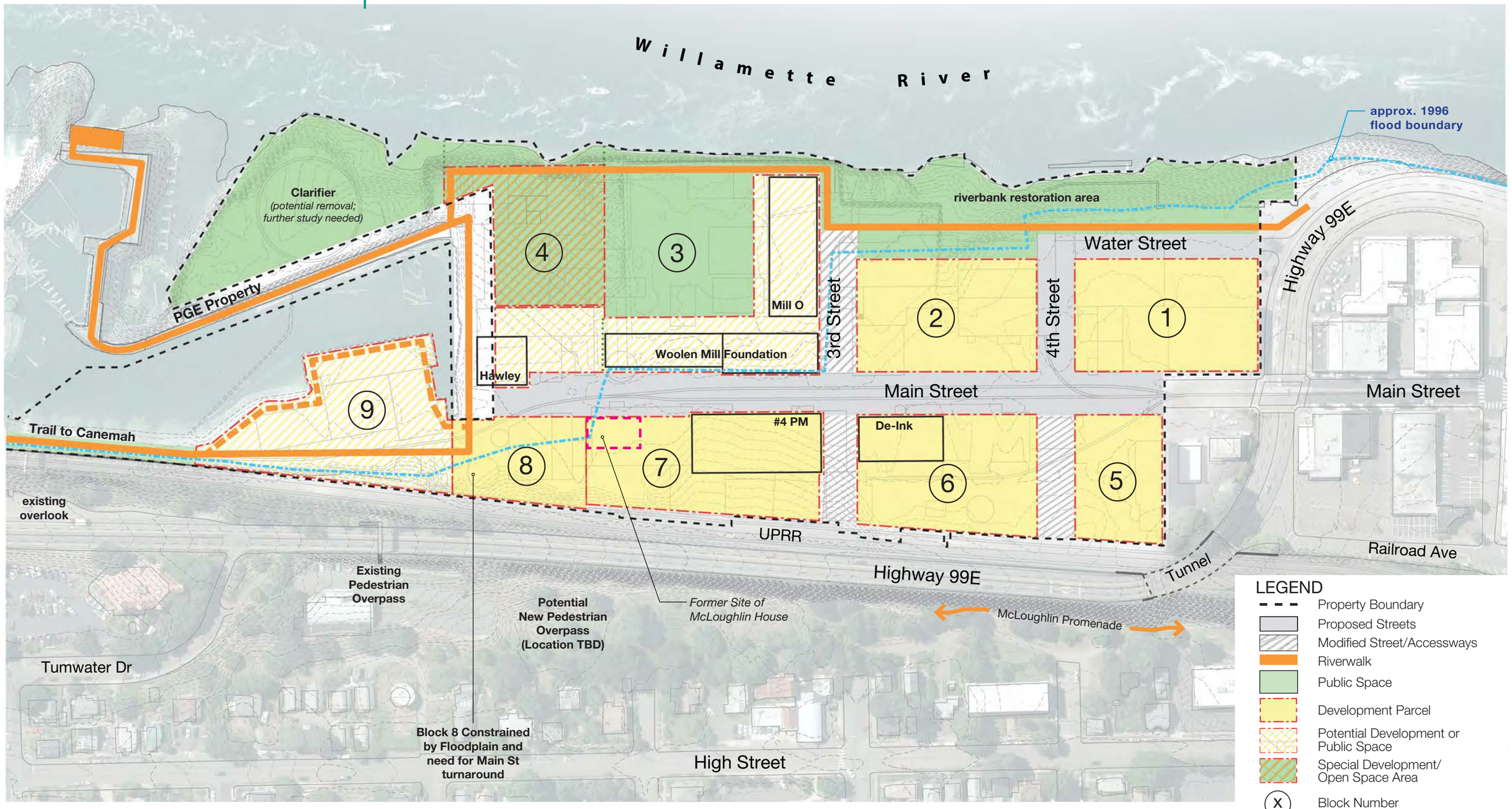
i. Compliance with Clackamas Fire District #1's (CCFD#1) and Uniform Fire Code requirements for the site's maximum fire flow based on the overall site development plan and any other conditions of approval as applicable.
ii. A looped system providing two sources of supply with consideration of one source being located at the southern end of the site about where the existing pedestrian bridge crosses over Hwy 99E and the railroad tracks. This existing bridge is planned to be replaced sometime in the future with a new pedestrian bridge and consideration should be made for making the new bridge dual purpose and incorporate public utility crossings such as a new water pipeline.
iii. Evaluation of the existing water distribution system using City's approved hydraulic network model to determine what new water system improvements are needed to provide adequate service pressures during normal operating conditions, fire flows as required by CCFD#1, and PRV station operational parameters based on the redevelopment needs of the site. Note: The existing PRV operational parameters may not work for the proposed redevelopment and be required to change.
iv. Evaluation to determine if the City's designated "Paper Mill" pressure zone can be rezoned and made part of the "Lower" pressure zone and whether the PRV station at 5th/Main St is needed with the overall redevelopment plan.
v. Phasing plan for new water improvements, including consideration of when existing water facilities will be abandoned, removed and/or replaced, how fire protection will be provided to existing buildings that are remaining in place during that development phase, how the new system will operate during that development phase if there are old water facilities still needed to be operational, replacing and/or upgrading PRV stations, installation of new public water mains, fire hydrants and metered services located within future public streets meeting separation standards from other utilities as applicable
vi. Consideration of completely abandoning the private system with the first phase development and what new water improvements are needed to accomplish this.

d. Streets

i. Compliance with City Standards including Public Works Utility Standards, unless further amended or waived by the Public Works Director.
ii. Consideration of design exceptions and alternative streetscape elements if the site conditions (bedrock at or near the existing ground surface, existing buildings) do not allow for City Standards to be met or the proposed alternative can meet or exceed purpose of Master Plan and be acceptable to the Public Works Director .

iii. Phasing plan as applicable for phased redevelopment of the site.

framework plan



Oregon City Municipal Code
Chapter 17.06 Zoning District Classifications

17.06.010 General provisions.

Except as hereinafter provided:

A. No building or structure shall be erected, structurally altered, enlarged or moved, nor shall any building, structure or land be used or designated to be used for any use other than is permitted in the district in which such uilding, structure or land is located, and then only after applying for and securing all permits and licenses required by law and this code.

B. No building or structure shall be erected, enlarged or structurally altered to exceed the height limit established for the district in which the building or structure is located.

C. No building or structure shall be erected, enlarged or moved on a lot unless the building or structure and also the lot conform to the area regulations of the district in which the building or structure is located, except as provided in this title.

1. No parcel of land on record at the time of the adoption of this title shall hereafter be reduced in any manner below the minimum lot area, size or dimensions required by this title.
2. No lot area shall be so reduced or diminished that the off-street parking area, the yard, open space or total lot area be made smaller than required by this title, nor shall the lot area per family be reduced in any manner except in conformity to the regulations of this title.
3. No yard or landscaped area now provided for any building or structure or hereafter provided in conformance with the regulations of this title shall be considered as any part of a yard, or landscaped area for any other building or structure.
4. No required yard shall include any land dedicated, reserved or set aside for street purposes, except as provided in this title.

D. Each lot or building site must abut a public street and have a minimum frontage of forty-five feet on a street or thirty feet on a cul-de-sac and meet all other requirements of lot size. An existing lot of record which does not meet the minimum frontage requirement may not be built upon unless adequate frontage for vehicular access is provided. (Prior code §11-2-1)

17.06.020 Classification of zoning districts.

For the purpose of this title and to carry out these regulations, the city is divided into districts, known as:

R-10 single-family dwelling district
R-8 single-family dwelling district
R-6 single-family dwelling district
RD4-MDP Manufactured Dwelling Park
R-3.5 dwelling district
R-2 multi-family dwelling district
LO limited office district
NC neighborhood commercial district
HC historic commercial district
C general commercial district
GI General Industrial
CI Campus Industrial
MUC-1 Mixed Use Corridor

MUC-2 Mixed Use Corridor
MUE Mixed Use Employment
MUD Mixed Use Downtown
Willamette Falls Downtown District
I Institutional District

In addition to the foregoing districts, special overlay districts shall be known as:

H historic overlay district
FP floodplain overlay district
US unstable soils and hillside constraint overlay district
P park acquisition overlay district
WRG Willamette River greenway overlay district
WR water resources overlay district

(Ord. 94-1001 §1, 1994; Ord. 93-1008 §1, 1993; Ord. 92-1024 §1, 1992; prior code §11-2-2)

17.06.030 Official zoning map.

The foregoing districts and their boundaries are shown on a map entitled "official zoning map" on file in the office of the city recorder. This map and all designations and information shown thereon are made a part of this title, as if the map, designation and information were fully described herein. In addition, special maps shall indicate the overlay districts and their boundaries. (Prior code §11-2-3)

17.06.040 Boundaries of zoning districts.

Where uncertainty exists with respect to any of the boundaries of the districts as shown on the official zoning map, the following uses shall apply:

A. When the boundaries of the districts designated on the official zoning map are approximately streets or alleys, the certain lines of the streets and alleys shall be construed to be the boundaries of such districts.
B. Where the boundaries of the districts designated on the official zoning map are approximately lot lines, the lot lines shall be construed to be the boundaries of the districts.
C. In subdivided property, the district boundary lines of the official zoning map shall be determined by use of the scale contained on the map. (Prior code §11-2-4)

17.06.050 Zoning of annexed areas.

All lands within the urban growth boundary of Oregon City have been classified according to the appropriate city land use designation as noted on the comprehensive plan map (as per the city/ county urban growth management area agreement). The planning department shall complete a review of the final zoning classification within sixty days after annexation. The zoning classification shall reflect the city land use classification as illustrated in Table 17.06.050.

Table 17.06.050
CITY LAND USE CLASSIFICATIONS

Residential Plan Classification	**City Zone**
Low-density residential	R-10, R-8, R-6
Medium-density residential	R-3.5, RD4-MDP

High-density residential	R-2
Commercial Plan Classification	**City Zone**
General commercial	C
Mixed Use Downtown	MUD,WFDD
Mixed Use Corridor	MUC I, MUC 2, LO, NC, HC
Mixed Use Employment	MUE
Industrial Plan Classification	**City Zone**
Industrial	CI, GI

A. A public hearing shall be held by both the planning commission and city commission in accordance with the procedures outlined in Chapter 17.68 (except for the provisions of Section 17.68.025) for those instances in which more than one zoning designation carries out a city plan classification.
B. Lands within the urban growth boundary and designated low-density residential on the comprehensive plan map shall, upon annexation, be eligible for manufactured homes (infill of individual lots and subdivisions). In those cases where only a single city zoning designation corresponds to the comprehensive plan designation and thus the rezoning decision does not require the exercise of legal or policy judgment on the part of the Community Development Director, Section 17.68.025 shall control. The decision in these cases shall be a ministerial decision of the planning manager made without notice or any opportunity for a hearing. (Ord. 00-1003 §5, 2000; Ord. 94-1014 §1, 1994; Ord. 92-1024 §2, 1992: prior code §11-2-5)

17.06.060 Street and alley vacations.

Whenever any street, alley or public way is vacated by official action, the zoning districts adjoining the side of such public way shall automatically be extended to the side or sides to which such lands revert, to include the right-of-way thus vacated which shall henceforth be subject to all regulations of the extended district or districts. (Prior code §11-2-6)

17.06.070 Requirements table.

To facilitate public understanding of this title, and for the better administration and convenience of use thereof, the following summary of maximum dwelling units per acre, minimum lot area per dwelling unit, maximum building height, and maximum setback regulations for the various zoning districts is set forth in the following table. For further information, please review the regulations of each individual zoning district. (Ord. 92-1024 §3, 1992; prior code §11-3-1)

OREGON CITY STANDARDS

Residential

Standard	**R-10**	**R-8**	**R-6**	**R-3.5**	**R-2**
Minimum Lot Size	10,000 sq. ft.*	8,000 sq. ft.*	6,000 sq. ft.*	3,500 sq. ft.*	2,000 sq. ft.*
Maximum Height	2.5 Stories (35 ft.)*	2.5 Stories (35 ft.)*	2.5 Stories (35 ft.)*	2.5 Stories (35 ft.)*	4 Stories (55 ft.)*
Maximum Building Lot Coverage	40%	40%	40%	NA	NA

Minimum Front Yard Setback	20 ft.	15 ft.	10 ft.	5 ft.	5 ft.*
Minimum Interior Side Yard Setback	10 ft. / 8 ft.	9 ft. / 7 ft.	9 ft. / 5 ft.	Detached – 5 ft. Attached – 7 ft.	5 ft.
Minimum Corner Side Yard Setback	15 ft.	15 ft.	15 ft.	10 ft.	10 ft.
Minimum Rear Yard Setback	20 ft.	20 ft.	20 ft.	15 ft.	*
Garage Standards Applicable	Yes*	Yes*	Yes*	Yes*	Yes*
Garage Setbacks	20 ft from ROW 5 ft. from alley	20 ft from ROW 5 ft. from alley	20 ft from ROW 5 ft. from alley	20 ft from ROW 5 ft. from alley	20 ft from ROW 5 ft. from alley

*See district description for further information

Commercial

Standard	**C**	**MUC-1**	**MUC-2**	**NC**	**HC**
Maximum Building Height	3 Stories (45 ft)*	3 Stories (45 ft)*	60 ft	2.5 Stories (35 ft.)	3 Stories (35 ft.)
Minimum Building Height	--	--	2 Stories (25 ft.)	--	--
Maximum Lot Coverage	--	Building and Parking Lot – 80%	Building and Parking Lot – 90%	Building Footprint – 10,000 sq. ft.*	Building and Parking Lot – 80%
Maximum Front Yard Setback	5 ft.*	5 ft.*	5 ft.*	5 ft.*	5 ft.*
Maximum Interior Side Yard Setback	--	0 - 30 ft.*	0 – 33ft.*	0 - 10 ft.*	0-5 ft.*
Maximum Corner Yard Setback	10 ft.*	30 ft.*	20 ft.*	30 ft.*	0-5ft.*
Maximum Rear Yard Setback	10 ft.	0 - 30 ft.*	0 – 33ft.*	0 – 10 ft.*	0 – 20 ft.*

*See district description for further information

Standard	MUE	MUD	MUD – Design District	WFDD	GI	CI
Maximum Building Height	60 ft. / 85 ft.*	45 ft /75 ft.*	58 ft.	80 feet	3 Stories (45 ft.)*	45 ft. / 85 ft.*
Minimum Building Height	--	2 Stories (25 ft)*	2 Stories (25 ft.)*	A. Two entire stories and 25 feet, except for: 1. accessory structures or buildings under 1,000 square feet, and 2. buildings to serve open space or public assembly uses.	--	--
Maximum Lot Coverage	Building and Parking Lot – 80%	Building and Parking Lot – 90%	Building and Parking Lot – 100%	Building and Parking Lot – 100%	--	--
Maximum Front Yard Setback	5 ft.*	20 ft.*	10 ft.*	10*	25ft.*	25ft.*
Maximum Interior Side Yard Setback	50 ft.*	0 ft.*	0 ft.*	10*	25ft.*	25ft.*
Maximum Corner Yard Setback	5 ft.*	20 ft.*	10 ft.*	10*	25ft.*	25ft.*
Maximum Rear Yard Setback	5 - 50 ft.*	*	10 ft*	10*	25ft.*	25ft. / 100 ft*

Employment, Downtown and Industrial
*See district description for further information

17.35 Willamette Falls Downtown District

17.35.010 Designated.

The Willamette Falls Downtown (WFD) district applies to the historic Willamette Falls site, bordered by 99E to the north and east, and the Willamette River to the west and south. This area was formerly an industrial site occupied by the Blue Heron Paper Mill and is the location of Oregon City's founding. A mix of open space, retail, high-density residential, office, and compatible light industrial uses are encouraged in this district, with retail, service, and light industrial uses on the ground floor and office and residential uses on upper floors. Allowed uses in the District will encourage pedestrian and transit activity. This district includes a Downtown Design overlay for the historic downtown area. Design guidelines for this sub-district require storefront façades along designated public streets featuring amenities to enhance the active and attractive pedestrian environment.

