



CITY OF OREGON CITY PLANNING COMMISSION AGENDA

Hanlon Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Monday, March 9, 2026 at 7:00 PM

Ways to participate in this public meeting:

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

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

- Register to provide electronic testimony (email ocplanning@orc.org or call 503-722-3789 by 3:00 PM on the day of the meeting to register)
- Email ocplanning@orc.org (deadline to submit written testimony via email is 3:00 PM on the day of the meeting)
- Mail to City of Oregon City, Attn: City Recorder, P.O. Box 3040, Oregon City, OR 97045

1. CONVENE MEETING AND ROLL CALL

2. PUBLIC COMMENTS

Please see the public comment guidelines below.

3. PUBLIC HEARINGS

- a. GLUA-26-00001/WRG-26-00001 - 807 Main Street.
Review and approval of the Willamette River Greenway criteria for a proposed 83,000 square foot mixed-use development. The Site Plan and Design Review for the proposed development will occur as a Type II Administrative review upon completion of the Type III Planning Commission review of the Willamette River Greenway Overlay District.

4. COMMUNICATIONS

5. 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](https://www.oregoncity.org) and available on demand following the meeting. The meeting can be viewed on Willamette Falls Television channel 28 for Oregon City area residents as a rebroadcast. Please contact WPMC at 503-650-0275 for a programming schedule.



CITY OF OREGON CITY

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

Staff Report

To:	Planning Commission	Agenda Date:	March 9, 2026
From:	Christina Robertson-Gardiner, Senior Planner		

SUBJECT:

GLUA-26-00001/WRG-26-00001 - 807 Main Street.

Review and approval of the Willamette River Greenway criteria for a proposed 83,000 square foot mixed-use development. The Site Plan and Design Review for the proposed development will occur as a Type II Administrative review upon completion of the Type III Planning Commission review of the Willamette River Greenway Overlay District.

STAFF RECOMMENDATION:

Staff recommends conditional approval of the application.

EXECUTIVE SUMMARY:

The intent of the Willamette River Greenway is to protect and enhance the natural, scenic, historical, and recreational resources along the Willamette River. It aims to ensure that development in the area is compatible with the river's ecological health and promotes public access to the waterfront. The greenway seeks to preserve the river's natural landscape, provide recreational opportunities, and maintain environmental quality while accommodating responsible and sustainable development along the riverfront. Goal 15 requires that "lands committed to urban uses within the Greenway" shall be permitted to continue as urban uses, including commercial and residential uses. The city has adopted measures to implement Goal 15 in OCMC 17.48.

The development is located within 150 feet of the ordinary low-water line of the Willamette River, which requires the review to be conducted by the Planning Commission through a Type III land-use process. The current setback from the low water line, as outlined by the Oregon Department of State Lands, is 116 feet, following the terrain up the steep hill on the building's north side. Oregon City has not adopted a specific greenway setback; instead, it employs the Type III review process for proposals and assigns a site-specific setback to meet the overlay district approval standards. In this case, the development proposal remains within the existing courthouse footprint and will include a public access easement to accommodate a future public project listed in the Transportation System Plan (TSP), along with native landscaping along the basalt edge.

The applicant plans to address the Willamette River Greenway issue before submitting the Type II Site Plan and Design Review, which will also include other overlay districts, such as natural resources, flood management, and geologic hazards/steep slopes, for review.

Clear and Objective Standards for Housing and Approach to Review

As a preliminary matter, staff wishes to note that because this development proposes

housing, it is subject to the requirement in ORS 197A.400 that the city apply only clear and objective standards, conditions, and procedures. However, an applicant always has the option of proceeding to gain approval of a proposed housing development under a non-“clear and objective” track. The applicant is seeking approval of Willamette River Greenway compatibility standards, and understands and recognizes the city’s values embedded in the Willamette River Greenway standards in OCMC 17.48, even though those standards may not qualify as “clear or objective.”

Because the applicant has requested a Willamette River Greenway approval and asserts that it meets the standards, staff has evaluated the proposal against the criteria and determined that the proposal can meet these standards, subject to conditions related to public access easements to allow for any future public access project along McLoughlin Blvd and the planting of native landscaping at the basalt edge.

BACKGROUND:

Please refer to the attached staff report for additional background.

NEXT STEPS:

OPTIONS:

1. Approve the proposal with conditions (staff recommendation)
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

TYPE III STAFF RECOMMENDATION

February 27, 2026

FILE NUMBER: GLUA-26-00001/WRG-26-00001**APPLICANT:** Seth Henderson, Managing Member | Level OCC-01 LLC
7327 SW Barnes #523, Portland, OR 97225**OWNER:** Clackamas County
2051 Kaen Rd, Ste 450
Oregon, City, OR 97045**Application Submitted: 01/05/2026**
Application Complete: 01/23/2026
120-Day Decision Deadline: 05/23/2026**REQUEST:** Review and approval of the Willamette River Greenway criteria for a proposed 83,000 square foot mixed-use development with ground-floor retail and 84 apartments with amenities, support spaces, and off-street parking. The development is located within 150 feet of the ordinary low water line of the Willamette River, which requires a Type III Willamette River Greenway Compatibility Review. The Site Plan and Design Review for the proposed development will occur as a Type II Administrative review upon completion of the Type III Planning Commission review of the Willamette River Greenway Overlay District.**LOCATION:** 807 MAIN ST
OREGON CITY OR 97045
2-2E-31AB-04400**REVIEWER:** Christina Robertson-Gardiner, Senior Planner AICP**ZONING:** Mixed Use Downtown (MUD)**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, Willamette River Greenway Compatibility reviews, and similar applications. The process for these land use decisions is controlled by ORS 197.797. 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. 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.

MUNICIPAL CODE CHAPTERS

CHAPTER 17.48 WRG WILLAMETTE RIVER GREENWAY OVERLAY DISTRICT

CHAPTER 17.50 ADMINISTRATION AND PROCEDURES

Conditions of Approval Planning File GLUA-26-00001/WRG-26-00001

- (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.

The applicant shall fulfill the following conditions prior to issuance of a Certificate of Occupancy associated with the proposed application.

1. The applicant shall ensure that the following items are incorporated in a Type II Site Plan and Design Review submittal for the subject site and are completed before obtaining a Certificate of Occupancy for any approved new structures on-site.
 - a. The existing basalt bank at the rear of the property consists of various scrub vegetation and invasive species such as Himalayan blackberry. As part of any future development, the applicant shall submit a landscape plan that incorporates native landscaping along the rear edge of the lot (approximately 3,800 sq feet) and removes all invasive species on-site. Native landscaping shall be varied and include vertical and horizontal elements, as appropriate for the on-site soil conditions. The landscaping plan shall provide planting that provides full coverage within 5 years.
(P)
 - b. Pedestrian access to and along the river (17.48.100.B.2) will be provided by public access easements and any needed construction and access for maintenance

easements that follow the alignment of the adopted McLoughlin Blvd Enhancement Plan: Phase 3. (DS)

2. Review for compliance with the Natural Resources Overlay District requirements of OCMC 17.49 and the Flood Management Overlay Requirements of OCMC 17.42 are required and will be submitted concurrently with the Type II Site Plan and Design Review application (P)

Staff Summary

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Because the applicant has requested a Willamette River Greenway approval and asserts that it meets the standards, staff has evaluated the proposal against the criteria and determined that the proposal can meet these standards, subject to conditions related to public access easements to allow for any future public access project along McLoughlin Blvd and the planting of native landscaping at the basalt edge.

I. BACKGROUND:

1. Existing Conditions

The c.1936 Clackamas County Courthouse was recently vacated by Clackamas County upon completion of a new courthouse on the Clackamas County's Red Soils campus on Kaen Road. The County is currently in contract with the applicant to redevelop the site with a mixed-use development. The property is zoned Mixed-Use Downtown (MUD) and is located within the Downtown Design district, which limits the height of new buildings to be no taller than the neighboring Masonic Temple Building (58 feet).

The applicant is also in negotiations with the City of Oregon City to dedicate Liberty Plaza, an open space created by the County in the early 2000s on the site of the demolished Liberty Theater, to the city. None of Liberty Plaza is located within the 150-foot compatibility area, and has not been analyzed as part of a Willamette Greenway public access component.

Willamette River Greenway Review

The proposed development is 116 feet from the ordinary low waterline, which is located under the Highway 99E/McLoughlin Blvd Viaduct (Figure 6). Therefore, per OCMC 17.48, a Type III Compatibility Review is required for any development within 150 feet of the ordinary low waterline. Once the applicant has completed the Willamette River Greenway review with the Planning Commission, they will submit for development review through the Type II Site Plan and Design Process.

Historic Status

The courthouse is not locally designated as a local historic resource subject to OCMC 17.40 Historic Overlay District, though it has been identified as potentially eligible for listing on the National Register of Historic Places, as shown in the 2000 city survey (Exhibit 4). The finding of potential eligibility was made during a reconnaissance survey and does not convey any local control of the resource. Demolition of the courthouse will be reviewed under a Type I Administrative Review, separate from this Willamette River Greenway application. The Planning Commission should evaluate the Greenway application based on the proposed mixed-use development, not on the existing courthouse building.

As a public owner, the county is working closely with the Oregon State Historic Preservation Office to ensure that it follows ORS 356.653 (Exhibit 6), which requires public entities that own buildings listed on the National Register of Historic Places, or eligible for listing, to perform an alternative analysis, public outreach, and proportional mitigation for any adverse effect on the resource. This review is performed outside of the local land use process.

McLoughlin Blvd Enhancement-Phase 3: 10th Street to tumwata village

ODOT project name: (Willamette Falls Path/OR99E Enhance: 10th St - Railroad Ave

The last and most complex phase of Oregon City's McLoughlin Boulevard Enhancement Plan was added to the Oregon City Transportation Plan in 2024 (Ordinance No. 24-1014).

This ODOT project looked at alternatives for providing public access along the river in an area of tight constraints. The adopted alternative uses a stand-alone structure parallel to McLoughlin Blvd/99E. At the subject site, the plan envisions an under-ramp crossing (at the location of the existing ODOT stairs) to access a future dock. The adopted plan assumed the existing Courthouse footprint in its space analysis. The proposed new mixed-use development's foundation footprint does not extend closer to the river than the existing courthouse, and the 5-foot cantilevered upper floor does not encroach on any vertical access needs. Figure 1 of the staff report provides an applicant submittal of a side view of the proposed building, including the existing McLoughlin Blvd viaduct and the proposed undercrossing ramp, to show compliance with the adopted TSP project and demonstrate that the proposed elevation will not encroach on any future public access projects in the area. The applicant supports establishing a public access easement on the property to ensure public access when any public access project is built.



Figure 1 Conceptual Rendering of 8th Street Undercrossing (McLoughlin Blvd Enhancement (Phase 3)- Courthouse identified with blue arrow.

Site Details



Figure 2: Vicinity Map/Existing Conditions – Aerial Image



Figure 3: Street View (Main Street)

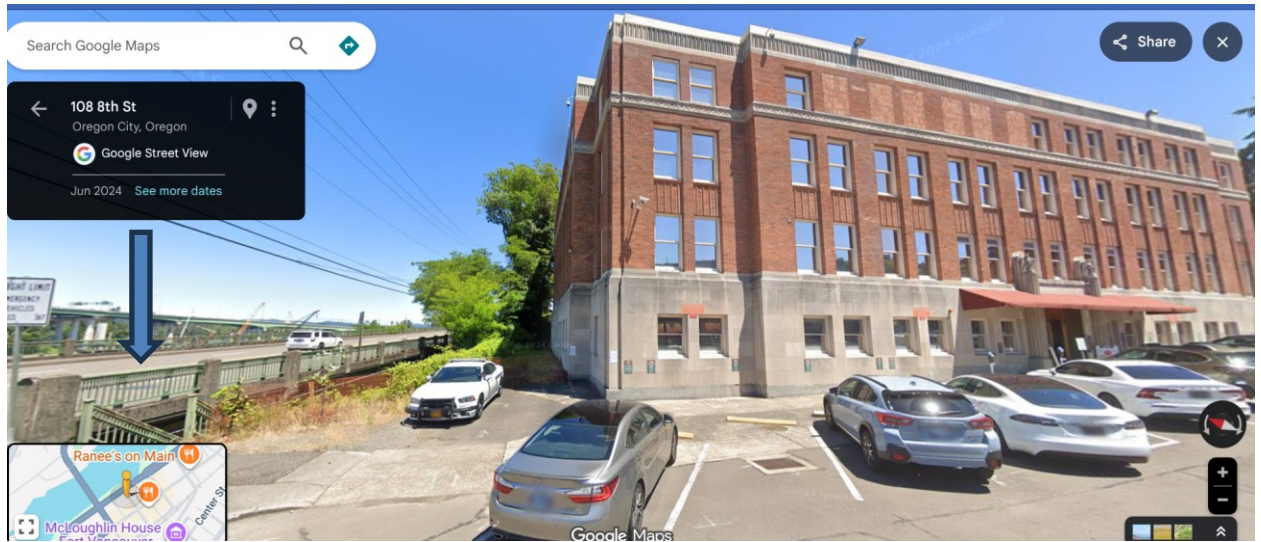
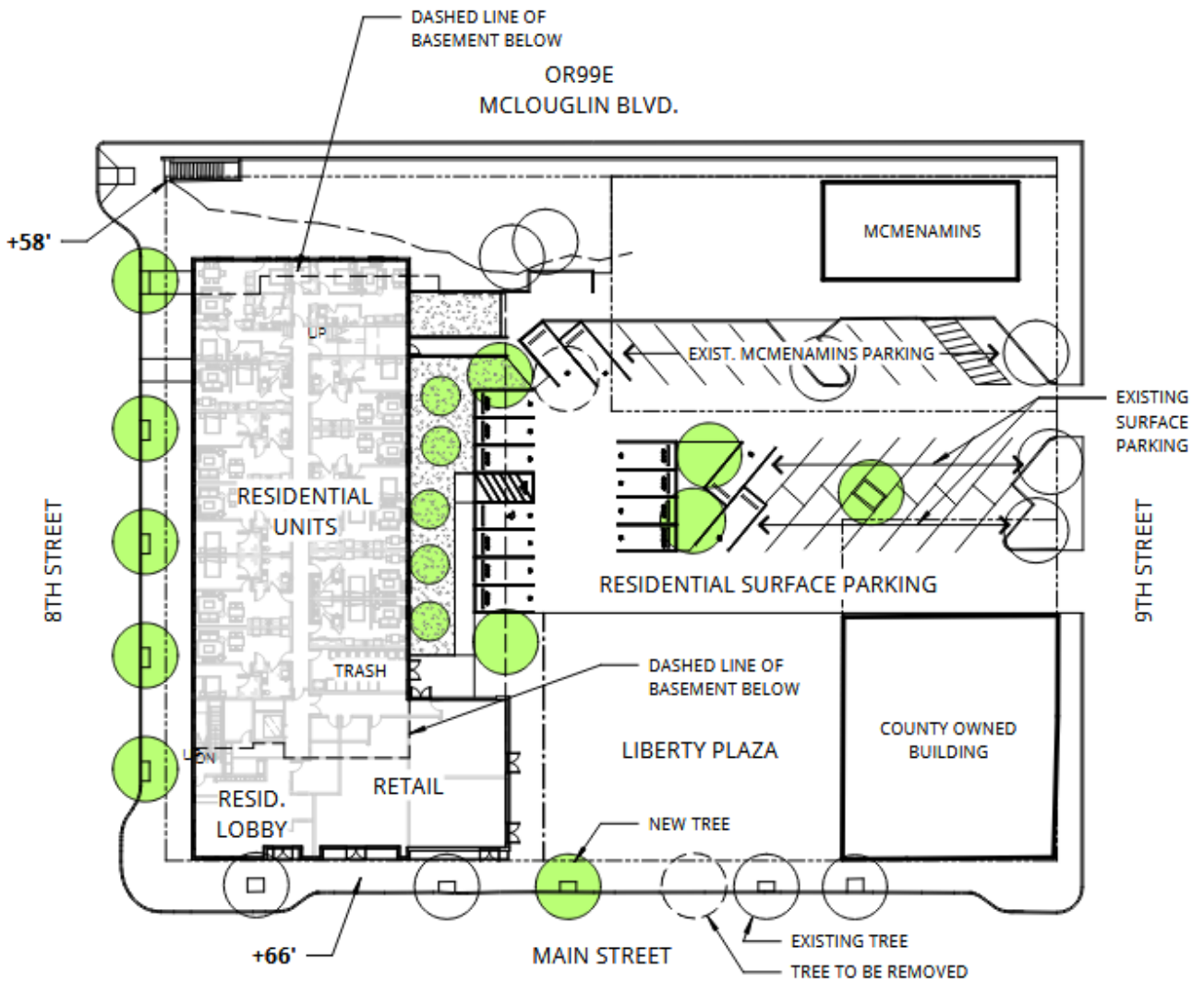


Figure 4: Street View (8th Street& McLoughlin Blvd)- note the existing ODOT green stairs that currently access the Willamette River and the conceptual location of an undercrossing ramp.

2. Project Description

The applicant has requested a review and approval of the Willamette River Greenway overlay criteria. The development is a mixed-use space with ground-floor retail, 84 apartments, including a mix of studio, one-bedroom, and two-bedroom units. It also features amenities, support spaces, and off-street parking. The total proposed area is 83,000 square feet. The ground-floor retail space is 2,600 square feet and is directly adjacent to Liberty Plaza. The building is planned as a five-story wood-framed structure above a one-level, partially subterranean concrete parking garage. The proposed mixed-use building foundation is no closer to the river than the footprint of the existing Clackamas County Courthouse Building.



1 OVERALL SITE PLAN AT MAIN STREET LEVEL

1" = 40'-0"

Figure 5: Proposed Site Plan



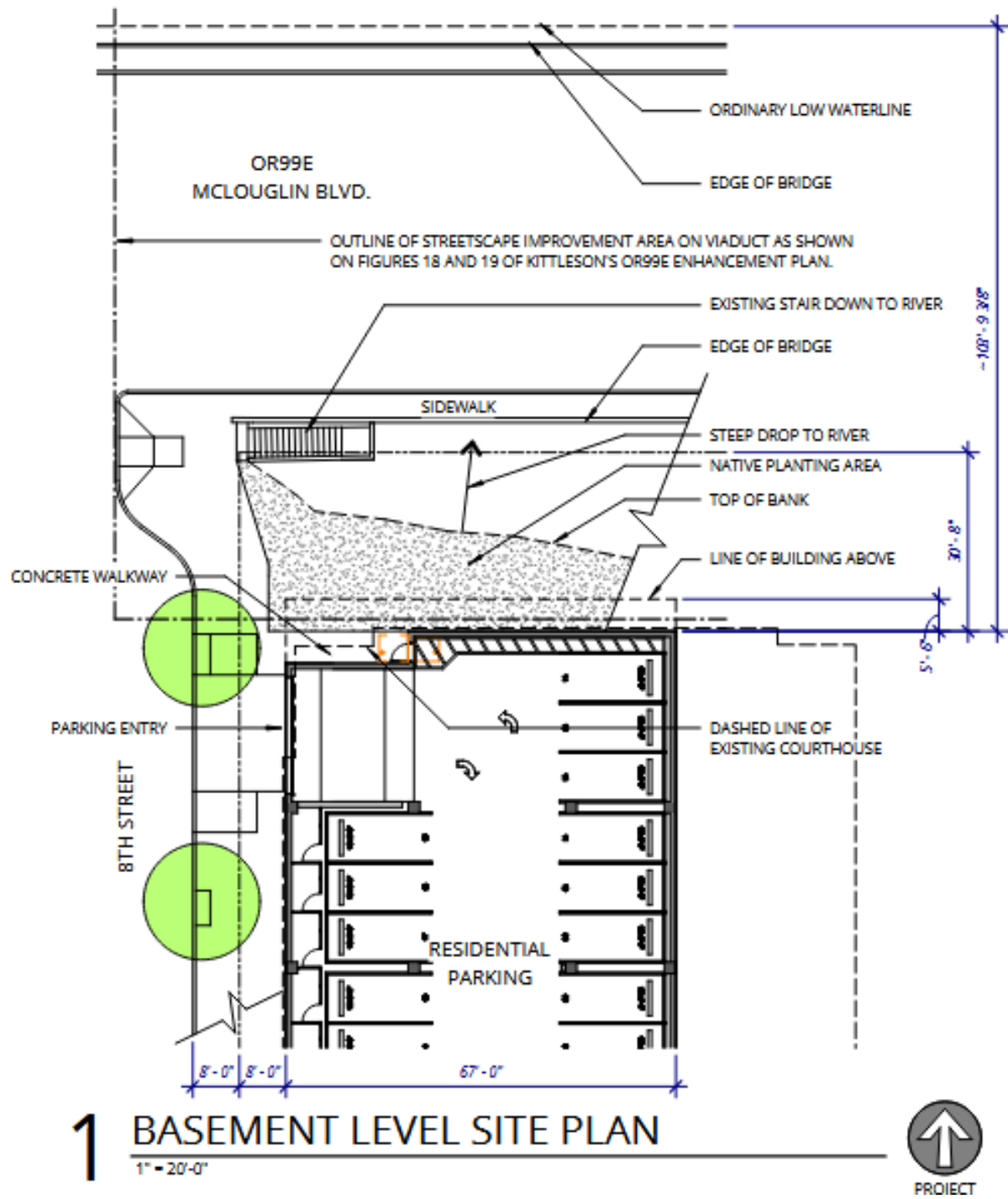
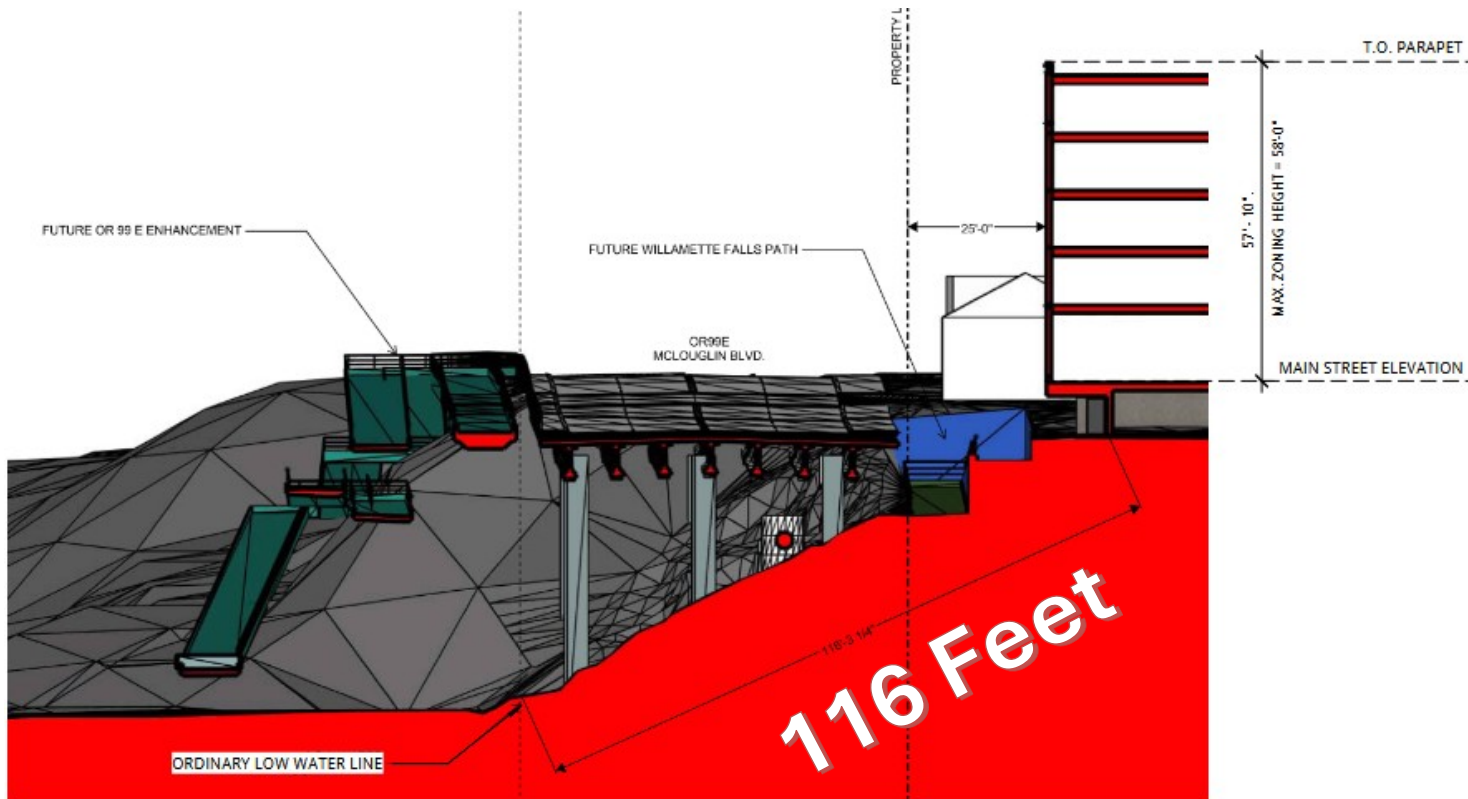


Figure 6: Proposed Basement Level Site Plan – note dashed line of existing courthouse.



1 SECTION AT NORTH PROPERTY LINE

N.T.S.

Figure 7: McLoughlin Boulevard Enhancement space analysis for anticipated public access easement. Note the 116-foot distance from the ordinary low-water line to the edge of the new construction, which shows that the property is located in the 150-foot Willamette River Compatibility areas.

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

4. Public Comment

Public comments submitted include (Exhibit 3):

The applicant provided a project update to the Historic Review Board on February 24, 2026, as part of a presentation at the beginning of the meeting. As this presentation was held while the review is open for the Willamette River Greenway Review, staff has added the meeting video and agenda to the staff report as an exhibit (2a)

Melissa Gonzalez-Gabriel, OFOT Region 1, provided a comment indicating that they will be submitting formal comments during the future Type II Site Plan and Design Review and do not have any specific comment on the Willamette River Greenway application.

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

CHAPTER 17.34 MUD MIXED USE DOWNTOWN DISTRICT

The applicant has submitted a proposal that is permitted in the zone. Below, staff has provided a preliminary description of the submitted proposal against the underlying zone standards. The formal review of setbacks, heights, floor area ratio, and related criteria will occur at the Type II Site Plan and Design Review. Nothing in the submittal plans indicates that the applicant does not or could not meet the standards during development review.

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.

17.34.020 - Permitted uses.

Permitted uses in the MUD district are defined as:

- A. Banquet, conference facilities and meeting rooms;*
- B. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities;*
- C. Child care centers and/or nursery schools;*
- D. Indoor entertainment centers and arcades;*
- E. Health and fitness clubs;*
- F. Medical and dental clinics, outpatient; infirmity services;*
- G. Museums, libraries and cultural facilities;*
- H. Offices, including finance, insurance, real estate and government;*
- I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;*
- J. Postal services;*
- K. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;*
- L. Multifamily residential, triplexes and quadplexes;*
- M. 1 or 2 units in conjunction with a nonresidential use provided that the residential use occupies no more than 50% of the total square footage of the development;*

N. Restaurants, eating and drinking establishments without a drive through;

O. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;

P. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed sixty thousand square feet (a freestanding building over sixty thousand square feet is allowed as long as the building contains multiple stores);

Q. Seasonal sales;

R. Residential care facilities, assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;

S. Studios and galleries, including dance, art, photography, music and other arts;

T. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;

U. Veterinary clinics or pet hospitals, pet day care;

V. Home occupations;

W. Research and development activities;

X. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;

Y. Transportation facilities;

Z. Live/work dwellings;

AA. After-hours public parking;

BB. Marinas;

CC. Religious institutions.

DD. Mobile food units outside of the downtown design district.

Preliminary, Non-Binding Finding: Complies as proposed. The proposed development includes multi-family and retail trade, as described above as a permitted use; this standard is met.

17.34.030 - Conditional uses.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in OCMC 17.56.

A. Drive-through facilities;

B. Emergency services;

C. Hospitals;

D. Outdoor markets that do not meet the criteria of OCMC 17.34.020.I.;

E. Parks, playgrounds, play fields and community or neighborhood centers;

F. Parking structures and lots not in conjunction with a primary use on private property, excluding after-hours public parking;

G. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a freestanding building with a single store exceeding a foot print of sixty thousand square feet;

H. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;

I. Public utilities and services such as pump stations and sub-stations;

J. Distributing, wholesaling and warehousing;

K. Gas stations;

- L. Public and or private educational or training facilities;*
- M. Stadiums and arenas;*
- N. Passenger terminals (water, auto, bus, train), excluding bus stops;*
- O. Recycling center and/or solid waste facility;*
- P. Shelters, except within the Downtown Design District.*

Preliminary, Non-Binding Finding: Complies as proposed. No conditional uses are proposed; these standards are not applicable to the development.

17.34.040 - Prohibited uses.

The following uses are prohibited in the MUD district:

- A. Kennels;*
- B. Outdoor storage and sales, not including outdoor markets allowed in OCMC 17.34.030;*
- C. Self-service storage;*
- D. Single-Family detached residential units, townhouses and duplexes;*
- E. Motor vehicle and recreational vehicle repair/service;*
- F. Motor vehicle and recreational vehicle sales and incidental service;*
- G. Heavy equipment service, repair, sales, storage or rental² (including but not limited to construction equipment and machinery and farming equipment);*
- H. Marijuana production, processing, wholesaling, research, testing, and laboratories;*
- I. Mobile food units within the downtown design district unless a special event has been issued.*

Preliminary, Non-Binding Finding: Complies as proposed: No prohibited uses are proposed; therefore, these standards are not applicable to the development

17.34.050 - Pre-existing industrial uses.

Tax lot 5400 located at Clackamas County Tax Assessors Map #22E20DD, Tax Lots 100 and two hundred located on Clackamas County Tax Assessors Map #22E30DD and Tax Lot 700 located on Clackamas County Tax Assessors Map #22E29CB have special provisions for industrial uses. These properties may maintain and expand their industrial uses on existing tax lots. A change in use is allowed as long as there is no greater impact on the area than the existing use.

Preliminary, Non-Binding Finding: Not applicable. The site does not contain a pre-existing industrial use.

17.34.070 - Mixed-use downtown dimensional standards—For properties located within the downtown design district.

A. Minimum lot area: None.

Preliminary, Non-Binding Finding: Complies as proposed. *No minimum lot area is required; the project meets this standard as proposed.*

B. Minimum floor area ratio: 0.5.

Preliminary, Non-Binding Finding: Complies as proposed. The proposed FAR is 1.64:1; therefore, the minimum standard is met. The final review of this standard will occur with the Type II Site Plan and Design Review.

C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.

Preliminary, Non-Binding Finding: Complies as proposed. The building is planned as a five-story wood-framed structure above a one-level, partially subterranean concrete parking garage. Therefore, the project meets this standard as proposed. The final review of this standard will occur with the Type II Site Plan and Design Review.

D. Maximum building height: Fifty-eight feet.

Preliminary, Non-Binding Finding: Complies as proposed. The applicant has indicated that the building will not exceed 58' and is currently designed at 57' from the average grade along Main Street, the project meets this standard as proposed. The final review of this standard will occur with the Type II Site Plan and Design Review.

E. Minimum required setbacks, if not abutting a residential zone: None.

F. Minimum required interior and rear yard setback if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every three feet in building height over thirty-five feet.

Preliminary, Non-Binding Finding: Complies as proposed. The project does not affect a residential zone.

G. Maximum Allowed Setbacks.

1. Front yard setback: Ten feet.

Preliminary, Non-Binding Finding: Complies as proposed. The project proposes a zero-foot front yard setback, which meets the maximum allowed setback standard. The final review of this standard will occur with the Type II Site Plan and Design Review.

2. Interior side yard setback: No maximum.

Preliminary, Non-Binding Finding: Complies as proposed. The applicant indicated that due to Liberty Plaza and the existing parking lot, the interior side yard setback is set back extensively from 9th Street. Provided there is no maximum setback at interior side yards, the project meets this standard as proposed. The final review of this standard will occur with the Type II Site Plan and Design Review.

3. Corner side yard setback abutting street: Ten feet.

Preliminary, Non-Binding Finding: Complies as proposed. The setback along 8th Street is 8'; therefore, this standard is met. The final review of this standard will occur with the Type II Site Plan and Design Review.

4. Rear yard setback: No maximum.

5. Rear yard setback abutting street: Ten feet. Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D

Preliminary, Non-Binding Finding: Not Applicable. The rear yard does not directly abut the Highway 99E Viaduct bridge because there is no direct access and the property line is approximately five feet from the bridge; therefore, this standard is not applicable. The final review of this standard will occur with the Type II Site Plan and Design Review.

H. Maximum site coverage of the building and parking lot: Ninety-five percent.

Preliminary, Non-Binding Finding: Complies as proposed. The proposed site coverage is 79.5%, therefore, this standard is met. The final review of this standard will occur with the Type II Site Plan and Design Review.

I. Minimum landscape requirement (including parking lot): 5 percent.

Preliminary, Non-Binding Finding: Complies as proposed. The proposed landscape coverage is 20.5%, therefore, this standard is met. The final review of this standard will occur with the Type II Site Plan and Design Review.

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.

Preliminary, Non-Binding Finding: Not Applicable. No minimum density is required as residential uses are proposed over nonresidential uses in a vertical mixed-use configuration, therefore the standard is not applicable.

K. Standalone residential development of fewer than five units are exempt from maximum setbacks of the underlying zone.

Preliminary, Non-Binding Finding: Not Applicable. The project is proposed to contain 84 units; therefore, this standard is not applicable.

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 non-residential 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.

B. Building height.

1. Purpose.

- a. The Masonic Hall is currently the tallest building in downtown Oregon City, with a height of fifty-eight feet measured from Main Street. The maximum building height limit of fifty-eight feet will ensure that no new building will be taller than the Masonic Hall.*
- b. A minimum two-story (twenty-five feet) building height is established for the Downtown Design District Overlay sub-district to ensure that the traditional building scale for the downtown area is maintained.*

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 17.48 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.

Finding: Complies as proposed. The proposed project meets the provisions of the underlying zoning district and allowed uses; this standard is met.

17.48.050 - Permit required—Exceptions.

A Willamette River Greenway permit shall be required for all developments and changes or intensification of uses, except the following:

- A. The propagation of timber or the cutting of timber for public safety or personal use, except the cutting of timber along the natural vegetative fringe along the river;*
- B. Gravel removal from the bed of the Willamette River when conducted under a permit from the state;*
- C. Customary dredging and channel maintenance;*
- D. Placing by a public agency of signs, markers, aids and similar structures to serve the public;*
- E. Activities to protect, conserve, enhance and maintain public recreation, scenic, historical and natural uses on public lands;*

- F. Acquisition and maintenance of scenic easements by the Oregon Department of Transportation;*
- G. Partial harvesting of timber shall be permitted beyond the natural vegetative fringe and those areas not covered by a scenic easement and when the harvest is consistent with an approved plan under the Oregon Forest Practices Act. Commercial forest activities and harvesting practices providing for vegetative buffers, shading, soil stabilization, and water filtering effects required under the Oregon Forest Practices Act;*
- H. The use of a small cluster of logs for erosion control;*
- I. The expansion of capacity or the replacement of existing communication or energy distribution and transmission systems, except utility sub-stations;*
- J. The maintenance and repair of existing flood control facilities;*
- K. Any activity subject to Type I review pursuant to OCMC 17.62.035.A.2, provided that proposed changes are located entirely outside of the compatibility boundary and on existing developed commercial, multifamily, or industrial properties.*
- L. Within the compatibility boundary, exterior building changes that are not considered remodeling.*
- M. Changes to landscaping or parking subject to Type I review pursuant to OCMC 17.62.035.A.2 that are more than 100 feet from the Oregon Department of State Lands' mapped ordinary low water line of the Willamette River, provided that changes are located on existing developed commercial, multifamily, or industrial properties.*
- N. On existing single or two-family residential properties, landscaping, construction of driveways, modification of existing structures or construction or placement of such subsidiary structures or facilities adjacent to the residence.*
- O. The addition of a wall sign, projecting sign, or roof sign on any building in the WRG overlay.*

Finding: Complies as proposed. The proposed project does not meet any of the listed exceptions; therefore, a permit will be required

17.48.060 - Procedures.

Except as specifically provided for in Section 17.48.100, the procedure for action on a Willamette River Greenway permit shall be as provided for under the Type II review provisions in OCMC 17.50.

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 conditioned. The proposed development is a residential/commercial use and is not a recreational use, does not involve timber resources, and does not include aggregate extraction. Therefore, the considerations set forth in Goal 15 Sections C.3.b, C.3.h, and C.3.i are not applicable. The site is not identified in the Oregon City Comprehensive Plan as a designated

fish and wildlife habitat, and no such habitat is affected by the proposal; therefore, the considerations in Section C.3.d of Goal 15 are not applicable. With respect to scenic qualities and views identified in the Comprehensive Plan, the project has been designed to be compatible with the Willamette River corridor through building placement, preservation of existing vegetation, and supplemental native landscaping, consistent with the intent of Goal 15 Section C.3.e.