17.35.020 Permitted uses.

Permitted uses in the WFD district are defined as:

A. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, and specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed 40,000 square feet (a freestanding building over 40,000 square feet is allowed as long as the building contains multiple tenant spaces or uses);

B. Industrial uses including food and beverage production, ~~limited to the~~ design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials, and not to exceed 60,000 square feet;

C. Research and development activities;

D. Offices, including finance, insurance, real estate, software, engineering, design, and government;

E. Restaurants, eating and drinking establishments without a drive through, and mobile food carts;

F. Parks, playgrounds, outdoor entertainment space, and community or neighborhood centers;

G. Museums, libraries, and interpretive/education facilities;

H. Outdoor markets, such as produce stands, craft markets and farmers markets;

I. Indoor entertainment centers and arcades;

J. Studios and galleries, including dance, art, film and film production, photography, and music;

K. Hotel and motel, commercial lodging;
L. Conference facilities and meeting rooms;
M. Public and/or private educational or training facilities;
N. Child care centers and/or nursery schools;
O. Health and fitness clubs;
P. Medical and dental clinics, outpatient; infirmary services;
Q. Repair shops, except automotive or heavy equipment repair;
R. Residential units—multi-family;
S. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
T. Seasonal sales, subject to Oregon City Municipal Code Section 17.54.060;
U. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers.
V. Veterinary clinics or pet hospitals, pet day care.
W. Home occupations;
X. Religious institutions;
Y. Live/work units; including an individual residential unit in association with a permitted use
Z. Water-dependent uses, such as boat docks.
AA. Passenger terminals (water, auto, bus, train).
BB. Existing parking and loading areas, as an interim use, to support open space/recreational uses.

17.35.030 Conditional uses.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in Chapter 17.56.

A. Emergency services;
B. Hospitals;
C. Assisted living facilities; nursing homes, residential care facilities and group homes for over fifteen patients;
D. Parking structures and lots not in conjunction with a primary use;
E. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a freestanding building with a single store exceeding 40,000 square feet;

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F. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;

G. Industrial uses ~~limited to the~~including food and beverage production, design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials, that exceed 60,000 square feet;

~~F.~~H.

~~G.~~ Public utilities and services such as pump stations and sub-stations;

~~H.~~I. Stadiums and arenas;

17.35.050 Temporary uses.

Temporary activities are short term or seasonal nature and do not fundamentally change the site. Examples of temporary activities include: movie and TV filming, construction and film staging, and general warehousing. Temporary activities are not considered primary or accessory uses and require a temporary use permit be obtained from the city. The city has a right to deny or condition any temporary use permit if it feels the proposal conflicts with the purpose of the district or to ensure that health and safety requirements are met. Temporary use permits are processed as a Type II Land Use action.

The following uses are may be allowed in the district on a temporary basis, subject to permit approval.

A. Outdoor storage or warehousing not accessory to a use allowed in 17.35.020 or 030.

B. Movie and television filming. On-site filming and activities accessory to on-site filming that exceed two weeks on the site are allowed with a city temporary use permit. Activities accessory to on-site filming may be allowed on site, and include administrative functions such as payroll and scheduling, and the use of campers, truck trailers, or catering/craft services. Accessory activities do not include otherwise long-term uses such as marketing, distribution, editing facilities, or other activities that require construction of new buildings or create new habitable space. Uses permitted in the district and not part of the temporary use permit shall meet the development standards of the district.

General Regulations for temporary uses.

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A. The temporary use permit is good for one year and can be renewed for a total of three years.
B. Temporary activities that exceed time limits in the city permit are subject to the applicable use and development standards of the district.
C. These regulations do not exempt the operator from any other required permits such as sanitation permits, erosion control, building or electrical permits.

17.35.040 Prohibited uses.

The following uses are prohibited in the WFD district:

A. Kennels;
B. Outdoor sales or storage that is not accessory to a retail use allowed in 17.35.020 or 030.
C. Self-service storage;
D. Distributing, wholesaling and warehousing not in association with a permitted use ;
E. Single-Family and two-family residential units;
F. Motor vehicle and recreational vehicle repair/service;
G. Motor vehicle and recreational vehicle sales and incidental service;
H. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment)

17.35.070 Willamette Falls Downtown District dimensional standards

A. Minimum lot area: None.
B. Minimum floor area ratio (as defined in 17.34.080): 1.0.
C. Minimum building height: Two entire stories and 25 feet, except for:
   1. accessory structures or buildings under 1,000 square feet, and
   2. buildings to serve open space or public assembly uses.
D. Maximum building height: 80 feet.
E. Minimum required setbacks: None.
F. Maximum Allowed Setbacks. 10 feet, provided site plan and design review requirements are met.
G. Maximum site coverage: 100 percent.
H. Minimum Landscape Requirement: None for buildings. Landscaping for parking areas required per 17.52.

I. Street standards: per Section 12.04, except where modified by a master plan.
J. Parking: per Section 17.52, Off Street Parking and Loading. The Willamette Falls Downtown District is within the Downtown Parking Overlay District.

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Oregon City Municipal Code
Chapter 17.48 WRG Willamette River Greenway Overlay District

17.48.010 Designated.

This chapter shall apply to all development, changes of use or intensification of use in that area designated WRG Willamette River Greenway on a special city zoning map.

17.48.020 Purpose.

The purpose of this chapter is to:

A. Protect, conserve, enhance and maintain the natural scenic, historical, agricultural, economic and recreational qualities of land along the Willamette River;
B. Maintain the integrity of the Willamette River by minimizing erosion, promoting bank stability and maintaining and enhancing water quality and fish and wildlife habitats;
C. Implement the Willamette River Greenway goal and the Willamette River Greenway portions of the city comprehensive plan.

17.48.040 Uses allowed.

All uses permitted pursuant to the provisions of the underlying zoning district are permitted on lands designated WRG; provided, however, that any development, change of use or intensification of use shall be subject, in addition to the provisions of the underlying district, to the provisions of this chapter.

17.48.050 Permit required--Exceptions.

A Willamette River Greenway permit shall be required for all developments and changes or intensification of uses, except the following:

A. The propagation of timber or the cutting of timber for public safety or personal use, except the cutting of timber along the natural vegetative fringe along the river;
B. Gravel removal from the bed of the Willamette River when conducted under a permit from the state;
C. Customary dredging and channel maintenance;
D. Placing by a public agency of signs, markers, aids and similar structures to serve the public;
E. Activities to protect, conserve, enhance and maintain public recreation, scenic, historical and natural uses on public lands;
F. Acquisition and maintenance of scenic easements by the Oregon Department of Transportation;
G. Partial harvesting of timber shall be permitted beyond the natural vegetative fringe and those areas not covered by a scenic easement and when the harvest is consistent with an approved plan under the Oregon Forest Practices Act. Commercial forest activities and harvesting practices providing for vegetative buffers, shading, soil stabilization, and water filtering effects required under the Oregon Forest Practices Act;
H. The use of a small cluster of logs for erosion control;
I. The expansion of capacity or the replacement of existing communication or energy

distribution and transmission systems, except utility substations;

J. The maintenance and repair of existing flood control facilities;

K. Uses lawfully existing on the effective date of the provisions codified in this chapter; provided, however, that any change or intensification of use or new development shall require a Willamette River Greenway permit.

17.48.060 Administrative procedure.

Except as specifically provided for in Section 17.48.090, the procedure for action on a Willamette River Greenway permit shall be as provided for under the administrative action provisions in Chapter 17.50. In addition to those provisions, however, notice of a pending Willamette River Greenway permit under Sections 17.48.070 through 17.48.090 or of a compatibility review hearing under Section 17.48.100, shall be given to all persons requesting the same and paying a reasonable fee therefore, as determined by the Community Development Director.

17.48.070 Development standards--Specific use.

In approving any development or change or intensification of use, the approving officer or body shall apply the following standards:

Considerations for Specific Uses.

A. With respect to recreational uses only: the considerations set forth in section C(3)(b) of Goal 15.

B. With respect to those fish and wildlife habitats identified in the city comprehensive plan only: the considerations set forth in section C(3)(d) of Goal 15.

C. With respect to those scenic qualities and views identified in the city comprehensive plan only: the considerations set forth in section C(3)(e) of Goal 15.

D. With respect to timber resources only: the considerations set forth in section C(3)(h) of Goal 15.

E. With respect to aggregate extraction only: the considerations set forth in section C(3)(i) of Goal 15.

17.48.080 Development standards--General considerations.

The following considerations shall be applicable to all Willamette River Greenway permits.

A. Access. Adequate public access to the Willamette River shall be considered and provided for.

B. Protection and Safety. Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided for to the maximum extent practicable.

C. Vegetative Fringe. The natural vegetative fringe along the Willamette River shall be protected and enhanced to the maximum extent practicable.

D. Directing Development Away from the River. Development shall be directed away from the Willamette River to the greatest possible degree, provided that lands committed to urban uses within the Greenway may continue as urban uses, subject to the nonconforming use provisions of Chapter 17.58 of this title.

E. A Greenway Setback. In each application, the approving officer or body shall establish a setback to keep structures separated from the Willamette River in order to protect,

maintain, preserve and enhance the natural scenic, historic and recreational qualities of the Willamette River Greenway, as set forth in the city comprehensive plan; provided, however, that the requirement to establish such setbacks shall not apply to water-related or water-dependent uses.

F. Other Applicable Standards. The Oregon Department of Transportation Greenway Plan, the Greenway portions of the city comprehensive plan, the Willamette River Greenway statutes and the provisions of Statewide Planning Goal 15, shall also be considered in actions involving Willamette River Greenway permits.

17.48.090 Procedure.

The planning director shall make findings, and may impose reasonable conditions to carry out this chapter, regarding all general, and any applicable specific, considerations of this section. The Community Development Director shall then give notice of a pending Willamette River Greenway permit application, and proposed action thereon, in the manner provided for, and to those persons for whom notice shall be given, under Chapter 17.50 of this code, and to all other interested persons who wish to be notified and who pay a reasonable fee for such notification. If no interested person requests a hearing on such permit application within ten days of giving notice, the application shall be approved, either with or without conditions, or denied, as proposed by the Community Development Director and in accordance with the findings required by this subsection. If there be objection, the matter shall be heard by the planning commission as an administrative action.

17.48.100 Compatibility review.

A. In all areas within one hundred fifty feet of the ordinary low-water line of the Willamette River, hereinafter referred to as the "compatibility boundary," the provisions of this subsection shall be applicable to all developments and changes or intensification of uses, so as to ensure their compatibility with Oregon's Greenway statutes, and to assure that the best possible appearance, landscaping and public access be provided.

B. All development or changes or intensifications of uses in the compatibility area shall be approved only if the following findings be made by the planning commission.

1. That to the greatest extent possible, the development or change or intensification of use provides for the maximum possible landscaped area, open space or vegetation between the activity and the river.
2. That to the greatest degree possible, necessary public access is provided to and along the Willamette River by appropriate legal means.

C. Procedure for action on compatibility review shall be as set forth in Section 17.48.060 and shall include application of the relevant use management considerations and requirements provided in Sections 17.48.070 and 17.48.080. The planning commission, after notice and public hearing held pursuant to Chapter 17.50 shall approve issuance, approve issuance with conditions or disapprove issuance of the Willamette River Greenway conditional use permit. The application shall be accompanied by the fee listed in Chapter 17.52 to defray the costs of publication, investigation and processing.

17.48.110 Prohibited activities.

The following are prohibited within the Willamette River Greenway:

A. Any main or accessory residential structure exceeding a height of thirty-five feet; except for

areas located within the Willamette Falls Downtown District.

B. Structural bank protection, except rip rap or a channelization used as an emergency measure only to protect existing structures. Any such rip rap or channelization to stabilize undeveloped sites shall be prohibited as well;
C. Subsurface sewage disposal drainfields within one hundred feet of the ordinary mean low-water line of the Willamette River.

17.48.120 Additional procedural requirements.

In addition to the requirements of Chapter 17.50, the following procedural requirements shall be applicable to all matters arising out of Section 17.48.070 through 17.48.100:

A. Applications submitted for review under Sections 17.48.070 through 17.48.100 shall be accompanied by such materials as are reasonably necessary for adequate review, including, as necessary:
   1. A site and landscaping plan showing existing vegetation and development and location of proposed development for activities;
   2. Elevations of any proposed structures;
   3. Materials list for any proposed structures, including type and colors of siding and roofing; and
   4. Cross-sections of any area within the vegetative fringe where grading, filling, timber harvesting or excavating will occur.

B. 1. Written notice, including a copy of the application, shall be sent immediately upon receipt to the Oregon Department of Transportation by certified mail, return receipt requested. The Oregon Department of Transportation shall have seven working days from the date of mailing to respond before a decision be rendered.
   2. Written notice shall be given to the Oregon Department of Transportation by certified mail, return receipt requested, within seven days of the entry of a final order on the disposition of all applications made under Sections 17.48.070 through 17.48.100

17.52.020 Number of Automobile Spaces Required.

A. The number of parking spaces shall comply with the minimum and maximum standards listed in Table 17.52.020. The parking requirements are based on spaces per 1,000 square feet net leasable area unless otherwise stated.

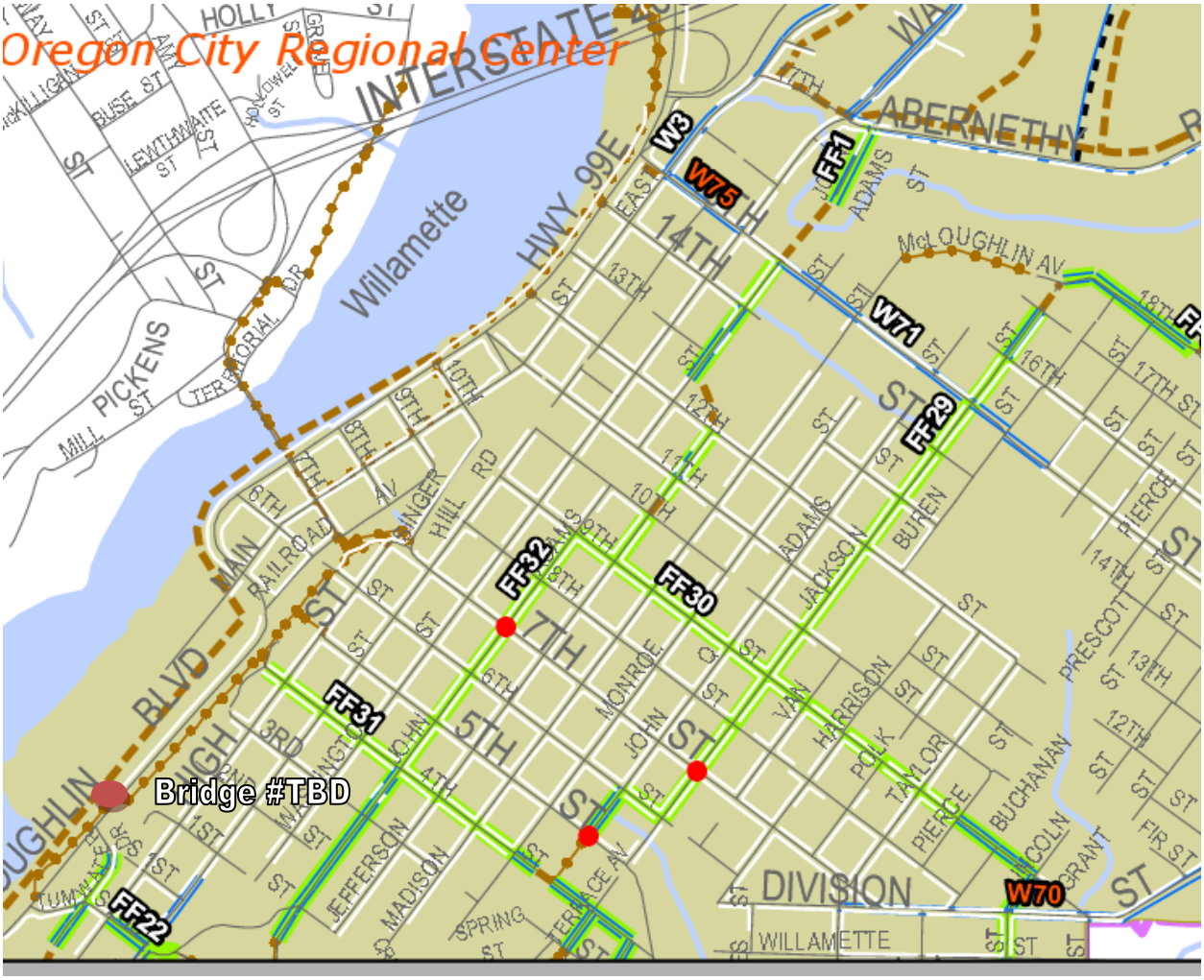
Table 17.52.020 Number of automobile spaces required. LAND USE	PARKING REQUIREMENTS	
	MINIMUM	MAXIMUM
Multi-Family: Studio	1.00 per unit	1.5 per unit
Multi-Family: 1 bedroom	1.25 per unit	2.00 per unit
Multi-Family: 2 bedroom	1.5 per unit	2.00 per unit
Multi-Family: 3 bedroom	1.75 per unit	2.50 per unit
Hotel, Motel	1.0 per guest room	1.25 per guest room
Correctional Institution	1 per 7 beds	1 per 5 beds
Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes;	1 per 7 beds	1 per 5 beds
Hospital	2.00	4.00
Preschool Nursery/ Kindergarten	2.00	3.00
Elementary/Middle School	1 per classroom	1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium/assembly room/stadium
High School, College, Commercial School for Adults	0.20 per # staff and students	0.30 per # staff and students
Auditorium, Meeting Room, Stadium, Religious Assembly Building, Movie Theater	.25 per seat	0.5 per seat
Retail Store, Shopping Center, Restaurants	4.10	5.00
Office	2.70	3.33
Medical or Dental Clinic	2.70	3.33
Sports Club, Recreation Facilities	Case Specific	5.40
Storage Warehouse, Freight Terminal	0.30	0.40

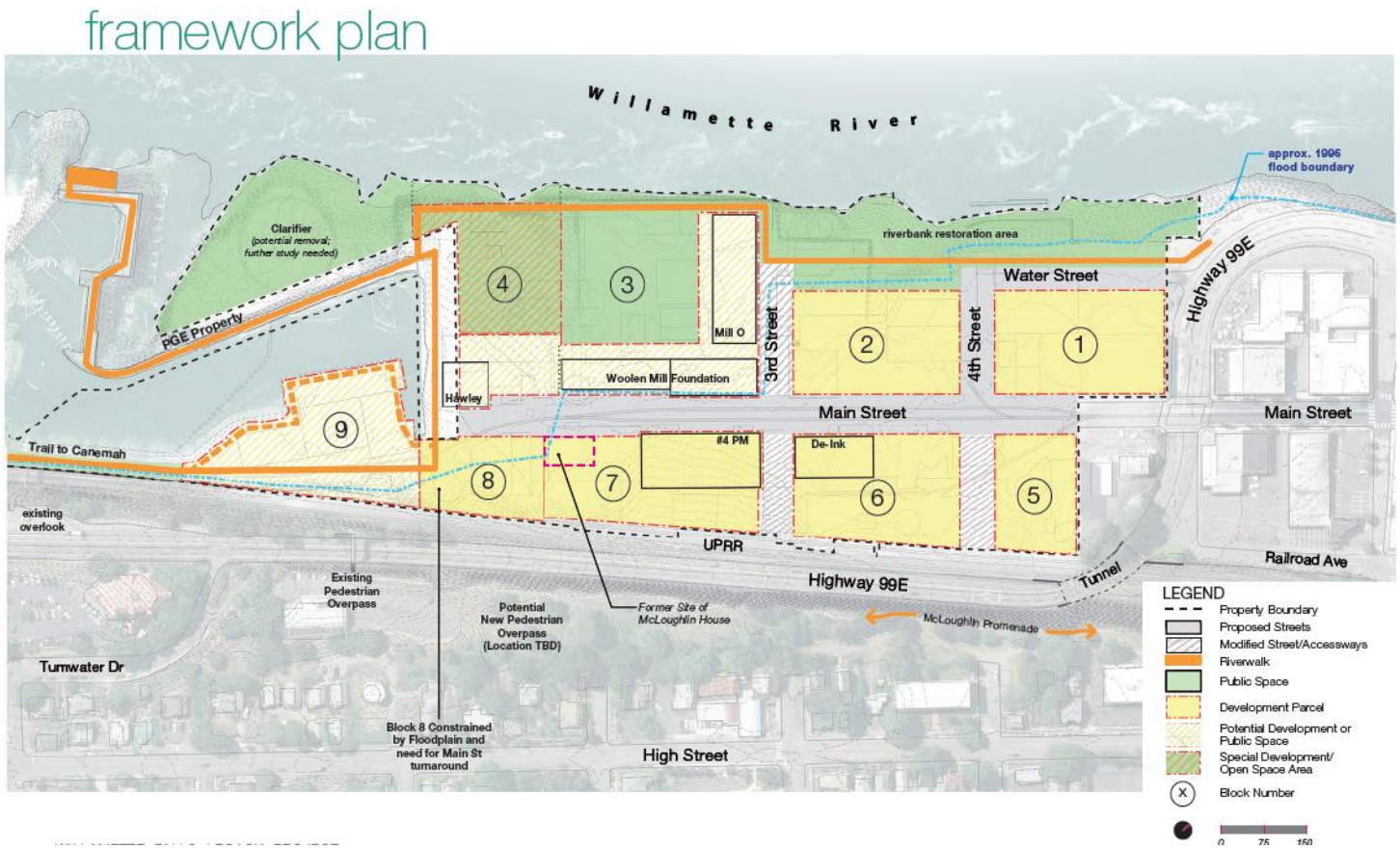
Manufacturing, Wholesale Establishment	1.60	1.67
Light Industrial, Industrial Park	1.3	1.60

1. Multiple Uses. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
2. Requirements for types of buildings and uses not specifically listed herein shall be determined by the community development director, based upon the requirements of comparable uses listed.
3. Where calculation in accordance with the above list results in a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
4. The minimum required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of vehicles used in conducting the business or use.
5. A Change in use within an existing habitable building located in the MUD Design District or the Willamette Falls Downtown District is exempt from additional parking requirements. Additions to an existing building and new construction are required to meet the minimum parking requirements for the areas as specified in Table 17.52.020 for the increased square footage.

The following project will be added to the 2013 Oregon City TSP

Project #	Project Description	Project Extent	Project Elements	Priority
TBD	Pedestrian and Bike connection and enhancement	McLoughlin Promenade to mill site	Pedestrian and bike bridge over 99E to former blue Heron Paper Mill	Medium -term





Trails Master Plan 2004	Adopt the Riverwalk as part of the Willamette Greenway Trail as conceptually shown in the Framework Master Plan
Parks Master Plan 2008	Identify the conceptual open space/habitat restoration area along and including the Riverwalk as a future public park
Parks Master Plan 2008	Identify the conceptual public space identified in blocks 3 and 4 as a separate public park. Final location to be determined in subsequent development applications

Christina Robertson-Gardiner

From: Aquilla Hurd-Ravich
Sent: Friday, January 17, 2025 12:14 PM
To: Christina Robertson-Gardiner
Subject: FW: Meeting Jan 27 GLUA-24-00027

From: Aquilla Hurd-Ravich
Sent: Friday, January 17, 2025 11:53 AM
To: Karla Laws <klaws@orcity.org>
Cc: Paul Espe <pespe@orcity.org>; Bob La Salle <blasalle@orcity.org>; Gregory Stoll <gstoll@orcity.org>; Dirk Schlagenhaufer <dschlagenhaufer@orcity.org>; Brandon Dole <bdole@orcity.org>
Subject: RE: Meeting Jan 27 GLUA-24-00027

Dear Planning Commissioners,
I appreciate there are opinions about this project. At this point in time it is a quasi-judicial hearing and these discussions need to happen at the Planning Commission meeting. I am concerned about emails turning into serial meetings so please withhold all further thoughts and communications about this until the meeting on January 27th.

Thank you,
Aquilla

From: Karla Laws <klaws@orcity.org>
Sent: Friday, January 17, 2025 8:23 AM
To: Aquilla Hurd-Ravich <ahurdravich@orcity.org>
Cc: Paul Espe <pespe@orcity.org>; Bob La Salle <blasalle@orcity.org>; Gregory Stoll <gstoll@orcity.org>; Dirk Schlagenhaufer <dschlagenhaufer@orcity.org>; Brandon Dole <bdole@orcity.org>
Subject: Meeting Jan 27 GLUA-24-00027

Hi Everyone,

I would recommend that this go as a legislative decision rather against the planning commission. Reason being, public notice was made especially neighbors on the Prom or assuming dwelling downtown. If a neighbor wants to make public testimony/appeal, a resident should not have to pay a hefty fee. There should be more of an opportunity for the public for this to go against the city commission.

I am planning for the material just in case but this is my opinion for what it is worth. I am a person highly involved in the community personally and as a resident would want to have an opportunity as a neighbor. Much of the community for various reasons have attachments and values to this project.

I send this in advance to avoid a long discussion beforehand and prepare you on my position here.

Thank you for considering!

Sincerely,

Karla Laws
Oregon City Planning Commission

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

CITY OF OREGON CITY

Staff Report

To:	Planning Commission	**Agenda Date:**	January 27, 2025
From:	Pete Walter, Planning Manager Aquilla Hurd-Ravich, Community Development Director		

SUBJECT:
GLUA-24-030 / LEG-24-04 Flood Management Overlay District Code Amendments

STAFF RECOMMENDATION:
Staff recommends the Planning Commission review the materials and recommend approval to the City Commission

EXECUTIVE SUMMARY:
The intent of the proposal is compliance with the requirements of FEMA's National Flood Insurance Program (NFIP) and Biological Opinion (BiOp) on pre-implementation compliance measures (PICM). FEMA's imposed deadline of December 1, 2024, required local jurisdictions to choose one of three options and if no choice is made the local jurisdiction is defaulted to a "permit by permit" review. It is our understanding that Oregon City cannot force an applicant to comply with the "permit by permit" review if the requirement is not codified. Therefore, this amendment will codify the requirement for development within the flood plain to comply with the "permit by permit" review that FEMA is requiring. Oregon City's intention is to update the Oregon City Municipal Code 17.42 Flood Management Overlay District within the next six months. However, in the interim this amendment will allow us to comply with FEMA's requirement for a permit-by-permit review to manage no net loss for habitat conservation.

BACKGROUND:
Please see attached Legislative Report and Recommendation

NEXT STEPS:

OPTIONS:
1. Recommend approval of the proposed code amendments to the City Commission as proposed.
2. Recommend approval to the City Commission of the proposed code amendments with revisions.
3. Do not Recommend approval of the proposed code amendments and provide direction to Staff.

OREGON CITY
Community Development – Planning
695 Warner Parrott Road | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

LEGISLATIVE STAFF REPORT AND RECOMMENDATION

January 17, 2025

HEARING DATE: Planning Commission: January 27, 2025

FILE NUMBER: GLUA-24-030 / LEG-24-04

APPLICATION TYPE: Legislative (OCMC 17.50.170)

APPLICANT: Oregon City Planning Division
PO Box 3040
Oregon City, OR 97045

REQUEST: Proposed code revisions to the Floodplain Management Overlay District Code to implement FEMA requirements for no net loss in floodplain habitat through a permit-by-permit approach to development within Special Flood Hazard Areas.