While the specific site has not been identified by reference or map in the city's Comprehensive Plan, the Willamette River is highlighted in numerous policies. The policies and strategies below are intended to protect public views of the Willamette River. Staff has identified two conditions of approval relating to the removal of invasive species and replanting with native species of the existing basalt bank at the northern property line, along with a public access easement to ensure adequate space and legal recourse to implement any future public access project. Nothing in the policies and strategies identified below prohibits the applicant from proposing to build a mixed-use development on the site of an existing building. The applicant is proposing to build a mixed-use development on the site of an existing building footprint. Analysis of the National Resources Overlay District (NROD) and any increase in impervious surfaces within the 200-foot NROD buffer for the Willamette River is tied to the Type II Site Plan and Design Review and will be conducted. Applicable conditions of approval will be attached to the city's decision at the time of development review.

OC2040 Protected Environment

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.

Requiring an additional setback to what is proposed does not significantly enhance habitat protection for the Willamette River within this urban context. The applicant is following the existing footprint of the courthouse foundation and has proposed a thinner building that will not affect any existing views of the Willamette River. The applicant's plan, combined with approval conditions, strikes an appropriate balance between supporting ongoing urban development and safeguarding public access and habitat along the Willamette River.

Proposed conditions:

The existing basalt bank at the rear of the property is covered with various scrub vegetation and invasive species, including Himalayan blackberry. As part of any future development, the applicant

shall submit a landscape plan that incorporates native landscaping along the rear edge of the lot (approximately 3,800 sq feet) and removes all invasive species on-site. Native landscaping shall be varied and include vertical and horizontal elements, as appropriate for the on-site soil conditions. The landscaping plan shall provide planting that provides full coverage within 5 years.

Pedestrian access to and along the river (17.48.100.B.2) will be provided by public access easements and any needed construction and access for maintenance easements that follow the alignment of the adopted McLoughlin Blvd Enhancement Plan: Phase 3. (DS)

17.48.080 - Development standards—General considerations.

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

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

Finding: Complies with condition. Public access to the Willamette River is addressed through site planning that preserves adequate space for future implementation of the McLoughlin Boulevard Enhancement Plan (Phase 3) (Exhibit 5), as adopted in the Transportation System Plan. While construction of these improvements is not included in this approval, the applicant acknowledges the required area and will provide a public access easement over portions of the site necessary to accommodate future public access improvements. Figure 7 of the staff report provides a three-dimensional space analysis that integrates the proposed ramp below the McLoughlin Boulevard viaduct, designed to gain access to a future 8th Street dock location, and demonstrates that there is adequate room for a future public access project to be conducted within the proposed public access easement boundary.

Pedestrian access to and along the river (17.48.100.B.2) will be provided by public access easements and any needed construction and access for maintenance easements that follow the alignment of the adopted McLoughlin Blvd Enhancement Plan: Phase 3. (DS)

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

Finding: Complies. Public safety and property protection are provided through site layout, building design, lighting, and access control measures that minimize opportunities for vandalism and trespass, consistent with clear and objective development standards.

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

Finding: Complies with condition. The project protects the existing vegetative fringe along the Willamette River and enhances it to the maximum extent practicable through preservation of existing vegetation and supplemental native planting appropriate to the existing rock outcropping and river corridor.

The existing basalt bank at the rear of the property consists of various scrub vegetation and invasive species such as Himalayan blackberry. As part of any future development, the applicant

shall submit a landscape plan that incorporates native landscaping along the rear edge of the lot (approximately 3,800 sq feet) and removes all invasive species on-site. Native landscaping shall be varied and include vertical and horizontal elements, as appropriate for the on-site soil conditions. The landscaping plan shall provide planting that provides full coverage within 5 years.

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

Finding: Complies. Consistent with the Greenway standard, development is directed away from the Willamette River through the replacement of an existing building within the previously developed footprint. The proposed building is located no closer to the river and was designed to be positioned farther from the steep bank and river corridor than the existing structure by reducing the width of the new building from that of the existing courthouse.

E. A Greenway Setback. In each application, the approving officer or body shall establish a setback to keep structures separated from the Willamette River in order to protect, maintain, preserve and enhance the natural scenic, historic and recreational qualities of the Willamette River Greenway, as set forth in the City comprehensive plan; provided, however, that the requirement to establish such setbacks shall not apply to water-related or water-dependent uses. No greenway setback standards shall apply for areas outside of the 150-foot Compatibility boundary.

Finding: Complies. The current setback from the low water line (as provided by the Oregon Department of State Lands) is 116 feet, following the topography up the steep hill to the north side of the building. Oregon City has not adopted a specific greenway setback ; instead, it uses the Type III process to review proposals and provides a site-specific setback to ensure compliance with the overlay district approval criteria. In this case, the proposed development does not encroach beyond the existing courthouse footprint and will provide a public access easement to ensure that there is adequate space to construct a future public project that has been adopted into the Transportation System Plan (TSP). Therefore, staff recommends that the Planning Commission accept the site-specific approach to setbacks.

Requiring an additional setback does not provide any additional access to the Willamette River beyond what is already contemplated in the McLoughlin Blvd enhancement plan, or what exists currently with the McLoughlin Blvd enhancement plan, or what exists currently with the McLoughlin Blvd/99E ODOT structures. There is no nexus tied to an additional setback to the Willamette River for this existing urban site. The applicant's proposal, in concert with the conditions of approval for public access, provides the necessary balance between supporting existing urban development and ensuring public access to the Willamette River.

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. The project has been reviewed for consistency with the Oregon Department of Transportation Greenway Plan, the Greenway policies of the OC2040 Comprehensive Plan, applicable Willamette River Greenway statutes, and Statewide Planning Goal 15. OC2040 recognizes the Willamette River Greenway as an important natural and scenic resource for Oregon City and establishes policies to protect and enhance this corridor, including preserving vegetated areas, scenic views, and fish and wildlife habitat, and encouraging appropriate public access consistent with local park planning. Statewide Planning Goal 15 is intended to protect, conserve, enhance, and maintain the natural, scenic, recreational, and ecological qualities of the Willamette River Greenway while allowing urban uses consistent with local plans and regulations. The proposed development is consistent with these objectives by directing development away from the river relative to existing conditions, preserving and enhancing vegetated areas within the river corridor, and accommodating future public access consistent with adopted plans.

17.48.100 - Compatibility review.

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

Finding: Complies. As the project is located within the 150-foot compatibility boundary, the development has been carefully designed to ensure compatibility with Oregon's Greenway statutes. Building placement, landscape treatment, and site design emphasize visual quality, protection of the river environment, and accommodation of public access consistent with applicable Greenway standards.

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

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

Finding: Complies with condition. The proposed project provides the maximum practicable landscaped area and vegetation between the development and the Willamette River. A substantial existing vegetated bank between the development area and the river will be preserved and left undisturbed. In addition, the project incorporates new native landscaping between the proposed building and the top of the bank, increasing vegetative buffering relative to existing conditions. Goal 15 identifies that lands committed to urban use means those lands upon which the economic, developmental and locational factors have, when considered together, made the use of the property for other than urban purposes inappropriate.

Building placement within the previously developed portion of the site allows the majority of the river-facing area to remain in vegetated open space, thereby maximizing separation between development activity and the river corridor to the extent practicable within its urban setting.

The existing basalt bank at the rear of the property consists of various scrub vegetation and invasive species such as Himalayan blackberry. As part of any future development, the applicant shall submit a landscape plan that incorporates native landscaping along the rear edge of the lot (approximately 3,800 sq feet) and removes all invasive species on-site. Native landscaping shall be varied and include vertical and horizontal elements, as appropriate for the on-site soil conditions. The landscaping plan shall provide planting that provides full coverage within 5 years.

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 condition. The project provides for necessary public access to and along the Willamette River to the greatest degree practicable through appropriate legal means, including preservation of required areas and provision of public access easements consistent with future plans, including the McLoughlin Boulevard Enhancement Plan. Pedestrian access to and along the river (17.48.100.B.2) will be provided by public access easements and any needed construction and access for maintenance easements that follow the alignment of the adopted McLoughlin Blvd Enhancement Plan: Phase 3. (DS)

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 drain fields within one hundred feet of the ordinary mean low-water line of the Willamette River.*

Finding: Complies. No activities prohibited by OCMC 17.48.110 are proposed as part of this development.

17.48.120 - Additional procedural requirements.

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

- A. Applications submitted for review under Sections 17.48.070 through 17.48.100 shall be accompanied by such materials as are reasonably necessary for adequate review, including, as necessary:*
 - 1. A site and landscaping plan showing existing vegetation and development and location of proposed development for activities;*
 - 2. Elevations of any proposed structures;*
 - 3. Materials list for any proposed structures, including type and colors of siding and roofing; and*
 - 4. Cross-sections of any area within the vegetative fringe where grading, filling, timber harvesting or excavating will occur.*

Finding: Complies. A site plan is provided showing existing vegetation, the proposed building outline, and the existing footprint. Elevations and materials are not applicable to this proposal, and full cross sections are not required because there is no grading or filling within the vegetative fringe identified. A small representative cross section that includes the proposed height is shown in Figure 7, looking at the setback from the ordinary low water line.

B. 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.

1. 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. A notice was sent to the Oregon Department of Transportation via email at the time of land use transmittal, requesting confirmation of whether they wanted a final order sent by certified mail.

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.

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

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

Table 17.50.030 – Permit Approval Process

Permit Type	I	II	III	IV	Expedited Land Division
Compatibility review for the Willamette Greenway Overlay District			X		

**If any provision or element of the master plan/planned unit development requires a deferred Type III procedure, the detailed development plan shall be processed through a Type III procedure.*

C. 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. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the Planning Commission or the Historic Review Board hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice shall be issued at least twenty days pre-hearing, and the staff report shall be available at least seven days pre-hearing. At the evidentiary hearing held before the Planning Commission or the Historic Review Board, all issues are addressed. The decision of the Planning Commission or Historic Review Board is appealable to the City Commission, on the record pursuant to OCMC

17.50.190. *The City Commission decision on appeal from is the City's final decision and is subject to review by LUBA within twenty-one days of when it becomes final, unless otherwise provided by state law.*

17.50.040 Development review in overlay districts and for erosion control.

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

Finding: Complies. *The applicant has requested a Type III compatibility review for the Willamette River Greenway. This chapter applies.*

17.50.050 – Pre-application conference.

A. Pre-application Conference. Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal.

1. To schedule a pre-application conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.

2. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans.

3. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the pre-application conference.

B. A pre-application conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant shall schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.

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

Finding: Complies. *The application was submitted within six months of the pre-application conference held on 11/19/25. Therefore, the pre-application conference remains valid, and no additional conference is required.*

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. The Applicant met with the Two Rivers Neighborhood Association to present the development proposal on October 22, 2025. Prior meetings with the Two Rivers Neighborhood Association were also held on February 18, 2025, and April 23, 2025. In addition, the applicant also met with the Citizen Involvement Committee on November 3, 2025, to present the development proposal.

17.50.060 Application requirements.

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

Finding: Complies. The applicant has indicated that Level OCC-01 LLC is the applicant for this application and is authorized to submit the application on behalf of the property owner, Clackamas County. This application has been submitted in accordance with OCMC 17.50.060, with authorization from the record property owner, and includes all required forms, fees, and supporting documentation necessary to demonstrate compliance with applicable approval criteria.

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 following dates indicate compliance with the above standards. Application Submitted: 01/05/2026 Application Complete: 01/23/2026 120-Day Decision Deadline: 05/23/2026

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 reviewed for the above applicable information and deemed complete on 1/23/2026.

17.50.090 - Public notices.

All public notices issued by the City announcing applications or public hearings of quasi-judicial or legislative actions, shall comply with the requirements of this section.

B. Notice of Public Hearing on a Type III or IV Quasi-Judicial Application. Notice for all public hearings concerning a quasi-judicial application shall conform to the requirements of this subsection. At least twenty days prior to the hearing, the City shall prepare and send, by first class mail, notice of the hearing to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The City shall also publish the notice on the City website within the City at least twenty days prior to the hearing. Pursuant to OCMC 17.50.080.H, the applicant is responsible for providing an accurate and complete set of mailing labels for these property owners and for posting the subject property with the City-prepared notice in accordance with OCMC 17.50.100. Notice of the application hearing shall include the following information:

1. The time, date and location of the public hearing;
2. Street address or other easily understood location of the subject property and city-assigned planning file number;
3. A description of the applicant's proposal, along with a list of citations of the approval criteria that the City will use to evaluate the proposal;
4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing and that a staff report will be prepared and made available to the public at least seven days prior to the hearing;
5. A statement that any issue which is intended to provide a basis for an appeal to the City Commission shall be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the City and all parties to respond to the issue;
6. The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal;
7. A statement that the application and all supporting materials and evidence submitted in support of the application may be inspected at no charge and that copies may be obtained at reasonable cost at the planning division offices during normal business hours; and
8. The name and telephone number of the planning staff person responsible for the application or is otherwise available to answer questions about the application.

Finding: Complies. Public notices satisfying these requirements were initially mailed to property owners and occupants within 300 feet of the subject site on February 17, 2026, and the public comment deadline for inclusion in the staff report was February 27, 2026.

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. The applicant posted the property with 4 signatures (one on each frontage) and provided an affidavit stating they were installed in accordance with the requirements of this section.

17.50.110 Assignment of decision-makers.

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

A. Type I Decisions. The Community Development Director shall render all Type I decisions. The Community Development Director's decision is the City's final decision on a Type I application.

B. Type II Decisions. The Community Development Director shall render the City's decision on all Type II permit applications, which are then appealable to the City Commission with notice to the Planning Commission. The City's final decision is subject to review by LUBA.

C. Type III Decisions. The Planning Commission or Historic Review Board, as applicable, shall render all Type III decisions. Such decision is appealable to the City Commission, on the record. The City Commission's decision is the city's final decision and is subject to review by LUBA within twenty-one days of when it becomes final.

D. Type IV Decisions. The Planning Commission shall render the initial decision on all Type IV permit applications. If the Planning Commission denies the Type IV application, that decision is final unless appealed in accordance with OCMC 17.50.190. If the Planning Commission recommends approval of the application, that recommendation is forwarded to the City Commission. The City Commission decision is the City's final decision on a Type IV application and is subject to review LUBA.

E. Expedited Land Division (ELD). The Community Development Director shall render the initial decision on all ELD applications. The Community Development Director's decision is the City's final decision unless appealed in accordance to ORS 197.375 to a City-appointed hearings referee. The

hearings referee decision is the City's final decision which is appealable to the Oregon Court of Appeals.

Finding: Complies. A Willamette River Greenway Compatible Review is a Type III Planning Commission Decision.

17.50.120 Quasi-judicial hearing process.

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

A. Once the Community Development Director determines that an application for a Type III or IV decision is complete, the planning division shall schedule a hearing before the Planning Commission or Historic Review Board, as applicable. Once the Community Development Director determines that an appeal of a Type II, Type III or Type IV decision has been properly filed under OCMC 17.50.190, the planning division shall schedule a hearing pursuant to OCMC 17.50.190.

B. Notice of the Type III or IV hearing shall be issued at least twenty days prior to the hearing in accordance with OCMC 17.50.090.B.

C. Written notice of an appeal hearing shall be sent by regular mail no later than fourteen days prior to the date of the hearing to the appellant, the applicant if different from the appellant, the property owner(s) of the subject site, all persons who testified either orally or in writing before the hearing body and all persons that requested in writing to be notified.

D. The Community Development Director shall prepare a staff report on the application which lists the applicable approval criteria, describes the application and the applicant's development proposal, summarizes all relevant city department, agency and public comments, describes all other pertinent facts as they relate to the application and the approval criteria and makes a recommendation as to whether each of the approval criteria are met.

E. At the beginning of the initial public hearing at which any quasi-judicial application or appeal is reviewed, a statement describing the following shall be announced to those in attendance:

1. That the hearing will proceed in the following general order: Staff report, applicant's presentation, testimony in favor of the application, testimony in opposition to the application, rebuttal, record closes, commission deliberation and decision;

2. That all testimony and evidence submitted, orally or in writing, shall be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria shall be listed and discussed on the record. The meeting chairperson may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open;

3. Failure to raise an issue on the record with sufficient specificity and accompanied by statements or evidence sufficient to afford the City and all parties to respond to the issue, will preclude appeal on that issue to the land use board of appeals;

4. Any party wishing a continuance or to keep open the record shall make that request while the record is still open;

5. That the commission chair shall call for any ex-parte contacts, conflicts of interest or bias before the beginning of each hearing item; and

6. For appeal hearings, only those persons who participated either orally or in writing in the decision or review will be allowed to participate either orally or in writing on the appeal.

F. Requests for continuance and to keep open the record: The hearing may be continued to allow the submission of additional information or for deliberation without additional information. New notice of a continued hearing need not be given so long as a time-certain and location is established for the continued hearing. Similarly, hearing may be closed but the record kept open for the submission of additional written material or other documents and exhibits. The chairperson may limit the factual and legal issues that may be addressed in any continued hearing or open record period.

Finding: Complies. This application will follow the Type III quasi-judicial hearing process.

17.50.130 Conditions of approval and notice of decision.

A. All City decision-makers have the authority to impose reasonable conditions of approval designed to ensure that all applicable approval standards, including standards set out in city overlay districts, the City's master plans, and City public works design standards, are, or can be met.

B. Failure to comply with any condition of approval shall be grounds for revocation of the permit(s) and grounds for instituting code enforcement proceedings pursuant to OCMC 1.20 of this code and ORS 30.315.

C. Notice of Decision. The City shall send, by first class mail, a notice of all decisions rendered under this chapter to all persons with standing, i.e., the applicant, all others who participated either orally or in writing before the close of the public record and those who specifically requested notice of the decision. The notice of decision shall include the following information:

- 1. The file number and date of decision;*
- 2. The name of the applicant, owner and appellant (if different);*
- 3. The street address or other easily understood location of the subject property;*
- 4. A brief summary of the decision, and if an approval, a description of the permit approved;*
- 5. A statement that the decision is final unless appealed and description of the requirements for perfecting an appeal;*
- 6. The contact person, address and a telephone number whereby a copy of the final decision may be inspected or copies obtained.*

D. Modification of Conditions. Any request to modify a condition of permit approval is to be considered either minor modification or a major modification, unless otherwise authorized. A minor modification shall be processed as a Type I. A major modification shall be processed in the same manner and shall be subject to the same standards as was the original application. However, the decision-maker may at their sole discretion, consider a modification request and limit its review of the approval criteria to those issues or aspects of the application that are proposed to be changed from what was originally approved.

Finding: Complies. A Notice of Decision with attached Conditions of Approval will be sent to all parties with standing, including the required information.

17.50.140 – Financial guarantees.

When conditions of permit approval require a permittee to construct certain public improvements, the City shall require the permittee to provide financial guarantee for construction of the certain public improvements. Financial guarantees shall be governed by this section.

A. Form of Guarantee. Guarantees shall be in a form approved by the City attorney. Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a

recognized lending institution, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the City. The form of guarantee shall be specified by the City engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City attorney. The guarantee shall be filed with the City engineer.

B. Performance Guarantees. A permittee shall be required to provide a performance guarantee as follows.

1. After Final Approved Design by the City. The City may request the permittee to submit a performance guarantee for construction of certain public improvements. A permittee may request the option of submitting a performance guarantee when prepared for temporary/final occupancy. The guarantee shall be one hundred twenty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City engineer.

2. Before Complete Design Approval and Established Engineered Cost Estimate. The City may request a permittee to submit a performance guarantee for construction of certain public improvements. A permittee may request the option of submitting a performance guarantee before public improvements are designed and completed. The guarantee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City engineer.

C. Release of Guarantee. The guarantee shall remain in effect until the improvement is actually constructed and accepted by the City. Once the City has inspected and accepted the improvement, the City shall release the guarantee to the permittee. If the improvement is not completed to the City's satisfaction within the time limits specified in the permit approval, the City engineer may, at their discretion, draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the City in completing the construction, including any costs incurred in attempting to have the permittee complete the improvement. Once constructed and approved by the City, any remaining funds shall be refunded to the permittee. The City shall not allow a permittee to defer construction of improvements by using a performance guarantee, unless the permittee agrees to construct those improvements upon written notification by the City, or at some other mutually agreed-to time. If the permittee fails to commence construction of the required improvements within six months of being instructed to do so, the City may, without further notice, undertake the construction of the improvements and draw upon the permittee's performance guarantee to pay those costs.

D. Fee-in-lieu. When conditions of approval or the City engineer allows a permittee to provide a fee-in-lieu of actual construction of public improvements, the fee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City engineer. The percentage required is to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City engineer. The fee-in-lieu shall be submitted as cash, certified check, or other negotiable instrument acceptable by the City attorney.

Finding: Not applicable. A Performance Guarantee which is equal to 120% of the estimated cost for construction of public improvements as shown in City approved construction plans will be reviewed and conditioned as part of the Type II Site Plan and Design Review.

17.50.141 – Public improvements – Warranty

All public improvements not constructed by the City, shall be maintained and under warranty provided by the property owner or developer constructing the facilities until the City accepts the improvements at the end of the warranty period. The warranty is to be used at the discretion of the City engineer or designee to correct deficiencies in materials or maintenance of constructed public infrastructure, or to address any failure of engineering design.

A. Duration of Warranty. Responsibility for maintenance of public improvements shall remain with the property owner or developer for a warranty period of two years.

B. Financial Guarantee. Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, bond, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the City. The form of guarantee shall be specified by the City engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City attorney. The guarantee shall be filed with the City engineer.

C. Amount of Warranty. The amount of the warranty shall be equal to fifteen percent of the estimated cost of construction of all public improvements (including those improvements that will become owned and maintained by the City at the end of the two-year maintenance period), and shall be supported by a verified engineering estimate and approved by the City engineer. Upon expiration of the warranty period and acceptance by the City as described below, the City shall be responsible for maintenance of those improvements.

D. Transfer of Maintenance. The City will perform an inspection of all public improvements approximately forty-five days before the two-year warranty period expires. The public improvements shall be found to be in a clean, functional condition by the City engineer before acceptance of maintenance responsibility by the City. Transfer of maintenance of public improvements shall occur when the City accepts the improvements at the end of the two-year warranty period.

Finding: Not applicable. Public improvements will be reviewed and conditioned as part of the Type II Site Plan and Design Review.

RECOMMENDATION:

Based on the analysis and findings as described above, staff concludes that the Willamette River Greenway Review located at 807 Main Street, Oregon City, Oregon 97045, identified as Clackamas County Map 3-2E-06DB Tax lot 04400, 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 with conditions, based upon the findings and exhibits contained in this staff report.

EXHIBITS:

1. Applicant's Submittal
2. Public Comment
 - a. Melissa Gonzalez-Gabriel, ODOT
 - b. Presentation by the applicant at the **February 24, 2026, Historic Review Board meeting** (agenda, minutes, video) Onfile
3. February 27, 2026, letter from Melissa Ryan, Assistant City Attorney.
4. 801 (807) Main Street Survey Form
5. McLoughlin Blvd Enhancement-Phase 3: 10th Street to tumwata village (ORD 24-1014)
6. Oregon Revised Statute 358.653 Fact Sheet
7. Goal 15
8. OC2040 Oregon City Comprehensive Plan (2022)

TYPE III Design Review - Willamette River Greenway Overlay
Applicant's Submittal
January 5, 2026

APPLICANT: Seth Henderson, Managing Member | Level OCC-01 LLC
7327 SW Barnes #523, Portland, OR 97225

OWNER: Clackamas County
2051 Kaen Rd, Ste 450
Oregon, City, OR 97045

REQUEST: Review and approval of the Willamette River Greenway overlay criteria. The development is a mixed-use space with ground-floor retail, 84 apartments, including a mix of studio, one-bedroom, and two-bedroom units. It also features amenities, support spaces, and off-street parking. The total proposed area is 83,000 square feet. The ground-floor retail space is 2,600 square feet and is directly adjacent to Liberty Plaza. The building is planned as a five-story wood-framed structure above a one-level, partially subterranean concrete parking garage.

LOCATION: 807 Main Street, Oregon City, OR 97045
Clackamas County Map 22E31AB0 TL4400

I. BACKGROUND:

1. Existing Conditions
Willamette River Greenway

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, 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.

2. Project Description

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

Chapter 17.34 MUD Mixed Use Downtown District

Chapter 17.50 Administration And Procedures

Chapter 17.48 -WRG Willamette River Greenway Overlay District

REQUIRED CODE RESPONSES:

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.

17.34.020 - Permitted uses.

Permitted uses in the MUD district are defined as:

- A. Banquet, conference facilities and meeting rooms;*
- B. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities;*
- C. Child care centers and/or nursery schools;*
- D. Indoor entertainment centers and arcades;*
- E. Health and fitness clubs;*
- F. Medical and dental clinics, outpatient; infirmary services;*
- G. Museums, libraries and cultural facilities;*
- H. Offices, including finance, insurance, real estate and government;*
- I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;*
- J. Postal services;*
- K. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;*
- L. Multifamily residential, triplexes and quadplexes;*
- M. 1 or 2 units in conjunction with a nonresidential use provided that the residential use occupies no more than 50% of the total square footage of the development;*
- N. Restaurants, eating and drinking establishments without a drive through;*
- O. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;*
- P. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores provided the maximum footprint of a freestanding building with a single store does not*

exceed sixty thousand square feet (a freestanding building over sixty thousand square feet is allowed as long as the building contains multiple stores);

Q. Seasonal sales;

R. Residential care facilities, assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;

S. Studios and galleries, including dance, art, photography, music and other arts;

T. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;

U. Veterinary clinics or pet hospitals, pet day care;

V. Home occupations;

W. Research and development activities;

X. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;

Y. Transportation facilities;

Z. Live/work dwellings;

AA. After-hours public parking;

BB. Marinas;

CC. Religious institutions.

DD. Mobile food units outside of the downtown design district.

Applicant's Response: The proposed development includes multi-family and retail trade, as described above as a permitted use, therefore this standard is met.

17.34.030 - Conditional uses.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in OCMC 17.56.

A. Drive-through facilities;

B. Emergency services;

C. Hospitals;

D. Outdoor markets that do not meet the criteria of OCMC 17.34.020.I.;

E. Parks, playgrounds, play fields and community or neighborhood centers;

F. Parking structures and lots not in conjunction with a primary use on private property, excluding after-hours public parking;

G. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a freestanding building with a single store exceeding a foot print of sixty thousand square feet;

H. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;

I. Public utilities and services such as pump stations and sub-stations;

J. Distributing, wholesaling and warehousing;

K. Gas stations;

L. Public and or private educational or training facilities;

M. Stadiums and arenas;

N. Passenger terminals (water, auto, bus, train), excluding bus stops;

O. Recycling center and/or solid waste facility;

P. Shelters, except within the Downtown Design District.

Applicant's Response: No conditional uses are proposed, therefore these standards are not applicable to the development.

17.34.040 - Prohibited uses.

The following uses are prohibited in the MUD district:

- A. Kennels;*
- B. Outdoor storage and sales, not including outdoor markets allowed in OCMC 17.34.030;*
- C. Self-service storage;*
- D. Single-Family detached residential units, townhouses and duplexes;*
- E. Motor vehicle and recreational vehicle repair/service;*
- F. Motor vehicle and recreational vehicle sales and incidental service;*
- G. Heavy equipment service, repair, sales, storage or rental² (including but not limited to construction equipment and machinery and farming equipment);*
- H. Marijuana production, processing, wholesaling, research, testing, and laboratories;*
- I. Mobile food units within the downtown design district unless a special event has been issued.*

Applicant's Response: No prohibited uses are proposed, therefore these standards are not applicable to the development.

17.34.070 - Mixed-use downtown dimensional standards—For properties located within the downtown design district.

A. Minimum lot area: None.

Applicant's Response: No minimum lot area is required, therefore the project meets this standard as proposed.

B. Minimum floor area ratio: 0.5.

Applicant's Response: Proposed FAR is 1.64:1, therefore, the minimum standard is met.

C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.

Applicant's Response: The building is planned as a five-story wood-framed structure above a one-level, partially subterranean concrete parking garage. Therefore, the project meets this standard as proposed.

D. Maximum building height: Fifty-eight feet.

Applicant's Response: Building will not exceed 58' and is currently designed at 57' from the average grade along Main Street, therefore the project meets this standard as proposed.

E. Minimum required setbacks, if not abutting a residential zone: None.

Applicant's Response: No minimum setbacks are required, therefore the project meets this standard as proposed.

F. Minimum required interior and rear yard setback if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every three feet in building height over thirty-five feet.

Applicant's Response: Project does not abut a residential zone, therefore this standard is not applicable to this development.

G. Maximum Allowed Setbacks.

1. Front yard setback: Ten feet.

Applicant's Response: The project proposes a zero-foot front yard setback, which meets the maximum allowed setback standard.

2. Interior side yard setback: No maximum.

Applicant's Response: Due to Liberty Plaza and the existing parking lot, the interior side yard setback is set back extensively from 9th Street. Provided there is no maximum setback at interior side yards, the project meets this standard as proposed.

3. Corner side yard setback abutting street: Ten feet.

Applicant's Response: Current setback along 8th Street is 8', therefore, this standard is met.

4. Rear yard setback: No maximum.

Applicant's Response: The project rear yard abuts a street, therefore, this standard is not applicable.

5. Rear yard setback abutting street: Ten feet. Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D

Applicant's Response: The proposed rear setback is 28'-3", which is an increase from the existing courthouse. This setback exceeds the minimum, therefore, the project meets this standard as proposed.

H. Maximum site coverage of the building and parking lot: Ninety-five percent.

Applicant's Response: Current proposed site coverage is 79.5%, therefore, this standard is met.

I. Minimum landscape requirement (including parking lot): 5 percent.

Applicant's Response: Current proposed landscape coverage is 20.5%, therefore, this standard is met.

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.

Applicant's Response: No minimum density is required as residential uses are proposed over non-residential uses in a vertical mixed-use configuration, therefore the standard is not applicable.

K. Standalone residential development of fewer than five units are exempt from maximum setbacks of the underlying zone.

Applicant's Response: Project proposed as containing 84 units, therefore this standard is not applicable.

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.

Applicant's Response: Proposed project meets provisions of underlying zoning district and allowed uses, therefore this standard is met.

17.48.050 - Permit required—Exceptions.

A Willamette River Greenway permit shall be required for all developments and changes or intensification of uses, except the following:

- A. The propagation of timber or the cutting of timber for public safety or personal use, except the cutting of timber along the natural vegetative fringe along the river;*
- B. Gravel removal from the bed of the Willamette River when conducted under a permit from the state;*
- C. Customary dredging and channel maintenance;*
- D. Placing by a public agency of signs, markers, aids and similar structures to serve the public;*
- E. Activities to protect, conserve, enhance and maintain public recreation, scenic, historical and natural uses on public lands;*
- F. Acquisition and maintenance of scenic easements by the Oregon Department of Transportation;*
- G. Partial harvesting of timber shall be permitted beyond the natural vegetative fringe and those areas not covered by a scenic easement and when the harvest is consistent with an approved plan under the Oregon Forest Practices Act. Commercial forest activities and harvesting practices providing for vegetative buffers, shading, soil stabilization, and water filtering effects required under the Oregon Forest Practices Act;*
- H. The use of a small cluster of logs for erosion control;*

- I. The expansion of capacity or the replacement of existing communication or energy distribution and transmission systems, except utility sub-stations;*
- J. The maintenance and repair of existing flood control facilities;*
- K. Any activity subject to Type I review pursuant to OCMC 17.62.035.A.2, provided that proposed changes are located entirely outside of the compatibility boundary and on existing developed commercial, multifamily, or industrial properties.*
- L. Within the compatibility boundary, exterior building changes that are not considered remodeling.*
- M. Changes to landscaping or parking subject to Type I review pursuant to OCMC 17.62.035.A.2 that are more than 100 feet from the Oregon Department of State Lands' mapped ordinary low water line of the Willamette River, provided that changes are located on existing developed commercial, multifamily, or industrial properties.*
- N. On existing single or two-family residential properties, landscaping, construction of driveways, modification of existing structures or construction or placement of such subsidiary structures or facilities adjacent to the residence.*
- O. The addition of a wall sign, projecting sign, or roof sign on any building in the WRG overlay.*

Applicant's Response: Proposed project does not meet any of the listed exceptions, therefore, a permit will be required.

17.48.060 - Procedures.

Except as specifically provided for in Section 17.48.100, the procedure for action on a Willamette River Greenway permit shall be as provided for under the Type II review provisions in OCMC 17.50.

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.*

Applicant's Response: The proposed development is a residential use and is not a recreational use, does not involve timber resources, and does not include aggregate extraction. Therefore, the considerations set forth in Goal 15 Sections C.3.b, C.3.h, and C.3.i are not applicable.

The site is not identified in the Oregon City Comprehensive Plan as a designated fish and wildlife habitat, and no such habitat is affected by the proposal; therefore, the considerations in Section C.3.d of Goal 15 are not applicable.

With respect to scenic qualities and views identified in the Comprehensive Plan, the project has been designed to be compatible with the Willamette River corridor through building placement, preservation of existing vegetation, and supplemental native landscaping, consistent with the intent of Goal 15 Section C.3.e.

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.

Applicant's Response: Public access to the Willamette River is addressed through site planning that preserves adequate space for future implementation of the McLoughlin Boulevard Enhancement Plan (Phase 3), as adopted in the Transportation System Plan. While construction of these improvements is not included in this approval, the project acknowledges the required area and will provide a public access easement over portions of the site necessary to accommodate future public access improvements.

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.

Applicant's Response: Public safety and property protection are provided through site layout, building design, lighting, and access control measures that minimize opportunities for vandalism and trespass, consistent with clear and objective development standards.

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

Applicant's Response: The project protects the existing vegetative fringe along the Willamette River and enhances it to the maximum extent practicable through preservation of existing vegetation and supplemental native planting appropriate to the existing rock outcropping and river corridor.

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.

Applicant's Response: Consistent with the Greenway standard, development is directed away from the Willamette River through replacement of an existing building within the previously developed footprint. The proposed building is located no closer to the river and is positioned farther from the steep bank and river corridor than the existing structure.

E. A Greenway Setback. In each application, the approving officer or body shall establish a setback to keep structures separated from the Willamette River in order to protect, maintain, preserve and enhance the natural scenic, historic and recreational qualities of the Willamette River Greenway, as set forth in the City comprehensive plan; provided, however, that the requirement to establish such setbacks shall not apply to water-related or water-dependent uses. No greenway setback standards shall apply for areas outside of the 150-foot Compatibility boundary.

Applicant's Response: Current setback from the low water line (location of line provided by Oregon Department of State Lands) is 104' following the topography up the steep hill to the north side of the building.

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.

Applicant's Response: The project has been reviewed for consistency with the Oregon Department of Transportation Greenway Plan, the Greenway policies of the OC2040 Comprehensive Plan, applicable Willamette River Greenway statutes, and Statewide Planning Goal 15. OC2040 recognizes the Willamette River Greenway as an important natural and scenic resource for Oregon City and establishes policies to protect and enhance this corridor, including preserving vegetated areas, scenic views, and fish and wildlife habitat, and encouraging appropriate public access consistent with local park planning.

Statewide Planning Goal 15 is intended to protect, conserve, enhance, and maintain the natural, scenic, recreational, and ecological qualities of the Willamette River Greenway while allowing urban uses consistent with local plans and regulations. The proposed development is consistent with these objectives by directing development away from the river relative to existing conditions, preserving and enhancing vegetated areas within the river corridor, and accommodating future public access consistent with adopted plans.

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.

Applicant's Response: As the project is located within the 150-foot compatibility boundary, the development has been carefully designed to ensure compatibility with Oregon's Greenway statutes. Building placement, landscape treatment, and site design emphasize visual quality, protection of the river environment, and accommodation of public access consistent with applicable Greenway standards.

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.

Applicant's Response: The proposed project provides the maximum practicable landscaped area and vegetation between the development and the Willamette River. A substantial existing vegetated bank between the development area and the river will be preserved and left undisturbed. In addition, the project incorporates new native landscaping between the proposed building and the top of the bank, increasing vegetative buffering relative to existing conditions.

Building placement within the previously developed portion of the site allows the majority of the river-facing area to remain in vegetated open space, thereby maximizing separation between development activity and the river corridor.

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

Applicant's Response: The project provides for necessary public access to and along the Willamette River to the greatest degree practicable through appropriate legal means, including preservation of required areas and provision of public access easements consistent with future plans including the McLoughlin Boulevard Enhancement Plan.

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 drain fields within one hundred feet of the ordinary mean low-water line of the Willamette River.*

Applicant's Response: No activities prohibited by OCMC 17.48.110 are proposed as part of this development.

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.*

Applicant's Response: A site plan is provided showing existing vegetation and proposed building outline as well as the existing footprint. Elevations and materials are not applicable for this proposal, and cross sections are not required because there is no grading/filling within the vegetative fringe identified.

B. 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.

- 1. 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.*

Applicant's Response: Per conversations with Planning staff, this notification will be via email and we will work with Staff to notify ODOT in a timely manner.

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.