LOCATION(S): Special Flood Hazard Areas within the Flood Management Overlay District (See maps in Exhibits)

I. BACKGROUND:

1. Existing Conditions

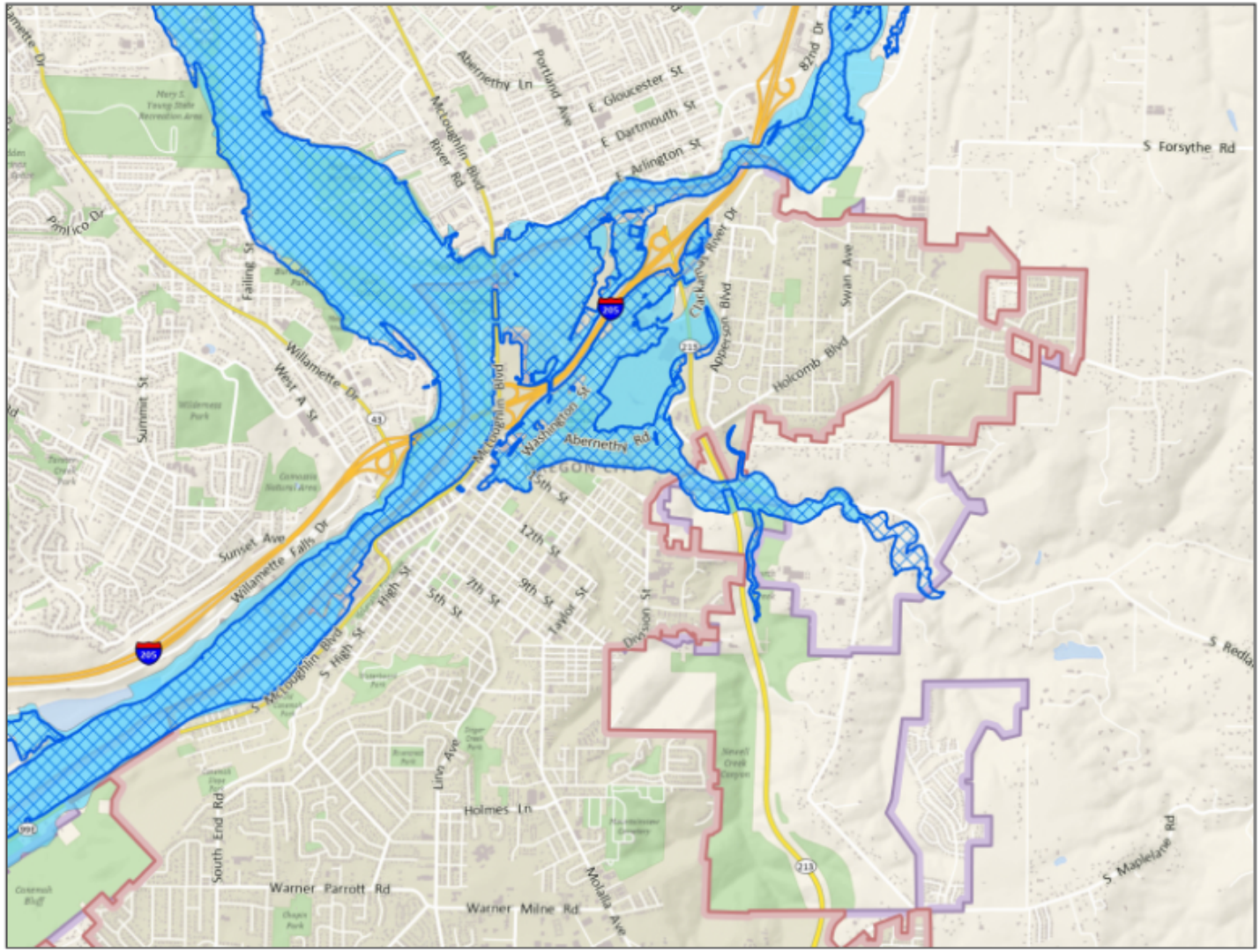
Oregon City has floodplain regulations that apply to development within the Flood Management Overlay District. The Flood Management Overlay District regulations are in Chapter 17.42 of the Oregon City Municipal Code. The flood management overlay district is an overlay zone classification defining areas subject to periodic flooding or inundation which can result in property harm or loss, disruption of public services, hazards for public health, or added expense for public services.

Compliance with floodplain development regulations is reviewed through the land use review and building permitting process, with review responsibility by the Planning, Public Works Engineering and Building Divisions. The city's Floodplain Administrator is the City Building Official.

All conditions and restrictions of land use established by Chapter 17.42 are in addition to such restrictions and conditions as may be imposed and established in underlying zoning districts.

The City has adopted FEMA and 100-year floodplain maps. Anyone may view the floodplain layers on OCWebMap. OCWebMap shows the extent of the 1996 flood inundation, the FEMA 2008 100-Year floodplain, the FEMA 2008 500-year floodplain, the FEMA 2008 floodway, and the FEMA 2008 Base Flood Elevation.

OCMC 17.42 Flood Overlay District



Legend

- Street Names
- 1996 Flood Inundation
- FEMA 2008 - 100 yr Floodplain
- City Limits
- UGB
- Basemap

Notes

Overview Map



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

Map created 7/15/2022

N

0 3,200 6,400 Feet

1: 38,400

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

OREGON CITY

The City of Oregon City uses the combination of the 1996 floodplain inundation line and FEMA's 100-year floodplain as the basis for determining flood hazard.

2. Project Description

The intent of the proposal is compliance with the requirements of FEMA's National Flood Insurance Program (NFIP) and Biological Opinion (BiOp) on pre-implementation compliance measures (PICM). FEMA's imposed deadline of December 1, 2024, requires local jurisdictions to choose one of three options and if no choice is made the local jurisdiction is defaulted to a "permit by permit" review. It is our understanding that Oregon City cannot force an applicant to comply with the "permit by permit" review if the requirement is not codified. Therefore, this amendment will codify the requirement for development within the flood plain to comply with the "permit by permit" review that FEMA is requiring. Oregon City's intention is to update the Oregon City Municipal Code 17.42 Flood Management Overlay District within the next six months. However, in the interim
this amendment will allow us to comply with FEMA's requirement for a permit-by-permit review to manage no net loss for habitat conservation.

Background

The following excerpts are from the Oregon Department of Land Conservation and Development (DLCD) "Frequently Asked Questions about Pre-Implementation Compliance Measures".[1]

> **What are "Pre-Implementation Compliance Measures "?**
> In July 2024, the Federal Emergency Management Agency (FEMA) sent a letter to cities and counties in Oregon instructing them to make short term changes to how the city or county regulates development in flood hazard areas. FEMA describes these short-term actions as "pre-implementation" because they are occurring before FEMA fully implements long-term changes to the National Flood Insurance Program (NFIP) to comply with the Endangered Species Act.
>
> **What led up to PICM?**
> In 2009, environmental advocacy organizations sued the Federal Emergency Management Agency (FEMA) alleging that FEMA violated the Endangered Species Act by not consulting with National Marine Fisheries Services (NMFS) about how the National Flood Insurance Program (NFIP) could jeopardize threatened species. FEMA resolved the lawsuit by formally consulting with NMFS to review the impact of the NFIP. In April 2016, NMFS issued its Biological Opinion (BiOp) that concludes that the NFIP in Oregon jeopardizes the survival of several threatened species, including salmon, sturgeon, eulachon, and orcas. The BiOp contained a reasonable and prudent alternative (RPA) with recommendations from NMFS to FEMA on how to avoid jeopardizing the threatened species. In October 2021, FEMA issued a draft implementation plan on how to reduce the negative impacts of the NFIP on threatened species.
>
> In 2023, FEMA started reviewing the draft implementation plan using a National Environmental Policy Act (NEPA) process, which is still underway. Under the NEPA process FEMA will analyze whether there are additional alternatives or changes to the 2021 draft implementation plan to consider.

[1] https://www.oregon.gov/lcd/NH/Documents/DLCD_PICM_FAQ.pdf

In September 2023, environmental advocacy organizations filed a lawsuit alleging that FEMA has been too slow to implement the BiOp. Plaintiffs included the Center for Biological Diversity, the Northwest Environmental Defense Center, Willamette Riverkeeper, and The Conservation Angler. See also coverage in the Oregonian.

In July 2024, FEMA announced a new program of pre-implementation compliance measures (PICM or short-term measures) for the BiOp, separate from the NEPA full implementation (long-term measures) process. FEMA hosted four PICM webinars in July and August, and is planning additional outreach to assist NFIP communities in the fall of 2024. Some of the PICM pathways are included in the 2016 BiOp under RPA, element 2.

FEMA now has two separate, but similar processes: NEPA evaluation of the full implementation plan, and interim action through PICM. FEMA's webpage "Endangered Species Act Integration in Oregon" contains information about both processes, but does not clearly distinguish between the two processes.

What is the role of the Oregon Department of Land Conservation and Development in PICM?
FEMA and the state provide funds to the Oregon Department of Land Conservation and Development (DLCD) for staff to help cities and counties participate in the NFIP. DLCD floodplain staff do not set program policies and cannot make decisions on behalf of FEMA. As FEMA provides more information about what they are requiring through PICM, DLCD floodplain staff will try to explain the program to cities and counties.

While the floodplain staff at DLCD have a coordinating role communicating with FEMA, cities and counties are always free to communicate directly with FEMA staff. In this role, DLCD staff provided feedback on the full implementation plan (long-term measures) through the NEPA process. DLCD staff provided information about how the land use planning system in Oregon would affect the full implementation plan. DLCD did not have an opportunity to play a similar role while FEMA developed PICM.

On September 26, 2024, Governor Tina Kotek sent a letter to FEMA expressing concerns about PICM, similar to concerns raised in a letter from members of congress in August. DLCD will work with FEMA to address the governor's concerns.

What does a city or county need to do now?
FEMA is requiring cities and counties to select one of three PICM short-term paths by December 1, 2024:

- Pathway 1: Adopt the PICM model floodplain management ordinance that considers impacts to fish habitat and requires mitigation to a no net loss standard.
- Pathway 2: Review individual development proposals and require permit-by-permit habitat mitigation to achieve no net loss using "Floodplain Habitat Assessment and Mitigation" guidance from FEMA.
- Pathway 3: Prohibit all new development in the floodplain.

FEMA is also requiring cities and counties to gather additional data on local floodplain permitting starting January 31, 2025, and submit an annual report to FEMA starting January 2026.

If a city or county does not choose a PICM path by December 1, 2024, then FEMA expects the city or county to use Pathway 2 for permit-by-permit habitat assessment and mitigation.

Once local planning staff review the FEMA documents (PICM model ordinance and habitat assessment guidance), planning staff may want to discuss the PICM paths with other internal local staff, and their local legal counsel. A starting point could be to determine how much developable land is within the Special Floodplain Hazard Area (SFHA). With that data to inform local decision making, staff might want to report to decision makers and the public explaining the situation and may find this FAQ useful as background. An informational work-session could be helpful to explore options for what may or may not work at the local level. DLCD staff (regional representatives and flood hazards staff) are available for technical assistance; however, many questions will need to go to FEMA. Use the dedicated email address: FEMA-R10-MIT-PICM@fema.dhs.gov.

Oregon City's Approach to Compliance

Due to the very short deadlines imposed by FEMA, Oregon City has chosen to do what most Oregon cities and counties have defaulted to in the short term, which is to comply with the PICM requirements through the permit-by-approach, and complete subsequent work on adopting the relevant parts of the PICM model floodplain management ordinance into our current Flood Management Overlay District code OCMC 17.42 by the required deadline of July 2025.

Oregon City Summary guidance for Floodplain Mitigation Assessment

Staff have prepared a document to assist potential applicants with development in the floodplain.

Applicants for a Development Permit in the Flood Hazard Overlay District can use this document for a high level summary but should consult FEMAs published document: *Floodplain Mitigation Assessment Regional Guidance for Oregon Draft Update 2024.*

What is a Mitigation Assessment?

A Mitigation Assessment or MA must achieve three goals:

1. Describe the existing site conditions where the proposed development and impacts are expected to occur
2. Describes the project and its impacts to the floodplain functions within the Special Flood Hazard Area.
3. Identify mitigation required to achieve no net loss.

The intention of an MA is to demonstrate compliance with the Endagered Species Act (ESA) and the Pre-Implementation Compliance Measures requirements.

ESA compliance measures require No Net Loss of three (3) floodplain functions essential to the survival of ESA-listed species under the jurisdiction of National Marine Fisheries Service within the implementation area, the establishment of riparian buffer zones (RBZ) measured from the Ordinary High-Water Mark (OHWM) of a fresh waterbody and the Mean Higher -High Waterline (MHHW) from a tidally-influenced waterbody, and beneficial gain requirement for development that is located within the RBZ.

What is the objective of a MA?

Ensure no net loss to ESA-listed species and their designated critical habitats by protecting those species and the natural functions of their designated critical habitats.

What does *No Net Loss* mean?

No net loss is defined as any development action resulting in negative impacts to one or more key floodplain functions that are then mitigated, or avoided to offset said impacts.

No net loss is primary achieved through mitigation, but practicing avoidance and minimization can lessen the impact of development and the amount of mitigation required to achieve compliance.

What are the Floodplain functions and how are they measured?

No net loss applies to three floodplain functions: floodplain storage, water quality, and vegetation.

Floodplain Function	Proxy (No net loss)	Mitigates Against
Floodplain Storage	Undeveloped space	Developed Space
Water Quality	Pervious surfaces	Impervious surface
Vegetation	Trees	Trees Removed

Floodplain functions and proxies per FEMA guidance document

When is a MA Required?

Whenever a development project is proposed in the Special Flood Hazard Area which is included in Oregon City's Flood Management Overlay District. Under the Permit-by-Permit approach the property owner must obtain a permit for development within the floodplain .

The MA must identify existing site conditions before development occurs, describes the impact of the proposed development on existing floodplain and instream habitat functions, and identify mitigation required to achieve no net loss.

No MA Required when:

1. Projects are listed as exempt in the BiOp for the NFIP in Oregon. These projects must be listed in the City's ordinance
2. Project and project actions that are covered under separate consultations under Section 4(d), 7, or 10, of the ESA.
3. Project under consideration that have already been covered by a full programmatic habitat assessment of all current and reasonable foreseeable future conditions throughout a jurisdiction.

4. Applicants that meet 2 or 3 above must provide proof of coverage.

What projects and activities are exempt from No Net Loss standards?

1. Normal Maintenance of structures, such as re-roofing and replacing siding, provide there is no change in the footprint or expansion of the roof of the structure;
2. Normal street, sidewalk, and road maintenance, including filling potholes, repaving, and installing signs and traffic signals, that does not alter contours, use, or alter culverts and is less than six inches above grade. Activities exempt do not include expansion of paved areas;
3. Routine maintenance of landscaping that does not involve grading, excavation, or filling;
4. Routine agricultural practices such as tilling, plowing, harvesting, soil amendments, and ditch cleaning that does not alter the ditch configuration provided the spoils are removed from special flood hazard area or tilled into fields as a soil amendment;
5. Routine silviculture practices (harvesting of trees), including hazardous fuels reduction and hazard tree removal as long as root balls are left in place;
6. Removal of noxious weeds and hazard trees, and replacement of non-native vegetation with native vegetation;
7. Normal maintenance of above ground utilities and facilities, such as replacing downed power lines and utility poles provided there is no net change in footprint;
8. Normal maintenance of a levee or other flood control facility prescribed in the operations and maintenance plan for the levee or flood control facility. Normal maintenance does not include repair from flood damage, expansion of the prism, expansion of the face or to or addition of protection on the face or toe with rock armor.
9. Habitat restoration activities
10. Pre-Emptive removal of documented susceptible trees to manage the spread of invasive species.

Who can prepare and review the Mitigation Assessment?

A qualified individual or company may prepare the Mitigation Assessment. Generally a qualified professional shall have a minimum of a bachelor's degree in wildlife or fisheries habitat biology, or a related degree in in a biological field from an accredited college or university with a minimum of four years' experience as a practicing fish or wildlife habitat biologist. (FEMA Floodplain Mitigation Assessment Regional Guidance for Oregon Draft update 2024)

What happens if the city does not comply?