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

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

Table 17.50.030 – Permit Approval Process

Permit Type	I	II	III	IV	Expedited Land Division
Annexation				X	
Compatibility review for communication facilities	X				
Compatibility review for the Willamette Greenway Overlay District			X		
Code Interpretation			X		
Master plan/planned unit development - General Development plan			X		
Master plan/planned unit development - General Development plan amendment	X	X	X		
Conditional use (excluding shelters)			X		
Conditional use for a shelter				X	
Detailed development plan*	X	X	X		
Expedited land division		X(modified)			X
Extension	X				
Final plat	X				
Geologic hazards		X			
Historic review	X		X		
Live/Work dwelling review		X			
Lot line adjustment and abandonment	X				
Manufactured home park review (new or modification)	X				
Middle housing land division		X(modified)			X
Minor partition		X			
Modifications of residential design standards		X			
Natural resource overlay district exemption	X				
Natural resource overlay district review		X	X		
Nonconforming use, structure and lots review	X	X			

Placement of a single manufactured home on existing space or lot within a park	X				
Plan or code amendment					X
Residential design standards review for single-family detached, duplexes, triplexes, quadplexes, townhouses, cottage clusters and accessory dwelling units (uses minor site plan and design review)	X				
Revocation					X
Site plan and design review	X	X			
Subdivision		X			X
Variance		X	X		
Zone Change				X	

**If any provision or element of the master plan/planned unit development requires a deferred Type III procedure, the detailed development plan shall be processed through a Type III procedure.*

A. Type I decisions do not require interpretation or the exercise of policy or legal judgment in evaluating approval criteria. Because no discretion is involved, Type I decisions do not qualify as a land use, or limited land use, decision. The decision-making process requires no notice to any party other than the applicant. The Community Development Director's decision is final and not appealable by any party through the normal city land use process.

B. Type II decisions involve the exercise of limited interpretation and discretion in evaluating approval criteria, similar to the limited land use decision-making process under state law. Applications evaluated through this process are assumed to be allowable in the underlying zone, and the inquiry typically focuses on what form the use will take or how it will look. Notice of application and an invitation to comment is mailed to the applicant, recognized active neighborhood association(s) and property owners within three hundred feet. The Community Development Director accepts comments for a minimum of fourteen days and renders a decision. The Community Development Director's decision is appealable to the City Commission, by any party who submitted comments in writing before the expiration of the comment period. Review by the City Commission shall be on the record pursuant to OCMC 17.50.190 under ORS 197.195(5). The City Commission decision is the City's final decision and is subject to review by the land use board of appeals (LUBA) within twenty-one days of when it becomes final.

C. 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. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the Planning Commission or the Historic Review Board hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice shall be issued at least twenty days pre-hearing, and the staff report shall be available at least seven days pre-hearing. At the evidentiary hearing held before the Planning Commission or the Historic Review Board, all issues are addressed. The decision of the Planning Commission or Historic Review Board is appealable to the City Commission, on the record pursuant to OCMC 17.50.190. The City Commission decision on appeal from is the City's final decision and is subject to review by LUBA within twenty-one days of when it becomes final, unless otherwise provided by state law.

D. Type IV decisions include only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and shall be

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

E. Expedited land divisions and middle housing land divisions are subject to the requirements of OCMC 16.24. The expedited land division (ELD) process is set forth in ORS 197.360 to 197.380.

F. Decisions, completeness reviews, appeals, and notices in this chapter shall be calculated according to OCMC 1.04.070 and shall be based on calendar days, not business days.

17.50.040 Development review in overlay districts and for erosion control.

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

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.

Applicant's Response: Pre-application conference was held November 19, 2025.

B. A pre-application conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant shall schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not

changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.

Applicant's Response: The application was submitted within six months of the pre-application conference held on 11/19/25. Therefore, the pre-application conference remains valid and no additional conference is required.

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

Applicant's Response: The applicant acknowledges that any information provided by City staff during the pre-application conference does not constitute a waiver of applicable code requirements and that the proposal is subject to full compliance with all relevant standards and approval criteria.

17.50.055 - Neighborhood association meeting.

Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

A. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.

B. The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the citizen involvement committee.

C. A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, citizen involvement committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a city facility.

D. If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the citizen involvement committee.

E. To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.

Applicant's Response: Applicant met with the [Two Rivers Neighborhood Association](#) to present the development proposal on October 22, 2025. Prior meetings with the Two Rivers Neighborhood

Association were also held on February 18, 2025, and April 23, 2025. In addition, applicant also met with [Citizen Involvement Committee](#) on November 3, 2025 to present the development proposal.

17.50.060 Application requirements.

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

Applicant's Response: Level OCC-01 LLC is the applicant for this application and is authorized to submit the application on behalf of the property owner, Clackamas County. This application has been submitted in accordance with OCMC 17.50.060, with authorization from the record property owner, and includes all required forms, fees, and supporting documentation necessary to demonstrate compliance with applicable approval criteria.

17.50.070 Completeness review and one hundred twenty-day rule.

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

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

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

- 1. All the missing information;*
- 2. Some of the missing information and written notice from the applicant that no other information will be provided; or*
- 3. Written notice from the applicant that none of the missing information will be provided.*

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

1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one hundred twenty-day period.
2. Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one hundred twenty-day period for the amount of time required to correct the notice defect.
3. The one hundred twenty-day period does not apply to any application for a permit that is not wholly within the City's authority and control.
4. The one hundred twenty-day period does not apply to any application for an amendment to the City's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.

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

1. The project includes five or more residential units, including assisted living facilities or group homes;
2. At least fifty percent of the residential units will be sold or rented to households with incomes equal to or less than sixty percent of the median family income for Clackamas County or for the state, whichever is greater; and
3. Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of sixty years from the date of the certificate of occupancy.

E. The one hundred twenty-day period specified in OCMC 17.50.070.C or D may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed two hundred forty-five calendar days.

F. The approval standards that control the City's review and decision on a complete application are those which were in effect on the date the application was first submitted.

Applicant's Response: The application has been submitted in accordance with OCMC 17.50.070 and will be reviewed for completeness and processed within the applicable statutory timelines.

17.50.080 Complete application—Required information.

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

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

1. An accurate address and tax map and location of all properties that are the subject of the application;
2. Name, address, telephone number and authorization signature of all record property owners or contract owners, and the name, address and telephone number of the applicant, if different from the property owner(s);

B. A complete list of the permit approvals sought by the applicant;

C. A complete and detailed narrative description of the proposed development;

D. A discussion of the approval criteria for all permits required for approval of the development proposal that explains how the criteria are or can be met or are not applicable, and any other information indicated by staff at the pre-application conference as being required;

E. One copy of all architectural drawings and site plans shall be submitted for Type II—IV applications. One paper copy of all application materials shall be submitted for Type I applications;

F. For all Type II—IV applications, the following is required:

- 1. An electronic copy of all materials.*
- 2. Mailing labels or associated fee for notice to all parties entitled under OCMC 17.50.090 to receive mailed notice of the application. The applicant shall use the names and addresses of property owners within the notice area indicated on the most recent property tax rolls.*
- 3. Documentation indicating there are no liens favoring the City on the subject site.*
- 4. A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year.*
- 5. A current preliminary title report or trio for the subject property(ies);*

G. All required application fees;

H. Annexation agreements, traffic or technical studies (if applicable);

I. Additional documentation, as needed and identified by the Community Development Director.

Applicant's Response: Applicable information required above will be submitted as part of the overall application.

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.

Applicant's Response: Proposal is not a Type II process, therefore this standard does not apply.

B. Notice of Public Hearing on a Type III or IV Quasi-Judicial Application. Notice for all public hearings concerning a quasi-judicial application shall conform to the requirements of this subsection. At least twenty days prior to the hearing, the City shall prepare and send, by first class mail, notice of the hearing to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The City shall also publish the notice on the City website within the City at least twenty days prior to the hearing. Pursuant to OCMC 17.50.080.H, the applicant is responsible for providing an accurate and complete set of mailing labels for these property owners and for posting the subject property with the City-prepared notice in accordance with OCMC 17.50.100. Notice of the application hearing shall include the following information:

- 1. The time, date and location of the public hearing;*
- 2. Street address or other easily understood location of the subject property and city-assigned planning file number;*
- 3. A description of the applicant's proposal, along with a list of citations of the approval criteria that the City will use to evaluate the proposal;*
- 4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing and that a staff report will be prepared and made available to the public at least seven days prior to the hearing;*
- 5. A statement that any issue which is intended to provide a basis for an appeal to the City Commission shall be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the City and all parties to respond to the issue;*
- 6. The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal;*
- 7. A statement that the application and all supporting materials and evidence submitted in support of the application may be inspected at no charge and that copies may be obtained at reasonable cost at the planning division offices during normal business hours; and*
- 8. The name and telephone number of the planning staff person responsible for the application or is otherwise available to answer questions about the application.*

Applicant's Response: Acknowledging Type III procedure is applicable to this project proposal.

C. Notice of Public Hearing on a Legislative Proposal. At least twenty days prior to a public hearing at which a legislative proposal to amend or adopt the City's land use regulations or comprehensive plan is to be considered, the Community Development Director shall issue a public notice that conforms to the requirements of this subsection. Notice shall be sent to affected governmental entities, special districts, providers of urban services, including Tri-Met, Oregon Department of Transportation and Metro, any affected recognized neighborhood associations and any party who has requested in writing such notice. Notice shall also be published on the City website. Notice issued under this subsection shall include the following information:

- 1. The time, date and location of the public hearing;*
- 2. The City-assigned planning file number and title of the proposal;*

3. A description of the proposal in sufficient detail for people to determine the nature of the change being proposed;
4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing; and
5. The name and telephone number of the planning staff person responsible for the proposal and who interested people may contact for further information.

Applicant's Response: Proposal is not legislative, therefore this standard does not apply.

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 day following the event announced in the notice.

Applicant's Response: Acknowledging posting of site is applicable to this project proposal.

7.50.110 Assignment of decision-makers.

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

A. Type I Decisions. The Community Development Director shall render all Type I decisions. The Community Development Director's decision is the City's final decision on a Type I application.

B. Type II Decisions. The Community Development Director shall render the City's decision on all Type II permit applications, which are then appealable to the City Commission with notice to the Planning Commission. The City's final decision is subject to review by LUBA.

C. Type III Decisions. The Planning Commission or Historic Review Board, as applicable, shall render all Type III decisions. Such decision is appealable to the City Commission, on the record. The City Commission's decision is the city's final decision and is subject to review by LUBA within twenty-one days of when it becomes final.

D. Type IV Decisions. The Planning Commission shall render the initial decision on all Type IV permit applications. If the Planning Commission denies the Type IV application, that decision is final unless appealed in accordance with OCMC 17.50.190. If the Planning Commission recommends approval of the application, that recommendation is forwarded to the City Commission. The City Commission decision is the City's final decision on a Type IV application and is subject to review LUBA.

E. Expedited Land Division (ELD). The Community Development Director shall render the initial decision on all ELD applications. The Community Development Director's decision is the City's final decision unless appealed in accordance to ORS 197.375 to a City-appointed hearings referee. The hearings referee decision is the City's final decision which is appealable to the Oregon Court of Appeals.

Applicant's Response: Acknowledging Type III decisions are applicable to this project proposal.

17.50.120 Quasi-judicial hearing process.

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

A. Once the Community Development Director determines that an application for a Type III or IV decision is complete, the planning division shall schedule a hearing before the Planning Commission or Historic Review Board, as applicable. Once the Community Development Director determines that an appeal of a Type II, Type III or Type IV decision has been properly filed under OCMC 17.50.190, the planning division shall schedule a hearing pursuant to OCMC 17.50.190.

B. Notice of the Type III or IV hearing shall be issued at least twenty days prior to the hearing in accordance with OCMC 17.50.090.B.

C. Written notice of an appeal hearing shall be sent by regular mail no later than fourteen days prior to the date of the hearing to the appellant, the applicant if different from the appellant, the property owner(s) of the subject site, all persons who testified either orally or in writing before the hearing body and all persons that requested in writing to be notified.

D. The Community Development Director shall prepare a staff report on the application which lists the applicable approval criteria, describes the application and the applicant's development proposal, summarizes all relevant city department, agency and public comments, describes all other pertinent facts as they relate to the application and the approval criteria and makes a recommendation as to whether each of the approval criteria are met.

E. At the beginning of the initial public hearing at which any quasi-judicial application or appeal is reviewed, a statement describing the following shall be announced to those in attendance:

1. That the hearing will proceed in the following general order: Staff report, applicant's presentation, testimony in favor of the application, testimony in opposition to the application, rebuttal, record closes, commission deliberation and decision;

2. That all testimony and evidence submitted, orally or in writing, shall be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria shall be listed and discussed on the record. The meeting chairperson may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open;

3. Failure to raise an issue on the record with sufficient specificity and accompanied by statements or evidence sufficient to afford the City and all parties to respond to the issue, will preclude appeal on that issue to the land use board of appeals;

4. Any party wishing a continuance or to keep open the record shall make that request while the record is still open;

5. That the commission chair shall call for any ex-parte contacts, conflicts of interest or bias before the beginning of each hearing item; and

6. For appeal hearings, only those persons who participated either orally or in writing in the decision or review will be allowed to participate either orally or in writing on the appeal.

F. Requests for continuance and to keep open the record: The hearing may be continued to allow the submission of additional information or for deliberation without additional information. New notice of a continued hearing need not be given so long as a time-certain and location is established for the continued hearing. Similarly, hearing may be closed but the record kept open for the submission of

additional written material or other documents and exhibits. The chairperson may limit the factual and legal issues that may be addressed in any continued hearing or open record period.

Applicant's Response: Acknowledging the quasi-judicial process is applicable to this project proposal

17.50.130 Conditions of approval and notice of decision.

A. All City decision-makers have the authority to impose reasonable conditions of approval designed to ensure that all applicable approval standards, including standards set out in city overlay districts, the City's master plans, and City public works design standards, are, or can be met.

B. Failure to comply with any condition of approval shall be grounds for revocation of the permit(s) and grounds for instituting code enforcement proceedings pursuant to OCMC 1.20 of this code and ORS 30.315.

C. Notice of Decision. The City shall send, by first class mail, a notice of all decisions rendered under this chapter to all persons with standing, i.e., the applicant, all others who participated either orally or in writing before the close of the public record and those who specifically requested notice of the decision. The notice of decision shall include the following information:

- 1. The file number and date of decision;*
- 2. The name of the applicant, owner and appellant (if different);*
- 3. The street address or other easily understood location of the subject property;*
- 4. A brief summary of the decision, and if an approval, a description of the permit approved;*
- 5. A statement that the decision is final unless appealed and description of the requirements for perfecting an appeal;*
- 6. The contact person, address and a telephone number whereby a copy of the final decision may be inspected or copies obtained.*

D. Modification of Conditions. Any request to modify a condition of permit approval is to be considered either minor modification or a major modification, unless otherwise authorized. A minor modification shall be processed as a Type I. A major modification shall be processed in the same manner and shall be subject to the same standards as was the original application. However, the decision-maker may at their sole discretion, consider a modification request and limit its review of the approval criteria to those issues or aspects of the application that are proposed to be changed from what was originally approved.

Applicant's Response: Modification of conditions are not anticipated at this time.

17.50.140 – Financial guarantees.

When conditions of permit approval require a permittee to construct certain public improvements, the City shall require the permittee to provide financial guarantee for construction of the certain public improvements. Financial guarantees shall be governed by this section.

A. Form of Guarantee. Guarantees shall be in a form approved by the City attorney. Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the City. The form of guarantee shall be specified by the City engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City attorney. The guarantee shall be filed with the City engineer.

B. Performance Guarantees. A permittee shall be required to provide a performance guarantee as follows.

1. *After Final Approved Design by the City. The City may request the permittee to submit a performance guarantee for construction of certain public improvements. A permittee may request the option of submitting a performance guarantee when prepared for temporary/final occupancy. The guarantee shall be one hundred twenty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City engineer.*

2. *Before Complete Design Approval and Established Engineered Cost Estimate. The City may request a permittee to submit a performance guarantee for construction of certain public improvements. A permittee may request the option of submitting a performance guarantee before public improvements are designed and completed. The guarantee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City engineer.*

C. *Release of Guarantee. The guarantee shall remain in effect until the improvement is actually constructed and accepted by the City. Once the City has inspected and accepted the improvement, the City shall release the guarantee to the permittee. If the improvement is not completed to the City's satisfaction within the time limits specified in the permit approval, the City engineer may, at their discretion, draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the City in completing the construction, including any costs incurred in attempting to have the permittee complete the improvement. Once constructed and approved by the City, any remaining funds shall be refunded to the permittee. The City shall not allow a permittee to defer construction of improvements by using a performance guarantee, unless the permittee agrees to construct those improvements upon written notification by the City, or at some other mutually agreed-to time. If the permittee fails to commence construction of the required improvements within six months of being instructed to do so, the City may, without further notice, undertake the construction of the improvements and draw upon the permittee's performance guarantee to pay those costs.*

D. *Fee-in-lieu. When conditions of approval or the City engineer allows a permittee to provide a fee-in-lieu of actual construction of public improvements, the fee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City engineer. The percentage required is to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City engineer. The fee-in-lieu shall be submitted as cash, certified check, or other negotiable instrument acceptable by the City attorney.*

Applicant's Response: This standard is not applicable to the requested Willamette River Greenway Overlay approval. The application is limited to clear and objective review under OCMC 17.48.100 and does not include approval of public improvements that would trigger financial guarantee requirements.

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.

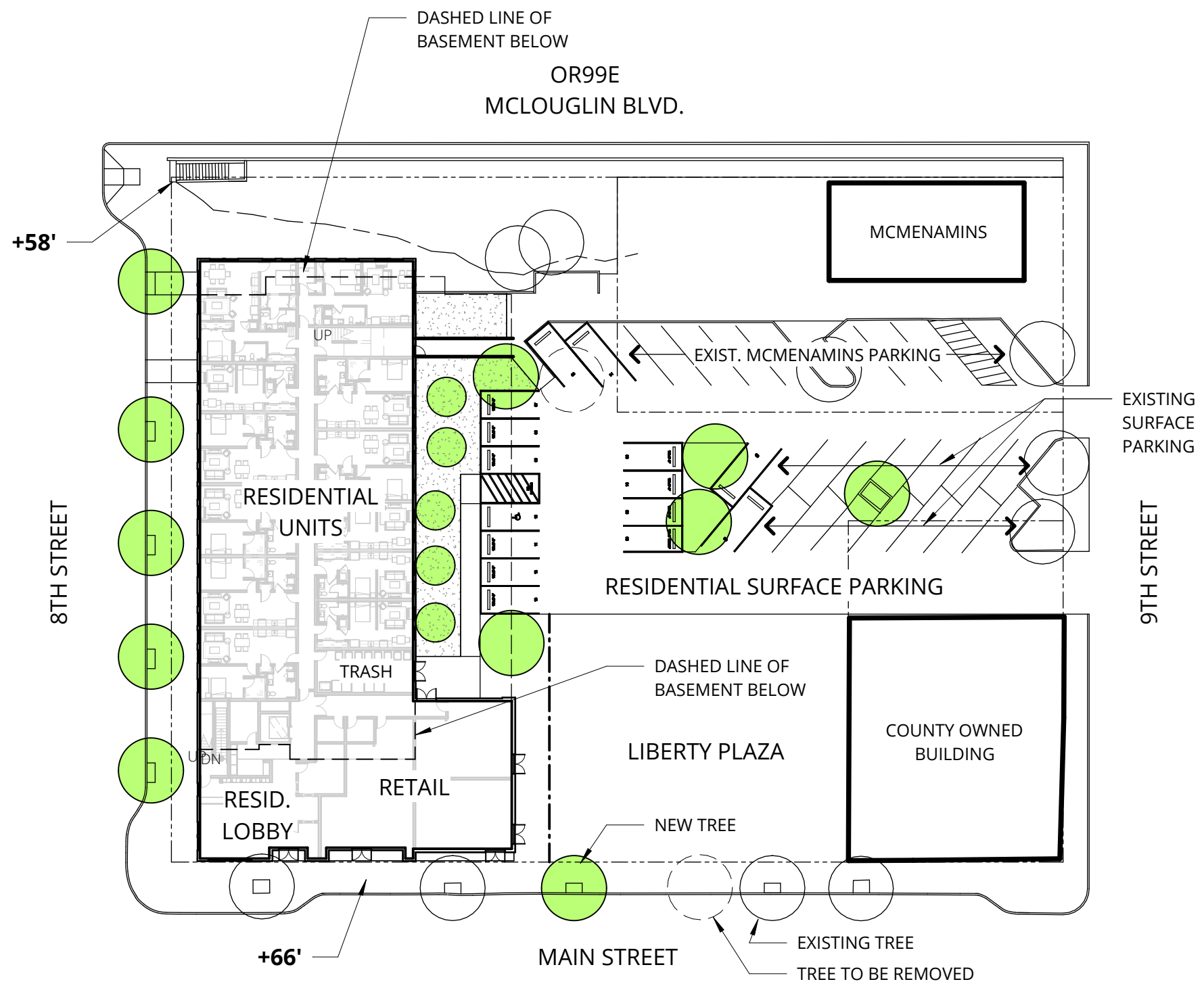
B. Financial Guarantee. Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, bond, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for 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.

Applicant's Response: This standard is not applicable to the requested Willamette River Greenway Overlay approval. The application is limited to clear and objective review under OCMC 17.48.100 and does not include approval of public improvements that would trigger financial guarantee requirements.

Autodesk Docs://Level Development NW - Oregon City Courthouse Redevelopment/240450-24-OCC Redevelopment.rvt 2/9/2026 4:40:50 PM



1 OVERALL SITE PLAN AT MAIN STREET LEVEL
1" = 40'-0"



38 NORTHWEST DAVIS STREET,
SUITE 300
PORTLAND, OR 97209
503.245.7100

1505 5TH AVENUE, SUITE 300
SEATTLE, WA 98101
206.576.1600

115 SANSOME STREET, SUITE 1005
SAN FRANCISCO, CA 94104
415.252.7063

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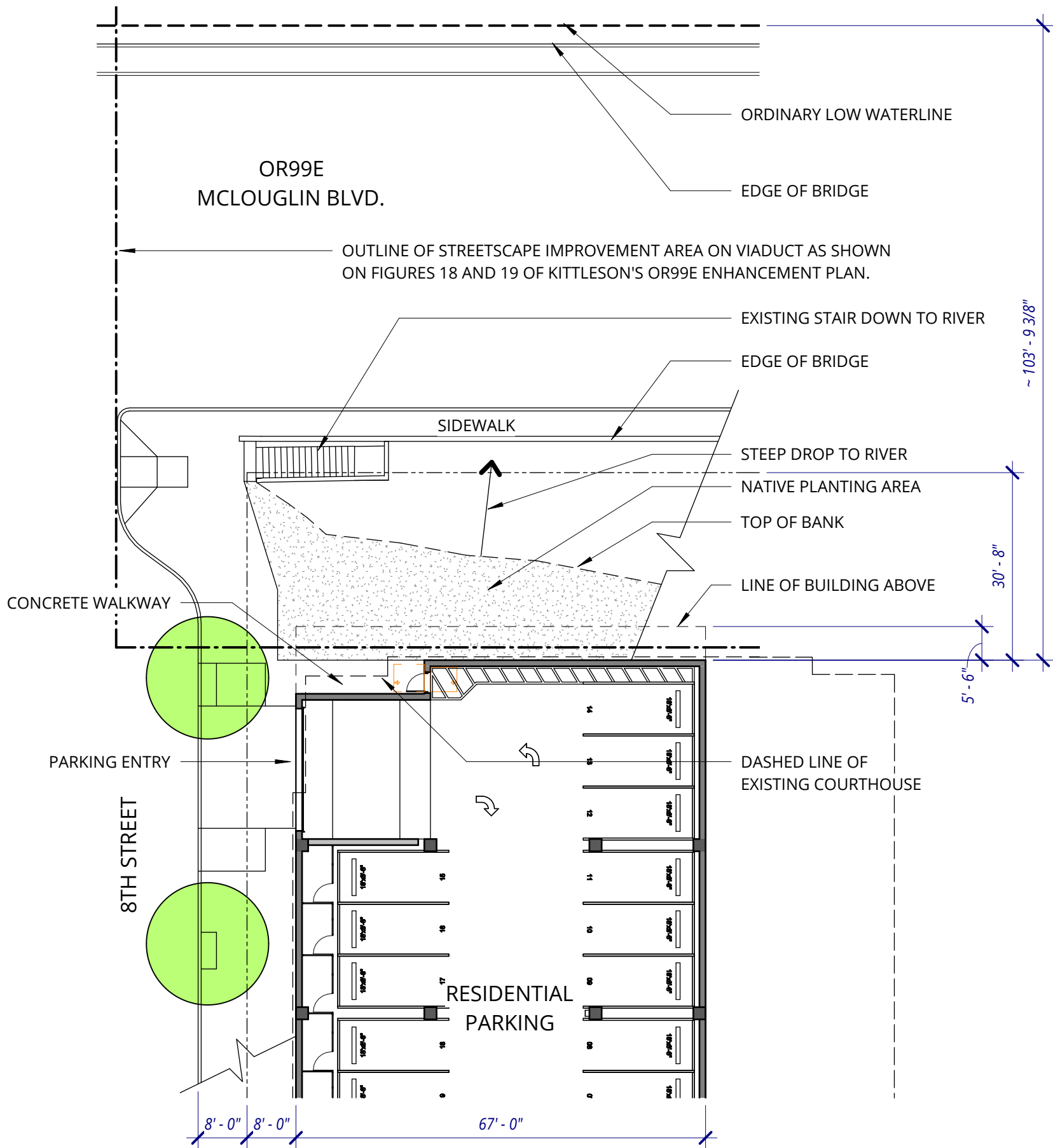
OREGON CITY COURTHOUSE REDEVELOPMENT

807 MAIN STREET
OREGON CITY, OR 97045
LEVEL DEVELOPMENT NW

SITE PLAN	
TYPE III REVIEW	
DATE:	12.30.2025
PROJECT #:	240450
SCALE:	1" = 40'-0"

A.01

Autodesk Docs://Level Development NW - Oregon City Courthouse Redevelopment/240450-24-OCC Redevelopment.rvt 2/9/2026 4:40:50 PM



1 BASEMENT LEVEL SITE PLAN
1" = 20'-0"





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SUITE 300
PORTLAND, OR 97209
503.245.7100

1505 5TH AVENUE, SUITE 300
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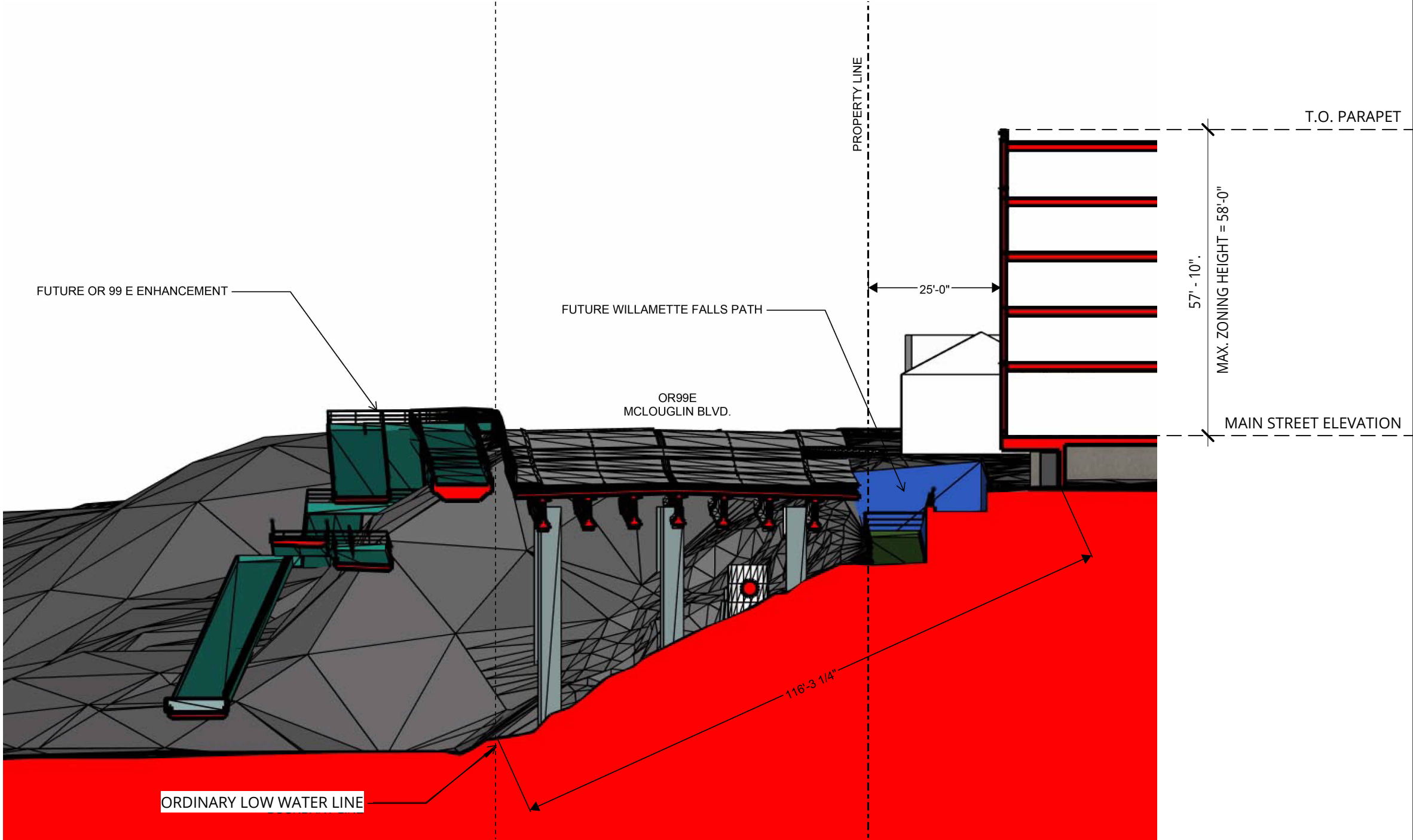
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OREGON CITY COURTHOUSE REDEVELOPMENT

807 MAIN STREET
OREGON CITY, OR 97045
LEVEL DEVELOPMENT NW

BASEMENT SITE PLAN	
TYPE III REVIEW	
DATE:	12.30.2025
PROJECT #:	240450
SCALE:	1" = 20'-0"



1 SECTION AT NORTH PROPERTY LINE

N.T.S.



38 NORTHWEST DAVIS STREET,
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OREGON CITY COURTHOUSE REDEVELOPMENT

807 MAIN STREET
OREGON CITY, OR 97045
LEVEL DEVELOPMENT NW

SITE SECTION	
TYPE III REVIEW	
DATE:	12.30.2025
PROJECT #:	240450
SCALE:	

A.03

Christina Robertson-Gardiner

From: ODOT_R1_DevRev <ODOT_R1_DevRev@odot.oregon.gov>
Sent: Friday, February 20, 2026 4:57 PM
To: Christina Robertson-Gardiner
Subject: RE: Land Use Transmittal: GLUA-26-00001/WRG-26-0001 Willamette River Greenway Review
Attachments: Land Use Transmittal Fillable Comment Form.pdf; GLUA-26-01_WRG26-01_PublicNotice.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Christina,

Thank you for notifying ODOT of the application being reviewed under GLUA-26-00001/WRG-26-0001.

After review of the notice, ODOT understands the Site Plan and Design Review for the project will occur after this application is processed. Please anticipate ODOT comments at the time of Site Plan and Design Review. No ODOT comments for GLUA-26-00001/WRG-26-0001.

Thank you,

Melissa Gonzalez-Gabriel (she/her)

Associate Transportation Planner, ODOT Region 1

C: (971) 337-6681

Please note: This email, related attachments and any response may be subject to public disclosure under state law.

From: Christina Robertson-Gardiner <crobertson@orccity.org>

Sent: Tuesday, February 17, 2026 10:24 AM

Subject: Land Use Transmittal: GLUA-26-00001/WRG-26-0001 Willamette River Greenway Review

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Good afternoon,

The Planning Division has received an application for a Type II land use decision.

On **Monday, March 9, 2026, 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@orccity.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 4 p.m., 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.orccity.org/meetings one week prior to the meeting.



Christina Robertson-Gardiner (she/her)
Senior Planner
crobertson@orc.org
Oregon City Planning Department
695 Warner Parrot Road
Oregon City, Oregon 97045
503-496-1564 Direct
503-722-3789 Main
<https://www.orcity.org/Planning>

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.



MEMORANDUM

TO: Christina Robertson-Gardiner, Senior Planner, Oregon City
FROM: Melissa Ryan, Assistant City Attorney
DATE: February 25, 2026
RE: 807 Main Street Application for Mixed Use Development

Introduction

The purpose of this memorandum is to explain the laws that the city can apply to an application for mixed use development with ground floor commercial and 84 units of housing on a property located within the Willamette River Greenway overlay, on the site of the vacated, former Clackamas County Courthouse.

Background

The application is for Willamette River Greenway review for a mixed-use space with ground-floor retail, 84 apartments, including a mix of studio, one-bedroom, and two-bedroom units; with amenities, support spaces, and off-street parking. The total proposed area is 83,000 square feet. The ground-floor retail space is 2,600 square feet and is directly adjacent to Liberty Plaza.

Discussion

A. Willamette River Greenway

In 1973, the Oregon Legislature enacted ORS 390.310 to 390.368, which “established the Willamette River Greenway, a corridor of protected land located along the banks of the river.” *Gunderson, LLC v. City of Portland*, 352 Or 648, 650, 290 P3d 803 (2012). In 1975, the Oregon Parks and Recreation Department, the state agency vested with primary responsibility for the administration and maintenance of the Greenway, in coordination with nine counties and other local governments along the greenway, adopted Statewide Planning Goal 15 (Willamette River Greenway).

Goal 15 and the state’s Greenway program require that each city and county in which the Greenway is located must incorporate portions of the state’s Willamette River Greenway Plan into its comprehensive plan, implementing ordinances, and other implementing measures. As relevant to this application, those implementing measures must:

- “Insure that the best possible appearance, landscaping and public access are provided” within the Greenway,
- Ensure that to “the greatest possible degree” any “intensification, change of use or development will provide the maximum possible landscaped area, open space or vegetation between the activity and the river,” and
- Ensure that that to “the greatest possible degree” “[n]ecessary public access will be provided to and along the river by appropriate legal means.” Goal 15, Paragraph F(3).

Goal 15 requires that “lands committed to urban uses within the Greenway” shall be permitted to continue as urban uses, including commercial and residential uses. The city has adopted measures to implement Goal 15 in OCMC 17.48.

B. Clear and Objective Requirement for the Development Housing

ORS 197A.400(1)(a) (formerly ORS 197.307(4) (2015)) requires that a local government “may adopt and apply only clear and objective standards, conditions and procedures regulating [t]he development of housing.” ORS 197A.400 applies to this mixed use application because it includes the development of housing. The term “clear” means “easily understood” and “without obscurity or ambiguity.” The term “objective” means “existing independent of mind.” *Nieto v. City of Talent*, LUBA No 2020-100, Mar 10, 2021.

A version of this statute was first enacted in 1981 and has been subsequently amended many times after. As explained below, when it was originally enacted, the statute provided that it applied to “needed housing on buildable land,” which was defined as housing on buildable land for which there was a need identified in the local government’s comprehensive plan. Lands within the Greenway were exempted in OAR 660-008-0005(2) from the definition of “buildable land,” and thus exempt from the requirement to apply only clear and objective standards to an application for the

development of needed housing on buildable land. In 2017, in Senate Bill 1051, the legislature revised the statute to apply it to *all* housing, whether or not the housing was proposed on “buildable land.”

OCMC 17.48.080 implements nearly word for word the “considerations” required in Goal 15(C)(3), and OCMC 17.48.100 includes nearly word for word the Greenway Compatibility Review requirements from Goal 15(F)(3)(b). The Goal 15 language and these city standards generally address preservation of access to the river; protection and enhancement of the vegetative fringe; directing development away from the river; establishment of a setback; and provision for a landscaped area, open space or vegetation between the development and the river. All of the city’s standards mirror language in Goal 15 that has been determined in other non-Greenway contexts to not be “clear” or “objective:” “adequate” public access; “to the maximum extent practicable;” “to the greatest possible degree;” “the best possible;” and “to the greatest extent possible.” Standards, conditions or procedures that involve subjective, value-laden analyses that are designed to balance or mitigate impacts of the development on the property to be developed or the adjoining properties or community are not “clear” or “objective.” *Rogue Valley Assoc. of Realtors v. City of Ashland*, 35 Or LUBA 139, 158 (1998), *aff’d*, 158 Or App 1, 970 P2d 685, *rev den*, 328 Or 594, 987 P2d 514 (1999).

Conclusion

No LUBA or court decision has addressed whether there is an unresolvable conflict between the Greenway statutes and Goal 15’s requirement to protect Greenway resources and values, on the one hand, and Senate Bill 1051’s mandate that applications for housing may only be reviewed under clear and objective standards, on the other hand, and if so, which statute controls an application for residential development in the Greenway. Nevertheless, an applicant for housing may choose to seek approval under non-clear and objective standards, and the city may evaluate the application for compliance with such non-clear and objective Greenway standards and find that they are met. The application narrative recognizes that the values of the Greenway are also reflected as important values in the city’s comprehensive plan and in the OCMC provisions that implement Goal 15. The application addresses each of the standards in OCMC 17.48 and takes the position that the application meets the standards. The city may evaluate the application’s compliance with those non-clear and objective standards and conclude they are met.

OREGON INVENTORY OF HISTORIC PROPERTIES

HISTORIC RESOURCE SURVEY FORM

County **CLACKAMAS**

Note: For properties 35 years old and newer, starred (*) sections are the only required fields.

*Street Address: 801 MAIN STREET			*City: Oregon City		
USGS Quad Name: Oregon City			UTM or GPS Latitude:		Longitude:
Township: 2S	Range: 2E	Section: 31	Block/Lot: 7/3-6		Tax Lot #: 22E31AB04400
*Date of Construction: 1935-1936		Historic Name: Clackamas County Courthouse		Historic Use or Function: Courthouse	
Group or Ensemble Name: N/A		*Current Name or Use: Clackamas County Courthouse		Associated Archaeological Site: Unknown	
Style(s): Art Deco			Plan Type/Shape: Rectangular (slightly irregular)		
Foundation Material: Concrete		Structural Framing: Concrete and brick		Number of Stories: 3	
Roof Type/Material: Gabled/rolled and metal		Window Type/Material: 1:1 dh wood			
Exterior Surface Materials - Primary Brick			Secondary: Concrete		Decorative: Stone (limestone?)
Exterior Alterations or Additions/ Approximate Date(s):		3rd floor added to provide additional courtroom space; some windows on south elevation bricked in; awnings over entrances added			
Integrity: Excellent		Preliminary National Register Findings ☐ National Register Listed			
Condition: Excellent		Potentially Eligible: ☒ Individually (and/or) ☒ As a contributing resource in a district			
Local Ranking:		Not Eligible: ☐ In current state ☐ Irretrievable loss of integrity ☐ Not historic			

Description of Physical and/or Landscape Features:

This is a three-story building with a full basement, much of which is fully exposed as a ground floor on the south and west elevations due to the slope of the landscape. It exemplifies the Art Deco style with its chevrons and stylistic sculptures, which include eagles surmounted on attached columns flanking the doors, scales symbolizing justice, and figures hold an "all-seeing eye" atop the corner piers. The exterior walls are sheathed with brick above the basement; the basement is sheathed with stone in a smooth ashlar rusticated finish. A beltcourse of stone with chevron detailing rings the building above the second floor windows. The east entrance is set off by stone surrounds. The north and south "wings" are set back slightly from the front and rear elevations. The interior includes oak trim, terrazzo floors and Tennessee marble wainscot. Alterations include the raising of the roof over the former jail area and the addition of a third floor to provide additional courtroom space (1959), awnings over the entrances, and filling-in of some windows.

Statement of Significance: (use additional sheets if necessary)

Clackamas County was formed in 1843 by the Provisional Government. The first courthouse, built in 1850, burned in 1862. For the next 20 years, county business was conducted in various rented spaces downtown. An imposing, 2nd Empire style courthouse, designed by Neer and LaRomer, was constructed in 1884-1885 on the site of the present courthouse. By 1930, the building had become overcrowded and badly deteriorated and county officials began seeking funding for a new building. It was not until a PWA grant for \$90,000 was received in 1935, however, that a new courthouse became a possibility. The new courthouse, an excellent example of the popular Art Deco style used for many public works projects during the Great Depression, was designed by architect F. Marion Stokes. Construction, which began in September 1936 and was completed in May 1937, was supervised by Glen L. Ford, a contractor from Portland. The building was constructed with 20,000 sacks of cement, 350,000 board feet of Clackamas County grown and manufactured lumber, and 90,000 bricks from Yamhill County. In keeping with the purpose of the federal relief-funded projects in the 1930s, the project created employment for dozens of people and resulted in 83,121 hours of labor. The total cost of the project was \$273,000. This building should be considered eligible not only as a contributing resource in a historic district, but also as an individually eligible resource. Although there have been some alterations to the building, they have been mostly sensitive to the historic appearance and have not seriously affected the integrity of the building. As an individually eligible resource, the courthouse would be eligible as the only example of an Art Deco building in downtown Oregon City and as a nearly intact example of a public works project funded in part by a federal relief program (PWA) which provided assistance to communities throughout the country.

Researcher/Organization: Michelle L. Dennis			Date Recorded: May 2000		
Survey Form Page 1	Photo Roll #: 2	Frame #(s): 6	Local Designation #:	SHPO #:	

OREGON INVENTORY OF HISTORIC PROPERTIES

HISTORIC RESOURCE SURVEY FORM

County **CLACKAMAS**

Note: For properties 35 years old and newer, starred (*) sections are the only required fields.

*Street Address: 801 MAIN STREET		*City: Oregon City	
Architect and/or Builder: F. Marion Stokes, arch/Glen L. Ford, contractor		Owner Type: ☐ Private ☒ Local ☐ State ☐ Federal ☐ Mixed	
Addition or Subdivision Name: Oregon City Original Plat		Owner Name: Clackamas County	
Area(s) of Significance: Government/Social History		Address: 2106 Kaen Rd.	
Property Category: ☒ Building ☐ Structure ☐ Site ☐ Object ☐ District		City, State, Zip: Oregon City, OR 97045	
		Phone:	

Documentation		
Research Sources: ☐ Abstract of Title ☒ Sanborn Maps ☐ Obituary Index ☒ City Directories ☐ Census Records ☒ Biographical Encyclopedias ☒ Newspapers	☐ Building Permits ☐ Tax Records ☒ SHPO Files ☐ State Archives ☐ State Library ☒ Local Histories ☐ Personal Interviews ☒ Historic Photographs	Local Library (specify) Oregon City Public Library University Library (specify) UO/OSU Historical Society (specify) Clackamas Co. Historical Society Other (specify):

Bibliographic References: <u>Clackamas County and Oregon City Directory.</u> Oregon City, OR: Sohns & Woodbeck, 1917. Clackamas County Historical Society and Museum history files and historic photographs. <u>Directory of Oregon City.</u> Portland, OR: Pacific Directory Service, 1941. <u>Directory of Clackamas County.</u> Portland, OR: Pacific Directory Service, 1948. Gardner, Wilmer (compiler). <u>Old Oregon City.</u> Oregon City, OR: Clackamas County Historical Society, 1987. <u>Historic Oregon City.</u> 1957 (n.p.) Oregon City Enterprise [daily and weekly] (various dates). Oregon City Library files. Sanborn Fire Insurance Company maps, 1892, 1911, 1925. "Telephone History in Oregon City." Pacific Northwest Bell, 1976. The City of Oregon City's 1983 Historic Survey of Downtown Oregon City (individual property files). Webber, Bert and Margie. <u>Oregon City (By Way of the Barlow Road) At the End of the National Historic Oregon Trail.</u> Medford, OR: Webb Research Group, 1993. Wiederhold, Kathleen M. <u>Exploring Oregon's Historic Courthouses.</u> Corvallis, OR: Oregon State University Press, 1998.

Researcher/Organization: Michelle L. Dennis			Date Recorded: May 2000	
Survey Form Page 3	Photo Roll #: 2	Frame #(s): 2	Local Designation #:	SHPO #:

OREGON INVENTORY OF HISTORIC PROPERTIES
HISTORIC RESOURCE SURVEY FORM

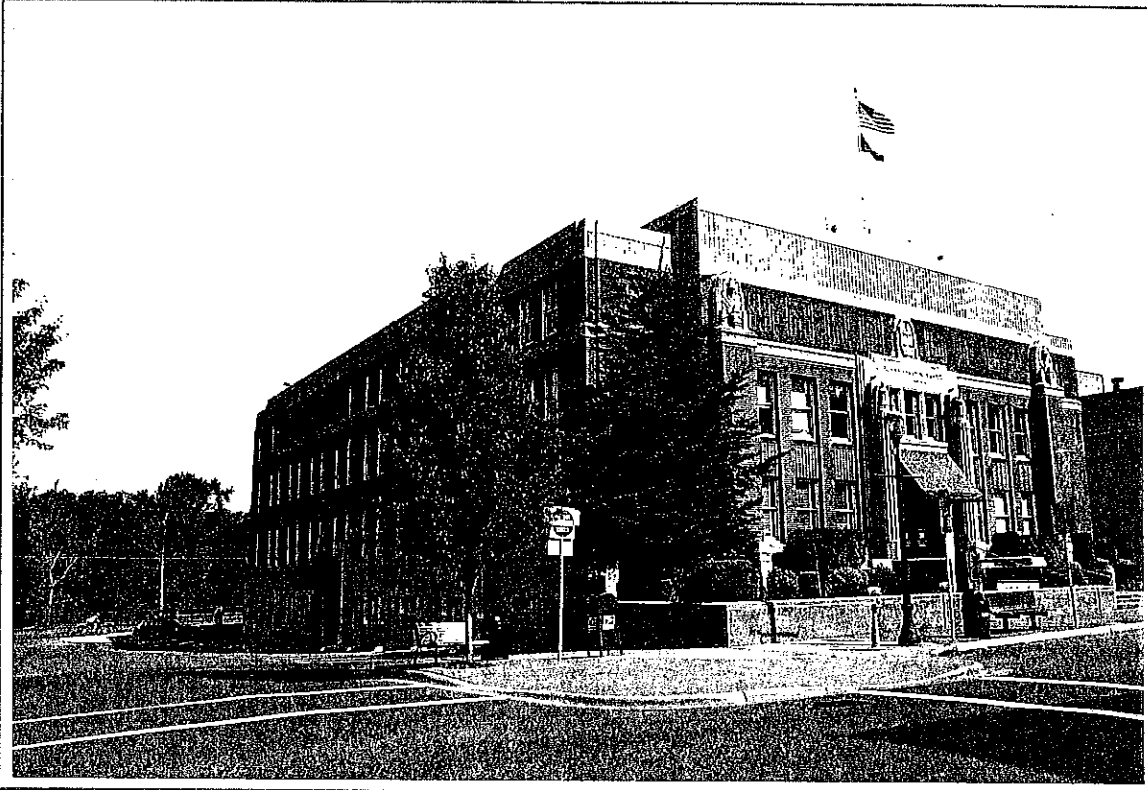
Note: For properties 35 years old and newer, starred (*) sections are the only required fields.

County **CLACKAMAS**

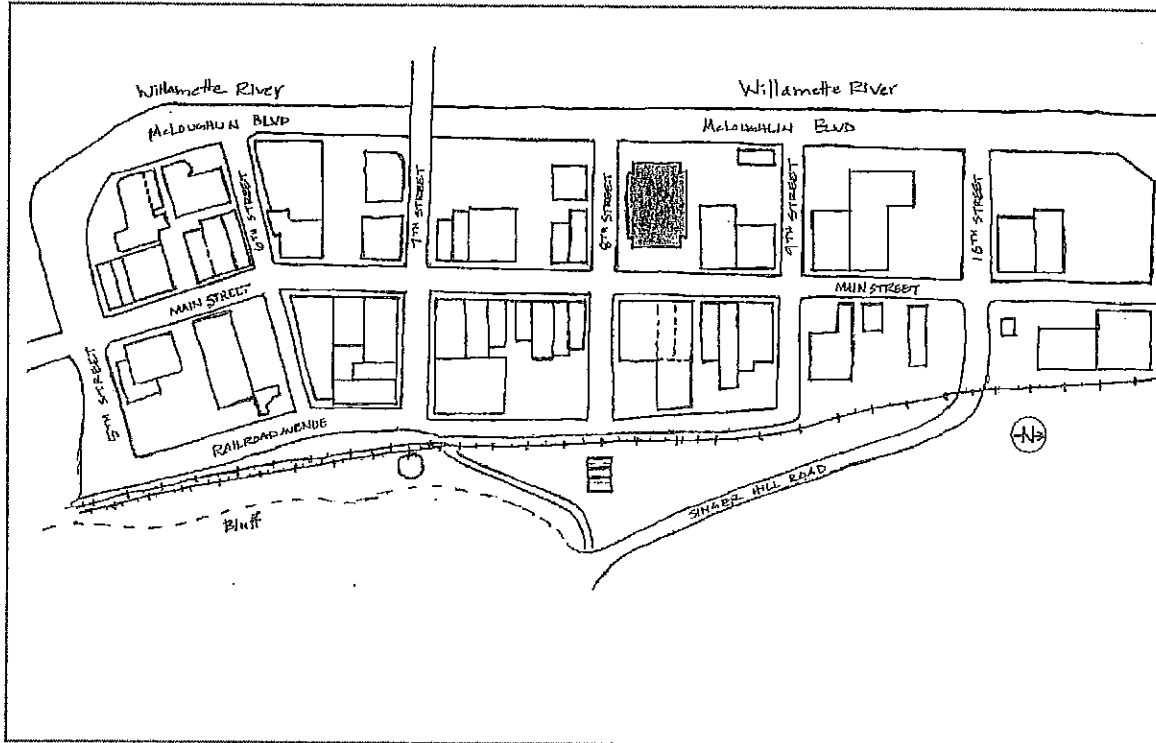
*Street Address: **801 MAIN STREET**

*City: **Oregon City**

Photo:



Map:



Researcher/Organization: Michelle L. Dennis		Date Recorded: May 2000	
Survey Form Page 2	Photo Roll #: 21	Frame #(s): 213	Local Designation #: SHPO #:

ORDINANCE NO. 24-1014

AN ORDINANCE OF THE CITY OF OREGON CITY AMENDING THE OREGON CITY TRANSPORTATION SYSTEM PLAN BY ADOPTING THE MCLOUGHLIN BLVD ENHANCEMENT PHASE 3 CORRIDOR PLAN

WHEREAS, McLoughlin Blvd Enhancements (Phase 3) will be added to the Oregon City Transportation System Plan (TSP), a technical document and conceptual guide that needs regular review and is an ancillary document to the Oregon City Comprehensive Plan, and

WHEREAS, the City of Oregon City and the Oregon Department of Transportation (ODOT) are partnering to evaluate options for a shared-use pedestrian and bicycle path and streetscape enhancements on both sides of McLoughlin Boulevard between 10th Street and tumwata village/Railroad Avenue.

WHEREAS, this is the last and most complex phase of Oregon City's McLoughlin Boulevard Enhancement Plan, which has been in progress for the past 20 years.; and

WHEREAS, the plan aims to ensure safe access for pedestrians, transit users, and cyclists on McLoughlin Boulevard, improve infrastructure to address transportation gaps and enhance Oregon City's tourism, economy, and community by better connecting downtown to the Willamette River; and

WHEREAS, this conceptual project will enable the City to complete the Alternatives Identification and Evaluation phase to determine how to address this gap, apply for grants to proceed with a more detailed design and build portions of the section; and

WHEREAS, the Planning Commission held a public hearing on October 28, 2024, and recommended approval of the proposed plan to the City Commission; and

WHEREAS, the City Commission held a public hearing on November 20, 2024 and found that the proposed plan complies with the applicable criteria for Legislative approval as discussed in the Staff Report and Recommended Findings for File LEG-24-00002

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

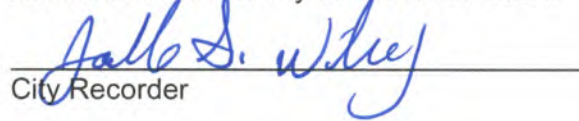
Section 1. The City of Oregon City Transportation System Plan has been amended to adopt the McLoughlin Blvd Enhancements (Phase 3) as provided in the attached Exhibits "1 and 1A"

Section 2. The Legislative action taken by the Ordinance is explained and justified by the Analysis and Findings for GLUA 24-000023:LEG-24-00002

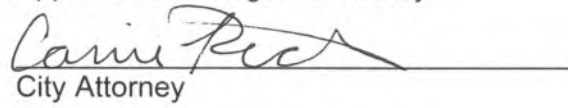
Read for the first time at a regular meeting of the City Commission held on the 20th Day of November, 2024, and the City Commission finally enacted the foregoing ordinance this 4th day of December, 2024.


Denyse C. McGriff, Mayor

Attested to this 4th day of December 2024:


City Recorder

Approved as to legal sufficiency:


City Attorney

McLoughlin Boulevard Enhancements

10th Street to tumwata village

(K22142 Willamette Falls Path/OR99E Enhancement: 10th St. to Railroad Ave)



REVISED DRAFT

October 2024



Source: ODOT

Acknowledgments

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- Mahasti Hastings, ODOT, Local Agency Liaison
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- Nick Gross, Kittelson, Deputy Project Manager

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Chapter 1: Background

Connecting downtown Oregon City to the waterfront for people walking and biking is a dream that has been several decades in the making. Two segments of a waterfront path have already been built, connecting downtown Oregon City with the pathway along the Clackamas River. The last critical gap is McLoughlin Boulevard (OR99E) between 10th Street and Railroad Avenue.

The City of Oregon City and the Oregon Department of Transportation (ODOT) have partnered to investigate alternatives for developing a shared-use path along this stretch of McLoughlin Boulevard. This shared-use path would complete the third and final phase of the McLoughlin Boulevard Enhancement Plan.

This shared-use path is intended to contribute to the sense of place and community identity while providing recreational access and closing a critical gap in the region's active transportation network for people walking, biking, and rolling. It will allow people to visit the future Willamette Falls Riverwalk and tumwata village without having to mix with traffic.

The Project also presents an opportunity to enhance the McLoughlin Boulevard streetscape to invite more activity along the waterfront, encourage travel to downtown Oregon City, and complement the shared-use path.

Making Connections

The McLoughlin Boulevard shared-use path will connect to and complement other development efforts on Oregon City's waterfront:

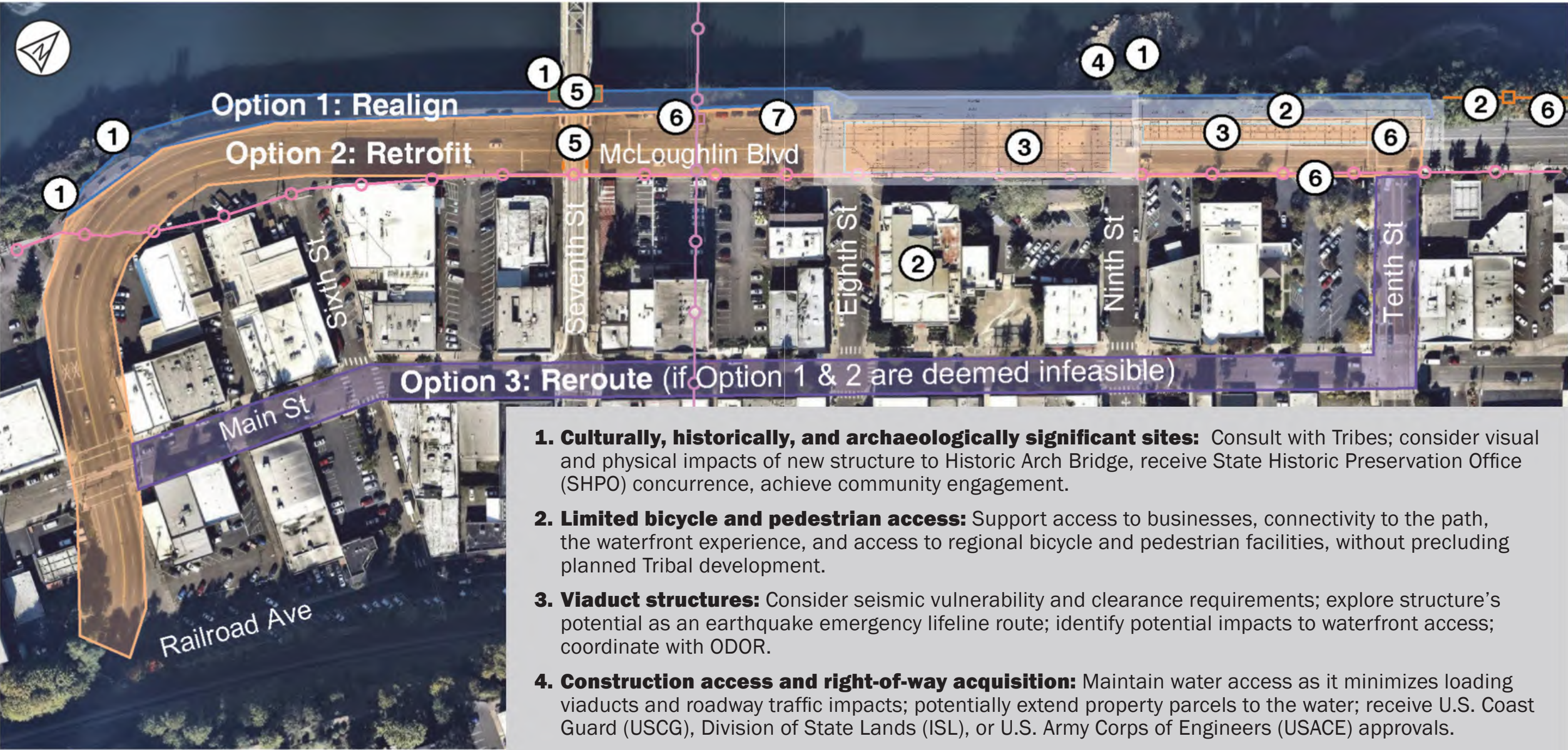
- **tumwata village** is the planned redevelopment of the 23-acre former Blue Heron Paper Mill site at Willamette Falls. The current plans for this property feature a **Willamette Falls Riverwalk**, trails, a public plaza, gathering space, habitat restoration, and redevelopment of industrial uses along the Oregon City waterfront. The proposed shared-use path would connect directly to this development and the riverwalk.
- The unadopted **Oregon City–West Linn Pedestrian–Bicycle Bridge Concept Plan** details potential alignments for a dedicated pedestrian–bicycle bridge across the Willamette River between Willamette Falls and the I-205 Abernethy Bridge.



Study Area

The study area focuses on McLoughlin Boulevard between 10th Street and Railroad Avenue in downtown Oregon City and a parallel route on Main Street between 10th Street and McLoughlin Boulevard. The study area is classified as Mixed-Use-Downtown, according to the Oregon City Comprehensive Plan land use designations. McLoughlin Boulevard runs northeast-southwest along the Willamette River, connecting Oregon City to Portland through Milwaukie and Gladstone to the north and Canby to the south. McLoughlin Boulevard connects to I-205, providing regional connections throughout Oregon. Figure 1 illustrates the study area, critical design considerations, and potential design alternatives.

Figure 1. Critical Elements and Potential Design Option Solution Sets



- 1. Culturally, historically, and archaeologically significant sites:** Consult with Tribes; consider visual and physical impacts of new structure to Historic Arch Bridge, receive State Historic Preservation Office (SHPO) concurrence, achieve community engagement.
- 2. Limited bicycle and pedestrian access:** Support access to businesses, connectivity to the path, the waterfront experience, and access to regional bicycle and pedestrian facilities, without precluding planned Tribal development.
- 3. Viaduct structures:** Consider seismic vulnerability and clearance requirements; explore structure’s potential as an earthquake emergency lifeline route; identify potential impacts to waterfront access; coordinate with ODOR.
- 4. Construction access and right-of-way acquisition:** Maintain water access as it minimizes loading viaducts and roadway traffic impacts; potentially extend property parcels to the water; receive U.S. Coast Guard (USCG), Division of State Lands (ISL), or U.S. Army Corps of Engineers (USACE) approvals.
- 5. Structural challenges:** Limited clearance water and roadway clearance under Historic Arch Bridge; varying water levels.
- 6. Existing utilities, retaining walls, and signals:** Identify cost impacts of impacts to utilities, retaining walls, and signals.
- 7. Existing parking:** Identify potential impacts to existing parking.

Previous Planning Efforts

Planning documents dated as early as 1999 have identified a desire for a shared-use path in this area. These plans highlight some key considerations for the Project.

- The **Oregon City Comprehensive Plan** includes land use and economic development policies that encourage higher density, walkable neighborhoods, infill development and redevelopment, and more mixed-use land use types within neighborhoods that would benefit from greater availability of active transportation facilities.
- The **Oregon City Transportation System Plan (TSP)** includes a project for a shared-use path (Project S3; page 87 of TSP Volume 2-2) on the segment of McLoughlin Boulevard within the study area and various bicycle improvements nearby (Projects B1, B2, B3, and B5; page 56 of TSP Volume 1). It also includes goals and policies related to envisioned modal priorities, which include improving the comfort and convenience of walking, biking, and transit options and ensuring that land development policies support these modes.
- The **McLoughlin Boulevard Enhancement Plan** provides initial recommendations for the cross-section of McLoughlin Boulevard from the railroad underpass to the Clackamas River Bridge, which includes a waterfront promenade.
- The **Oregon City Downtown Circulation Plan** and **Oregon City Downtown Community Plan** provide visions and recommendations for downtown Oregon City, including enhancements to McLoughlin Boulevard.
- The unadopted **Oregon City–West Linn Pedestrian–Bicycle Bridge Concept Plan** highlights alignments for a pedestrian–bicycle bridge and details a vision for pedestrian, bicycle, and transit connectivity to the Willamette Falls Downtown District.

- The **Willamette Falls Riverwalk Master Plan** outlines a long-term vision to guide development of the Willamette Falls Riverwalk, which includes a promenade, trails, public plaza, gathering space, habitat restoration, and redevelopment of industrial uses along the Oregon City waterfront. The shared-use path along the segment of McLoughlin Boulevard within the study area would be a key connector to the Willamette Falls Riverwalk.
- The **Visioning for Blue Heron and Redevelopment Plans** (tumwata village) detail concepts from the Confederated Tribes of Grand Ronde for an enhanced riverbank at the former Blue Heron site, which is directly west of the segment of McLoughlin Boulevard within the study area.
- The **Oregon City Downtown Transportation Demand Management (TDM) Plan** outlines strategies and policies to maximize traveler choices in and around downtown Oregon City.
- The **Oregon City Downtown Transportation Demand Management (TDM) Plan** outlines strategies and policies to maximize traveler choices in and around downtown Oregon City.



Source: ODOT

Chapter 2: Purpose, Need, and Vision

Corridor Vision

“The proposed Willamette Falls Path extension and streetscape enhancements contribute to the sense of place and community identity as an urban corridor and community gateway. The chosen design will promote safety through context-sensitive design that discourages speeding and improves the walking and biking experience along the corridor. The path provides a regional link accessible to users of all ages and abilities, filling a key active transportation gap and providing a continuous link to existing and planned open spaces along the Willamette and Clackamas Rivers, including the tumwata village development, and connections to other transportation links such as a future recreational/commuter river ferry and the Oregon City–West Linn pedestrian–bicycle bridge. The proposed path is representative of the local needs and priorities of the Oregon City community and has been developed as an implementable and fundable alternative.”

Purpose and Need Statement

The purpose of the Project is to create a shared-use path and streetscape that enhances safety for all transportation modes and bridges the missing link for pedestrian and cyclists on McLoughlin Boulevard between 10th Street and Railroad Avenue through well-considered design. The Project should also be viewed as a crucial component of the larger community facility and a destination that connects users to various amenities and open spaces along the Willamette River.



Within the Project area, the following transportation needs have been identified in consultation with the City of Oregon City, ODOT, and the Project Development Team to guide the development of an active transportation solution:

- **There is a gap in safe, comfortable, and accessible facilities for people of all ages and abilities who are walking and biking on McLoughlin Boulevard.** The cross-section along McLoughlin Boulevard between 10th Street and the proposed tumwata village and riverwalk consists of curb-tight sidewalks and four vehicle lanes. This cross-section does not meet the current ODOT Highway Design Manual or City of Oregon City design standards and creates an imbalance between how the needs of non-motorized and motorized users are being addressed in the corridor. The Project location has been determined to result in a Level of Traffic Stress of 4.¹ People of most ages and abilities do not feel comfortable and/or able to walk, bike, or roll along this segment, creating a barrier in the regional active transportation link between Oregon City and Portland.
- **Oregon City’s waterfront is currently disjointed and not seen as a contiguous amenity.** Locally, active transportation facilities along McLoughlin Boulevard are needed to provide connections to the planned tumwata village and riverwalk, historic downtown Oregon City, envisioned pedestrian and bicycle bridge, and recreation opportunities along the Willamette River. The Willamette River is a culturally significant site, and the Historic Arch Bridge is a historically significant structure. This active transportation connection will create additional opportunities for people to access, experience, and visually imagine the historic significance of the river, falls, and adjacent lands, while honoring the indigenous connections to the land and acknowledging traditional ways of movement along waterways.
- **The chosen design will support Oregon City’s tourism, economic, and community development goals by improving walking and biking facilities to better integrate and reorient the downtown area’s relationship with the Willamette River.** Active transportation facilities are shown to improve economic conditions by creating attractive and walkable business districts and providing access to various destinations, local businesses, and jobs.² Active transportation facilities contribute to redevelopment and other investments along the corridor. Vehicle congestion and parking limitations discourage travel in downtown Oregon City and are therefore a barrier to businesses and expanded economic development. Beyond the proposed McLoughlin Boulevard corridor, congestion leads to neighborhood spillback and cut-through traffic and detracts from the sense of place and community identity desired by residents, business and property owners, and visitors to Oregon City. The lack of complete walking and biking facilities, including the gap represented by the termination of the current Willamette Falls path, also discourages travel to downtown Oregon City as a regional destination. A complete connection for people walking, biking, and rolling along McLoughlin Boulevard and to historic downtown Oregon City, Oregon City Transit Center, and the municipal elevator is needed to encourage mode shift,³ support transportation demand management efforts, minimize impacts to adjacent residential areas, and support the Oregon City 2040 Comprehensive Plan policies related to multimodal connectivity and transportation demand management.

1. According to the City of Oregon City’s Downtown Bicycle and Pedestrian Needs Inventory and Action Plan, the segment of OR99E between 12th Street and Railroad Avenue is at an LTS of 4. LTS 4 facilities are high stress routes and are only suitable for experienced and skilled cyclists or able-bodied adults with limited route choices.
2. Source: Portland State University. Metro Active Transportation Return on Investment Study. May 2022.
3. Mode shift is the opportunity to change how people move, particularly the shift from single occupancy vehicles (SOV) to sustainable modes of active transportation (i.e., walking, biking, rolling, or taking transit) to reduce greenhouse gas emissions and improve quality of life.

- **Vehicular congestion impacts the historical, cultural, and environmental aspects of the site.** Vehicular congestion creates noise and emissions that detract from the historic, cultural, and environmental aspects of the site. A continuous shared-use path connection is needed to create an opportunity for transportation mode shifts consistent with the region’s climate goals, and ensure that historical, cultural, and environmental resources are preserved for future generations. The physical design of the shared-use path needs to address the function of the facility in a way that minimizes or eliminates local environmental impacts and does not inflict harm on the river or nearby communities. Any work done in the study area needs to recognize the special role and voice of tribes in the Willamette Falls area of both land and water and emphasize tribal and community involvement in decision-making.

Establishing the Urban Context

The ODOT Highway Design Manual approach to context-sensitive design should be considered when planning and designing state roadways. Identifying the study area’s urban context provides design guidance to inform roadway characteristics, roadway user types, and travel demand expectations. According to this guidance, the selected urban context is Urban Mix. However, based on existing land uses, planning documents, the community vision, desired outcomes for the Project, and the envisioned modal priorities for Oregon City, a Traditional Downtown/Central Business District (CBD) is recommended as the Highway Design Manual context that is most appropriate and best aligns with the community vision.



Traditional Downtown/CBD

A Traditional Downtown/CBD classification according to the ODOT Highway Design Manual includes mixed land uses, shallow building setbacks, and high building coverage. Roadways within this context should have lower vehicles speeds (25 miles per hour [mph] or less), wide and comfortable bicycle and pedestrian facilities, and appropriate landscaping and street trees. The priority users are people walking and biking.

Photo: Downtown Oregon City in 1866.
Source: Oregon Historical Society Library (OrgLot500_A_270)

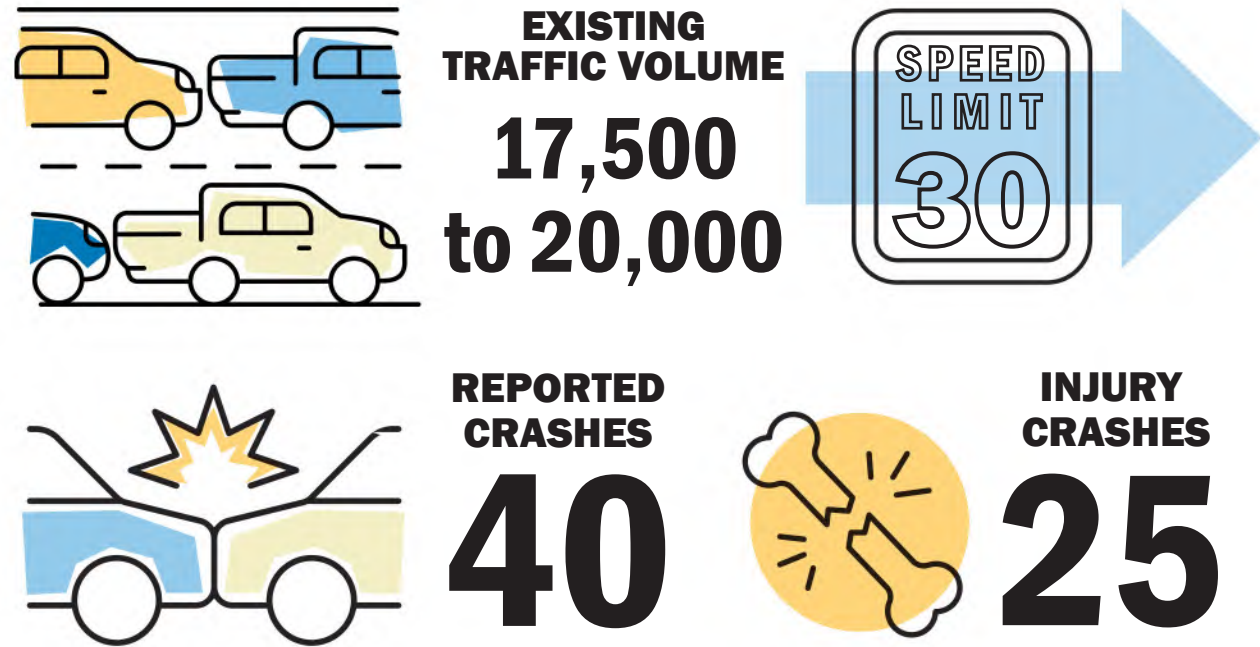
Chapter 3: Existing Conditions

OR99E (McLoughlin Boulevard) is a state highway that runs between Junction City and Portland. Within the study area, McLoughlin Boulevard is a four-lane principal arterial with a posted speed limit of 30 miles per hour (mph). The intersections of 10th Street and Main Street are full signals, while 7th Street includes a pedestrian signal for crossing McLoughlin Boulevard to the Willamette River seawall. All other intersections in the study area are stop-controlled on the minor approach.

McLoughlin Boulevard carries between 17,500 and 20,000 bi-directional daily vehicles. Between 2018 and 2022, there were 40 reported crashes in the study area, with 25 being injury crashes. In this 5-year period, there was one pedestrian-involved crash and no reported fatal crashes.

The section of McLoughlin Boulevard between 10th Street and 8th Street is horizontally constrained by the existing viaduct structure and Historic Arch Bridge (see Figure 2). Neither facility is expected to be replaced with an expanded structure to support streetscape widening, which is necessary to provide the needed width for safe bicycle and pedestrian access.

Attaching a new path to the existing viaduct is also not feasible due to its age and structural design. As described in Chapter 5: Design Alternative Development, a road reorganization on McLoughlin Boulevard is not feasible due to high vehicular volumes. Therefore, an externally supported structure parallel to McLoughlin Boulevard is the only feasible solution for a shared-use path within the study area.



5 Year (2018 - 2022) Crash Statistics

Figure 2. Historic Arch Bridge (top) and Viaduct (bottom) Constraints



Source: Google Maps

Chapter 4: Public Involvement

Public involvement has been included throughout the Project process. Along with general outreach and advertisement, the project team has conducted an online open house and City-led outreach.

The first opportunity for the public to provide input on this plan began in December 2023 with an open house. The primary purpose of this initial outreach was to create awareness about the Project, its benefits, and potential burdens or impacts, as well as to solicit public input on the initial design alternatives.

After this open house, the project team reported that none of the designs presented were feasible due to the complexity of the area. The Oregon City Commission directed the project team to continue investigating an external long-span approach parallel to McLoughlin Boulevard with streetscape improvements. The City continued

outreach with various groups and committees through 2024 to collect feedback on the preferred design.

Details on the public outreach program are summarized in the following sections.

Overarching Materials and Notifications

Tools used to convey Project information and publicize outreach opportunities include the following:

- **Web page:** A Project web page, hosted on the City’s website was launched and updated regularly.
- **Community database and comment log:** Documented public comments, correspondence, and updates to Project mailing list.

Figure 3. Online Open House



- **Project fact sheet:** One-pagers provided updates and opportunities for engagement.
- **Direct mail:** Postcards notified neighboring residents about public engagement opportunities.
- **Social media:** Project announcements shared on the City’s social media channels.
- **Advertising:** Digital advertisements used to promote the Project and public engagement opportunities.
- **Email:** Email newsletters provided Project information and engagement opportunities.

Interested Party Interviews and Briefings

The project team held three interviews with interested parties in early November 2023 to collect feedback on the corridor’s issues and potential alignments. These interested parties represented transportation, education, and housing sectors in Clackamas County and Oregon City, and included The Street Trust, Oregon City School District, and Housing Authority of Clackamas County.