Compliance with the requirements of FEMA is neccessary in order to maintain Oregon City's status in conjunction with their Community Rating System (CRS) Program, of which the City is a participant so that flood insurance is available to everyone. Non-compliance could affect property owners' ability to obtain flood insurance.

The City of Oregon City participates in the National Flood Insurance Program (NFIP), which is a federal program operated by FEMA to make flood insurance available to everyone. To

participate, the City has met minimum NFIP standards, which include adopting and enforcing floodplain zoning regulations.

In 1990, the NFIP introduced its Community Rating System (CRS) which assigned municipalities grades of 1 to 10 (1 being the best). The idea is that if a community has taken steps to reduce the risk of flood damage that goes beyond the NFIP's minimum requirements, the community's residents should pay less for flood insurance because of the reduced risk.

Based on what the City of Oregon City has done to reduce the risk of flood damage and to keep our residents and business owners informed about flood measures, effective 2023, Oregon City's rating was improved from a Class 8 to a **Class 6**. Property owners are now eligible for a 20% reduction in flood insurance rates (it was 10% under Class 8) for properties in the 100-year floodplain and a 5% reduction for properties outside the 100-year floodplain. Oregon City has had a history of flooding and is currently the only city in Clackamas County that participates in this program.

Part of the requirements of the Community Rating System program is that participating communities must produce an annual progress report which details work completed or in process regarding flood program management. The report also includes Oregon City's actions to minimize the effects of flood events within the City and lists emergency preparedness events that staff are involved in throughout the year.

3. Public Notice and Comments

A Measure 56-complilant Public Notice was mailed to all affected taxpayers and neighborhood associations on December 23, 2024, notifying the public about the proposed code amendments and the public hearing date, and a land use use transmittal was also emailed to affected agencies and neighborhood associations.

As of the date of publishing of this report, no written comments have been received, although some property owners have called or visited the Community Development counter with questions and spoken with Planning staff.

Any public comments received in writing will be forwarded to the commission and made part of the public record for this legislative proposal.

II. DECISION-MAKING 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.

Finding: Complies as Proposed. The proposal qualifies as initiated as a legislative request by the Planning Division.

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.
Finding: Complies as Proposed. This legislative action will follow the procedures found in OCMC 17.50.170 including meetings with the Planning Commission, 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 as Proposed. This legislative action will be consistent with the applicable goals and policies of the OC2040 Comprehensive Plan. Therefore, the proposed amendments are consistent with Criterion (A) as the following findings explain.

Applicable OC 2040 Comprehensive Plan and Statewide Planning Goals and Policies

CHAPTER 1 - HEALTHY AND WELCOMING COMMUNITIES

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

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

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

Finding: the proposal is consident with these applicable goals and policies of the OC2040 Comprehensive Plan. Taxpayers within the Flood Management Overlay District received public notice of the code changes. The Legislative file and proposed redline changes were available online at the project website: https://oregoncity.teammunicode.com/communitydevelopment/project/leg-24-04

The public process that led to the legislative file included a presentation to the Citizen Involvement Committee.

CHAPTER 3 – CONNECTED INFRASTRUCTURE

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

POLICY 2.4 Increase resiliency to climate change, natural hazard events, and cyber intrusions in public utility infrastructure.

Finding: the proposal is consident with these applicable goals and policies of the OC2040 Comprehensive Plan. The code amendments will augment regulations already implemented by Oregon State Building Codes and used by City staff in the Building, Planning, and Engineering Divisions To protect life and property from natural disasters and hazards.

The Floodplain Overlay District was adopted in 1999 and is acknowledged by the Department of Land Conservation and Development. The goal of the Overlay District is to protect life and reduce property loss from the destruction associated with natural hazards and limit loss of life and damage to property from natural hazards by regulating or prohibiting development in areas of known or potential hazards.

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.

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

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

STRATEGY 2.8.A Conserve open space along creeks, urban drainage ways, steep hillsides, and throughout Newell Creek Canyon.

STRATEGY 2.8.B Encourage preservation over mitigation when making decisions that affect wetlands and a "no net loss" approach to wetland protection.

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

STRATEGY 2.9.A Conserve natural resources that have significant functions and values related to flood protection, sediment and erosion control, water quality, groundwater recharge and discharge, education, vegetation, and fish and wildlife habitat.

Finding: the proposal is consistent with these applicable goals and policies of the OC2040 Comprehensive Plan. Adoption of these code amendments will augment the protection of wildlife habitat values protected by the Oregon City Comprehensive Plan and it's implementing ordinances. In addition to existing overlay zone districts, the Flood Management Overlay District will include specific provisions to assure protection of critical habitat within Oregon City's floodplain through a no net loss approach to development.

CHAPTER 4 – PROTECTED ENVIRONMENT

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.

STRATEGY 3.2.A Protect existing development from natural hazards through mitigation measures identified in the Clackamas County Hazard Mitigation Plan.

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.

Finding: the proposal is consistent with these applicable goals and policies of the OC2040 Comprehensive Plan. Adoption of these code amendments will augment the protection of wildlife habitat values protected by the Oregon City Comprehensive Plan and it's implementing ordinances. In addition to existing overlay zone districts, the Flood Management Overlay District will include specific provisions to assure protection of critical habitat within Oregon City's floodplain through a no net loss approach to development.

The code amendments will augment regulations already implemented by Oregon State Building Codes and used by City staff in the Building, Planning, and Engineering Divisions To protect life and property from natural disasters and hazards.

The Floodplain Overlay District was adopted in 1999 and is acknowledged by the Department of Land Conservation and Development. The goal of the Overlay District is to protect life and reduce property loss from the destruction associated with natural hazards and limit loss of life and damage to property from natural hazards by regulating or prohibiting development in areas of known or potential hazards.

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: Complies as Proposed. This legislative action will have no negative effect on the provision of public facilities and services. The proposal does not change the existing floodplain boundaries nor does it make any changes to the allowable land uses in the underlying zone districts.

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: Complies as Proposed.: Not applicable. None of the proposed amendments will have any impact on the existing or planned functions, capacity, and level of service of the transportation system. Therefore, the proposed amendments are consistent with Criterion (C).

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

Statewide Planning Goals

STATEWIDE PLANNING GOAL *Goal 1 Public Involvement*
Public involvement is a required part of land use planning in Oregon. This requirement is one of the things that make Oregon's land use planning program unique. The requirement for public participation is written in the first goal of nineteen in the statewide land use planning system.

Finding: the proposal is consistent with Statewide Planning Goal 1. Taxpayers within the Flood Management Overlay District received public notice of the code changes. The Legislative file and proposed redline changes are available online at the project website: https://oregoncity.teammunicode.com/communitydevelopment/project/leg-24-04

The public process that led to the legislative file included a presentation to the Citizen Involvement Committee and general citywide outreach about the FEMA requirements and the City's plan for compliance with them.

STATEWIDE PLANNING GOAL *Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces*
To protect natural resources and conserve scenic and historic areas and open spaces. Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability.

Finding: the proposal is consistent with Statewide Planning Goal 5. Adoption of these code amendments will continue to protect existing Goal 5 resources protected by the Oregon City Comprehensive Plan and it's implementing ordinances. In addition to existing overlay zone districts, the Flood Management Overlay District will include specific provisions to assure protection of critical habitat within Oregon City's floodplain.

STATEWIDE PLANNING GOAL Goal 7: Areas Subject to Natural Hazards
To protect life and property from natural disasters and hazards.

Finding: the proposal is consistent with Statewide Planning Goal 7. The code amendments will augment regulations already implemented by Oregon State Building Codes and used by City staff in the Building, Planning, and Engineering Divisions To protect life and property from natural disasters and hazards.

The Floodplain Overlay District was adopted in 1999 and is acknowledged by the Department of Land Conservation and Development. The goal of the Overlay District is to *protect life and reduce property loss from the destruction associated with natural hazards and limit loss of life and damage to property from natural hazards by regulating or prohibiting development in areas of known or potential hazards.*

STATEWIDE PLANNING GOAL Goal 9: Economic Development
To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: the proposal is consistent with Statewide Planning Goal 9. This legislative code update will continue to support the aim of creating a vibrant economy by ensuring that commercial development is allowed within the Flood Management Overlay District, provides a pathway to development approval, and supports the CRS system by maintaining compliance with FEMA mandates so that taxpayers will continue to recieve a discount rate on flood insurance.

Chapter 17.50 Administration and Procedures

17.50.170 - Legislative hearing process.
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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: This legislative proposal is consistent with this requirement. Attendance at the Citizen Involvement Committee will occur on February 5, 2025 prior to a public hearing before the City Commission.

III. RECOMMENDATION

Based on the findings in this report, staff recommends amendments to OCMC 17.42 for the Flood Management Overlay District. Staff will prepare an Ordinance when the matter is before the City Commission for its consideration and adoption.

Exhibits

1. Draft Code Amendments for Permit-by-Permit Review, Oregon City Municipal Code Chapter 17.40
2. Draft Oregon City Mitigation Assessment Summary
3. Overview Map of Oregon City 100-year floodplain, 1996 flood inundation, and Floodway extent (Generated from OCWebMap)

4. Map of North End of Oregon City showing 100-year floodplain, 1996 flood inundation, and Floodway extent (Generated from OCWebMap)
5. General Flood Management Overlay District Map
6. Letter to Mayor Denyse McGriff from FEMA Region 10 Adminsitrator Willie G. Nunn, July 15, 2024.

The meeting agendas, videos, staff report and exhibits for this project are available for viewing at https://www.orcity.org/meetings and are part of the record.

Chapter 17.42 FLOOD MANAGEMENT OVERLAY DISTRICT[1]

17.42.010 Purpose—Findings.

A. There is established in the city a flood management overlay district. The flood management overlay district is an overlay zone classification defining areas that preserve the natural and beneficial values served by floodplains but which are subject to periodic flooding or inundation which can result in property harm or loss, disruption of public services, hazards for public health, or added expense for public services. All conditions and restrictions of land use established by this chapter of the city's zoning ordinance shall be in addition to such restrictions and conditions as may be imposed and established in underlying zoning districts.

B. It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;

   To minimize expenditure of public money and costly flood control projects;

   To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

2. To minimize prolonged business interruptions;

3. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

4. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

5. To ensure that potential buyers are notified that property is in an area of special flood hazard;

6. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;

7. To preserve natural and beneficial floodplain functions; and

~~7~~8. To protect flood management areas, which provide the following functions:

   a. Protect life and property from dangers associated with flooding;

   b. Flood storage, reduction of flood velocities, reduction of flood peak;

   c. Flows and reduction of wind and wave impacts;

   d. Maintain water quality by reducing and sorting sediment loads;

   e. Processing chemical and organic wastes and reducing nutrients, recharge, store and discharge groundwater; and

   f. Provide plant and animal habitat, and support riparian ecosystems.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

[1]Editor's note(s)—Ord. No. 08-1014, adopted July 1, 2009, repealed Chapter 17.42 in its entirety and enacted new provisions to read as herein set out. Prior to amendment, Chapter 17.42 pertained to similar subject matter. See Ordinance Disposition List for derivation.

17.42.020 Applicability.

A. This chapter shall apply to development in the flood management overlay district, which may also be referred to as the "floodplain overlay district" in this code. The flood management overlay district includes all areas of special flood hazards and all flood management areas within the city. The overlay district restricts the uses that are allowed in the base zone by right, with limitations, or as provisional uses.

B. The flood management areas which have been mapped include the following locations:

1. Land contained within the one hundred-year floodplain, flood area and floodway as shown on the Federal Emergency Management Agency flood insurance maps dated June 17, 2008, including areas of special flood hazard pursuant to Section 17.42.040 and the area of inundation for the February 1996 flood; and

2. Lands that have physical or documented evidence of flooding within recorded history based on aerial photographs of the 1996 flooding and/or the water quality and flood management areas maps.

C. The standards that apply to the flood management areas apply in addition to state or federal restrictions governing floodplains or flood management areas.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.42.030 Basis for establishing the areas of special flood hazard.

The areas or special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Clackamas County, Oregon and Incorporated Areas," dated June 17, 2008, with accompanying flood insurance maps is adopted by reference and declared to be a part of this chapter. The flood insurance study is on file at the office of the city recorder in the City Hall.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.42.040 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of these floodplain regulations and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a civil infraction. Any person who violates this chapter or fails to comply with any of its requirements shall be subject to the enforcement procedures of this code per OCMC 1.20 Civil Infractions and 1.24 Code Enforcement. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.42.050 Abrogation and interpretation.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. All provisions shall be considered as minimum requirements and liberally construed in favor of the governing body. Where this chapter and another section, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restriction shall prevail.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.42.060 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flooding damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. Further, no permit granted herein shall be construed to guarantee compliance with otherwise applicable federal rules and regulations, including the Endangered Species Act.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.42.070 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.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.42.080 Administration.

This chapter establishes a flood management overlay district, which is delineated on the water quality and flood management areas map attached and incorporated by reference as a part of this document.

A. The following maps and studies are adopted and declared to be a part of this chapter. These maps are on file in the office of the city recorder:

   1. The Water Quality and Flood Management Areas Map, dated June 7, 1999;

   2. The Federal Insurance Administration, Flood Insurance Rate Maps for Clackamas County, Oregon and Incorporated Areas dated June 17, 2008;

B. Applicants are required to provide the city with a delineation of the flood management areas on the subject property as part of any application. An application shall not be complete until this delineation is submitted to the city.

C. The city shall review the water quality and flood management areas maps during periodic review as required by ORS 197.633 (1997).

D. Development Permit.

   1. A development permit shall be obtained before construction or development begins within any portion of the flood management overlay district. The permit shall be for all structures, including manufactured homes and all other development, including fill and other activities, as set forth in Chapter 17.04 (Definitions).

   2. Application for a development permit shall be made on forms furnished by the community development department. Requirements may include, but are not limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage materials, drainage facilities; and the location of the foregoing.

   3. The following information is specifically required:

      a. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;

b. Elevation in relation to mean sea level to which any structure has been floodproofed;

c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 17.42.170E.5.; and

d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

E. In addition to any information necessary to satisfy this Chapter, a permit application must include a Flood Habitat Assessment Report from a qualified expert evaluating any negative impact to floodplain functions and identifying appropriate mitigation measures to ensure that any development will be in compliance with the 2016 National Marine Fisheries Services (NMFS) Biological Opinion (BiOp) no net loss standards. All mitigation recommendations contained within the qualified report shall be included as permit conditions of approval.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.42.090 Building official—Duties and responsibilities.

A. The city building official, defined as the local floodplain administrator, is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

B. Duties of the building official shall include, but not be limited to those listed in this chapter.

C. The building official shall:

1. Review all development permits to determine that the permit requirements of this title have been satisfied;

2. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required; and

3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 17.42.200 are met.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.42.100 Use of other base flood data.

When base flood elevation data has not been provided in accordance with Section 17.42.030, the building official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Sections 17.42.160 and 17.42.200.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.42.110 Information to be obtained and maintained.