Online Open House

The Project’s online open house was launched on the Project web page on December 6, 2023. The online platform provided informational stations to learn about the Project and provide feedback via the embedded survey, which closed on December 22, 2023. Users were invited to provide feedback on the proposed design

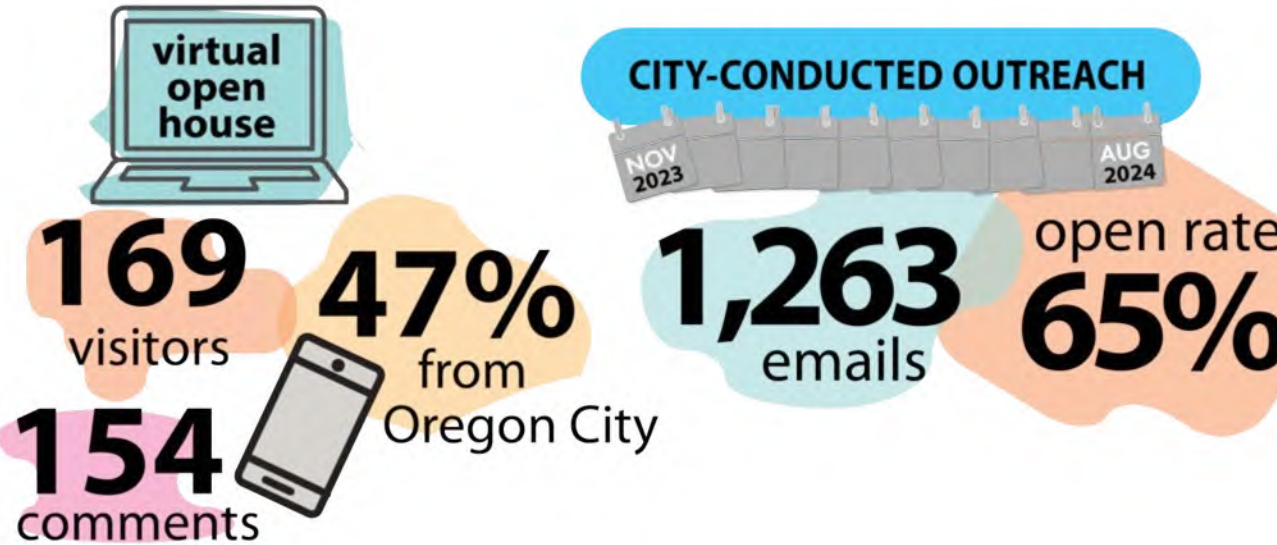
alternatives and priorities for the McLoughlin Boulevard corridor (Figure 3). The web page also included a general comment form where users could submit other feedback regarding the Project.

Overall, the majority of community members preferred Alternative 1B: High Route, a design with a new pathway structure at street level next to McLoughlin Boulevard. Participants also preferred a pathway design that traversed through the Historic Arch Bridge columns.

City-Conducted Outreach

The City conducted targeted outreach to promote the open house and collect feedback during various phases of the Project. City staff attended outreach meetings and briefings with the Planning Commission; Transportation Advisory Committee, Parks and Recreation Advisory Committee, Citizen Involvement Committee, Clackamas County Pedestrian and Bikeway Advisory Committee. City staff also briefed the Oregon City Commission during six key decision points and Project milestones.

City staff leveraged several communication channels to share information about the Project. These channels include social media posts, a monthly “e-trail” news update in the City’s Winter Trail News publication, and coordination for a December 2023 earned media article in Oregon City News.



Chapter 5: Design Alternative Development

Prior to exploring separate shared-use pathway structures paralleling McLoughlin Boulevard, the project team examined a No-Build Alternative and potential McLoughlin Boulevard Lane Reorganization Alternative.

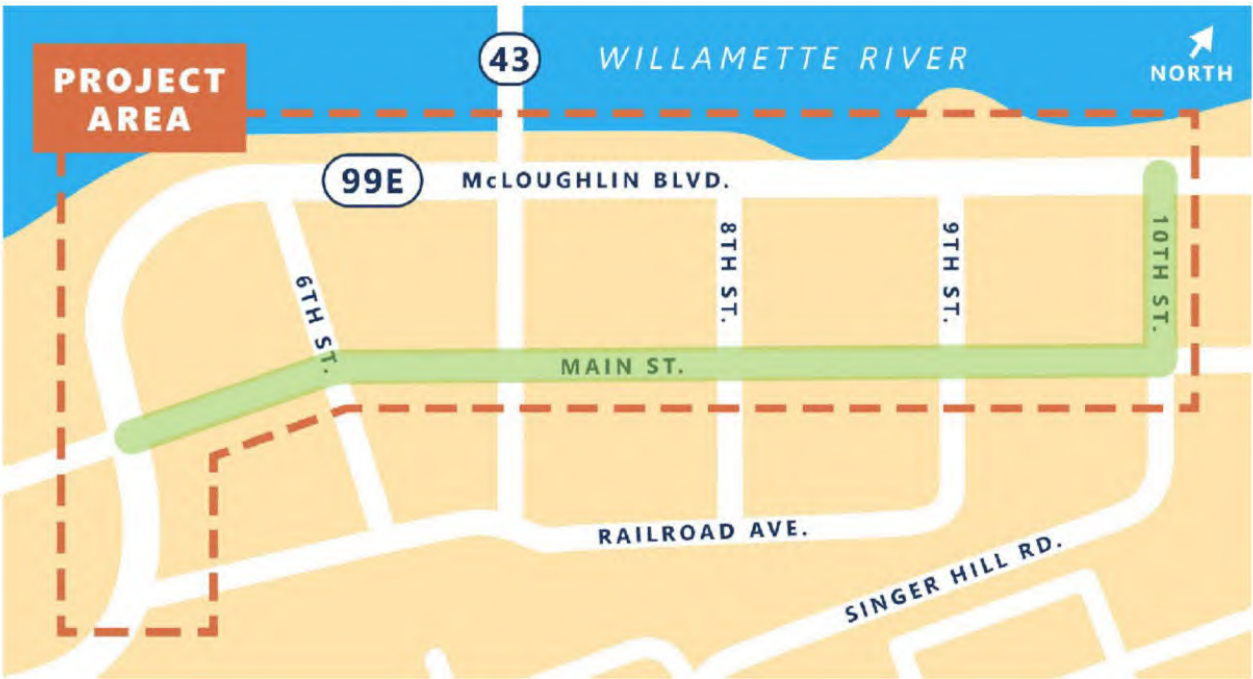
No-Build Alternative

As part of alternative development and evaluation, the project team also examined a reroute, or no-build, Main Street alternative. The No-Build alternative provides a parallel alignment through downtown Oregon City via 10th Street and Main Street, as shown in Figure 4.

Main Street has a right-of-way that is approximately 60 feet and includes two travel lanes, two parking lanes (totaling about 40 feet), and 10-foot sidewalks on each side abutting 0-foot building setbacks. There are currently curb extensions at most intersections and shared-lane markings, or “sharrows.”

The project team explored and evaluated two primary options for improving bicycle access on Main Street as part of the No-Build Main Street alternative. Based on this evaluation, conversations with Oregon City staff, and a review of background documents, the team it was determined that the No-Build Main Street alternative does not adequately address the Project’s Purpose and Need.

Figure 4. No-Build Main Street Alternative Alignment



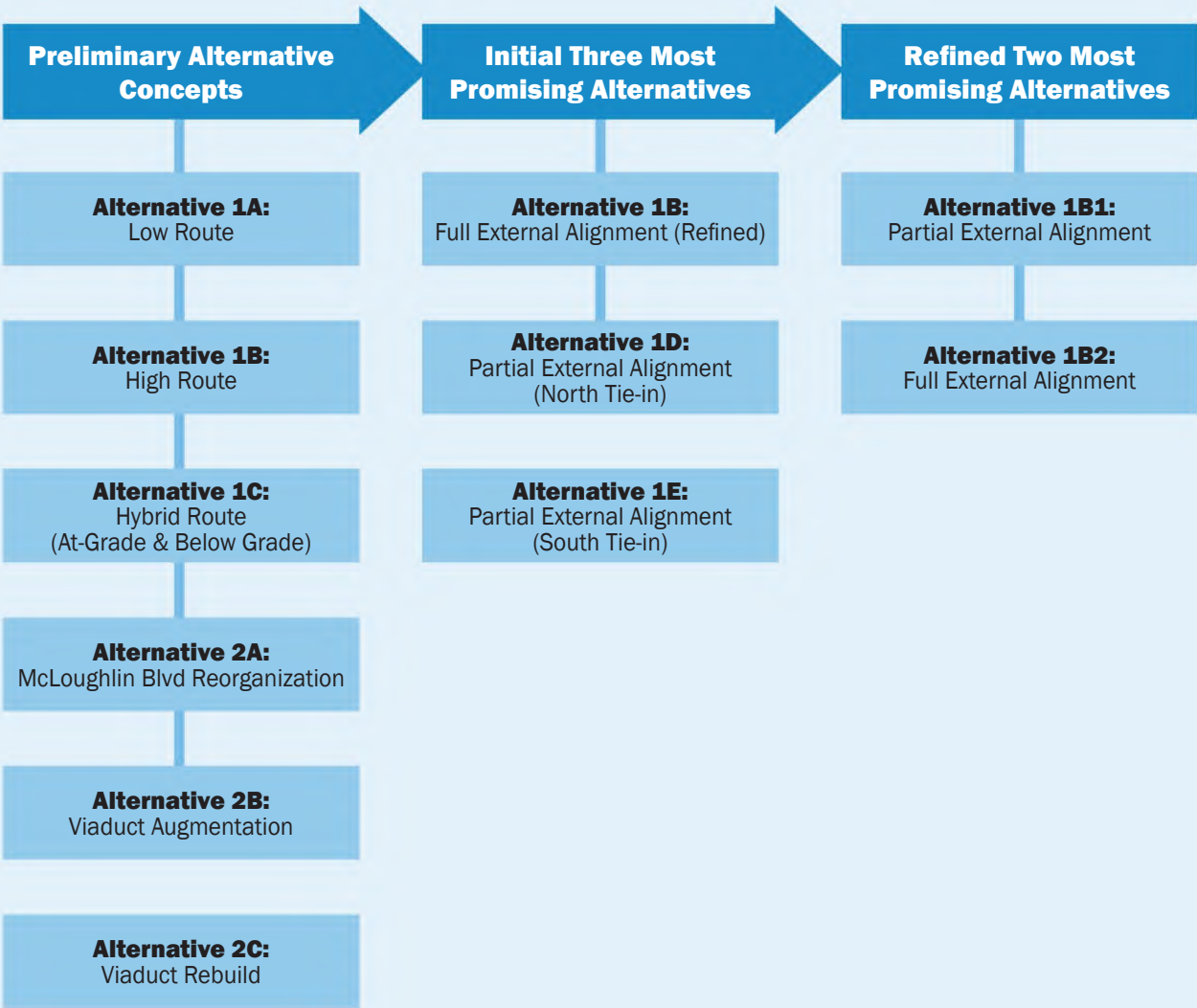
McLoughlin Boulevard Lane Reorganization Alternative

A potential road reorganization (removing one lane southbound or northbound) on McLoughlin Boulevard was considered to potentially create space for a shared-use path. Based on the ODOT Highway Design Manual “Estimating Capacity for Highways” methodology, a road reorganization would not be appropriate based on current or future projected traffic volumes. As such, a reorganization of McLoughlin Boulevard does not meet the Project’s Purpose and Need.

McLoughlin Boulevard Parallel Structure Alternatives

After confirming that the No-Build and McLoughlin Boulevard Roadway Reorganization alternatives did not support the Purpose and Need, the project team developed several parallel structure alternatives to McLoughlin Boulevard. Figures 5A and 5B summarize and illustrate the primary alternatives and most promising refined alternatives.

Figure 5A. McLoughlin Boulevard Shared-Use Path Development Alternatives



Initially, the team developed six alternatives along with a No-Build (Main Street) alternative. Three of the alternatives included a stand-alone, separate structure, and three required structural support from the McLoughlin Boulevard viaduct and/or seawall. Based on coordination with ODOT and further structural analysis, the three viaduct alternatives were deemed infeasible. In addition, Alternative 1A (which ramped the

structure down to water level) was deemed infeasible due to user comfort, water level fluctuation, and constructability concerns.

Initial Three Most Promising Alternatives

Based on this analysis, three initial most promising alternatives were then developed,

all providing a stand-alone, separate structures parallel to McLoughlin Boulevard but with different tie-ins to the seawall near the Historic Arch Bridge. The project team evaluated these alternatives to determine their structural viability by considering aspects ranging from ground support to span options.

First, an analysis of possible foundation locations and geotechnical conditions was performed and indicated that there was little to no opportunity

for external foundation support on the western portion of the alignment (south of the Historic Arch Bridge). There was a practical lack of available ground, steep vertical rock surfaces, and a steep ground drop-off at the base of the seawall extending below water, where depths extend up to 90 feet. Anticipated ground-support constructability challenges and risks associated with most of the 18 potential foundation locations would require complicated structural solutions that may have limited construction timing windows. Therefore, a structure that relies on consistent foundations would be difficult to construct and be high-risk in nature.

Structural requirements for the initial three alternatives were evaluated at a conceptual level to assess feasibility and the viability of structure type and materials. The project team first evaluated a conventional viaduct, consisting of conventional span-length structures as external viaduct elements providing physical separation between the existing viaduct and seawall. The analysis showed numerous risks to the existing seawall, adjacent utilities, and constructability of the foundation in front of or behind the seawall.

In addition, the project team evaluated a long-span cable-supported alternative, which provides a structure that requires only two foundation locations, leveraging the location of better ground conditions at either end of the alignment. The reduced number of foundations significantly reduced the risk, improved opportunities to avoid excavation issues, minimized in-water and permitting risks, and lowered chances of cultural or archaeological impacts.

Given the site constraints and challenges, the project team introduced two structural configurations (i.e., “partial external” and “full external”) as feasible approaches to supporting the alignment. These refined two most promising alternatives are summarized below and conceptually illustrated in Figure 6 and Figure 7.

- **Alternative 1B1:** Partial External Alignment: Conventional beam elements on the northern portion and a long-span superstructure on the southern portion.
- **Alternative 1B2:** Full External Alignment: Long-span, cable-supported structure with two foundations.

Figure 5B. - McLoughlin Boulevard Shared Use Path Alternatives

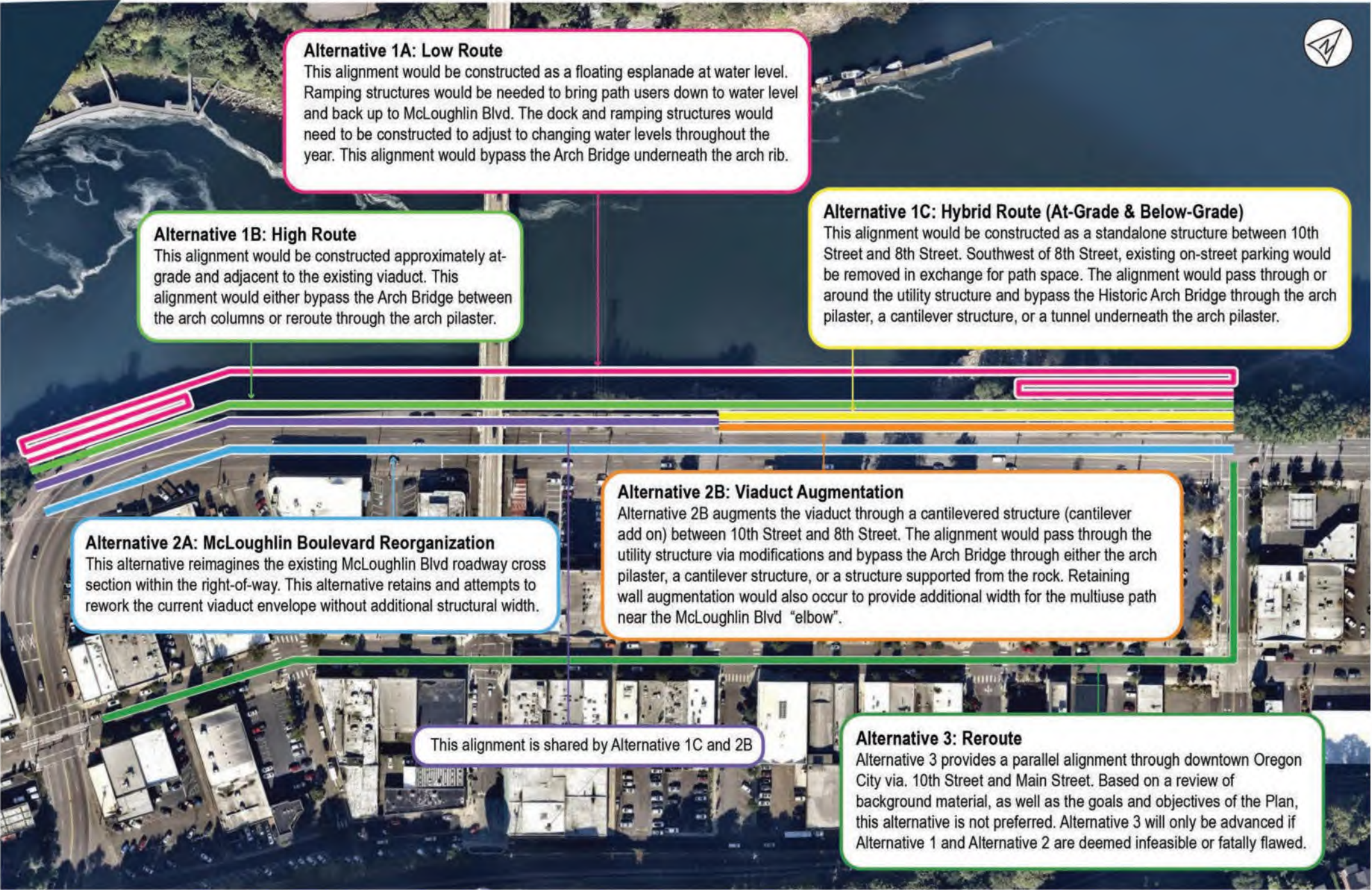


Figure 6. Alternative 1B1: Partial External Alignment



Figure 7. Alternative 1B2: Full External Alignment



Refined Two Most Promising Alternatives

To identify a recommended alternative, the refined two most promising alternatives were further evaluated based on structural feasibility and constructability; geotechnical and archaeological constraints; and cultural and historical criteria. Alternative 1B1: Partial External Alignment raised several challenges, including:

- Creating the need for the maximum number of foundations, which could lead to construction and geotechnical challenges and risks.
- Needing to build foundations in variable topography, requiring wide-ranging specialty footings.
- Requiring temporary access bridge needs.
- Requiring traffic disruption to McLoughlin Boulevard during construction.
- Requiring hydraulic/in-water work.
- Raising potential conflicts with the existing structures and utilities.
- Exposing the Project to numerous subsurface conditions and unknowns.
- Increasing the potential for inadvertent archaeological discoveries.
- Competing visually with the Historic Arch Bridge with a two-arch design.
- Requiring two signature long spans.
- Requiring seismic weight and heights to be perched above foundations.
- Raising constructability concerns.

Due to these challenges, the partial external alignment was eliminated, and the Project Management Team selected **Alternative 1B2: Full External Alignment** as the recommended alternative. This long-span, cable-supported structure avoids deepwater footings and leverages more accessible footing space at either end of the most promising alignment, minimizing risk and increasing constructability of the Project.

Chapter 6: Recommended Shared-Use Path Alternative

A Fully External Alignment

Alternative 1B2: Full External Alignment (see Figure 8) is efficient and effective at connecting the extremities of the Project, staying clear of many challenges and constraints by providing the most direct alignment. This alternative threads through the eastside approach to the Historic Arch Bridge, supported by the most structurally and visually lightweight structure available. The following describes one potential layout and structure type that was used to evaluate the recommended alternative's feasibility. The type, size and location (TS&L) for the recommended alternative will be determined in a future phase of Project work.

As shown in an elevation view (Figure 9), this alignment could be supported by a long-span suspension bridge consisting of a cable-supported structure with its north foundation located north of 9th Street and the south foundation south of 6th Street. This structure, supporting the fully external alignment, could provide maximum clearance below the deck for utilities and river water levels, including the 100-year flood level. This structure would require cable support from above the deck superstructure, which is both a design feature and a benefit for river flood and debris clearance in addition to fewer ground-supported piers. The cable support also provides the ability for the

Figure 9. The Long-Span Concept/Alternative, Elevation of Structure Type



structure to pass through the existing Historic Arch Bridge with minimal visual and construction-related impacts (see Figure 10)

The design of a long-span bridge would require a specialist engineer and contractor. Conceptually, support towers could be inclined, tapered steel sections encased in concrete. These would support the required geometry for the catenary mainlines, which support the deck along the alignment profile and provide the strength to resist structural loading on the towers into the foundations. This form has structural advantages in resisting the applied loads while also providing a symmetrical structural configuration in elevation along with improved alignment features (e.g., a viewing area).

A long-span, cable-supported suspension bridge's segments can be erected "in the dry," as shown in Figure 11 and 12. By utilizing a highline connected to the main towers, this type of structural solution may also reduce construction challenges. Avoiding in-water work eliminates impacts associated with the river, flooding, and other associated hydraulic considerations. Any required in-water work could be scheduled during low water levels or located out of ordinary high-water levels.

Figure 8. Alternative 1B2: Full External Alternative, Plan View

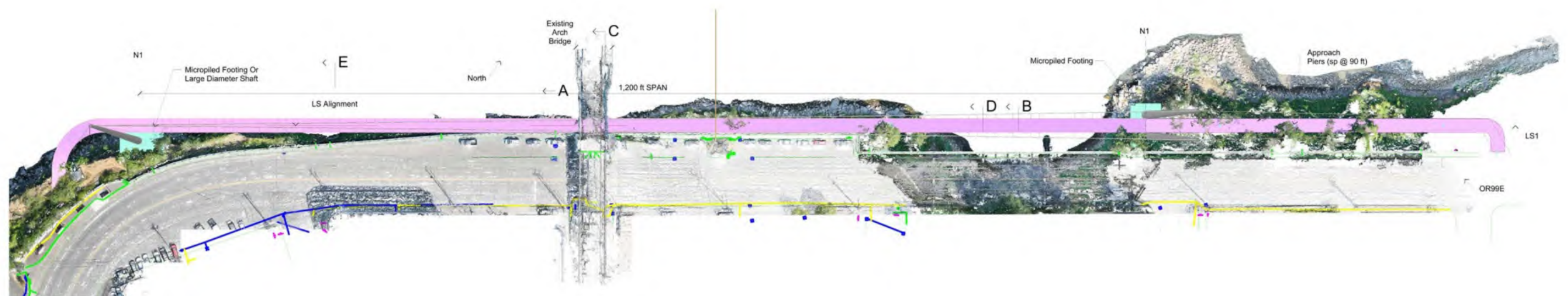


Figure 10. The Fully External Alignment Threading Through the Historic Arch Bridge



Figure 11. Highline Access Example, Columbia Skywalk



Figure 12. Columbia River Skywalk (Source: City of Trail, British Columbia, Canada)



Figure 13. Bulb-Out Viewing Area



Placemaking Opportunities

The full external alignment layout also provides opportunities for significant placemaking and views of both Willamette Falls and the Historic Arch Bridge from the south end. A bulb-out at this location, as shown in Figure 13, could be a landmark with appropriate design elements and enhance views.

Tower foundations to support the full external alignment could be developed with public and tribal input to include community features, such as lookouts. Foundations could also integrate platforms at the tower for fishing and improved waterfall viewing. Instead of minimizing their aesthetic impact, the towers can be designed to be prominent and visible from multiple locations beyond downtown Oregon City. Such designs may enhance tourism and increase economic development on the waterfront path, in tumwata village, and in downtown Oregon City.

Additional waterfront development of the existing seawall parking areas also is available with the recommended alternative. Parking can be transformed into open spaces with landscaping, benches, picnic tables, and bike parking. The parking area flanking the Historic Arch Bridge could also serve as a community space and programming opportunity for summer events or special occasions, such as art markets, concerts, and holiday celebrations. The park would allow people on the shared-use path and from McLoughlin Boulevard and Main Street to easily access and enjoy the space.

Design Elements for Continued Refinement

The recommended alternative will be refined in structural design and development during the TS&L phase. Continued design refinements are identified in Figure 14 and detailed below.

- **A - North approach** – Span configuration, materials selection, ground supports to provide alignment support over available ground and connection to the existing shared-use path.
- **B - North tower** – Geometric configuration that meets materials, structural, and aesthetic goals.
- **C - Underpass** – Span configuration, materials, and ground-support configuration to effectively bridge the gap from 8th Street to a viable tie-in location meeting geometric requirements and structural capabilities. In addition to evaluating geometry that meets acceptable horizontal alignments and vertical grades, design refinements include verifying clearance envelopes can be met, noting the availability for footings, and validating constructability below the viaduct and near major utilities.
- **D - Existing seawall** – Connectivity, materials, and methodology meeting geometric and structural requirements.
- **E - Existing Historic Arch Bridge** – Interaction/pass-through of the historic structure and the development of horizontal and vertical supports providing improved stability and support.
- **F - Deck section** – Development of materials and a system to meet geometrical and structural functionality that considers constructability, operations and maintenance aspects.
- **G - South tower** – Similar to the north tower with additional consideration for physical placement, configuration, and contextual integration of the footing and pylon at a key location.
- **H - South approach** – Configuration to improve waterfront views and pathway tie-ins while meeting structural and geometric requirements.
- **I - Contextual** – Development of the overall structure for local fit and form at the site while meeting programmatic objectives.

Figure 14. Full External Alignment Schematic Identifying Design Elements for Continued Refinement



Preliminary Cost Opinions

The recommended alternative would be supported by a structure designed to meet a minimum service life of 75 years and would incorporate materials durable enough for this anticipated service life. A service life longer than 75 years could be evaluated and addressed during the design phase and applied to an asset management plan, although there may be additional costs associated with materials capable of providing a longer service life.

Proposed materials would be selected for corrosion resistance to metals (i.e., aluminum, stainless steel, and zinc-coated elements) or to improve structural durability, such as reinforced, post-tensioned concrete decking and other materials, such as carbon fiber.

Planning-Level Maintenance

Maintenance would be influenced by how frequently the structure requires upkeep and the availability of stakeholder resources (e.g., City of Oregon City, ODOT) to provide maintenance. Annual costs for maintenance could range between \$10,000 and \$60,000, depending on the structure's age and upkeep levels.

An asset management program consisting of inspections to occasionally evaluate corrosion-resistant coatings on hangers, railings, mainlines, and deck elements would improve service life and ensure that deterioration does not affect safety. Inspection and maintenance of bearings and decking overlays would also be expected at regular intervals.

Planning-Level Cost Opinion

The project team prepared a range of planning-

level cost estimates, shown in Table 1, which reflect the variability and influence of risk present at this early planning phase. The base construction cost opinion range is derived from material quantity and associated bid pricing based on a concept-level design configuration and similar project costs. The project team then applied adjustments for aspects ranging from supply chain availability to an assumed level of architectural input and additional allowances (i.e., contractor mobilization, traffic, and containment) to produce a concept-level construction cost estimate that ranges from \$1,056 to \$2,080 per square foot of deck area, or an estimated range of \$25 million to \$51 million.

The project team further developed these estimate ranges to also include assumed planning-level contingencies along with design engineering, construction, and project management. They included an allowance for a site-specific wind study to assess pedestrian comfort with a long-span structure to ensure that design refinements are aligned with the expectations of the long-span structure type. The cost range after these allowances were added was \$41 million to \$91 million.

Finally, escalation and design refinement cost allowances for a 2030 construction year were added, resulting in a cost range of \$56 million to \$123 million.

To mitigate the wide variability of these cost estimates, we strongly recommend that a Type, Size, and Location study (TS&L, 30% design level) be advanced to address the identified risk factors and reduce the range of potential project costs. The planning-level cost for a TS&L study is estimated to be \$1.6 million.

Table 1. Alternative 1B2 Full External Alignment Planning-Level Cost Opinion

Base construction cost	Total estimate	\$25–\$51 million
	Per square foot	\$1,056–\$2,080
Base construction cost + planning-level contingencies	Total estimate	\$41–\$91 million
Total project cost, including escalation and design refinements	Total estimate	\$56–\$123 million

Key Considerations

The project team identified the following permitting, design, and constructability considerations associated with future development of the recommended shared-use path alternative.

Permitting and Design Considerations

Cultural and historical impacts: The configuration of bridge structure types may physically and aesthetically impact the historic Arch Bridge superstructure and associated foundations/footings. The project will likely have a Section 106 Adverse Effect on the Historic Arch Bridge, which is listed in the National Register of Historic Places.

- **Mitigation:** A Memorandum of Agreement will need to be completed to “resolve” the Adverse Effect with mitigation. The project will also need to address potential impacts to McLoughlin Boulevard, including the seawall and railing, parking areas, and other sensitive areas or structures. In later stages of design, context-sensitive design elements can be integrated into structural support configurations for the recommended alignment to minimize any cultural and historical impacts.

Archeological impacts: Archeological remains or artifacts may be encountered during site preparation or excavation efforts while constructing structure foundation/footing near the existing seawall and Arch Bridge. These remains, which need to be preserved and could impact any ground construction works at this site, have an undetermined value.

- **Mitigation:** Context-sensitive approaches that mitigate impacts to archeological artifacts, remains, and other undocumented subsurface unknowns are high priorities considered in the recommended alignment and help minimize design changes and delays that may result.

Design: Addressing key site challenges for the recommended alignment alternative would require a specialized, context-sensitive structural approach that conventional bridge solutions cannot fully meet. Whereas conventional

approaches pose significant constructability risks at the site, a specialized bridge structure that supports the recommended alignment and addresses key site challenges can add technical challenges and construction risks.

- **Mitigation:** The design risks can be managed through appropriate design expertise and the application of long-span, cable-supported bridge construction expertise in conjunction with a site-specific wind and vibration study if this type of structure is selected through a subsequent TS&L process. A specialist engineer and contractor with sufficient expertise and construction know-how would be required for the structure type that is advanced further.

Foundations: A potential structural configuration to support the recommended alignment alternative proposes significantly fewer foundations, with two major foundations located at favorable locations of ground support availability to significantly minimize risks associated with subsurface unknowns. In addition to simplified locations for structural support foundations to mitigate subsurface conditions, the two major foundations can use footing designs that aim to mitigate subsurface unknowns and balance constructability risks.

- **Mitigation:** Geotechnical and hydraulic risks would be mitigated through expertise and recommendations for the site based on topography and subsurface investigations.

Materials: Structural support for the recommended alignment alternative selected through the TS&L process may require specialty materials for key structural elements such as towers, anchorages, cables, hangers, and deck sections.

- **Mitigation:** These support types require appropriate design and advanced planning to accommodate lead time and supply chain availability challenges.

Constructability Considerations

Historic Arch Bridge: The recommended alignment requires physical passage through the arch (between vertical columns, below the deck level). Verifying that the structure can pass through the available opening with adequate

clearances under operational conditions would be required. Sequencing and methodologies to pass primary load-carrying support elements through the arch would need to be carefully designed and planned to accommodate the associated technical risks to both the existing and proposed structures.

- **Mitigation:** These aspects may be managed through design and construction expertise with specialty cable-supported bridge types.

Deck stability: The stability and operational performance of the deck under wind and user-created vibrations during construction and while in service will require mitigating measures.

- **Mitigation:** Stability can be managed through design, construction expertise, and a site-specific wind and vibration study conducted simultaneously with design development.

Traffic disruption: The construction and placement of a structure parallel to McLoughlin Boulevard would require roadway-based access directly influenced by the structure type and configuration.

- **Mitigation:** One structural configuration considered (and subject to verification in the TS&L phase) that would support the recommended alignment alternative provides an opportunity to minimize construction concerns and reduce traffic disruption to McLoughlin Boulevard by leveraging the benefits of a long-span cable-supported bridge approach. This bridge structure-type configuration leverages inherent efficiencies for the delivery and installation of prefabricated decking elements that are erected above the water (“in the dry”) to avoid in-river works, temporary supports, or access trestles. Additionally, a fitting long-span structure-type solution (validated through the TS&L phase) could utilize a highline connected to the main towers that adds efficiencies and opportunities to reduce construction challenges associated with working in or near a river with variable water levels and streamflow velocities. For instance, the delivery of prefabricated deck segments to key starting point locations to be moved into final locations on a cable-supported

superstructure without temporary supports or in-water work improves the construction process and minimizes traffic disruption on McLoughlin Boulevard. However, construction of the shared-use path may still require some closures of McLoughlin Boulevard at key locations for the delivery and access of construction materials. Key aspects of constructability will be influenced by the structure type and evaluated in the TS&L phase.

Hydraulic impacts: Significant constructability risk is associated with any construction-based activities located near the Willamette River with streamflow and significant water level variations.

- **Mitigation:** Minimizing in-water construction work mitigates hydraulic risks and can eliminate impacts directly associated with the river (i.e., flooding, scour, and permitting), which impact design, budget, and schedule. Construction of the primary foundations for the recommended alignment is intended to minimize in-water work and provides the opportunity to schedule the activities during low water levels. Further, full containment during construction should be provided to prevent materials falling into the river.

Utilities: Overhead catenary cables present geometric and coordination challenges that need to be addressed during design and planning to mitigate risks and determine setback distances.

- **Mitigation:** The inherent structural and geometric form of the proposed configuration provides improved physical setback and buffer distances from utilities to avoid conflicts with overhead utility catenaries and provide safe separations, in addition to supporting utility operation and maintenance activities.

Integration: The southeast landing of the shared-use path will require integration with the tumwata village and riverwalk, which has not yet been fully designed.

- **Mitigation:** Opportunities to integrate structural design aspects of the recommended alignment alternative with adjacent project efforts may identify structural efficiencies not evident in the current project footprint and boundary conditions (i.e., anchorages, towers, and observation and viewpoint locations/interactions).

Chapter 7: Streetscape Enhancements

There is an opportunity to enhance the streetscape along McLoughlin Boulevard to complement the recommended shared-use path alternative, calm vehicular speeds along McLoughlin Boulevard, and better integrate downtown Oregon City with the waterfront. Sidewalk, landscaping, and placemaking improvements can be incorporated to calm traffic and create a sense of place, consistent with the Traditional Downtown/CBD urban context. If the streetscape enhancements are implemented separate from the shared-use path, additional design and phasing considerations will be needed.

The **McLoughlin Boulevard Enhancement Plan**, completed in 2005, recommends streetscape improvements, including wider sidewalks, landscaped medians, and improved signalized intersections and pedestrian crossings between the Clackamas River Bridge and Railroad Avenue

The City has successfully completed the first two phases of the McLoughlin Boulevard Enhancement Plan, including a shared-use path on the river side of the roadway. The segment from 10th Street north to Dunes Drive, completed in 2009 (Phase 1), includes wide sidewalks with tree-lined buffers on the south side of the roadway, landscaped medians with trees where space is available, and additional pedestrian crossing opportunities and signalized intersections.

The McLoughlin Boulevard Enhancement Plan recommends continued treatments and similar streetscape elements for the study segment of

McLoughlin Boulevard between 10th Street and Main Street, including:

- Narrowing travel lane widths consistent with the ODOT Highway Design Manual to calm traffic and increase opportunities for additional modal considerations.
- Installing a median from 8th to 10th Streets.
- Incorporating and increasing the presence of landscaping and vegetation where possible.
- Providing wide sidewalks along the east side of the roadway. The recommended sidewalk width is 10 feet or greater; the minimum sidewalk width is 8 feet.
- Adding bicycle wayfinding signage.
- Retaining and enhancing the existing pedestrian-activated traffic signal at 7th Street.

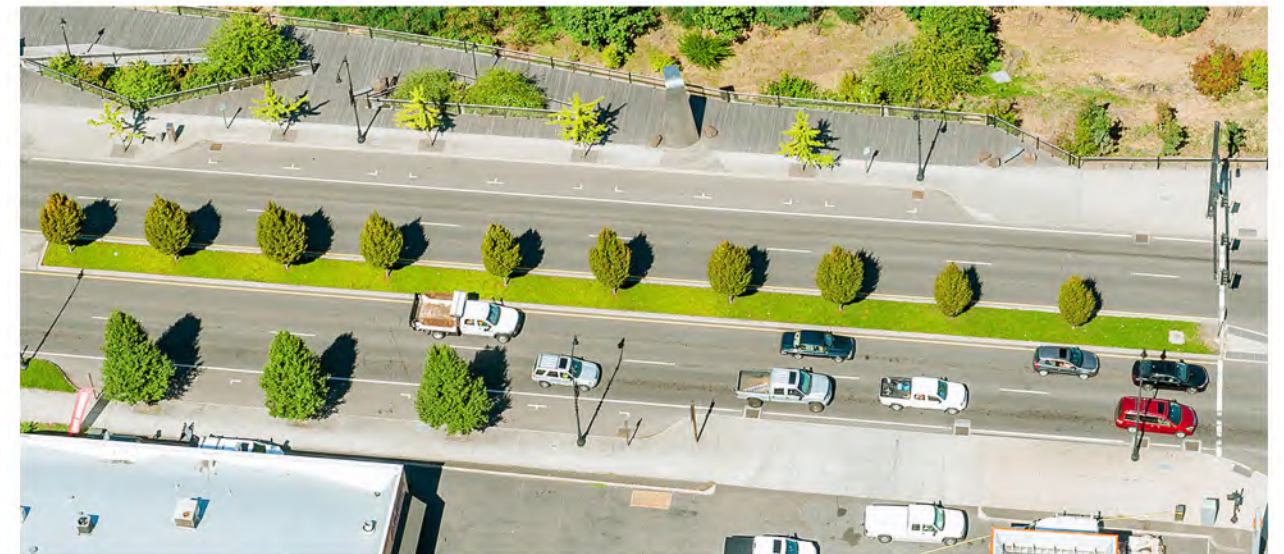
To achieve the corridor vision and desired streetscape enhancements, the project team recommended two primary streetscape enhancement opportunities for consideration:

1. Reconfigure the roadway to provide additional space for sidewalk and landscaping improvements while increasing consistency with ODOT Highway Design Manual recommendations for the travelway realm—the area between the curb lines reserved for automobile traffic—based on the Traditional Downtown/CBD urban context.
2. Provide open spaces in the areas currently used for on-street parking along the river, under the Historic Arch Bridge, and along the curve area of McLoughlin Boulevard.

Recommended Streetscape Enhancement Concept

The recommended streetscape enhancement concept for McLoughlin Boulevard between 10th Street and Main Street is shown in Figure 15 through Figure 20.

Per ODOT HDM guidance, the cross-sections generally include 11-foot travel lanes with a 2-foot shy from the guard rail (river side) and a 1-foot shy from curbs.¹ The provided sidewalk is 10 feet with a 4.5-foot buffer zone and 0.5-foot curb zone. Where space is limited on the viaduct, this width is reduced. Additional shy distance is also provided to meet pinch points per Oregon Revised Statue (ORS) 366.215.



McLoughlin Boulevard Forestry and Habitat Considerations

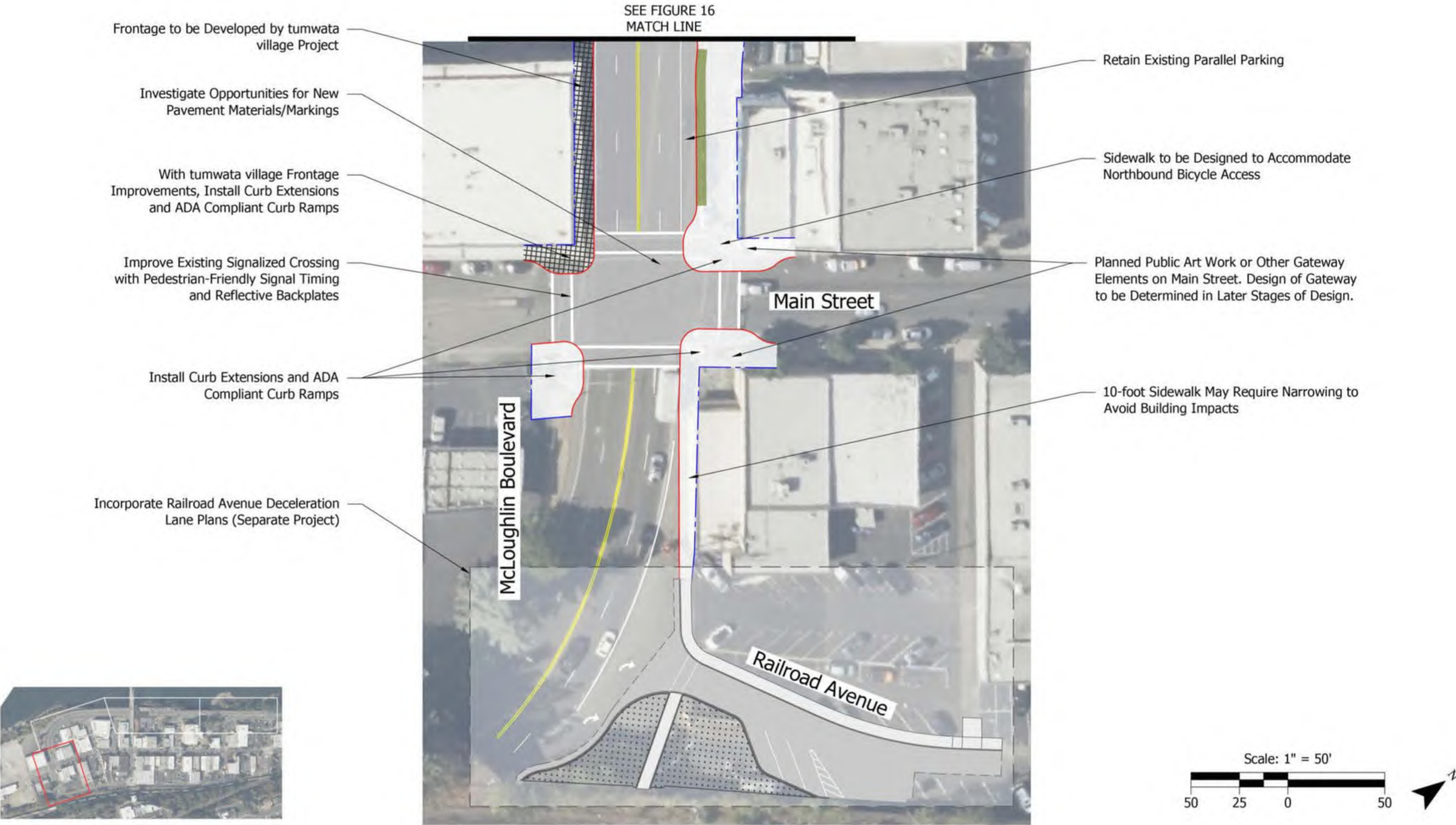
The riverside of McLoughlin Boulevard is home to a riparian forest and ecosystem habitat. The consideration of forest and habitat impacts is vital and will be explored as part of future environmental assessments required under the National Environmental Policy Act (NEPA) federal law. The future design will integrate the shared-use path to the surrounding context while providing increased access to open space.



Kronberg PedBike Bridge Source: City of Milwaukie

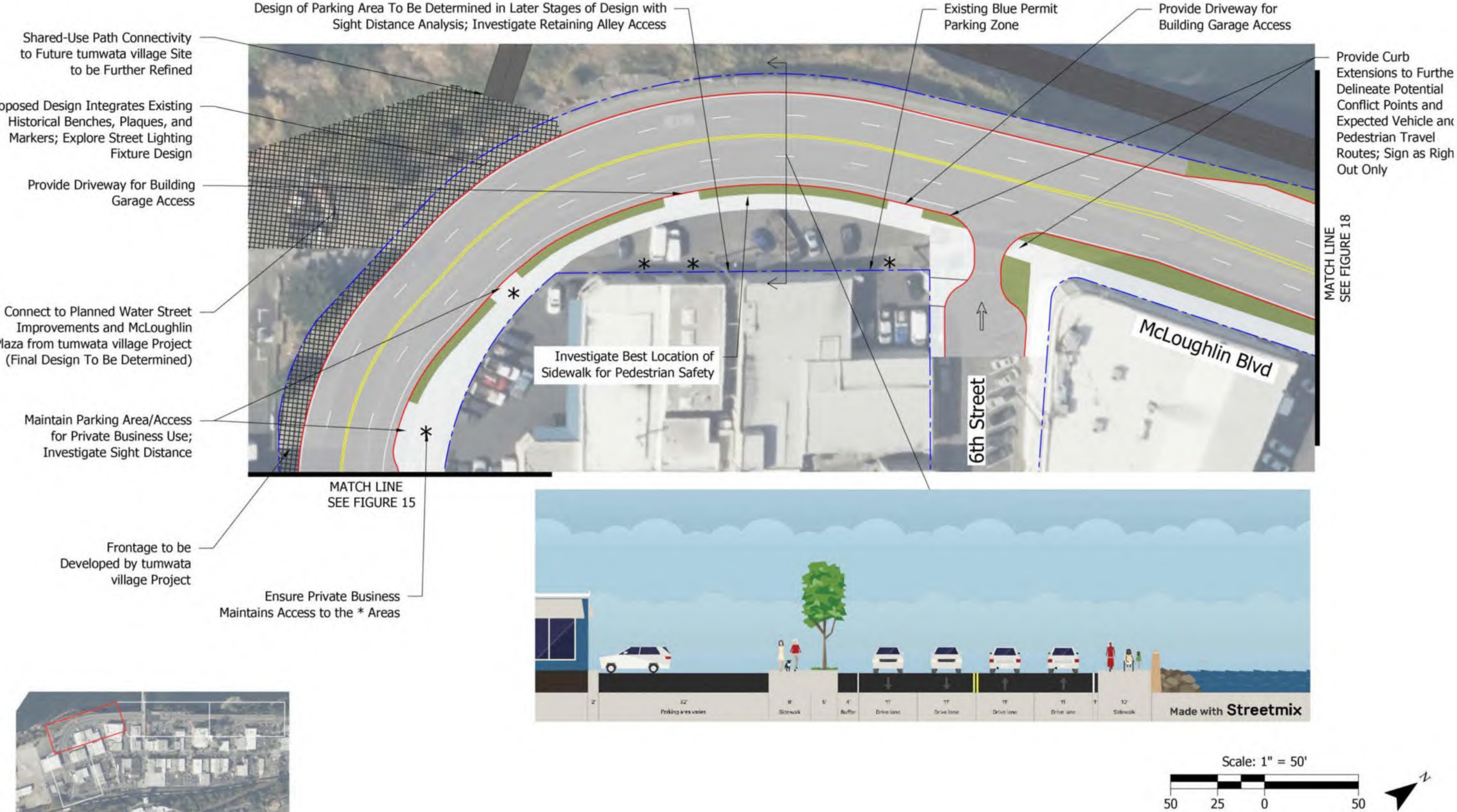
1. A hydro analysis will be conducted during the final design to confirm that 1 foot is an acceptable width.

Figure 15. Streetscape Improvements McLoughlin Blvd: Railroad Avenue to Main Street



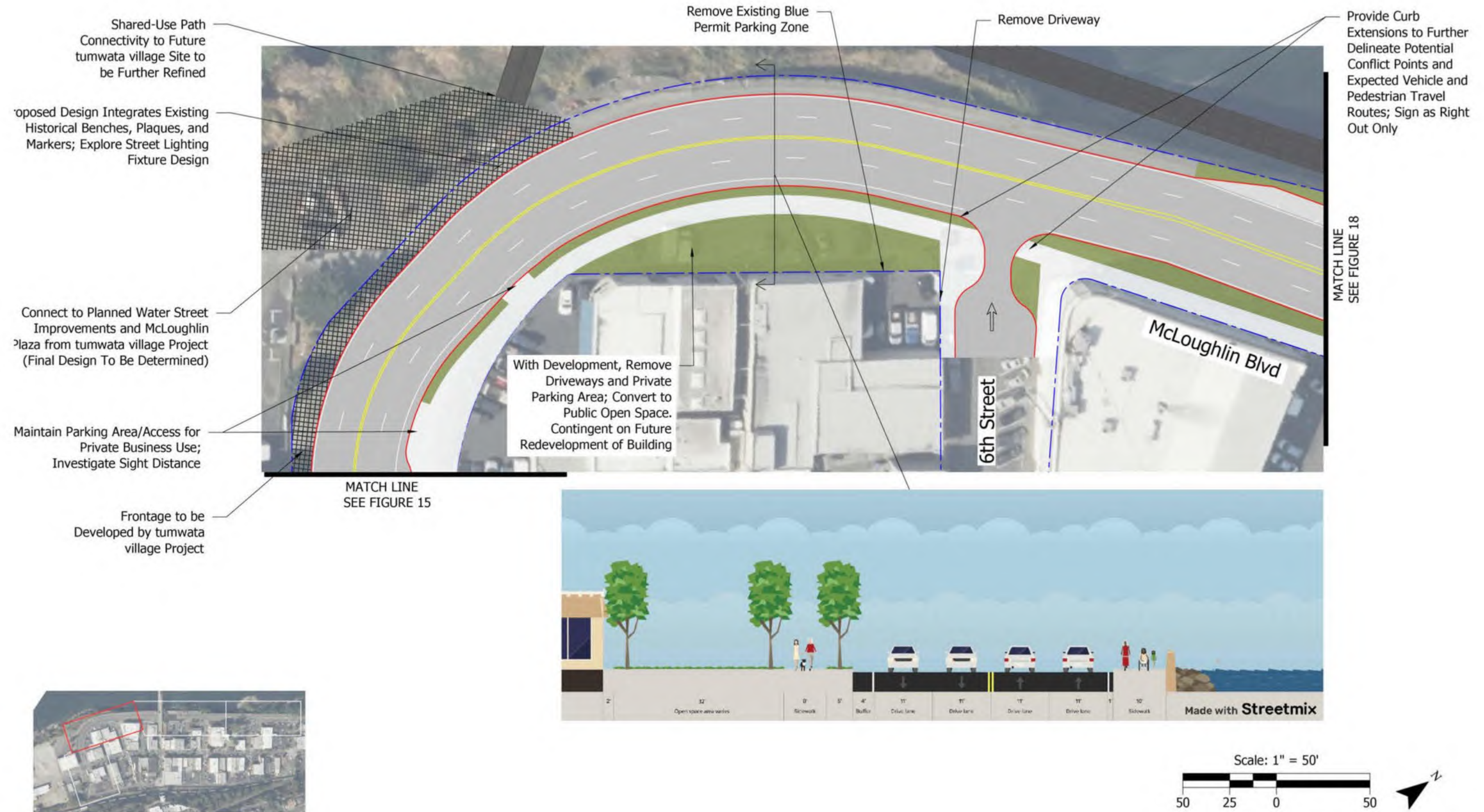
NOTE: Concept design subject to change per future planning, analysis, and design.

Figure 16. Streetscape Improvements (Option A)
McLoughlin Blvd: Main Street to Historic Arch Bridge



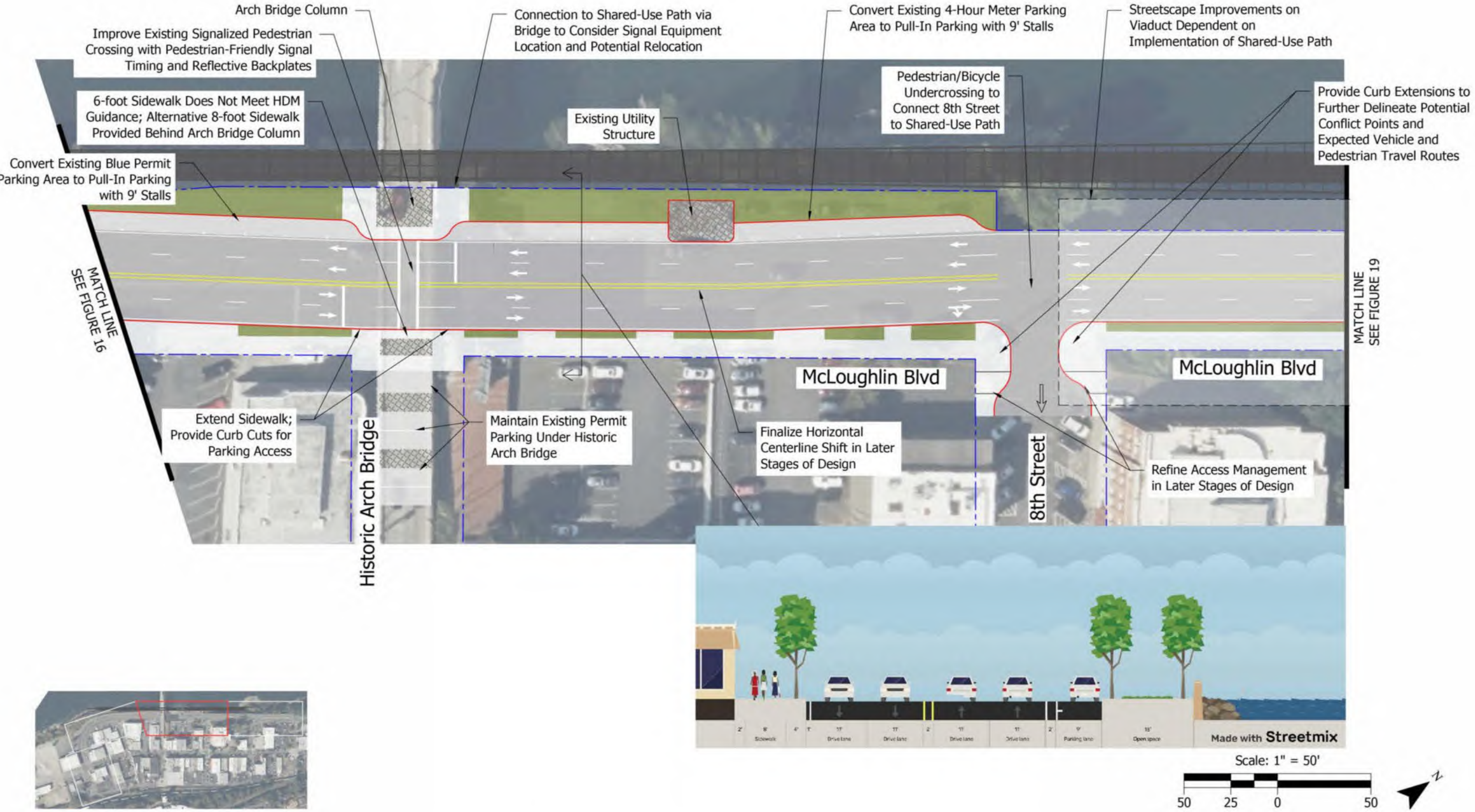
NOTE: Concept design subject to change per future planning, analysis, and design.

Figure 17. Streetscape Improvements (Option B)
McLoughlin Blvd: Main Street to Historic Arch Bridge



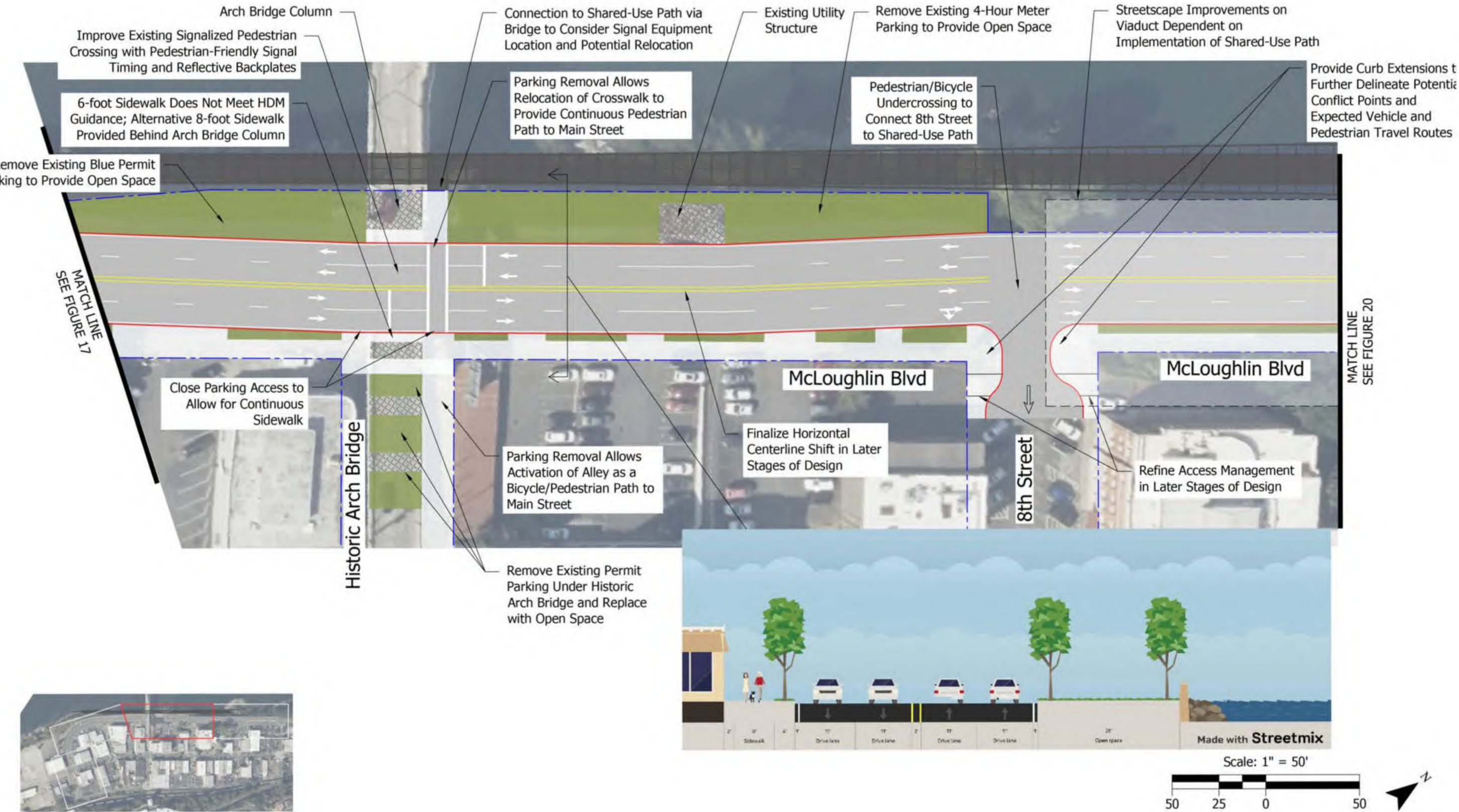
NOTE: Concept design subject to change per future planning, analysis, and design.

Figure 18. Streetscape Improvements (Option A)
McLoughlin Blvd: Historic Arch Bridge to 8th Street



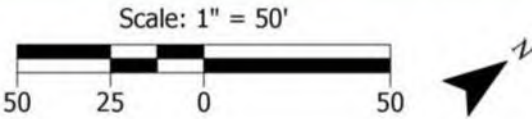
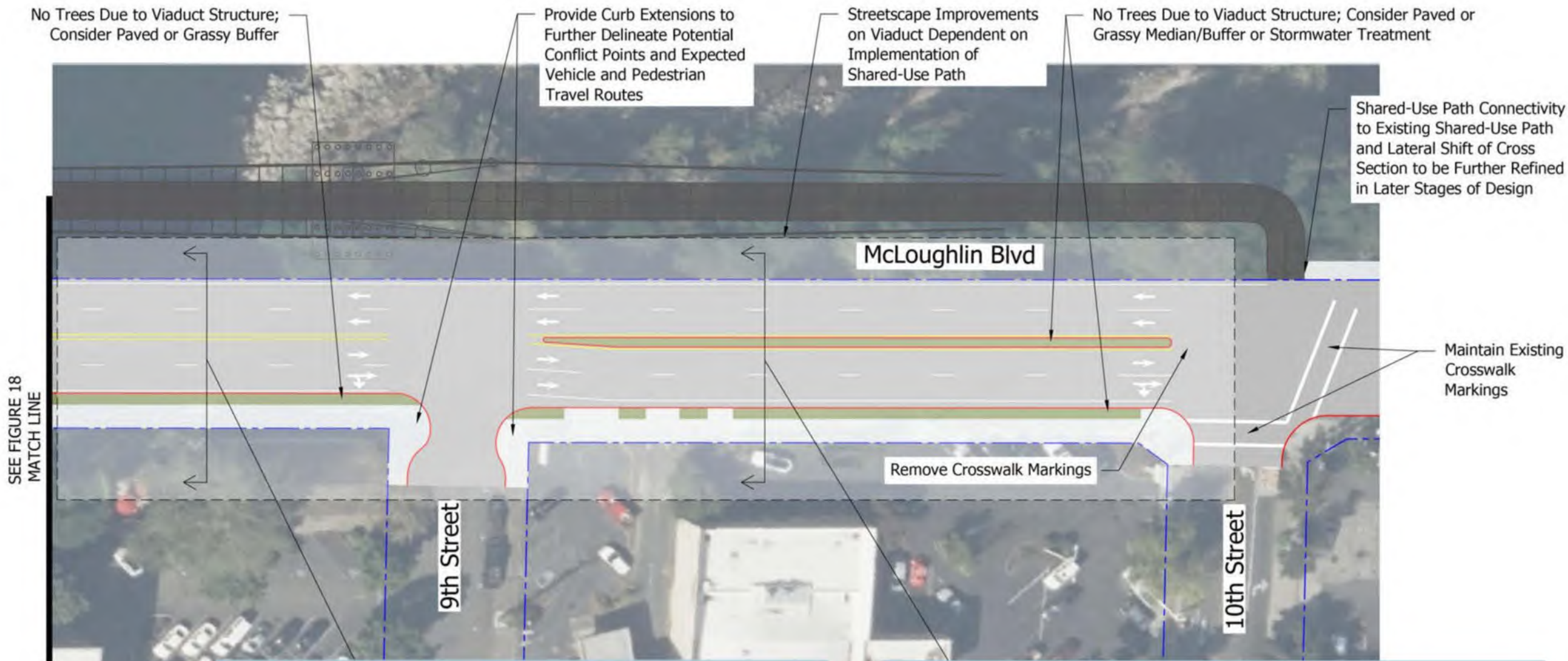
NOTE: Concept design subject to change per future planning, analysis, and design.

Figure 19. Streetscape Improvements (Option B)
McLoughlin Blvd: Historic Arch Bridge to 8th Street



NOTE: Concept design subject to change per future planning, analysis, and design.

**Figure 20. Streetscape Improvements
McLoughlin Blvd: 9th Street to 10th Street**



NOTE: Concept design subject to change per future planning, analysis, and design.

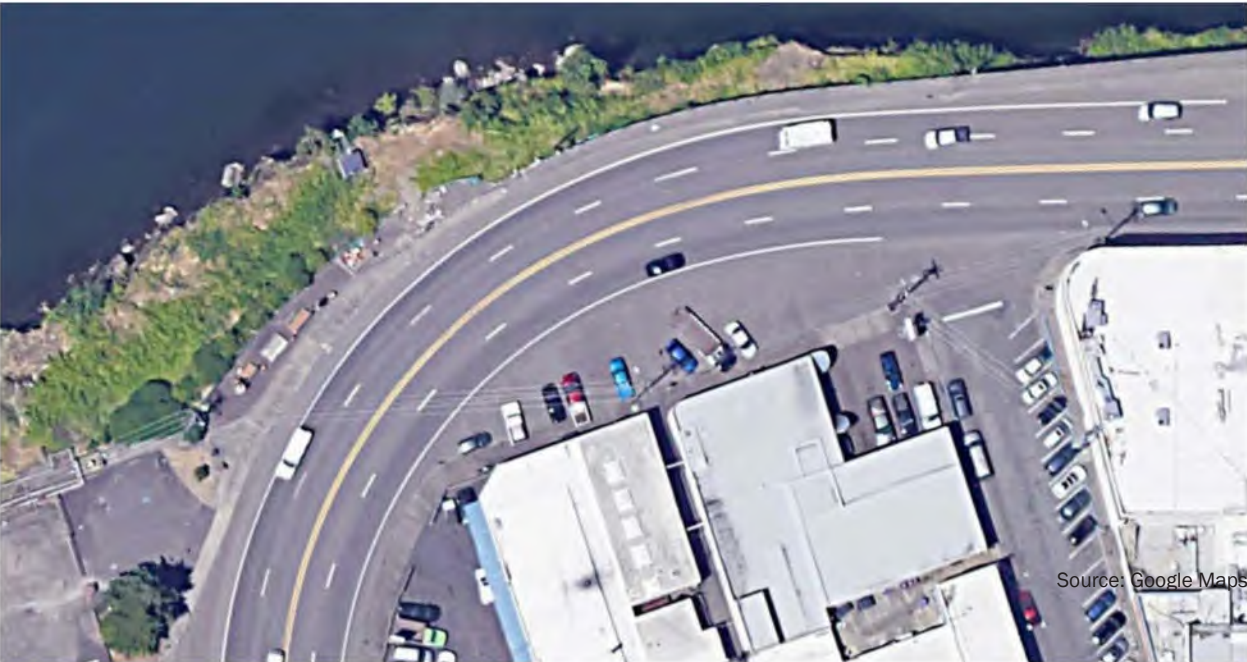
Design Considerations

The following section describes design considerations that the project team has incorporated into the concept layout for McLoughlin Boulevard.

McLoughlin Boulevard “Elbow”

Currently, the area in the McLoughlin Boulevard “elbow”—the curve northeast of Main Street—is used by a private business for parking and access. The existing sidewalk runs in front of the building but has frequent curb cuts due to several garages from the private business. This configuration raises several safety challenges, especially if the sidewalk is widened per ODOT Highway Design Manual guidance to 8 feet with a 2-foot frontage zone and a 5-foot buffer zone. Drivers backing vehicles out of the driveways/garages may not have enough room or sight distance to maneuver and may back into the curve portion of McLoughlin Boulevard. Retaining all the accesses as-is maintains the many conflict points between people walking and vehicles entering and exiting the garages. The existing configuration is shown in Figure 21. The project team developed two alternatives to address safety concerns in this area, described below.

Figure 21. Existing “Elbow” Configuration



Option A: Retain Accesses

In the first option, an 8-foot sidewalk and 5-foot buffer would be provided along the fog line, continuous with the sidewalks on either side of this section. No frontage zone is provided, as the sidewalk will not be in front of a building. Two driveways are provided to allow access to the existing garages and alley. Additional analysis would be needed in later design stages to determine how to configure driveway accesses to allow for safe maneuvering in and out of the garages. All other accesses to the property (two on McLoughlin Boulevard and one on 6th Street) would remain as shown in Figure 16 (Option A).

Option B: Open Space

Alternatively, with future redevelopment of the existing building, the garage and alley accesses could be closed to provide an open space in the “elbow.” This open space would include a continuous sidewalk and buffer, but would also have space for additional landscaping, seating, street furniture, or public artwork. This option would eliminate any vehicles making turns at this portion of the curve and vehicular conflicts with people walking. The additional two driveway accesses on McLoughlin Boulevard could remain, if desired, but the access on 6th Street should be closed. Note that this is a long-term option and requires redevelopment of the property as shown in Figure 17 (Option B).

Design and Implementation Phasing

The implementations of the streetscape enhancements and shared-use path are unlikely to occur in tandem. As a result, elements of the streetscape enhancement project may need to wait for shared-use path implementation to occur, particularly the section of McLoughlin Boulevard along the viaduct between 8th and 10th Streets. Removing the riverside sidewalk on the viaduct without providing pedestrian access via the shared-use path is not a viable option. Streetscape enhancements between 8th and 10th Streets are dependent on the implementation of the shared-use path.

Open Space

There is a parking area on the river side of McLoughlin Boulevard between 6th and 8th Streets with about 20 spaces. Just south of this parking area, there are six additional parking spots under the Historic Arch Bridge, accessed by two alleys. These alleys create curb cuts on McLoughlin Boulevard, which reduce the space available for Americans with Disabilities Act (ADA)-compliant curb ramps and a continuous pedestrian route. The project team developed two alternative options to integrate the streetscape enhancements with the parking areas while ensuring the inclusion of ADA-compliant facilities.

Option A: Retain Parking

In the first option, the parking to the north can be retained, but converted to tuck-in parking to provide more room for open space. The McLoughlin Boulevard crossing would remain as-is at the center of 7th Street, and a connection to the shared-use path would be provided just east of the Historic Arch Bridge column. For the south parking area, alley accesses are recommended to be reconfigured into driveways to provide a more continuous sidewalk. However, due to the need for a curb ramp for the 7th Street crossing, the additional driveways will lead to a “roller coaster” effect, in which sidewalk grading travels downward for curb ramps and driveways. The tuck-in parking includes 9’ wide

stalls and a 2’ shy distance. A sidewalk would be provided under the Historic Arch Bridge, similar to the existing conditions as shown in Figure 18 (Option A).

Option B: Open Space

There is also an opportunity to create an open space in the northern existing parking area with additional landscaping and placemaking opportunities to provide a strong pedestrian and bicycle connection from the shared-use path to Main Street as shown in Figure 19 (Option B). This open space could connect to the recommended shared-use path with a short transition zone just east of the Historic Arch Bridge. The open space could provide a walking path, viewpoints of the shared-use path and river, and opportunities for seating and other street furniture.

In addition, closing the parking spaces underneath the Historic Arch Bridge would allow the two driveway access points to close, providing a continuous sidewalk for people walking along on the south side of McLoughlin Boulevard with no conflicts with vehicles. This arrangement also allows the 7th Street crosswalk to be shifted to the east, providing continuous bicycle and pedestrian travel on the shared-use path, through the open space, across McLoughlin Boulevard, and down the eastern alley to Main Street. This would provide a much-needed active transportation connection between the shared-use path and downtown. Further, the alley could be activated with landscaping, art, lighting, and/or street furniture.

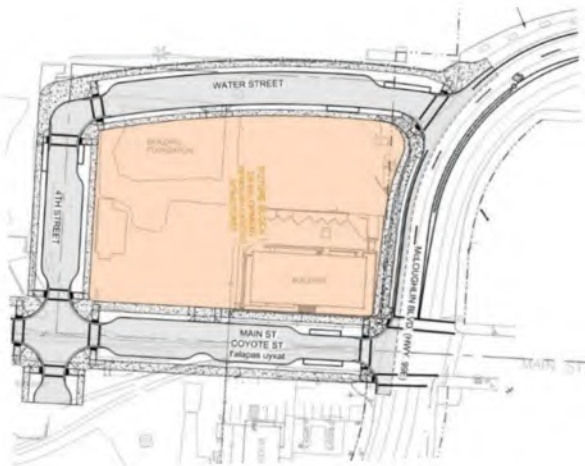
Including these described open spaces would require the removal of approximately 26 on-street parking spaces and necessitates further analysis. Note that the open space adjacent to the shared-use path would be designed around the Historic Arch Bridge column and the existing utility structure, which are both placed within the existing parking area. Furthermore, the sidewalk under the Historic Arch Bridge is retained.

tumwata village

The western frontage of McLoughlin Boulevard north of Main Street will be developed by the tumwata village project. This process is ongoing, and the McLoughlin Boulevard Shared-Use Path project team is coordinating with the tumwata village project team.

The tumwata village team is also developing a project for an improved Water Street connection to McLoughlin Boulevard. While the design is still in progress, any future changes to Water Street should be incorporated with the proposed improvements to McLoughlin Boulevard. Figure 22 provides a schematic of the preliminary proposed improvements.

Figure 22. Water Street Improvements (Preliminary)



McLoughlin Boulevard Crossings

There are three existing signalized crossings along McLoughlin Boulevard in the study area:

- McLoughlin Boulevard/10th Street – Signal
- McLoughlin Boulevard/7th Street – Pedestrian signal
- McLoughlin Boulevard/Main Street – Signal

These signals will be retained. For all signalized crossings, reflective backplates should be considered where not provided, as well as adequate pedestrian-friendly signal timing strategies (such as leading pedestrian intervals).

At 10th Street, the eastern crosswalk should be aligned to the previous shared-use path, while the western crosswalk should be removed as there is no proposed riverside sidewalk on this portion of the roadway.

For Option A at 7th Street, the crosswalk will tie into the proposed open space to the north and the improved sidewalk to the south. No changes are proposed to the crossing, except for ensuring ADA-compliant sidewalks and curb ramps. Note that the 2005 McLoughlin Boulevard Enhancements Plan recommended a raised, textured concrete crosswalk with a special scoring pattern to match the sidewalks at this location.

For Option B at 7th Street, the project team recommends moving the crosswalk to the east to align with the proposed shared-use path connection just east of the Historic Arch Bridge. A continuous sidewalk on the south side will allow for ADA-compliant curb ramps and a pedestrian and bicycle path down the alley. This adjustment should consider signal equipment location and potential relocation in later design stages.

Finally, at Main Street, crosswalks will tie into improved sidewalks on the east side of McLoughlin Boulevard and to the tumwata village frontage. All curb ramps should be updated to be ADA-compliant, and curb extensions should be provided where there is room (i.e., in parking lanes). In addition, the design should incorporate future planned public artwork or other gateway elements on Main Street. The design of this gateway will be determined in later design stages.

Opportunity for New Crossing

The public, City, and other interested parties have expressed a strong desire for a grade-separated pedestrian and bicycle crossing of McLoughlin Boulevard within the study area. This connection would increase connectivity from downtown Oregon City to the riverfront and could provide access to a future Frog Ferry dock and other recreational amenities on the river.

The project team explored a variety of concepts, including an undercrossing in the vicinity of the existing 8th Street stairwell under the McLoughlin viaduct and an overcrossing utilizing the existing alleys adjacent to the Historic Arch Bridge.

Overcrossing Concept

The bridge deck of the Historic Arch Bridge is approximately 20–24 feet above McLoughlin Boulevard. In order to construct an overcrossing that rises up and crosses over McLoughlin Boulevard while staying under the 5% grade limit for ADA compliance, a ramp structure exceeding 400 feet in length is required. As a result, the overcrossing concept was dismissed based on

physical constraints immediately adjacent to the Historic Arch Bridge and the likelihood of a Section 106 impact.