The building official shall:

A. Where base flood elevation data is provided through the flood insurance study, FIRM or required as in Section 17.42.100, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

B. For all new or substantially improved floodproofed structures where base flood elevation data is provided through the flood insurance study, FIRM, or as required in Section 17.42.080:

1. Verify and record the actual elevation (in relation to mean sea level); and

2. Maintain the floodproofing certifications required in Section 17.42.080C.3.;

3. Maintain for public inspection all records pertinent to the provisions of this chapter.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.42.120 Alteration of watercourses.

A. Notify adjacent communities and the department of land conservation and development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

B. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.42.130 Map administration.

A. The purpose of this section is to provide a process for interpreting and amending the water quality and flood management areas map to clarify and correct the location of flood management overlay district.

B. Interpretation of Map Boundaries. The building official shall make interpretations, where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 17.42.150.

C. Map corrections shall be processed pursuant to the requirements of Chapter 17.68:

1. Within ninety days of receiving information establishing a possible error in the existence or location of the flood management overlay district, the city shall provide notice to interested parties of a public hearing at which the city will review the information.

2. The city shall amend the water quality and flood management areas map if the information demonstrates that the boundaries of the flood management overlay district have changed since adoption of the water quality and flood management areas map by Metro (June 18, 1998) provided that, in the case of a boundary established by FEMA, a letter of map amendment (LOMA) or letter of map revision is obtained from FEMA by the applicant prior to any map change.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.42.140 Appeals and variance procedure.

A. The purpose of this section is to ensure that compliance with this chapter does not cause unreasonable hardship. To avoid such instances, the requirements of this chapter may be varied. Variances are also allowed when strict application of this chapter would deprive an owner of all economically viable use of land.

B. This section applies to requests to vary from the standards of this chapter only. Requests to vary from other standards of this title shall be subject to the requirements of Chapter 17.60.

1. Variance applications made pursuant to this section shall follow the variance procedures outlined in Chapter 17.50.

2. In addition to the public notice requirements outlined in Section 17.50.090, Metro shall be notified within fourteen days of the city receiving an application to vary the requirements of this section and within fourteen days of a decision on the variance.

3. The requirements of Section 17.60.020 (Variances—Grounds) do not apply to requests to vary from the standards of Chapter 17.42.

4. If an application to vary from the standards of Chapter 17.42 is made in conjunction with an application to vary from other standards of this chapter, the variances may be processed as one application, provided the standards applicable to each variance requested must be met before the requested variance may be granted.

C. Hardship Variance. Variances to avoid unreasonable hardship caused by the strict application of this chapter are permitted subject to the criteria set forth in this section. To vary from the requirements of this chapter, the applicant must demonstrate the following:

1. The variance is the minimum necessary to allow the proposed use or activity;

2. The variance will not increase danger to life and property due to flooding or erosion;

3. The impact of the increase in flood hazard which will result from the variance will not prevent the city from meeting the requirements of this chapter. In support of this criteria the applicant shall have a qualified professional engineer document the expected height, velocity and duration of floodwaters, and estimate the rate of increase in sediment transport of the floodwaters expected both downstream and upstream as a result of the variance;

4. The variance will not increase the cost of providing and maintaining public services during and after flood conditions so as to unduly burden public agencies and taxpayers; and

5. The proposed use complies with the standards of the base zone.

D. The planning commission shall hear and decide appeals and requests for variances when it is alleged there is an error in any requirement, decision or determination made by the building official in the enforcement or administration of these regulations, or that enforcement of this district would result in exceptional hardship. In passing upon such applications, the planning commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this title, and:

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;

6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;

7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

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11. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

E. Upon consideration of the factors listed in subsection D of this section and the purposes of this district, the planning commission may attach such conditions to the granting of variances as it deems necessary to meet the purposes of this district.

F. The city recorder shall maintain the records of all appeal actions and the building official shall report any granted variances to the Federal Insurance Administration upon request.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.42.150 Conditions for variances.

The planning commission, pursuant to Chapter 17.60, may impose such conditions as are deemed necessary to limit any adverse impacts that may result from granting relief. If a variance is granted pursuant to Section 17.42.140, the variance shall be subject to the conditions set out in this section. In addition to other standards listed in Section 17.42.160, the following conditions must be met:

A. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register or identified as a locally designated historic structure and without regard to the procedures set forth in the remainder of this chapter.

B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Variances shall only be issued upon a showing of good and sufficient cause.

E. A determination that failure to grant the variance would result in exceptional hardship to the applicant.

F. Variances as interpreted in the national flood insurance program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

G. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria as set forth in this chapter.

H. A variance from the elevation standard may only be issued for new construction, and substantial improvements to be erected on a lot of one-half acre or less in size, that are to contiguous and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.

I. Variances shall not result in increased flood heights, additional threats to public safety, extraordinary public expenses, cause nuisances, cause fraud on or victimization of the public or conflict with existing laws or ordinances.

J. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest flood elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.42.160 Flood management area standards.

A. Uses Permitted Outright:

1. Excavation and fill required to plant any new trees or vegetation.

2. Restoration or enhancement of floodplains, riparian areas, wetland, upland and streams that meet federal and state standards provided that any restoration project which encroaches on the floodway complies with the requirements of Section 17.42.190 (Floodways).

B. Provisional Uses.

1. All uses allowed in the base zone or existing flood hazard overlay zone are allowed in the flood management overlay district subject to compliance with the development standards of this section.

C. Prohibited Uses.

1. Any use prohibited in the base zone;

2. Uncontained areas of hazardous materials as defined by the Department of Environmental Quality.

D. Site Development Standards. All development in the floodplain shall conform to the following balanced cut and fill standards:

1. This subsection 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.

2. No net fill in any floodplain is allowed. All fill placed in a floodplain shall be balanced with at least an equal amount of soil material removed. For the purpose of calculating net fill, fill shall include any structure below the design flood elevation that has been floodproofed pursuant to subsection (E)(5) of this section.

3. Any excavation below bankfull stage shall not count toward compensating for fill.

4. Excavation to balance a fill shall be located on the same parcel as the fill unless it is not practicable to do so. In such cases, the excavation shall be located in the same Oregon City floodplain, so long as the proposed excavation and fill will not increase flood impacts for surrounding properties as determined through hydrologic and hydraulic analysis.

5. For excavated areas identified by the city to remain dry in the summer, such as parks or mowed areas, the lowest elevation of the excavated area shall be at least six inches above the winter "low water" elevation, and sloped at a minimum of two percent towards the protected water feature pursuant to Chapter 17.49. One percent slopes will be allowed in smaller areas.

6. For excavated areas identified by the city to remain wet in the summer, such as a constructed wetland, the grade shall be designed not to drain into the protected water feature pursuant to Chapter 17.49.

7. Parking areas in the floodplain shall be accompanied by signs that inform the public that the parking area is located in a flood management area and that care should be taken when the potential for flooding exists.

8. Temporary fills permitted during construction shall be removed at the end of construction, thirty days after subdivision acceptance or completion of the final inspection.

9. New culverts, stream crossings and transportation projects shall be designed as balanced cut and fill projects or designed not to significantly raise the design flood elevation. Such projects shall be designed to minimize the area of fill in flood management areas and to minimize erosive velocities.

Stream crossings shall be as close to perpendicular to the stream as practicable. Bridges shall be used instead of culverts wherever practicable.

10. Excavation and fill required for the construction of detention facilities or structures, and other facilities, such as levees, specifically shall be designed to reduce or mitigate flood impacts and improve water quality. Levees shall not be used to create vacant buildable lands.

E. Construction Standards.

1. Anchoring.

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

b. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movements and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebooks for additional techniques).

2. Construction Materials and Methods.

a. All new construction, substantial improvements, and substantial flood damage restoration for residential and non-residential buildings, including manufactured homes in subdivisions and manufactured home parks, subject to this chapter shall follow this section.

b. All construction considered herein shall be constructed with materials and utility equipment resistant to flood damage.

c. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

d. "Machinery and equipment" (electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities), other than specially designed equipment, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Residential machinery and equipment shall be elevated to at least the base flood elevation plus one foot. Machinery and equipment may be placed below the base flood elevation if floodproofed to the base flood elevation. Locating machinery and equipment below one foot above base flood elevation is permitted provided that the machinery and equipment is designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the design flood elevation.. Specially designed equipment (e.g. elevator components) may be located below one foot above base flood elevation.

3. Utilities.

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.

c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Residential Construction.

a. New construction, substantial improvements, and substantial flood damage restoration of any residential structure shall have the lowest floor, including basement, elevated to at least one foot above the base flood elevation referred to as the design flood elevation.

b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

ii. The bottom of all openings shall be no higher than one foot above grade.

iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

c. Manufactured Homes. The following standards apply to all manufactured homes to be placed, substantially improved, or restored after substantial flood damage on sites within [the] flood hazard overlay district. When manufactured homes in a subdivision or mobile home park are installed in flood hazard areas, they shall be elevated such that the lowest finished floor is at least one foot above base flood elevation; and, anchored according to the Oregon Residential Specialty Code.

5. Nonresidential Construction.

a. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to at least one foot above base flood elevation; or, together with attendant utility and sanitary facilities, shall:

i. Be floodproofed so that below the design flood level the structure is watertight with walls substantially impermeable to the passage of water provided that the requirements of subsection D.2 of this section are met;

ii. Have structured components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 17.42.110.B;

iv. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection E.4.b of this section; and

v. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the design flood level will be rated as one foot below that level).

vi. Manufactured Homes. The following standards apply to all manufactured homes to be placed or substantially improved on sites within flood hazard areas.

When manufactured dwellings are installed in flood hazard areas, they shall be elevated and anchored according to the Oregon Residential Specialty Code.

F. Recreational Vehicles. Recreational vehicles placed on sites within Zones A1-30, AH and AE as shown on the flood insurance rate map shall:

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1. Be on-site for fewer than one hundred eighty consecutive days, and be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or

2. Meet the requirements of subsection E.6 of this section and the elevation and anchoring requirements for manufactured homes.

G. Below Grade Crawlspaces. Below grade crawlspaces are allowed subject to the following standards. It should be noted that there are potential increased charges to personal insurance costs for below grade crawlspaces.

1. The building shall be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and effects of buoyancy can usually be addressed through the required openings stated in subsection 2. below. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.

2. The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one foot above the lowest adjacent exterior grade.

3. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.

4. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodways cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

5. The interior grade of a crawlspace below the BFE must not be more than two feet below the lowest adjacent exterior grade.

6. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four feet at any point. The height limitations is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.

7. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.

8. The velocity of floodwaters at the site should not exceed five feet per second for any crawlspace. For areas with floodwater velocities in excess of five feet per second, below grade crawlspaces are prohibited.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010; Ord. No. 22-1004, § 1(Exh. A), 8-17-2022)

17.42.170 Review of building permits.

Where elevation data is not available either through the flood insurance study, FIRM or from another authoritative source (Section 17.42.110), application for building permits shall be reviewed to assure that

proposed construction will be reasonably safe from flooding. The test of reasonableness shall be made by the building official, considering use of historical data, high water marks, photographs of past floodings, etc., where available, and the provisions of this title. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.42.180 Subdivision standards.

A. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage.

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty lots or five acres (whichever is less).

5. All structures and site grading developed or conducted in conjunction with a subdivision proposal shall comply with Section 17.42.160, flood management area standards.

B. The purpose of this section is to allow density accruing to portions of a property within the flood management overlay district to be transferred outside the overlay district.

1. Density transfers shall be allowed if the applicant demonstrates compliance with the following standards:

a. The density transfer is proposed as part of a subdivision.

b. Minimum density standards will not increase due to the density transfers.

c. The area of land contained in a flood management area may be excluded from the calculations for determining compliance with minimum density requirements of the zoning code.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.42.190 Floodways.

Located within areas of special flood hazard established in Section 17.42.030 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

A. Encroachments, including fill, new construction, substantial improvements and other development shall be prohibited unless certification by a registered professional engineer or architect is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood management area standards of Sections 17.42.160 through 17.42.190.

C. Below-grade crawlspace construction is allowed in the floodplain in accordance with the Oregon Residential Specialty Code and the Oregon State Structural Specialty Code as adopted by local building code.

D. In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

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Oregon City Summary Guidance for Floodplain Mitigation Assessment

Applicants for a Development Permit in the Flood Hazard Overlay District can use this document for a high-level summary but should consult FEMA's published document: *Floodplain Mitigation Assessment Regional Guidance for Oregon Draft Update 2024* for specific details.

What is a Mitigation Assessment?

A Mitigation Assessment or MA must achieve three goals:

1. Describe the existing site conditions where the proposed development and impacts are expected to occur
2. Describes the project and its impacts to the floodplain functions within the Special Flood Hazard Area.
3. Identify mitigation required to achieve no net loss.

The intention of an MA is to demonstrate compliance with the Endagered Species Act (ESA) and the Pre-Implementation Compliance Measures requirements.

ESA compliance measures require *No Net Loss* of three (3) floodplain functions essential to the survival of ESA-listed species under the jurisdiction of National Marine Fisheries Service within the implementation area, the establishment of riparian buffer zones (RBZ) measured from the Ordinary High-Water Mark (OHWM) of a fresh waterbody and the Mean Higher -High Waterline (MHHW) from a tidally-influenced waterbody, and beneficial gain requirement for development that is located within the RBZ.

What is the objective of a MA?

Ensure *no net loss* to ESA-listed species and their designated critical habitats by protecting those species and the natural functions of their designated critical habitats.

What does *No Net Loss* mean?

No net loss is defined as any development action resulting in negative impacts to one or more key floodplain functions that are then mitigated, or avoided to offset said impacts.

No net loss is primarily achieved through mitigation, but practicing avoidance and minimization can lessen the impact of development and the amount of mitigation required to achieve compliance.

What are the Floodplain functions and how are they measured?

No net loss applies to three floodplain functions: floodplain storage, water quality, Vegetation.

Floodplain Function	Proxy (No net loss)	Mitigates Against
Floodplain Storage	Undeveloped space	Developed Space
Water Quality	Pervious surfaces	Impervious surface
Vegetation	Trees	Trees Removed

Floodplain functions and proxies per FEMA guidance document

When is a MA Required?

Whenever a development project is proposed in the Special Flood Hazard Area which is included in Oregon City's Flood Management Overlay District. Under the Permit-by-Permit approach the property owner must obtain a permit for development within the floodplain .

Commented [AH1]: Only the 100' year flood area not 1996 level.

The MA must identify existing site conditions before development occurs, describes the impact of the proposed development on existing floodplain and instream habitat functions, and identify mitigation required to achieve no net loss.

No MA Required when:

1. Projects are listed as exempt in the BiOp for the NFIP in Oregon. These projects must be listed in the City's ordinance
2. Project and project actions that are covered under separate consultations under Section 4(d), 7, or 10, of the ESA.

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3. Project under consideration that have already been covered by a full programmatic habitat assessment of all current and reasonable foreseeable future conditions throughout a jurisdiction.
4. Applicants that meet 2 or 3 above must provide proof of coverage.

What projects and activities are exempt from *No Net Loss* standards?

1. Normal Maintenance of structures, such as re-roofing and replacing siding, provide there is no change in the footprint or expansion of the roof of the structure;
2. Normal street, sidewalk, and road maintenance, including filling potholes, repaving, and installing signs and traffic signals, that does not alter contours, use, or alter culverts and is less than six inches above grade. Activities exempt do not include expansion of paved areas;
3. Routine maintenance of landscaping that does not involve grading, excavation, or filling;
4. Routine agricultural practices such as tilling, plowing, harvesting, soil amendments, and ditch cleaning that does not alter the ditch configuration provided the spoils are removed from special flood hazard area or tilled into fields as a soil amendment;
5. Routine silviculture practices (harvesting of trees), including hazardous fuels reduction and hazard tree removal as long as root balls are left in place;
6. Removal of noxious weeds and hazard trees, and replacement of non-native vegetation with native vegetation;
7. Normal maintenance of above ground utilities and facilities, such as replacing downed power lines and utility poles provided there is no net change in footprint;
8. Normal maintenance of a levee or other flood control facility prescribed in the operations and maintenance plan for the levee or flood control facility. Normal maintenance does not include repair from flood damage, expansion of the prism, expansion of the face or to or addition of protection on the face or toe with rock armor.
9. Habitat restoration activities
10. Pre-Emptive removal of documented susceptible trees to manage the spread of invasive species.

Who can prepare and review the Mitigation Assessment?

A qualified individual or company may prepare the Mitigation Assessment.

Generally a qualified professional shall have a minimum of a bachelor's degree in wildlife or fisheries habitat biology, or a related degree in in a biological field from

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an accredited college or university with a minimum of four years' experience as a practicing fish or wildlife habitat biologist. (*FEMA Floodplain Mitigation Assessment Regional Guidance for Oregon Draft update 2024*)

Steps required to conduct an assessment:

Step 1: Describe the Project Area

Project area is the portion of property, properties, easements, or right-of-way where all project-related development activities are planned to occur. A description should include a narrative and a map. Information needed:

1. Location
2. Water Resource- watershed name based on the 5th field watershed
3. Regulatory Areas and other Site Conditions- such as the regulatory floodway or riparian buffer zone

See *Floodplain Mitigation Assessment Regional Guidance for Oregon Draft update 2024* for complete list of required information.

Step 2: Describe Project Area's Habitat

The project area's habitat is described in relation to three flood plain functions: floodplain storage, water quality, and vegetation and their respective proxies of undeveloped space, impervious surface, and trees. Information needed:

1. Floodplain Functions
2. Protected Species Identification

See *Floodplain Mitigation Assessment Regional Guidance for Oregon Draft update 2024* for complete list of required information.

Step 3: Describe the Project

Two key parts to include are the 1) final project i.e. what the area will look like and how it will be used when the project is completed; 2) the construction process that will be followed to complete the project.

Measures taken by the applicant to avoid, minimize, replace, or compensate for degradation to the habitat functions must be described in enough detail to allow assessment of all impacts of the proposed actions.

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See *Floodplain Mitigation Assessment Regional Guidance for Oregon Draft update 2024* for complete list of required information.

Step 4: Assess the Environmental Effects

The 2016 NMFS BiOp has determined that development actions in the SFHA is likely to adversely affect the 16-ESA listed species, the Southern Resident killer whale, and essential fish habitat. Therefore, no further effects determinations are required, and it is assumed that mitigation will be required for development to achieve *no net loss* of key floodplain functions. Information needed:

1. *No Net Loss* Determination
2. Preparing the Mitigation Plan

See *Floodplain Mitigation Assessment Regional Guidance for Oregon Draft update 2024* for complete list of required information.

Step 5: Review Mitigation Alternatives

There are three major types of mitigation approaches to rectify an adverse effect. In descending order of preference and effectiveness they are avoidance, minimization, and mitigation. Mitigation is the only approach required to achieve *no net loss* and ESA compliance, but avoidance and minimization will help make the mitigation required to achieve this easier.

1. Avoidance- achieved through zoning
2. Minimization- applicant should address if minimization efforts are applicable
    a. If the entire project cannot avoid some development within the SFHA, it may be able to minimize the physical area and magnitude of impacts on the three floodplain functions.
3. Mitigation- must be conducted for any loss to floodplain storage, water quality, and riparian vegetation in the SFHA.
    a. This is measured through an increase in fill or structures below the Base Flood Elevation (BFE), an increase in impervious surfaces, and the removal of trees 6 inches dbh or higher.
    b. *No net loss* of natural floodplain functions can be achieved through the ratios below:

DRAFT

Basic Mitigate Ratios	Unoccupied Space (ft^3)	Pervious Surface (ft^2)	Trees (6"<dbh≤20")	Trees (20"<dbh≤39")	Trees (39"<dbh)
Floodway and/or RBZ	2:1	1:1	3:1	5:1	6:1
RBZ-Fringe	1.5:1	1:1	2:1	4:1	5:1
Mitigation multipliers					
Mitigation onsite to Mitigation offsite, same reach	100%	100%	100%	100%	100%
Mitigation onsite to Mitigation offsite, different reach, same watershed (5^{th})	200%	200%	200%	200%	200%

Table 2: Mitigation Ratios Required to Achieve No Net Loss

Applicants should describe how the project will:

- Mitigate to create undeveloped space
- Mitigate against impervious surfaces added
- Mitigate for trees removed
- Mitigate in the Riparian Buffer Zone

See *Floodplain Mitigation Assessment Regional Guidance for Oregon Draft update 2024* for complete list of required information.

Step 6: Prepare the Mitigation Assessment

The objective of the Mitigation Assessment is to assure that actions are taken to sufficiently and appropriately mitigate for negative impacts on the ESA-listed populations and the natural functions and processes that support their habitats. The mitigation plan needs to provide sufficient detail to demonstrate how this will be done to achieve *No Net Loss*.

An example outline of a Mitigation Assessment:

1. Introduction, background, objectives
2. The project area and existing site conditions (See Step 1)
3. The project area's habitat as related to the three floodplain functions (See Step 2)

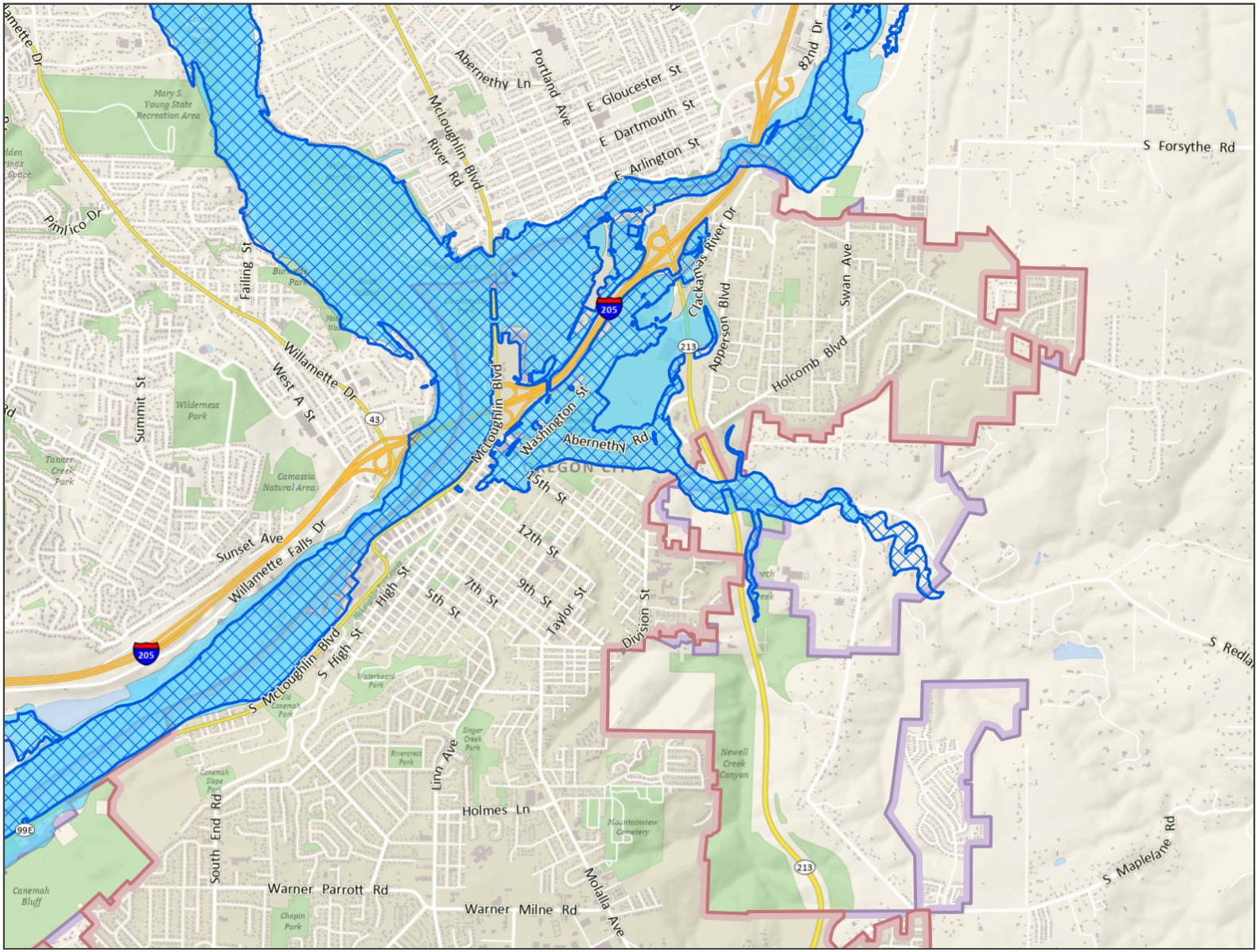
DRAFT

4. Project description (See Step 3)
5. Impact on habitat and ESA-listed species (See Step 4)
6. Mitigation measures applied to achieve no net loss (See Step 5)

See *Floodplain Mitigation Assessment Regional Guidance for Oregon Draft update 2024* for complete list of required information.

DRAFT

OCMC 17.42 Flood Overlay District

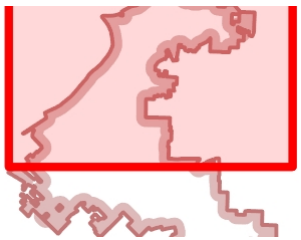


Legend

- Street Names
- 1996 Flood Inundation
- FEMA 2008 - 100 yr Floodplain
- City Limits
- UGB
- Basemap

Notes

Overview Map



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

Map created 7/15/2022

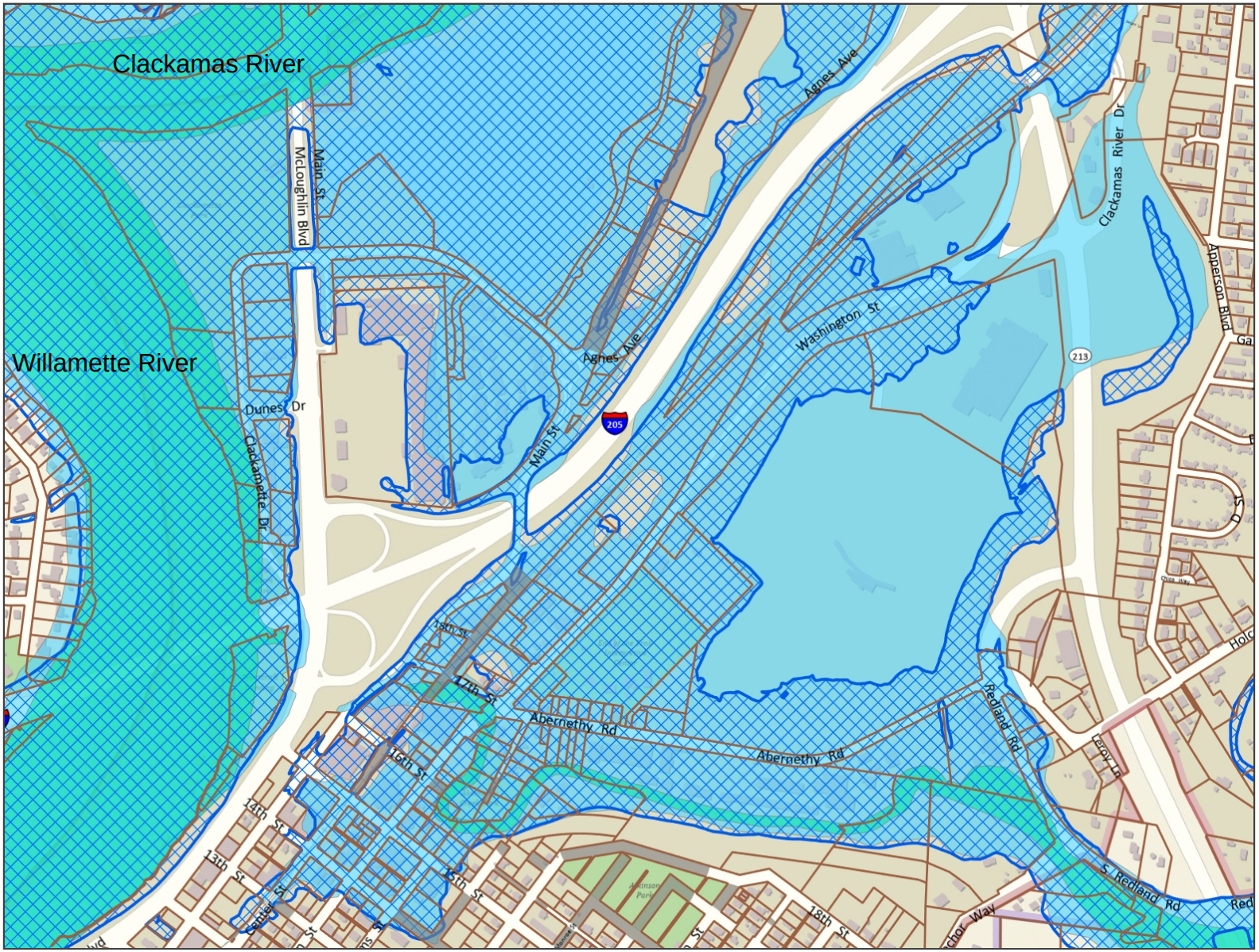
N

0 3,200 6,400 Feet

1: 38,400

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

Oregon City -North end of downtown



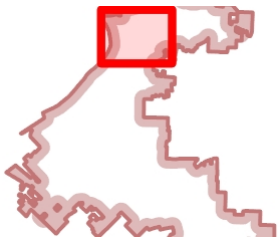
Legend

- Street Names
- Taxlots
- Unimproved ROW
- 1996 Flood Inundation
- FEMA 2008 - Floodway
- FEMA 2008 - 100 yr Floodplain
- City Limits
- UGB
- Basemap