Undercrossing Concept

The project team also explored an undercrossing concept that utilizes the existing 8th Street stairwell under the McLoughlin viaduct. The 8th Street undercrossing concept is not precluded by the recommended alternative (Alternative 1B2: Full External Alignment) nor the streetscape improvements along McLoughlin Boulevard. The 8th Street undercrossing requires further refinement to determine cost and feasibility. Figure 23 illustrates a conceptual rendering of the 8th Street undercrossing.

Curb Extensions

Curb extensions shorten pedestrian crossing distances, reduce vehicular turning radii, and provide more space for landscaping or other placemaking elements. The project team recommends curb extensions at 6th Street, 8th Street, 9th Street, and Main Street. Note that only McLoughlin Boulevard is a truck route in the study area.

Figure 23. Conceptual Rendering of 8th Street Undercrossing



Chapter 8:

Implementation

Implementation procedures for the shared-use path and McLoughlin Boulevard streetscape enhancements will vary. The shared-use path and McLoughlin Boulevard enhancements will likely not be implemented together, requiring additional design and phasing considerations as the projects move forward. The City of Oregon City is primarily responsible for the shared-use path and the McLoughlin Boulevard streetscape enhancements. ODOT is the permitting agency for these improvements and will collaborate on the project efforts as they move forward along with other partners, as shown in Table 2.

Table 2. Responsible Agencies for the Shared-Use Path and McLoughlin Boulevard Streetscape Enhancements

	City of Oregon City	ODOT
Shared-use path	• Design, construction, and maintenance of path • Complete environmental review in conjunction with the Federal Highway Administration	• Coordination on environmental review • Permitting agency responsibilities on design and construction • Coordination on viaduct maintenance
McLoughlin Boulevard enhancements	• Design, construction, and maintenance of most elements • Maintenance of new trees and medians • Maintenance of new open spaces	

In addition, the shared-use path, as a standalone, bridge-like structure, will require a more extensive environmental review and design phase. By adopting this conceptual plan, the Commission is providing direction to continue the conversation.

Riparian Shoreline and Habitat Considerations

This section of the Willamette River is characterized by a rocky shoreline with patches of riparian vegetation. It features mature trees such as bigleaf maple as well as various shrub varieties along the shoreline, providing habitat for supporting species. It is important to prioritize the preservation of trees over mitigation as the design is developed around the location of bridge foundations and structures. Make use of the bridge’s habitat features to support nesting bats, birds, and other animals. The final design should also consider supporting existing and planned angler access when possible.

Shared-Use Path Implementation Plan

The implementation process for the shared-use path is as follows:

- 1. TSP adoption:** Adopt the recommended shared-use path into the Oregon City TSP.

a. Through this action, the community would:

i. Reconfirm the need for a shared-use path connection on McLoughlin Boulevard between 10th Street and tumwata village.

ii. Recognize the complex and integrated benefits, burdens, and unknowns at this time.

iii. Define the alignment design.

i. Demonstrate the public support necessary to seek and secure funding to conduct the design and construct the new shared-use path connection.
- 2. Partner agency coordination and interim actions:** Prior to identifying funding, the partner agencies led by Oregon City would:

a. Identify any specific upfront agency commitments.

b. Emphasize ongoing coordination with associated government entities.

c. Confirm ultimate shared-use path ownership, capital funding responsibilities, and maintenance responsibilities.
- 3. Funding:** Seek funding for the environmental review and permitting process, design, and construction phases of the Project.

a. For some competitive grants, a project team may choose to advance a TS&L or higher design development to improve opportunities to secure construction funding. In these cases, the construction funding could be secured after the TS&L, described in Step 5.

4. Environmental review: The federal nexus resulting from either funding or permits from a federal agency will require a National Environmental Policy Act (NEPA) review to be complete. Partner agencies could initiate coordination with the lead federal action agency to complete NEPA-level scoping and technical resource impact evaluations as the project moves forward. Final NEPA clearance, in addition to Environmental Site Assessments consultation, related permits, and Section 4(f) analysis (if FHWA is the federal nexus) can be completed at the conclusion of the impact evaluation.

5. Design: Improved development for the definition of the type and configuration of a proposed structure supporting the recommended alignment alternative is necessary to confirm and validate conceptual designs, provide content and clarity for grant applications, and improve programmatic construction cost estimates.

The project will need to address Section 4(f) impacts on historic resources and publicly owned parks, recreation areas, or wildlife and waterfowl refuges if federal transportation dollars are part of the project’s funding. Specifically, documentation would be centered primarily on the Oregon City Arch Bridge. The analysis would address whether the setting impacts of the shared-use path structure would adversely affect the activities, features, or attributes of the Oregon City Arch Bridge. Namely, the analysis would determine whether views of the Historic Arch Bridge or views of the Willamette Falls would be significantly obstructed by the structure. Due to the required effort, if this project was awarded federal funding, at least a year would need to be added to the project development timeline.

- a. Project development phase (design acceptance phase, or DAP) including bridge TS&L phase deliverables:
 - i. Provides information required by FHWA for review and approvals and improves grant funding competitiveness.
 - ii. Provides preliminary hydraulic, geotechnical, and environmental recommendations.
 - iii. Documents the structure type alternatives studied and advanced.
 - iv. Rationalizes the geometry and identifies the primary structure type and configuration.
 - v. Improves construction costing estimates and addresses risks identified in earlier planning phases.
- b. Project final plans, specifications, and estimate (PS&E) phase deliverables:
 - i. Provides construction documents and aligns the Project for construction implementation.
 - ii. Provides final hydraulic, geotechnical, and environmental recommendations.
- c. PS&E to award (construction):
 - i. Bid documentation is provided to qualified contractors to bid for the Project and construct the design.

6. Construction: Using PS&E materials, advertise the construction contract for competitive bids. Once the contracting mechanism is determined (e.g., traditional design-bid-build or an alternative delivery method), the Project will be advertised for construction bidding and constructed. If an alternative delivery method is selected, Steps 5 and 6 may be combined.

Shared-Use Path Implementation Plan
Environmental Review and Design

Completing an environmental review and design of the shared-use path will require the advancement of conceptual-level designs assumed in the feasibility and preliminary conceptual design phase to validate the designs

and help narrow down practical solutions that achieve Project goals. A wide range of expertise will be necessary to develop the conceptual configuration and validate initial assumptions. The following list summarizes the expertise considered key to advancing the conceptual structural aspects:

- **Structural engineering design**— Development of assumed concepts identified in Phase 1A and reflect the results, findings, and recommendations from other expertise as documentation and data provides.
- **Geotechnical engineering**— Advancement of concept-level approaches and assumptions considered for the foundations/footings.
- **Hydraulic engineering**— Determination of river-based implications on the design, planning, and construction of the proposed structural configuration. This also includes the design of a stormwater conveyance and treatment system.
- **Wind and vibration engineering**— Identification of site-specific and structure-specific mitigation measures following an initial desktop study in the early stages of design development, leading to more refined and detailed efforts as design is progressed.
- **Durability/life cycle engineering**— Site-specific considerations for appropriate corrosion prevention and service life expectations to be met while considering operation and maintenance aspects of the proposed structure.
- **Specialty construction cost estimating**— Structure-specific costing that considers historical and anticipated costs associated with a specialty structure type that can support the recommended alignment in the planning phase and is subsequently verified in the TS&L phase (i.e., a long-span cable-supported bridge).
- **Specialty construction and risk management**— Structure-specific construction expertise to identify, assess, and proposed mitigation for technical risks.
- **Community/cultural/aesthetic**— Development and degree of integration of community goals for the structure in meeting the local site-specific context aesthetics and appeal.

McLoughlin Boulevard
Streetscape Enhancements
Implementation Plan

The implementation process for the McLoughlin Boulevard streetscape enhancements is as follows:

- 1. TSP adoption:** Adopt the recommended enhancements (Main Street to 10th Street) into the Oregon City TSP. Through this action, the community would:
 - a. Identify the need for cross-section changes along McLoughlin Boulevard for further development.
 - a. Demonstrate the public support necessary to seek and secure funding to design and construct the recommended improvements on McLoughlin Boulevard.
- 2. Partner agency coordination and interim actions:** Prior to identifying funding, the partner agencies led by Oregon City would:
 - a. Identify any specific upfront agency commitments.
 - b. Emphasize ongoing coordination with associated government entities.
- 3. Funding:** Seek funding for the design and construction phases of the Project.
 - a. Explore opportunities for federal, state, and regional grant funding opportunities.
- 4. Design:** Following Steps 1–3, prepare plans, specifications, and cost estimates.
- 5. Construction:** Using the plans, specifications, and estimates, advertise the construction contract for competitive bids. Once the contracting mechanism is determined (e.g., traditional design-bid-build or an alternative delivery method), the Project will be advertised for construction bidding and constructed. If an alternative delivery method is selected, Steps 4 and 5 may be combined.



Supporting Documents

The following memoranda have more information on all the subjects discussed in this report.

Technical Memorandum #1: Corridor Vision	This memorandum presents the Corridor Vision Statement, crafted based on a review of City of Oregon City plans and policy documents.
Purpose & Need Statement	This memorandum describes the Purpose and Need for the Project, serving as the basis for developing methods and criteria for narrowing the range of alternatives.
Technical Memorandum #2: Evaluation Criteria and Performance Measures	This memorandum articulates the evaluation criteria and performance measures developed to fulfill the Corridor Vision Statement and the Purpose and Need Statement for the Project.
Technical Memorandum #3: Plans and Policies Review	This memorandum summarizes the existing plans, regulations and policies that are relevant to the McLoughlin Boulevard Enhancements - 10th Street to tumwata village Project (Project). The summary describes the relevance of each document to the Project, identifying potential issues and considerations that will guide the development and evaluation of the alternative concepts.
Technical Memorandum #4: Alternative Development and Analysis	This memorandum serves as an overview of the preliminary six alternative concepts developed for the Project.
Technical Memorandum #5: Alternative Safety and Active Transportation Analysis	This memorandum provides technical analyses and summarizes key considerations for integrating the design alternatives developed in Technical Memorandum #4 into adjacent active transportation networks.
Technical Memorandum #6: Most Promising Alternatives	This memorandum assesses and identifies three alternatives to further develop through conceptual design and screening.
Technical Memorandum #7: Preferred Shared-Use Path Alternative	This memorandum presents the recommended shared-use path alternative, its alignment, and the streetscape improvements along McLoughlin Boulevard between 10th Street and tumwata village.

Technical Memorandum #8: Implementation Plan	This memorandum presents the implementation plan for the recommended alternative. It identifies potential roles for different agencies and stakeholders; outlines appropriate next steps; and details City and agency responsibilities.
Planning-Level Cost Opinion	This report documents the planning-level cost opinion, including key assumptions and considerations.
Public Involvement Report	This report outlines the public outreach activities conducted as part of the Project.





McLoughlin Blvd Enhancement Phase 3 Corridor Plan (10th Street to Railroad Tunnel) Transportation System Plan (TSP) Amendments

Amend the following projects in the TSP:

Project #	Project Description	Project Extent	Project Elements	Priority	Cost Estimate
S3	OR 99E Shared-Use Path	10 th Street to Railroad Avenue	Add a shared-use path on the west side of the street	Long Term Phase 2	Included with D74 \$74,300,000 \$90,120,000
D74	McLoughlin Boulevard Improvements – Phase 3	10 th Street to Main Street	Widen OR 99E to a five-lane cross-section that includes two travel lanes in each direction and a center two-way left-turn lane and/or a median to improve access management. The project will also improve pedestrian and bicycle facilities.	Long Term Phase 2	\$8,743,000 +4,300,000

LEGISLATIVE STAFF REPORT AND RECOMMENDATION

A preliminary analysis of the applicable approval criteria for a legislative proposal is enclosed within the following report.
October 21, 2024

HEARING DATE: October 28, 2024 - Planning Commission

FILE NUMBER: GLUA 24-000023: LEG-24-00002

APPLICATION TYPE: Legislative (OCMC 17.50.170)

APPLICANT: City of Oregon City, c/o Public Works Department,
PO Box 3040, Oregon City, OR 97045
Dayna Webb Public Works Director

REQUEST: Legislative. *McLoughlin Blvd Enhancements (Phase 3)*: The Public Works Department proposes an update to the Transportation System Plan, an Ancillary Document to the Oregon City Transportation System Plan, and the OC2040 Comprehensive Plan.

LOCATION(S): City Wide/ Two Rivers

17.50.170 - Legislative hearing process.

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

B. Planning Commission Review.

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

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

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

C. City Commission Review.

1. City Commission Action. Upon a recommendation from the planning commission on a legislative action, the city commission shall hold at least one public hearing on the proposal. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the city commission may adopt, modify or reject the legislative proposal, or it may remand the matter to the planning commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the city's land-use regulations, comprehensive plan, official zoning maps or some component of any of these documents, the city commission decision shall be enacted as an ordinance.

2. Notice of Final Decision. Not later than five days following the city commission final decision, the community development director shall mail notice of the decision to DLCD in accordance with ORS 197.615(2).

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

EXECUTIVE SUMMARY

The City of Oregon and its Commission have spent the past year exploring the best options to improve pedestrian and bike access along McLoughlin Blvd/99E. This long-term project involved a conceptual-level feasibility and alternative analysis to determine the best approach for the final Phase 3 stretch of the McLoughlin Blvd Enhancement Plan, which was initially adopted in 2005. Phases 1 and 2 were previously approved and constructed.

A 1940s viaduct and an s-curve have constrained this area, creating a significant gap for non-vehicle travel along the Willamette River shoreline. Only one option emerged as both constructible and potentially permittable: a long-span structure parallel to the viaduct.

- If the community agrees that a parallel structure (long span) should be added to the Transportation System Plan as the preferred approach, the Planning Commission should recommend adoption to the City Commission.
- If the community does not desire to add this concept to the Transportation System Plan, the Planning Commission should recommend that a parallel structure (long span) not be added, recommend a plan to direct pedestrians and bicycles to Main Street, and only adopt the portion of the streetscape plan that are independent of the viaduct structure.

Submittal of additional grants to refine the conceptual long span design and to potentially build portions of the non-viaduct streetscape will move forward, contingent on its adoption into the Transportation System Plan.

I. BACKGROUND:

The City of Oregon City and the Oregon Department of Transportation (ODOT) are partnering to evaluate options for a shared-use pedestrian and bicycle path and streetscape enhancements on both sides of McLoughlin Boulevard between 10th Street and [tumwata village](#). This project is the last and most complex phase of Oregon City's McLoughlin Boulevard Enhancement Plan, which has been in progress for the past 20 years.

Project Benefits and Needs

Reconnect Downtown Oregon City with the Willamette River

- The project aims to provide safe access to people who walk, access transit, bike and roll on McLoughlin Boulevard. Currently, it lacks dedicated on-street bike lanes, proper and sufficient sidewalks and railings, and a barrier to fast-moving traffic.
- Improved infrastructure for pedestrians, cyclists, and public transit users will close a substandard and unsightly transportation gap.
- Support Oregon City's tourism, economic, and community development goals by improving walking and biking facilities to better integrate and re-orientate downtown's relationship with the Willamette River.

The project is located on OR 99E, also known as McLoughlin Boulevard, an Oregon Department of Transportation facility. The corridor is designated as a Regional Bikeway and Pedestrian Parkway, with frequent transit service running parallel to the corridor. However, the final phase of the [McLoughlin Boulevard Enhancement Plan](#) has proven to be the most challenging, as it is intertwined with the OR 99E viaducts and crosses the Highway 43 bridge alignment. Transit users and pedestrians often feel unsafe due to inadequate lighting, narrow sidewalks, and deteriorating railings that fail to provide a barrier from adjacent fast-moving traffic.

The McLoughlin Boulevard Enhancement Plan was adopted in 2005. Phases 1 and 2 of the plan have been completed. Unfortunately, the viaducts, located between 8th and 10th Streets, are not expected to be replaced with an expanded structure supporting a widened sidewalk, which is necessary to provide the needed width for safe bicycle and pedestrian access. Attaching a new path to the existing viaduct is also not feasible due to its age and structural design.

To address this critical gap in our active transportation network, the City needs to update the options within this section of the corridor. These options could include a separate structure that runs parallel to the viaduct at the same or different grade. The project has two main goals that address barriers to investing and revitalizing properties that front McLoughlin Boulevard in Oregon City:

- Close the gap and provide safe pedestrian and bicycle access by identifying the best location for a shared-use path adjacent to the viaduct.
- Provide a conceptual complete street design for McLoughlin Boulevard (both sides) from 10th Street to the 99E tunnel/Railroad Avenue.

This conceptual project will enable the City to complete the Alternatives Identification and Evaluation phase to determine how to address this gap. Once a preferred alternative is identified, the City will proceed with a more detailed design and apply for grants to build all or portions of the section.

Active Transportation

Active transportation is human-powered transportation that engages people in healthy physical activity while they travel from place to place. People walking, bicycling, using strollers, wheelchairs, and mobility devices, skateboarding, and rollerblading are all active transportation.

Active transportation supports transit. These modes are effective at reducing vehicle emissions, bridging the first- and last-mile gap, conserving fuel, supporting downtown economic development and improving individual and public health.



No-Build Alternative

As part of alternative development and evaluation, the project team also examined a reroute, or no-build, Main Street alternative. The No-Build alternative provides a parallel alignment through downtown Oregon City via 10th Street and Main Street. Main Street has a right-of-way that is approximately 60 feet and includes two travel lanes, two parking lanes (totaling about 40 feet), and 10-foot sidewalks on each side abutting 0-foot building setbacks. There are currently curb extensions at most intersections and shared-lane markings, or “sharrows.”

The project team explored and evaluated two primary options for improving bicycle access on Main Street as part of the No-Build Main Street alternative. Based on this evaluation, conversations with Oregon City staff, and a review of background documents, the team it was determined that the No-Build Main Street alternative does not adequately address the Project’s Purpose and Need.

Design Process and Commission Direction

After the December 2023 virtual open house, the design team began the hard work of ground-truthing the most promising shared-use path alignments along McLoughlin Blvd. What they found was an overlapping of complexity at the existing river's edge. This was not a complete surprise, but it definitely necessitates a nonstandard approach to designing a solution.

None of the designs from the open house were able to move forward due to the complexity of the area. At the April 9 City Commission Worksession, the design team outlined two promising alternatives that met the City's Commission goals: 1. Conventional Viaduct + 2 Signature Spans and 2. Long Span. While both options provide a path along the river, only the long-span approach significantly minimized foundation excavation, reduced/removed in-water work, and provided a more compatible design with the historic arch bridge.

If there was no desire to move forward on a riverside shared-use path, the most likely approach will be to design streetscape improvements (trees, landscaping, sidewalks) on the non-viaduct portions of 99E and use wayfinding to send bicycles and pedestrians over to Main Street. Bicycles would share the road via painted [sharrows](#).

At the [May 15 City Commission work session](#), the Commission reviewed the work date, including public comments. They directed staff and the consultant team to continue their technical investigations on the long-span approach, begin the design work for streetscape improvements, and return in August for an update.

At the [August 13, 2024, City Commission Work session](#), the City Commission directed staff to continue the work needed to complete the conceptual study, including the long-span approach, and prepare for its adoption into the Transportation System Plan (TSP) in the fall. The Commission chose to move forward with both open space and parking options in the three areas discussed at the meeting (along the viaduct, under the arch bridge, and inside the elbow). Adopting the concept into the TSP will allow the city to apply for additional grants for the long-span and street improvements, separately or together. Click on the [work session presentation](#) for more details.



Long Span Option

OVERVIEW OF FINDINGS TO SUPPORT ADOPTION OF PLAN

There is a gap in safe, comfortable, and accessible facilities for people of all ages and abilities who are walking and biking on McLoughlin Boulevard. The cross-section along McLoughlin Boulevard between 10th Street and the proposed tumwata village and riverwalk consists of curb-tight sidewalks and four vehicle lanes. This cross-section does not meet the current ODOT Highway Design Manual or City of Oregon City design standards. It creates an imbalance between how the needs of nonmotorized and motorized users are being addressed in the corridor. The Project location has been determined to result in a Level of Traffic Stress of 4.1 People of most ages and abilities do not feel comfortable and/or able to walk, bike, or roll along this segment, creating a barrier in the regional active transportation link between Oregon City and Portland.

Oregon City's waterfront is currently disjointed and not seen as a contiguous amenity. Locally, active transportation facilities along McLoughlin Boulevard are needed to provide connections to the planned tumwata village and riverwalk, historic downtown Oregon City, envisioned pedestrian and bicycle bridge, and recreation opportunities along the Willamette River. The Willamette River is a culturally significant site, and the Historic Arch Bridge is a historically significant structure. This active transportation connection will create additional opportunities for people to access, experience, and visually imagine the historic significance of the river, falls, and adjacent lands, while honoring the indigenous connections to the land and acknowledging traditional ways of movement along waterways.

The chosen design will support Oregon City's tourism, economic, and community development goals by improving walking and biking facilities to better integrate and reorient the downtown area's relationship with the Willamette River. Active transportation facilities are shown to improve economic conditions by creating attractive and walkable business districts and providing access to various destinations adjacent to residential areas, and supporting the Oregon City 2040 Comprehensive Plan policies related to multimodal connectivity and transportation demand management.

Vehicular congestion impacts the site's historical, cultural, and environmental aspects. Vehicular congestion creates noise and emissions that detract from the historic, cultural, and environmental aspects of the site. A continuous shared use path connection is needed to create an opportunity for transportation mode shifts consistent with the region's climate goals, and ensure that historical, cultural, and environmental resources are preserved for future generations. The physical design of the shared-use path needs to address the function of the facility in a way that minimizes or eliminates local environmental impacts and does not inflict harm on the river or nearby communities. Any work done in the study area needs to recognize the special role and voice of tribes in the Willamette Falls area of both land and water and emphasize tribal and community involvement in decision-making.

PROCESS

Adoption of the code amendments is a legislative action that requires review and recommendation from the Planning Commission before being adopted by the City Commission following public hearings.

Public Involvement and Public Comment

The creation of the McLoughlin Boulevard Enhancement Plan provided opportunities for public involvement in the Legislative decision-making process through community outreach, online surveys, public hearing process, project mailings, newspaper noticing, social media postings, meetings with the Transportation Advisory Committee, Parks and Recreation Advisory Committee, Historic Review Board and Citizen Involvement Committee. A full description of the public engagement process is included in the Public Outreach Memo and the full McLoughlin Boulevard Enhancement Plan.

This Project will enable the City to complete the Alternatives Identification and Evaluation phase to determine how to address the infrastructure gap along McLoughlin Boulevard. Once a preferred

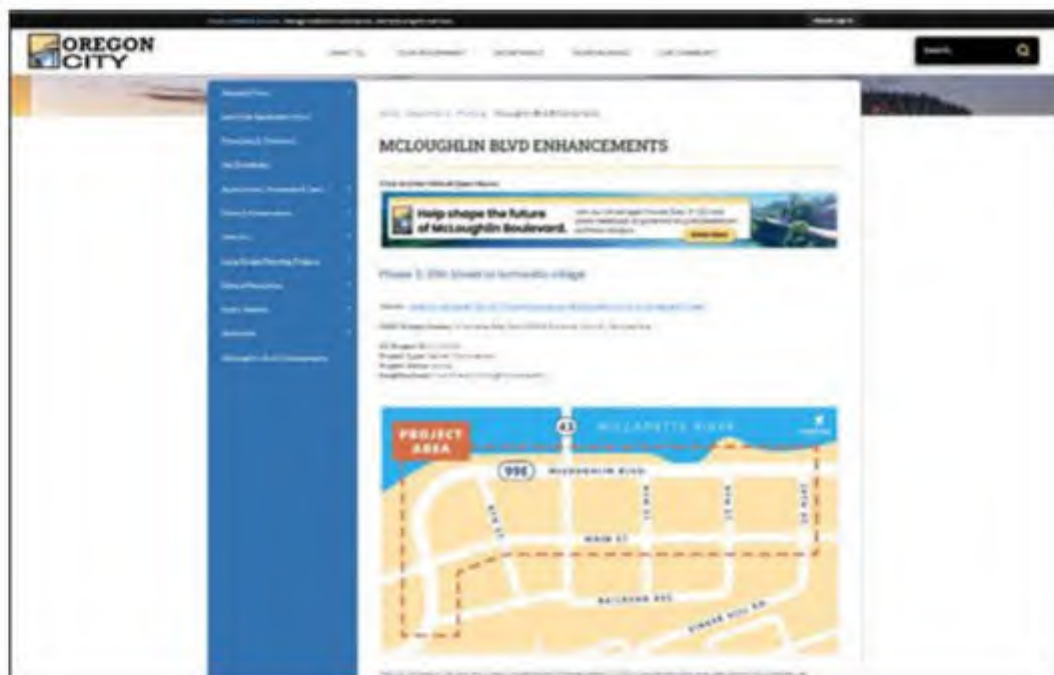
alternative is identified, the City will proceed with a more detailed design and apply for grants to build all or portions of the alignment.

One round of outreach was conducted during the Alternatives Identification and Evaluation phase to bring awareness and gather community feedback on the alternatives being considered.

The first opportunity for the public to provide input on the plan began in December 2023. The primary purpose of this initial outreach was to create awareness about the Project, its benefits, and potential burdens or impacts, as well as solicit public input on the initial alignment alternatives.

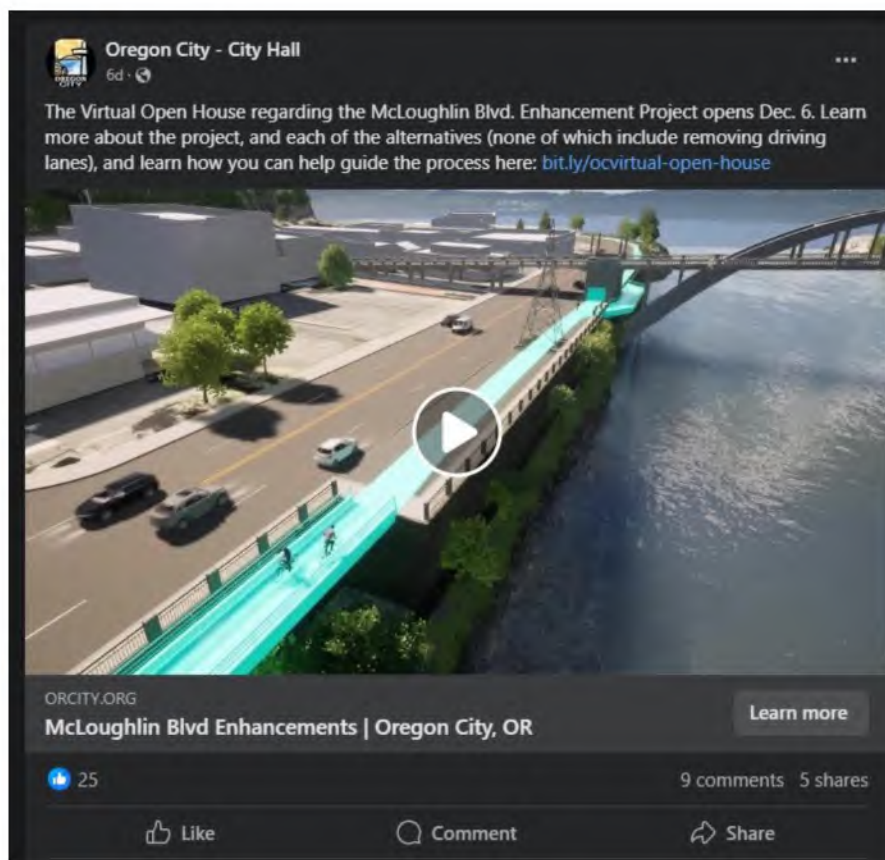
Overarching Materials and Notifications: Tools used to convey Project information and publicize outreach opportunities.

- Website: A Project website (bit.ly/McLoughlinBlvd3) was developed with new graphics, maps, and approved content. City staff updated the page to promote key milestones and engagement events, including the December 2023 virtual open house. Below is an example of website content.



- Community Database and Comment Log: A community database and comment log were used to track comments, responses, constituent, and interested party contacts.
- Project Fact Sheet: a Project Fact Sheet was developed in late 2023, it included information about the Project, benefits and needs, anticipated timelines, and public engagement opportunities. The fact sheet was also translated into Spanish. Below is the fact sheet.

- Social Media: Staff shared the December 2023 open house link and a City-produced Project video on Facebook and X. The posts directed visitors to the website to learn more about the Project and the virtual open house event.



- Advertising: The City purchased a digital ad campaign on Oregon City News (oregoncitynewsonline.com), with 30,000 impressions to publicize the December 2023 virtual open house. Ads were produced in several formats to accommodate mobile, desktop, and tablet devices.



- Email Newsletters: City staff sent three email notifications about the December 2023 open house to the projects interested party list.



- Interested Party Interviews and Briefings: The project team held three interviews in early November 2023 to collect feedback on the corridor’s issues and potential alignments. These interested parties represent transportation, education and housing sectors in Clackamas County and Oregon City.
 - Each interview included the following questions:
 - What are the most critical issues you believe the Project should address? What do you believe others in your organization or community will see as the most critical issues?
 - Of the potential alignments shown, which do you believe is the most promising and why? Is there another alignment you believe is better than the ones shown or another that should be assessed?
 - Do you see pros or cons to having a new shared-use pedestrian and bicycle path within the study area? If so, please describe them.
 - What are your/your community’s priorities that should be used to evaluate the different potential alignments?
 - Do the people you know in the area feel comfortable biking or walking to get around? If not, can you share specific safety concerns for people biking or walking in the study area?
 - As we look at the Project corridor, are there areas on either side of the highway that are important to address or call out in the conceptual design phase? What should decision makers understand about this section of McLoughlin Boulevard as they work to design a solution?

Affiliation	Organization Details	Interview Date
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The Street Trust	The Street Trust advocates for multimodal transportation options in Oregon that prioritize safety, accessibility, equity, and climate justice.	Nov. 2, 2023
Oregon City School District	Oregon City School District is the 16th largest district in the state of Oregon, serving nearly 8,000 students and employing 927 professionals.	Nov. 2, 2023
Housing Authority of Clackamas County	The Housing Authority provides affordable, safe, and sanitary housing opportunities for Clackamas County residents.	Nov. 6, 2023

- **Online Open House:** The Project’s online open house was launched on the Project website on Dec. 6, 2023. The online platform provided informational stations to learn about the Project and provide feedback via the embedded survey, which closed on Dec. 22, 2023. Users were invited to provide feedback on the proposed design alternatives and priorities for the McLoughlin Boulevard corridor. The webpage also included a general comment form where users could submit other feedback regarding the Project.



- The Virtual Open House webpage included the following stations:
 - **Project Overview:** This slide included general information about the Project, including background details about the McLoughlin Boulevard Enhancement Plan, the identified study area, and Project benefits.
 - **Project Timeline:** A general Project schedule was shared on this slide, including relevant public engagement, planning, and design milestones. Community members were informed about the public engagement process and participation opportunities. This slide detailed the alternative development phase and the timeline for selecting a preferred alternative.

- **Project Purpose and Need:** The Purpose and Need Statement describes the transportation problems in the corridor and provides context for decision makers as they consider the best design options. Community members were invited to share their thoughts regarding this statement.
- **Corridor Vision:** The Corridor Vision includes several statements regarding the proposed Willamette Falls Path extension and streetscape enhancements. Community members were invited to share their thoughts regarding this Project topic.
- **Evaluation Criteria & Performance Measures:** This station informed visitors about the selected evaluation criteria and performance measures. The evaluation criteria were developed based on the Project's Purpose and Need Statement and the goals of Oregon City's Transportation System Plan. The Project team developed a set of performance measures to assess and differentiate between the design alternatives. These measures will provide a framework for selecting a preferred alternative.

Input Opportunity

- **Design Alternatives:** Visitors were invited to provide input on several design alternatives as part of the Project.
- **Your Priorities:** The City collected feedback from community members about community transportation priorities along McLoughlin Boulevard.

Overall, 169 users accessed the virtual open house, and 154 comments were received through the virtual open house, Project website, and emails. 47% of users (81 users) were identified using a device to access the virtual open house from Oregon City or Portland.

Overall, the majority of community members voted for Alternative 1B: High Route, a design with a new pathway structure at street level next to McLoughlin Boulevard. This path would connect to McLoughlin Boulevard near 10th Street and reconnect near the future tumwata village development. Participants also voted for a pathway design through the Historic Arch Bridge columns, as shown in Alternatives 1B and 1C.

- **City Conducted Outreach Meetings & Briefings:** The City conducted targeted outreach to promote the open house and collect feedback during various phases of the project.

City staff attended the following outreach meetings and briefings with various committees and organizations.

Committee/Organization	Date
Planning Commission	Sep. 25, 2023
Transportation Advisory Committee	Oct. 24, 2023
Parks and Recreation Advisory Committee	Oct. 26, 2023
Citizen Involvement Committee	Nov. 6, 2023
Clackamas County Pedestrian and Bikeway Advisory Committee	Nov. 7, 2023
Rotary Club	Feb 7, 2024
Planning Commission	May 13, 2024

City staff also briefed the Oregon City Commission during key decision points and project milestones.

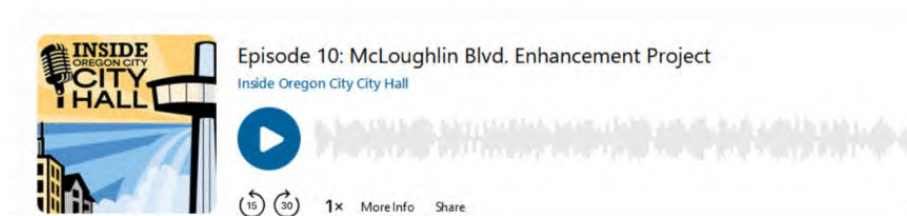
Briefing Date	Topic
Sep. 6, 2023	<i>Project overview</i>
Nov. 7, 2023	<i>Review approval criteria, corridor vision, list of alternatives</i>
Dec. 12, 2023	<i>Alternatives analysis update</i>
Apr. 9, 2024	<i>Alternatives analysis update</i>
May 15, 2024	<i>Direction to move forward on the long-span approach</i>
Aug. 13, 2024	<i>Long-span technical review and streetscape design update</i>
September 4, 2024	<i>Resolution 24-24 to support 2028-2030 Regional Flexible Fund Allocation Program – Step 1A.1 New Project Bond Program</i>

- City Communications: City staff leveraged several communication channels to share information about the project. These channels include social media posts, a monthly e-trail news update in the City's Winter Trail News publication, and coordination for a Dec. 2023 earned media article in Oregon City News.



EPISODE 10: MCLOUGHLIN BLVD ENHANCEMENT PR

Inside City Hall starts its second season, with Episode 10 focusing on an exciting new project that is in the very early stage McLoughlin Blvd. Enhancement Project. This is the third phase of the endeavor, and the most expansive. Listen to Public John Lewis and consultant Marc Butoric as they describe just what the project is, and what the current visions are.



Between Nov. 3, 2024, and Aug. 8, 2024, the City also sent six (6) emails to 215 recipients comprised of interested parties and subscribed users. The emails included project updates and opportunities to provide input. One thousand two hundred sixty-three (1,263) emails were sent, with a 65% open rate.

Additionally, staff have completed Fall 2024 Outreach Events, as noted below:

Citizen Involvement Committee (CIC)	October 7, 2024
Downtown Oregon City Association (DOCA)	November 12, 2024
Planning Commission Work Session	September 23, 2024
Natural Resources Committee (NRC) Parks and Recreation Advisory Committee (PRAC) JOINT MEETING	October 9, 2024
Transportation Advisory Committee (TAC)	September 17, 2024
Canemah Neighborhood Association (CNA)	September 19, 2024
Two Rivers Neighborhood Association	October 23, 2024

The NRC and PRAC provided additional direction on the need to prioritize tree retention over mitigation in the design refinement and construction process, as well as supporting birds, bats, and other animals nesting in the design long-span design process. This language has been added the draft document. PRAC and NRC members also encouraged coordination to allow for and not impede existing shoreline access to anglers.

Riparian Shoreline and Habitat Considerations

This section of the Willamette River is characterized by a rocky shoreline with patches of riparian vegetation. It features mature trees such as big-leaf maple and various shrub varieties along the shoreline, providing habitat for supporting species. It is important to prioritize the preservation of trees over mitigation as the design is developed around the location of bridge foundations and structures. Make use of the bridge's habitat features to support nesting bats, birds, and other animals. The final design should also consider supporting existing and planned angler access when possible.

The Legislative Process as it relates to the Oregon City Comprehensive Plan

The applicable approval criteria for Legislative action are the guidance provided in the Oregon City Comprehensive Plan, the goals and policies of the Oregon City Comprehensive Plan, and any applicable statewide planning goals.

Plan implementation process;

At the September 4, 2024 meeting, the City Commission directed staff to continue the work needed to complete the conceptual approach and start the Legislative adoption process.

The first evidentiary public hearing for the proposed amendments will be held with the Planning Commission, following the notice procedures for legislative action per OCMC 17.50. The City Commission public hearing will be scheduled once the Planning Commission has completed its review and provided a recommendation on the proposed amendments.

The Department of Land Conservation and Development was notified as required by ORS 197.610 – 197.625. The Staff Report will be made available at least seven days prior to the public hearing and the application was processed according to the Legislative Hearing Process as required under Oregon City Municipal Code 17.50.170. Implementation of the Plan is discussed further in the staff report.