Notes

Oregon City 100-yr Flood Plain and Floodway

Overview Map



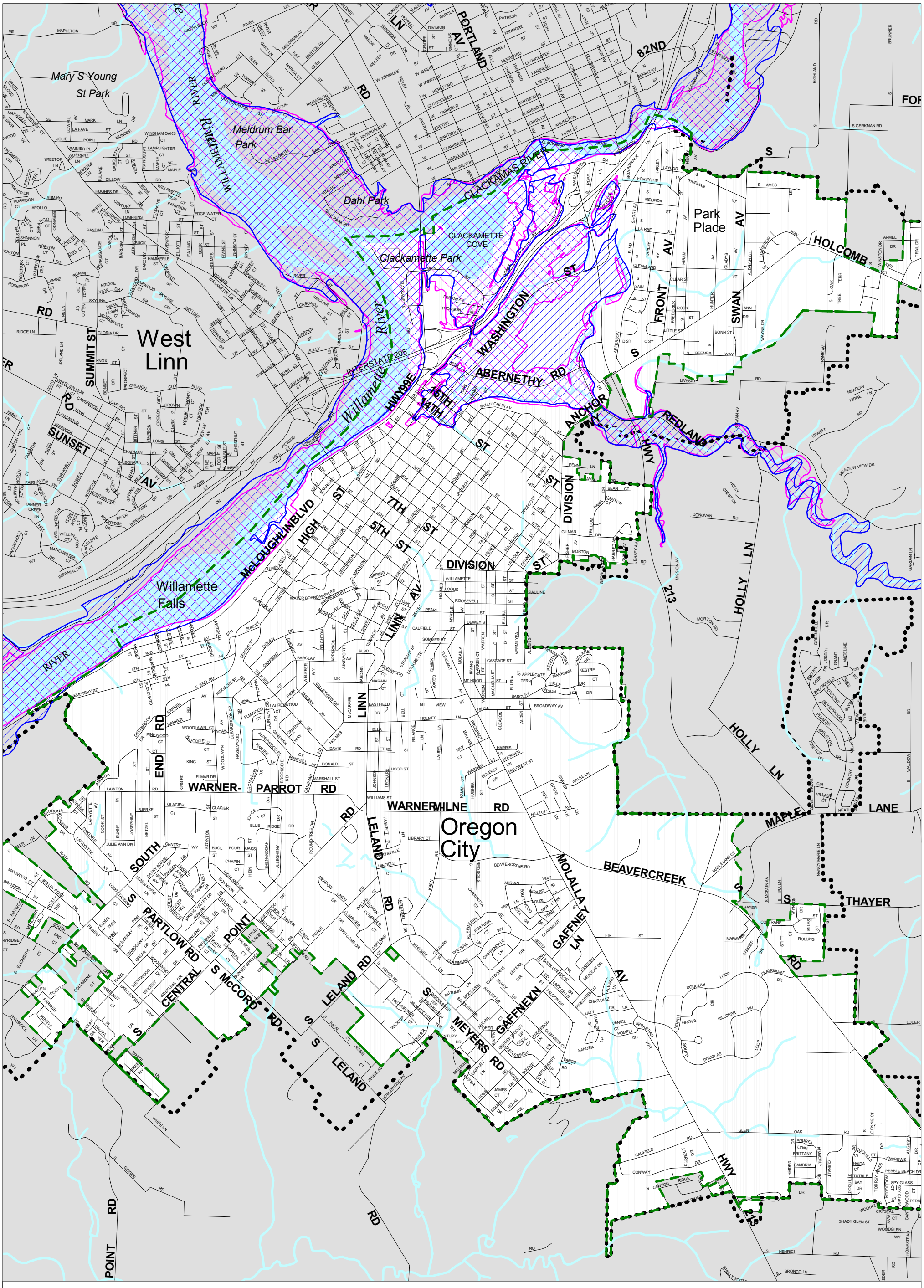
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1: 9,600

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Map created 10/11/2024

City of Oregon City
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Mary S Young
St Park
Meldrum Bar
Park
Dahl Park
Clackamette Park
CLACKAMETTE
COVE
CLACKAMAS RIVER
Willamette River
Willamette
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Park Place
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U.S. Department of Homeland Security
FEMA Region 10
130 228th Street, SW
Bothell, WA 98021-8627

FEMA

July 15, 2024

Denyse NcGriff
625 Center Street
Oregon City, Oregon 97045

Dear Denyse NcGriff:

The purpose of this letter is to announce the start of the United States Department of Homeland Security's Federal Emergency Management Agency's (FEMA) Pre-Implementation Compliance Measures (PICM) for National Flood Insurance Program (NFIP) participating communities in Oregon. The intent of PICM is to ensure the continued existence of threatened or endangered species in compliance with the Endangered Species Act (ESA). These measures include coordination with communities to provide appropriate technical assistance, help identify available resources, deliver trainings, and facilitate workshops to ensure on-going community participation in the NFIP. These pre-implementation compliance measures will assist communities in preparing for the Final NFIP-ESA Implementation Plan by helping them develop short and long-term solutions to ensure their on-going participation in the NFIP.

FEMA is currently conducting a National Environmental Policy Act (NEPA) evaluation of impacts associated with the Oregon NFIP-ESA Implementation Plan. FEMA developed this plan, in part, due to a Biological Opinion in 2016 from National Marine Fisheries Services. The Biological Opinion recommended specific measures for FEMA to take to avoid jeopardizing endangered species, including interim compliance measures. The release of the Final Implementation Plan (Plan) is anticipated by 2026, following the Record of Decision in the Environmental Impact Statement (EIS) process, then FEMA will fully implement the Plan in 2027.

FEMA has heard concerns from several communities regarding challenges they are facing to meet the expectations of this Plan. To provide communities with the support needed to incorporate ESA considerations to their permitting of development in the floodplain, FEMA will inform, educate, and support our Oregon NFIP participating communities through the PICM before the Final Implementation Plan is released.

NFIP participating communities in Oregon must select one of the PICM pathways which include the following: (1) adopt a model ordinance that considers impacts to species and their habitat and requires mitigation to a no net loss standard; (2) choose to require a habitat assessment and mitigation plan for development on a permit-by-permit basis; or (3) putting in place a prohibition on floodplain development in the Special Flood Hazard Area (SFHA). Communities must pick a PICM pathway by December 1, 2024. If a community fails to inform FEMA of its selection, they will default to the permit-by-permit PICM pathway. Communities will be required to report their floodplain development activities to FEMA beginning in January of 2025. Failure to report may result in a compliance visit.

As a part of the PICM, FEMA will implement a delay in the processing of two types of Letters of Map Changes in the Oregon NFIP-ESA Implementation Plan area, specifically Letters of Map Changes associated with the placement of fill in the floodplain: Conditional Letter of Map Revision Based on Fill (CLOMR-F) and Letter of Map Revision Based on Fill (LOMR-F) requests. This action was specifically requested by NMFS in their 2016 Biological Opinion and serves to remove any perceived programmatic incentive of using fill in the floodplain. This delay in processing will begin on August 1, 2024, and will be in place until the Final Implementation Plan is released.

Your community's ongoing participation in the NFIP is critical, as it provides access to flood insurance for property owners, renters, and businesses. In City Of Oregon City there are currently 35 of NFIP policies in force representing $14968000 in coverage for your community.

FEMA will be conducting informational virtual webinars this summer to provide an overview and status update for the Oregon NFIP-ESA integration, introduce the Pre-Implementation Compliance Measures, and provide an opportunity for Oregon NFIP floodplain managers to ask questions of FEMA staff. In the fall, FEMA will hold workshops to provide in-depth opportunities for local technical staff to work with FEMA technical staff, to understand and discuss issues relating to the PICM.

The webinars will be held virtually over Zoom. The information at each webinar is the same so your jurisdiction only needs to attend one. You can register for a webinar using the links below.

- Wednesday, July 31 at 3-5pm PT: https://kearnswest.zoom.us/meeting/register/tZEkc-murjstGdPJiFioethjRk-id8N-k0hj
- Tuesday, August 13 at 9:30-11:30am PT: https://kearnswest.zoom.us/meeting/register/tZAod-isrTsqGN0KqckRLPPeaZuu4rv96lcR
- Thursday, August 15 at 2-4pm PT: https://kearnswest.zoom.us/meeting/register/tZIqcOGpqDojHtTXaa946aI9dMpCTcJlH_zt
- Wednesday, August 21 at 12:30-2:30pm PT: https://kearnswest.zoom.us/meeting/register/tZYqcuGsrD8rH9DZO22vG0v9KrNzVeUZA9gy

FEMA will also develop a questionnaire to allow communities to identify how they currently incorporate or plan to incorporate ESA considerations, both in the short-term and long-term. To assist communities in making this determination, FEMA will be offering guidance on the potential pathways that help ensure current compliance. Communities will also be asked to help identify what technical assistance and training would be most beneficial. Feedback from this questionnaire will drive FEMA's engagement and outreach.

Upon completion of the Environmental Impact Statement review and determination, the Final Implementation Plan will be distributed along with several guidance documents and a series of Frequently Asked Questions. FEMA will also be starting NFIP Compliance Audits, in which we will be reviewing permits issued by communities for development in the floodplain and will expect the community to be able to demonstrate what actions are being taken to address ESA considerations.

If you have any questions, please contact us through our project email address fema-r10-mit-PICM@fema.dhs.gov. Thank you for your community's on-going efforts to reduce flood risk in your

community and for your support as we worked toward these milestones.

Sincerely,



Willie G. Nunn
Regional Administrator
FEMA Region 10

cc: JoshWheeler, City Of Oregon City
John Graves, Floodplain Management and Insurance Branch Chief
Deanna Wright, Oregon State National Flood Insurance Program Coordinator

Enclosure: Pre-Implementation Compliance Measures Fact Sheet

Pre-Implementation Compliance Measures Overview

Beginning this summer, FEMA will assist communities with coming changes to the National Flood Insurance Program (NFIP) in Oregon.

Why are the changes needed?

As the result of a Biological Opinion issued by the National Marine Fisheries Service, communities are required to demonstrate how floodplain development is compliant with the Endangered Species Act in Special Flood Hazard Areas. Changes are needed to protect the habitat of several species of fish and the Southern Resident killer whales to comply with the Endangered Species Act (ESA). FEMA outlined these changes in the draft Oregon NFIP-ESA Implementation Plan.

Current status

FEMA is evaluating proposed changes to the NFIP outlined in the Implementation Plan through an environmental impact statement (EIS), in compliance with the National Environmental Policy Act (NEPA).

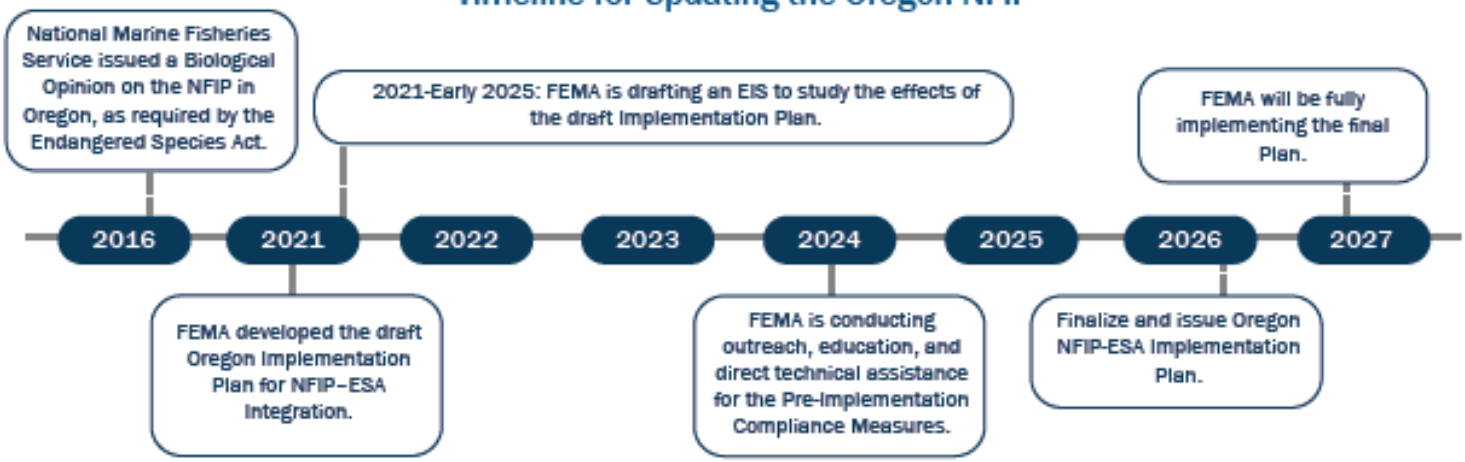


The National Flood Insurance Program serves to protect lives and property, while reducing costs to taxpayers due to flooding loss.

What is "no net loss"?
Any development action resulting in negative impacts to one or more key floodplain functions that are then mitigated or avoided to offset said impacts.

The Final Implementation Plan is anticipated by 2026 following the Record of Decision in the EIS process, then FEMA will fully implement the plan in 2027. Until then, communities need to begin taking action to protect habitat and achieve "no net loss." FEMA is offering several resources for communities to learn more and implement interim measures, called Pre-Implementation Compliance Measures (PICMs).

Timeline for Updating the Oregon NFIP



What can communities do to comply with these changes?

Oregon communities participating in the NFIP can take short-term measures to comply with ESA requirements, known as PICMs. FEMA developed these measures in response to concerns from communities about the time and resources needed to meet requirements and ensure their future good standing in the NFIP. By implementing these measures now, communities will be better prepared for compliance audits, which will begin when the Final Implementation Plan is in place.

Communities can select one of the following three PICMs:

- Prohibit all new development in the floodplain.
- Incorporate the ESA into local floodplain ordinances.
- Require permit applicants to develop a Floodplain Habitat Assessment documenting that their proposed development in the Special Flood Hazard Area will achieve "no net loss."

Communities must report to FEMA on their implementation of interim measures.

In addition to the above measures, as of August 1, 2024, FEMA is temporarily suspending processing applications for Letters of Map Revision based on Fill (LOMR-Fs) and Conditional Letters of Map Revision based on Fill (CLOMR-Fs) in NFIP communities to avoid potentially negative effects on ESA-listed species.

FEMA is here to support your community.

FEMA is offering several resources to assist communities in preparing for the Oregon NFIP-ESA Implementation Plan.

- **Informational Webinars (Summer 2024):** Learn about what FEMA is doing to revise the Implementation Plan and receive an introduction to the PICMs.
- **Questionnaire (Summer 2024):** Share what floodplain management measures your community is currently implementing to comply with the ESA, which PICMs you're most interested in, and what support you need. Your feedback will help us plan the fall workshops and identify needs for technical assistance.
- **Workshops (Fall 2024):** Get an in-depth look at PICMs and talk through questions and concerns with FEMA staff.
- **Technical Assistance (Begins in Fall 2024):** Get support from FEMA to begin implementing PICMs.

Learn more and participate

Visit www.fema.gov/about/organization/region-10/oregon/nfip-esa-integration to read the latest information about NFIP-ESA Integration in Oregon.

You can also contact us at FEMA-R10-MIT-PICM@fema.dhs.gov