Background on the purpose of plan adoption

The Plan reflects community needs, desires, attitudes and conditions

As stated in the corridor vision: The proposed Willamette Falls Path extension and streetscape enhancements contribute to the sense of place and community identity as an urban corridor and community gateway. The chosen design will promote safety through context-sensitive design that discourages speeding and improves the walking and biking experience along the corridor. The path provides a regional link accessible to users of all ages and abilities, filling a key active transportation gap and providing a continuous link to existing and planned open spaces along the Willamette and Clackamas Rivers, including the tumwata village development, and connections to other transportation links such as a future recreational/commuter river ferry and the Oregon City–West Linn pedestrian–bicycle bridge. The proposed path is representative of the local needs and priorities of the Oregon City community and has been developed as an implementable and fundable alternative.

The Plan helps to guide land use actions, including an examination of trends

The adoption of the revised corridor plan for Phase 3 will allow staff to provide direction on a frontage improvement required as part of an abutting land use approval that proportionally triggers improvements along the corridor.

Public Notice and Comments

This is a legislative action that requires public notice pursuant to OCMC 17.50.090.C. - *Notice of Public Hearing on a Legislative Proposal*. The Community Development Director provided the required Post Acknowledgement Plan Amendment (PAPA) notice to the Oregon Department of Land Conservation and Development on September 17, 2024. Notice of the October 28, 2024, Planning Commission public hearing was also provided to the Citizen Involvement Committee,

Natural Resources Committee, Neighborhood Associations, and affected service districts, agencies, and parties by email on October 3, 2024

II. DECISION-MAKING CRITERIA

The remainder of this staff report provides additional findings to demonstrate that the proposed amendments are consistent with applicable approval criteria.

Chapter 17.68 - Zoning Changes and Comprehensive Plan Amendments

17.68.010 - Initiation of the amendment.

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

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

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

Response: The proposal qualifies as initiated as a legislative request by the Public Works Department at the direction of the City Commission.

17.68.015 –Procedures.

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

17.50.170 - Legislative hearing process.

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

B. Planning Commission Review.

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

C. City Commission Review.

1. City Commission Action. Upon a recommendation from the planning commission on a legislative action, the city commission shall hold at least one public hearing on the proposal. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the city commission may adopt, modify or reject the legislative proposal, or it may remand the matter to the planning commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the city's land use regulations,

comprehensive plan, official zoning maps or some component of any of these documents, the city commission decision shall be enacted as an ordinance.

2. Notice of Final Decision. Not later than five days following the city commission final decision, the community development director shall mail notice of the decision to DLCD in accordance with ORS 197.615(2).

Finding: Complies This legislative action followed the procedures found in OCMC 17.50.170 including meetings with the Citizen Involvement Committee, Natural Resource Committee, Planning Commission, Transportation Advisory Committee and City Commission where applicable.

17.68.020 - Criteria.

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

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

Finding: Complies This legislative action is consistent with the applicable goals and policies of the comprehensive plan as detailed in the responses below. Therefore, the proposed amendments are consistent with Criterion (A).

OC2040 Oregon City Comprehensive Plan

According to the OC2040 Comprehensive Plan (Appendix 3): “Ancillary plans are adopted by the City Commission for such things as parks and recreation, transportation systems, water facilities, and sewer facilities. Usually prepared by City departments through a public process, ancillary plans are approved by the City Planning Commission and adopted by the City Commission to provide operational guidance to city departments in planning for and carrying out city services. These plans are updated more frequently than the comprehensive plan.”

The conceptual refinement of the McLoughlin Blvd Enhancement Plan- Phase 3 TSP Project S3 (OR 99E Shared-Use Path) will be updated in the Transportation System Plan (TSP) an ancillary document to the Oregon City Comprehensive Plan.

options.

Conformity of the proposal with the city's comprehensive plan;

HEALTHY AND WELCOMING COMMUNITIES

GOAL 1

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

POLICY 1.2 Actively seek input from a diverse range of participants and enhance engagement opportunities for community members with barriers (language, disability, income, age, technology) through services and methods that bolster inclusive participation.

POLICY 1.4 Utilize innovative forms of communication technology to enhance the City's public engagement efforts.

STRATEGY 1.4.A Explore meaningful engagement techniques and tools that allow for multiple forms of public engagement through in person events, on-line tools, and hybrid

Finding: Complies: As mentioned in the Public Involvement and Public Comment section staff report and Exhibit B of the staff report, the city used a wide variety of outreach methods, noticed City Commission briefings, online surveys, mailed flyers, earned media articles, purchased ads, social media, meetings with property owners, boards, committees, and neighborhood associations, email updates to interested parties, and reaching out to individuals who are not typically asked for their opinions on how they use the corridor, such as the Housing Authority of Clackamas County and active transportation advocacy groups like Oregon Walks.

GOAL 2

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

POLICY 2.1 Promote the Willamette and Clackamas Rivers as a community benefit for cultural connection and understanding.

POLICY 2.2 Recognize and celebrate the history of tribal presence in Oregon City and seek opportunities to educate community members and elevate understanding.

POLICY 2.4 Identify and protect important artistic and cultural resources and historic amenities through programs, designation, interpretive signage, and other means to increase awareness and generate appreciation.

POLICY 2.5 Provide activities and programs for residents and visitors that weave together historic, artistic, and cultural resources, education, and recreation.

Finding: Complies This active transportation connection will create additional opportunities for people to access, experience, and visually imagine the historic significance of the river, falls and adjacent lands, while honoring the indigenous connections to the land and acknowledging traditional ways of movement along waterways. Future work to design and construct the corridor would continue to build on this with placemaking along the corridor.

Oregon City's waterfront is currently disjointed and not seen as a contiguous amenity. Locally, active transportation facilities along McLoughlin Boulevard are needed to connect the planned tumwata village and riverwalk, historic downtown Oregon City, envisioned pedestrian and bicycle bridge, and recreation opportunities along the Willamette River. The Willamette River is a culturally significant site, and the Historic Arch Bridge is a historically significant structure. This active transportation connection will create additional opportunities for people to access, experience, and visually imagine the historic significance of the river, falls, and adjacent lands while honoring the indigenous connections to the land and acknowledging traditional ways of movement along waterways. The alternative analysis demonstrated that the only feasible connection for this section of McLoughlin Blvd would intersect the historic Arch Bridge, which, if deemed an adverse effect in

later design refinements- would be consistent with Sec 106 and 4F alternatives analysis process to determine approval with proportional mitigation.

Roy Watters, archaeologist, and ODOT Tribal Liaison coordinated the review and provided feedback to ODOT staff and the design team throughout the alternative design process. While this is a local conceptual alternative analysis and tribal participation was sought to ensure the design process did not result in a project that could not be permitted - Formal government-to-government consultation will occur at the time of federal permitting, as the project is likely to be considered a government undertaking and subject to the Sec 106 and Historic Preservation Act, as well as Section 4F of the US Department of Transportation Act.

DIVERSE ECONOMY

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

STRATEGY 1.6. Encourage the development of a strong and healthy Historic Downtown retail, office, cultural, and residential center.

STRATEGY 1.6.B Working with major stakeholders, develop and implement a strategy to help the Historic Downtown Area enhance its position as a retail district. Such a strategy might include funding for a "Main Street" or similar program.

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

Finding: Complies Active transportation facilities are shown to improve economic conditions by creating attractive and walkable business districts and providing access to various destinations, local businesses, and jobs. Active transportation facilities contribute to redevelopment and other investments along the corridor. Vehicle congestion and parking limitations discourage travel in downtown Oregon City and are a barrier to businesses and expanded economic development. Beyond the proposed OR99E corridor, congestion leads to neighborhood spillback and cut-through traffic and detracts from the sense of place and community identity desired by residents, business and property owners, and visitors to Oregon City. The lack of complete walking and biking facilities, including the gap represented by the termination of the current Willamette Falls path, also discourages travel to downtown Oregon City as a regional destination. A complete connection for people walking, biking, and rolling along OR99E and to historic downtown Oregon City, Oregon City Transit Center, and the municipal elevator is needed to encourage mode shift⁴, support transportation demand management efforts, minimize impacts to adjacent residential areas and support the Oregon City 2040 Comprehensive Plan's policies related to multimodal connectivity and transportation demand management.

CONNECTED INFRASTRUCTURE

GOAL 1

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

POLICY 1.1 Plan for and develop multi-modal connectivity throughout Oregon City, with an emphasis on access to community services, amenities, and key points of interest.

STRATEGY 1.1.A Make investments to accommodate multi-modal traffic as much as possible to include bike lanes, bus turnouts and shelters, sidewalks, etc., especially on major and minor arterial roads, and in regional and employment centers.

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

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

STRATEGY 1.2.B Provide a well-defined and accessible bicycle network that links residential areas, major bicycle generators, employment centers, recreational areas, and the arterial and collector roadway network.

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

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

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

STRATEGY 1.3.B Improve the safety of vehicular, rail, bicycle, and pedestrian crossings

POLICY 2.4 Increase resiliency to climate change, natural hazard events, and cyber intrusions in public utility infrastructure.

Finding: Complies There is a gap in safe, comfortable, and accessible facilities for people of all ages and abilities who are walking and biking on McLoughlin Boulevard. The cross-section along OR99E between 10th Street and the proposed tumwata village and riverwalk consists of curb-tight sidewalks and four vehicle lanes. This cross-section does not meet the current ODOT Highway

Design Manual or City of Oregon City design standards. It creates an imbalance between how the needs of non-motorized and motorized users are being addressed in the corridor. The project location has been determined to result in a Level of Traffic Stress 4, in which most ages and abilities do not feel comfortable and/or able to walk, bike or roll along this segment, creating a barrier in the regional active transportation link between Oregon City and Portland.

PROTECTED ENVIRONMENT

GOAL 1

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

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

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

STRATEGY 2.9.A Conserve natural resources that have significant functions and values related to flood protection, sediment and erosion control, water quality, groundwater recharge and discharge, education, vegetation, and fish and wildlife habitat.

Finding: Complies Active transportation facilities are shown to improve economic conditions by creating attractive and walkable business districts and providing access to various destinations, local businesses, and jobs. Active transportation facilities contribute to redevelopment and other investments along the corridor. Vehicle congestion and parking limitations discourage travel in downtown Oregon City and are therefore a barrier to businesses and expanded economic development. Beyond the proposed OR99E corridor, congestion leads to neighborhood spillback and cut-through traffic and detracts from the sense of place and community identity desired by residents, business and property owners, and visitors to Oregon City. The lack of complete walking and biking facilities, including the gap represented by the termination of the current Willamette Falls path, also discourages travel to downtown Oregon City as a regional destination. A complete connection for people walking, biking, and rolling along OR99E and to historic downtown Oregon City, Oregon City Transit Center, and the municipal elevator is needed to encourage mode shift⁴, support transportation demand management efforts, minimize impacts to adjacent residential areas and support the Oregon City 2040 Comprehensive Plan's policies related to multimodal connectivity and transportation demand management.

This section of the Willamette River is characterized by a rocky shoreline with patches of riparian vegetation. It features mature trees such as bigleaf maple as well as various shrub varieties along the shoreline, providing habitat for supporting species. It is important to prioritize the preservation of trees over mitigation as the design is developed around the location of bridge foundations and structures. The final design will need to make use of the bridge's habitat features to support nesting bats, birds, and other animals. The final design should also consider supporting existing and planned angler access when possible.

GOAL 4

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

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

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

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

Finding: Complies: This section of the Willamette River is characterized by a rocky shoreline with patches of riparian vegetation. It features mature trees such as big-leaf maple and various shrub varieties along the shoreline, providing habitat for supporting species. It is important to prioritize the preservation of trees over mitigation as the design is developed around the location of bridge foundations and structures. The plan aims to make use of the bridge's habitat features to support nesting bats, birds, and other animals. The final design should also consider supporting existing and planned angler access when possible.

Vehicular congestion creates noise and emissions that detract from the historic, cultural and environmental aspects of the site. A continuous shared-use path connection is needed to create an opportunity for transportation mode shifts consistent with the region's climate goals and ensure that historical, cultural, and environmental resources are preserved for future generations. The physical design of the shared-use path needs to address the function of the facility in a way that minimizes or eliminates local environmental impacts and does not inflict harm on the river or nearby communities. Any work done in the corridor needs to recognize the special role and voice of tribes in the Willamette Falls area, comprising both land and water, and emphasize tribal and community involvement in decision-making.

Statewide Planning Goals

Response: This proposal makes no changes to the Comprehensive Plan, zoning, or land use designations for lands within the Urban Growth Boundary. Since the City's Comprehensive Plan and its ancillary documents are already acknowledged by the Oregon Department of Land Use and Conservation (DLCD), no further analysis for consistency with Statewide Planning Goals is required.

Chapter 17.50 Administration and Procedures

17.50.050 – Pre-application conference.

- A. *Pre-application Conference. Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application conference is to provide an*

opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal.

- 1. To schedule a pre-application conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.*
 - 2. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans.*
 - 3. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the pre-application conference.*
- B. A pre-application conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant shall schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.*
- C. Notwithstanding any representations by City staff at a pre-application conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.*

Finding: Complies Staff held the required pre-application conference meeting (File PA-24-00021), on July 30, 2024. The pre-application conference notes are attached to the application.

17.50.055 - Neighborhood association meeting.

Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

- A. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.*
- B. The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the Citizen Involvement Committee.*
- C. A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, Citizen Involvement Committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on*

a weekend and shall occur within the neighborhood association boundaries or at a City facility.

- D. If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the Citizen Involvement Committee.*
- E. To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.*

Finding: Complies: As this is a project of citywide importance, Staff presented the McLoughlin Blvd Enhancements Plan and TSP refinements to the Citizen Involvement Committee on November 6, 2023, and October 7, 2024. The city also met with the Two Rivers Neighborhood Association on October 23, 2024.

17.50.070 - Completeness review and one hundred twenty-day rule.

- C. Once the Community Development Director determines the application is complete enough to process, or the applicant refuses to submit any more information, the City shall declare the application complete. Pursuant to ORS 227.178, the City will reach a final decision on an application within one hundred twenty calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to suspend the one hundred twenty calendar day time line or unless State law provides otherwise. The one hundred twenty-day period, however, does not apply in the following situations:*
 - 1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one hundred twenty-day period.*
 - 2. Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one hundred twenty-day period for the amount of time required to correct the notice defect.*
 - 3. The one hundred twenty-day period does not apply to any application for a permit that is not wholly within the City's authority and control.*
 - 4. The one hundred twenty-day period does not apply to any application for an amendment to the City's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.*
- D. A one-hundred day period applies in place of the one-hundred-twenty day period for affordable housing projects where:*
 - 1. The project includes five or more residential units, including assisted living facilities or group homes;*
 - 2. At least 50% of the residential units will be sold or rented to households with incomes equal to or less than 60% of the median family income for Clackamas County or for the state, whichever is greater; and*
 - 3. Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of 60 years from the date of the certificate of occupancy.*
- E. The one hundred twenty-day period specified in OCMC 17.50.070.C or D may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed two hundred forty-five calendar days.*

F. *The approval standards that control the City's review and decision on a complete application are those which were in effect on the date the application was first submitted.*

Finding: Complies Legislative actions are not subject to the 120-day deadline.

III. RECOMMENDATION

Based on the findings in this report, staff recommends approval of Planning file GLUA 24-000023: LEG-24-00002. If the Planning Commission recommends approval to the City Commission, staff will prepare an Ordinance for consideration by the City Commission to adopt the proposed plan.

IV. EXHIBITS

1. McLoughlin Boulevard Enhancements 10th Street to tumwata village – DRAFT Rev 10.21.2024
 - a. Revised CIP Project Table
2. Public Outreach Summary Memo
3. Public Comment- ODOT
4. City Commission Briefings
 - a. [September 4, 2024 City Commission Meeting](#)- Resolution to support upcoming grant applications.
 - b. [August 13, 2024, City Commission Worksession](#)- long-span technical review and streetscape design update.
 - c. [May 15, 2024, City Commission Worksession](#)- direction to move forward on the long-span approach.
 - d. [April 9, 2024 City Commission Worksession](#)-alternatives analysis update
 - e. [December 12, 2023 City Commission Worksession](#)- alternatives analysis update
 - f. [November 7, 2023 City Commission Worksession](#)-review approval criteria, corridor vision, list of alternatives
 - g. [September 6, 2023 Commission Worksession](#)- Project overview
5. [Oregon City Comprehensive Plan](#) (onfile at www.orcity.org)
6. [Transportation System Plan](#) (onfile at www.orcity.org)
7. [Project Page](#) (onfile at www.orcity.org)

Oregon Revised Statute 358.653

Protection of Publicly Owned Historic Properties

Fact Sheet

“Any state agency or political subdivision responsible for real property of historic significance in consultation with the State Historic Preservation Officer shall institute a program to conserve the property and assure that such property shall not be inadvertently transferred, sold, demolished, substantially altered or allowed to deteriorate.” [ORS 358.653\(1\)](#)

Summary of ORS 358.653

Oregon Revised Statute (ORS) 358.653, quoted above, is a state law that requires state agencies and political subdivisions of the state (public entities) to conserve “historic properties” and consult with the State Historic Preservation Office (SHPO) to, whenever possible, avoid and minimize negative impacts as a result of project actions. The public entity leads and retains full responsibility for the consultation process and final decision.

- “Political subdivisions” include but are not limited to counties, cities, universities, schools, fire districts, irrigation districts, hospital districts, and local taxing districts.
- The law applies to “real property” owned by the public entity. Buildings and structures are the majority of such properties, though the law also applies to objects and other resources in the project area. These include, but are not limited to, irrigation canals, parks, and monuments.
 - Archaeological sites are subject to additional state and federal laws. If your project involves digging, visit the [SHPO’s archaeological services info page](#).

What qualifies as a “historic property?”

A “historic property” is eligible for listing or is already listed in the National Register of Historic Places (National Register). The National Register is maintained by the National Park Service (NPS) and includes buildings, structures, sites, objects, and districts important to local, state, or national history. In general, historic properties are at least 50 years old, retain most of their historic appearance, and meet at least one of the four “criteria for significance.” For more information on the National Register criteria, visit the [SHPO National Register webpage](#). The [Oregon Historic Sites Database](#) includes all listed properties and previously recorded properties in Oregon. Not every historic property has been recorded or is in this database so consultation is important. Information regarding archaeological sites is confidential. For more information regarding archaeological sites within the project area, visit [SHPO’s archaeological services info page](#).

What types of projects require review under the law?

The public entity should consult with the Oregon SHPO on any project involving property that, at the time of project completion, is 50 years or older and/or listed in or eligible for listing in the National Register. Oregon SHPO can help to determine if the property is historic. Consultants who meet the Secretary of Interior’s Standards for architectural history, historic preservation, or history can also help public entities to determine if their property is historic.

To administer this state law, the Oregon SHPO follows a streamlined version of Section 106 of the National Historic Preservation Act of 1966, as amended (implementing regulations 36 CFR 800), a federal law that considers impacts on historic properties for federal projects. In cases where federal funds, permits, licenses, or land are involved, ORS 358.653 is superseded by Section 106 and the federal agency will consult with the Oregon SHPO.

How does SHPO consultation work?

Consultation is easy and can be accomplished without unnecessary project delays if started early during planning and development. While the public entity is responsible for consultation, the Oregon SHPO recommends the following process:

1. Determine if the real property will be 50 years old or older *by the time of project completion*. If yes, proceed to steps below. If no, then no further action is needed.

Properties younger than 50 years may be eligible if they have extraordinary significance, characteristics, or historical associations, such as the first of a particular architectural style or the site of an exceptional historic event. Contact the Oregon SHPO for guidance.

2. Gather the necessary materials (historic information, summary of alterations, historic and current photos, maps, etc.) and complete an Oregon SHPO Clearance Form (available on the [Review & Compliance page](#) of the SHPO website). Complete the form and determine if the property is listed in or is eligible for listing in the National Register.
3. If the property is historic, determine if the proposed project will negatively affect the historic characteristics of the property. Refer to the [Secretary of Interior's Standards](#), [NPS Preservation Briefs](#), and/or hire a consultant who meets the Secretary of Interior's Standards for architectural history, historic preservation, or history.
4. Submit all materials to the SHPO using the [Go Digital process](#), the electronic submission process for all projects needing SHPO review. The review process takes up to 30 calendar days and will conclude in one of three ways:
 - If the public entity believes the property is not historic and SHPO agrees, or if the public entity believes the property is historic but that the project will not have negative impacts and SHPO agrees, SHPO will provide written correspondence stating their agreement. This ends the process. Local regulations may still apply.
 - If the public entity believes the project will negatively impact the historic property and SHPO agrees, or if the public entity believes there will not be negative impacts and SHPO disagrees, the public entity should seek options to avoid negative impacts. Relatively minor changes can often eliminate negative impacts, preserve the historic property, and avoid mitigation commitments. The SHPO can provide technical resources and historic preservation best practices.
 - If negative impacts cannot be avoided, appropriate mitigation is captured in a Memorandum of Agreement (MOA). Mitigation is determined by the public entity, SHPO, and other consulting parties. Mitigation can take many forms, including but not limited to: documentation, interpretation, public education, protective covenants, or other historic preservation work that provides a public benefit. Please visit the [Oregon SHPO webpage for examples of successful mitigation projects](#).

The SHPO will provide a template MOA for the public entity to complete. SHPO strongly recommends the public entity conduct community outreach and consult with interested parties on the project's impacts to historic properties. These groups include tribes, [Restore Oregon](#) (the statewide preservation non-profit organization), local historic preservation commissions, local historical groups, and members of the public. SHPO can help identify consulting parties, but the public entity is responsible for inviting them to participate and addressing their comments. While neither the public entity nor SHPO must sign the MOA if an agreement cannot be reached, the public entity is responsible for the final decision and documenting the consultation process.

What about local review requirements?

If the historic property is a locally listed landmark or listed in the National Register, it typically falls under the purview of a local landmarks review board. Contact the local planning department to determine if the property is subject to local review.

Additional questions?

Please visit the [Oregon SHPO webpage](#) for forms, guidance documents, and contact information.

Oregon's Statewide Planning Goals & Guidelines

GOAL 15: WILLAMETTE RIVER GREENWAY

OAR 660-015-0005

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

A. GENERAL

1. The qualities of the Willamette River Greenway shall be protected, conserved, enhanced and maintained consistent with the lawful uses present on December 6, 1975. Intensification of uses, changes in use or developments may be permitted after this date only when they are consistent with the Willamette Greenway Statute, this goal, the interim goals in ORS 215.515(1) and the statewide planning goals, as the case may be, and when such changes have been approved as provided in the Preliminary Greenway Plan or similar provisions in the completed plan as appropriate.

2. The Willamette Greenway Program shall be composed of cooperative local and state government plans for the protection, conservation, enhancement and maintenance of the Greenway, and of implementation measures including management through ordinances, rules, regulations, permits, grants as well as acquisition and development of property, etc. It shall also become a part of all other local and state plans and programs within and near the Greenway.

3. The Greenway Program shall include:

- a. Boundaries within which special Greenway considerations shall be taken into account;
- b. Management of uses on lands within and near the Greenway to maintain the qualities of the Greenway;
- c. Acquisition of lands or interests in lands from a donor or willing seller or as otherwise provided by law in areas where the public's need can be met by public ownership.

B. INVENTORIES AND DATA

Information and data shall be collected to determine the nature and extent of the resources, uses and rights associated directly with the Willamette River Greenway. These inventories are for the purpose of determining which lands are suitable or necessary for inclusion within the Willamette River Greenway Boundaries and to develop the plans and management and acquisition programs.

Each of the following items shall be inventoried¹ as it relates to the Greenway objectives:

- 1. All agricultural lands as provided in Goal 3. This includes all land currently in farm use as defined in ORS Chapter 215.203(2);
- 2. All current aggregate excavation and processing sites, and all known extractable aggregate sources;

¹ When information on such items is not available through previous studies, information will be maintained by the agencies for those portions of the plan for which they are responsible. This requirement shall not limit units of government from collecting information on other items.

3. All current public recreation sites, including public access points to the river and hunting and fishing areas;
4. Historical and archaeological sites;
5. Timber resources;
6. Significant natural and scenic areas, and vegetative cover;
7. Fish and wildlife habitats;
8. Areas of annual flooding and flood plains;
9. Land currently committed to industrial, commercial and residential uses;
10. The ownership of property, including riparian rights;
11. Hydrological conditions;
12. Ecologically fragile areas;
13. Recreational needs as set forth in Goal 8;
14. Other uses of land and water in or near the Greenway;
15. Acquisition areas which include the identification of areas suitable for protection or preservation through public acquisition of lands or an interest in land. Such acquisition areas shall include the following:
 - a. Areas which may suitably be protected by scenic easements;
 - b. Scenic and recreational land for exclusive use of the public;
 - c. Sites for the preservation and restoration of historic places;
 - d. Public access corridor;
 - e. Public parks;
 - f. Ecologically fragile areas; and
 - g. Other areas which are desirable for public acquisition may also be identified if the reasons for public acquisition for the Greenway are also identified.

C. CONSIDERATIONS AND REQUIREMENTS

The Oregon Department of Transportation (DOT) Greenway Plan, the portions of each city and county comprehensive plan within the Greenway, and the portions of plans and programs and implementation measures of all special districts, state and federal agencies within the Greenway shall be based on the following factors:

1. General Considerations and Requirements

- a. Statutory requirements in ORS Chapter 390.010 to 390.220 and in ORS Chapter 390.310 to 390.368;
- b. City, county and regional comprehensive plans adopted pursuant to ORS Chapter 197 for jurisdictions along the river;
- c. Statewide planning goals and guidelines adopted pursuant to ORS Chapter 197 by LCDC;
- d. Interim goals set forth in ORS Chapter 215.515(1).

2. Boundary Considerations and Requirements.²

The temporary and preliminary Greenway boundaries shall be reviewed as to their appropriateness and refined as needed based on the information contained in the inventories. The refined boundaries shall include such lands along the Willamette River as are necessary to carry out the purpose and intent of the Willamette River Greenway through a coordinated management and acquisition program.

² See ORS Chapter 390.318(1) for specific statutory language..."There shall be include within the boundaries of the Willamette River Greenway all lands situation with 150 feet from the ordinary low water line on each side of each channel of the Willamette River and such other lands along the Willamette River as the development of such Greenway; however, the total area included within the boundaries of such Greenway shall not exceed, on the average, 320 acres per river mile along the Willamette River, however, for the purpose of computing the maximum acreage of lands within such Greenway, the acreage of lands situated on such islands and within state parks and recreation areas shall be excluded."

Within farm areas, consideration shall be given to the ability of agricultural land adjacent to the Willamette River Greenway to enhance and protect the Greenway.

3. Use Management Considerations and Requirements. Plans and implementation measures shall provide for the following:

a. **Agricultural lands** -- The agricultural lands identified in the inventory shall be preserved and maintained as provided in Goal 3 as an effective means to carry out the purposes of the Greenway including those agricultural lands near the Greenway. Lands devoted to farm use which are not located in an exclusive farm use zone shall be allowed to continue in such farm use without restriction as provided in ORS 390.314(2)(c), ORS 390.332(4) and ORS 390.334(2);

b. **Recreation** --

(1) Local, regional and state recreational needs shall be provided for consistent with the carrying capacity of the land;

(2) Zoning provisions shall allow recreational uses on lands to the extent that such use would not substantially interfere with the long-term capacity of the land for farm use as defined in ORS 215.203;

(3) The possibility that public recreation use might disturb adjacent property shall be considered and minimized to the greatest extent practicable;

(4) The public parks established by section 8a of Chapter 558, 1973 Oregon Laws, shall be set forth in Oregon Laws, shall be set forth on the appropriate comprehensive plans and zoning

established which will permit their development, use and maintenance;

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;

f. **Protection and safety** -- The Willamette River Greenway Program shall provide for the maintenance of public safety and protection of public and private property, especially from vandalism and trespass in both rural and urban areas to the maximum extent practicable;

g. **Vegetative fringe** -- The natural vegetative fringe along the River shall be enhanced and protected to the maximum extent practicable;

h. **Timber resource** -- The partial harvest of timber shall be permitted beyond the vegetative fringes in areas not covered by a scenic easement when the harvest is consistent with an approved plan under the Forest Practices Act, or, if not covered by the Forest Practices Act, then with an approved plan under the Greenway compatibility review provisions. Such plan shall insure that the natural scenic qualities of the Greenway will be maintained to the greatest extent practicable or restored within a brief period of time;

i. **Aggregate extraction** -- Extraction of known aggregate deposits may be permitted when compatible with the purposes of the Willamette River Greenway and when economically feasible, subject to compliance with

ORS 541.605 to 541.695; ORS 517.750 to 517.900 and subject to compliance with local regulations designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, streamflow, visual quality, noise, safety and to guarantee necessary reclamation;

j. **Development away from river** -- Developments shall be directed away from the river to the greatest possible degree; provided, however, lands committed to urban uses within the Greenway shall be permitted to continue as urban uses, including port, industrial, commercial and residential uses, uses pertaining to navigational requirements, water and land access needs and related facilities;

k. **Greenway setback** -- A setback line will be established to keep structures separated from the river in order to protect, maintain preserve and enhance the natural, scenic, historic and recreational qualities of the Willamette River Greenway, as identified in the Greenway Inventories. The setback line shall not apply to water-related or water-dependent uses.

4. Areas to be Acquired -- Considerations and Requirements

Areas to be acquired must:

a. Have potential to serve the purposes of the Greenway;

b. To the maximum extent practicable, be consistent with non-interference or non-interruption of farm uses as defined in ORS Chapter 215.203(2);

c. Be suitable for permitting the enforcement of existing statutes relating to trespass and vandalism along the Greenway, and be suitable for allowing maintenance of the lands or interests acquired.

D. DOT GREENWAY PLAN

The DOT will prepare and keep current, through appropriate revisions, a Greenway Plan setting forth the state interests in the Greenway. The plan will show:

1. The boundaries of the Willamette River Greenway;

2. The boundaries of the areas in which interests in property may be acquired. These shall be depicted clearly on maps or photographs together with the nature of the acquisition such as fee title or scenic easement; the general public purposes of each such area, and the conditions under which such acquisition may occur.

3. Use Intensity Classifications for the areas acquired by the State for Greenway purposes; and

4. The locations of public access, either already existing or to be acquired.

The DOT plan or revision thereto will be reviewed by the Land Conservation and Development Commission (LCDC) as provided in ORS 390.322. When the Commission has determined that the revision is consistent with the statutes and this goal it shall approve the plan for recording.

E. COMPREHENSIVE PLANS OF CITIES AND COUNTIES

Each city and county in which the Willamette River Greenway is located, shall incorporate the portions of the approved DOT Greenway Plan in its comprehensive plan and implementing ordinances and other implementation measures.

1. **Boundaries:** Boundaries of the approved Willamette River Greenway shall be shown on every comprehensive plan.

2. **Uses:** Each comprehensive plan shall designate the uses to be permitted for the rural and urban areas of each jurisdiction, which uses shall be consistent with the approved DOT Greenway Plan, the Greenway Statutes and this Goal.

3. **Acquisition Areas:** Each comprehensive plan shall designate areas identified for possible public acquisition and the conditions under which such acquisition may occur as set forth in the approved DOT Willamette Greenway Plan and any other area which the city or county intends to acquire.

F. IMPLEMENTATION MEASURES

Implementation of the Greenway Program shall occur through the cooperative efforts of state and local units of government and shall be consistent with the approved DOT Greenway Plan and the city and county comprehensive plans, the goals and appropriate statutes.

1. **Boundaries:** Willamette River Greenway boundaries shall be shown on city and county zoning maps and referred to in the zoning ordinance and the subdivision ordinance.

2. **Uses:** Measures for managing uses within the Greenway shall include at least:

- a. Exclusive farm use zoning of all agricultural land within and adjacent to the Greenway;
- b. Flood plain zoning of all areas subject to flooding;
- c. Open space zoning (see ORS Chapter 308.740) of all open space areas; and
- d. Provisions for the use management considerations and requirements set forth in C3 of this Goal.

3. Greenway Compatibility

Review: Cities and counties shall establish provisions by ordinance for the review of intensifications, changes of use or developments to insure their compatibility with the Willamette River Greenway. Such ordinances shall include the matters in **a** through **e** below:

a. The establishment of Greenway compatibility review boundaries adjacent to the river within which review of developments shall take place. Such boundaries in urban areas shall be not less than 150 feet from the ordinary low water line of the Willamette River; in rural areas such boundaries shall include all lands within the boundaries of the Willamette River Greenway;

b. The review of intensification, changes of use and developments as authorized by the Comprehensive Plan and zoning ordinance to insure their compatibility with the Greenway statutes and to insure that the best possible appearance, landscaping and public access are provided. Such review shall include the following findings, that to the greatest possible degree:

(1) The intensification, change of use or development will provide the maximum possible landscaped area, open space or vegetation between the activity and the river;

(2) Necessary public access will be provided to and along the river by appropriate legal means;

c. Provision is made for at least one public hearing on each application to allow any interested person an opportunity to speak;

d. Provision is made for giving notice of such hearing at least to owners of record of contiguous property and to

any individual or groups requesting notice; and

e. Provision is made to allow the imposing of conditions on the permit to carry out the purpose and intent of the Willamette River Greenway Statutes.

f. As an alternative to the review procedures in subparagraphs 3(a) to 3(e), a city or county governing body may prepare and adopt, after public hearing and notice thereof to DOT, a design plan and administrative review procedure for a portion of the Greenway. Such design plan must provide for findings equivalent to those required in subparagraphs 3(b)(1) and (2) of paragraph F so as to insure compatibility with the Greenway of proposed intensification, changes of use or developments. If this alternative procedure is adopted and approved by DOT and LCDC, a hearing will not be required on each individual application.

G. NOTICE OF PROPOSED INTENSIFICATION, CHANGE OF USE OR DEVELOPMENT

Government agencies, including cities, counties, state agencies, federal agencies, special districts, etc., shall not authorize or allow intensification, change of use or development on lands within the boundaries of the Willamette River Greenway compatibility review area established by cities and counties as required by paragraph F 3.a. without first giving written notice to the DOT by immediately forwarding a copy of any application by certified mail--return receipt requested. Notice of the action taken by federal, state, city, county, and special districts on an application shall be furnished to DOT.

H. AGENCY JURISDICTION

Nothing in this order is intended to interfere with the duties, powers and responsibilities vested by statute in agencies to control or regulate activities on lands or waters within the boundaries of the Greenway so long as the exercise of the authority is consistent with the legislative policy set forth in ORS 390.310 to 390.368 and the applicable statewide planning goal for the Willamette River Greenway, as the case may be. An agency receiving an application for a permit to conduct an activity on lands or waters within the Greenway shall immediately forward a copy of such request to the Department of Transportation.

I. DOT SCENIC EASEMENTS

Nothing in this Goal is intended to alter the authority of DOT to acquire property or a scenic easement therein as set forth in ORS 390.310 to 390.368.

J. TRESPASS BY PUBLIC

Nothing in this Goal is intended to authorize public use of private property. Public use of private property is a trespass unless appropriate easements and access have been acquired in allowance with law to authorize such use.

K. DEFINITIONS FOR WILLAMETTE RIVER GREENWAY GOAL

1. ***Change of Use*** means making a different use of the land or water than that which existed on December 6, 1975. It includes a change which requires construction, alterations of the land, water or other areas outside of existing buildings or structures and which substantially alters or affects the land or water. It does not include a change of use of a building or other structure which does not substantially

alter or affect the land or water upon which it is situated. Change of use shall not include the completion of a structure for which a valid permit had been issued as of December 6, 1975 and under which permit substantial construction has been undertaken by July 1, 1976. The sale of property is not in itself considered to be a change of use. An existing open storage area shall be considered to be the same as a building.

Landscaping, construction of driveways, modifications of existing structures, or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements shall not be considered a change of use for the purposes of this Goal.

2. *Lands Committed to Urban*

Use means those lands upon which the economic, developmental and locational factors have, when considered together, made the use of the property for other than urban purposes inappropriate. Economic, developmental and locational factors include such matters as ports, industrial, commercial, residential or recreational uses of property; the effect these existing uses have on properties in their vicinity, previous public decisions regarding the land in question, as contained in ordinances and such plans as the Lower Willamette River Management Plan, the city or county comprehensive plans and similar public actions.

3. *Intensification* means any additions which increase or expand the area or amount of an existing use, or the level of activity. Remodeling of the exterior of a structure not excluded below is an intensification when it will substantially alter the appearance of the structure. Intensification shall not include the

completion of a structure for which a valid permit was issued as of December 6, 1975 and under which permit substantial construction has been undertaken by July 1, 1976.

Maintenance and repair usual and necessary for the continuance of an existing use is not an intensification of use. Reasonable emergency procedures necessary for the safety or the protection of property are not an intensification of use. Residential use of lands within the Greenway includes the practices and activities customarily related to the use and enjoyment of one's home. Landscaping, construction of driveways, modification of existing structures or construction or placement of such subsidiary structures or facilities adjacent to the residence as are usual and necessary to such use and enjoyment shall not be considered an intensification for the purposes of this Goal. Seasonal increases in gravel operations shall not be considered an intensification of use.