

To: Planning Commission
From: Christina Robertson-Gardiner, Senior Planner
RE: LEG 19-0003-Beavercreek Road Concept Plan Zoning and Code Amendments
Date: September 16, 2019

Background

The Planning Commission is reviewing the zoning and code amendments for the implementation of the Beavercreek Road Concept Plan (BRCP) over multiple meetings during the late summer and fall of 2019. Each meeting will be broken into 2-3 topics to allow the Planning Commission, staff and the public time to focus their energy. Planning Commission comments and direction, as well as public comments, will be tracked throughout the hearings and topics may be added to future meetings if new items are identified or issues have not been resolved. Please refer to the updated calendar attached to each Planning Commission packet for meeting topics.

The following topics were identified either by public comment or the Planning Commission for the September 23, 2019 Hearing. Staff will provide background on the issue and offer a recommendation if warranted.

Geologic Hazards

- 1. Please provide more information on the Geologic Hazards District and how it regulates development proposals.**

Northwest Clackamas County is more susceptible to landslides than many other locations in the Portland-Metro area. Slides are commonly triggered by heavy rain, rapid snowmelt, earthquakes, grading/removing material from bottom of slope or adding loads to the top of the slope, or concentrating water onto a slope (for example, from landscape irrigation, roof downspouts, or broken water/sewer lines). Slides generally occur on moderate to steep slopes, especially in weak soil.

The City of Oregon City has a [digital mapping program](#); once there, you can access the City's GIS mapping program, OCWebMaps, which includes Oregon City and outlying areas. In the Map Layers list, there is a section labeled "Hazards and Flood Info," which contains information for steep slopes and landslide areas (please note that to view a layer, you must check the box beside it, AND check the box beside the "Hazards and Flood Info" section). Essentially, you can navigate to your address and see if your residence is in any of the known hazardous areas.

Oregon City regulates and limits tree removal, grading, and development in areas with steep slopes or historic landslides; more information can be found in [Chapter 17.44 of the Oregon City Municipal Code](#).

Geologic hazards fall into two categories: steep slopes and historic landslide deposits. The City regulates properties of 25% or greater and a buffer of 50 feet from those sloped areas as well as ancient landslide areas and a buffer of 200 feet from the landslide areas. Density is limited on slopes between 25-35% and prohibited in most cases on slopes greater than 35%. Most developments within the Geologic Hazards Overlay District requires extensive review to minimize cuts and fills and overall disturbance to the existing land. Construction in geologic hazard areas is generally limited to May 1 to October 31. The City uses a third-party consultant to verify the work of an applicant's geotechnical engineer, resulting in two engineers reviewing the appropriateness of development.

Josh Wheeler, Assistant City Engineer will provide a presentation on the Geologic Hazards Overlay District at the September 23, 2019 Planning Commission Meeting.

Staff recommendation: No recommendation is needed. Staff response is informational only.

2. Upland Habitat regulation under OCMC 17.49 Natural Resource Overlay District (NROD).

In 2008, the city was in the middle of the design and adoption of the Beaver Creek Road Concept Plan and was beginning reviewing code amendments to implement Metro Title 13, which conserves and protects streamside corridor system integrated with upland wildlife habitat.

The aim of Title 13 is to combine the ecological needs of wetlands and streams with habitat protection. Oregon City adopted a stream protection code in 1999 which placed a 50-foot buffer from break-in 25% slope (up to 200 feet) along a perennial stream and 15 feet protection from a seasonal stream. Anadromous or fish-bearing streams such as the Willamette River and Abernethy Creek received a 200-foot buffer.

In 2008 and 2009, Oregon City worked with Metro to identify habitat areas within Oregon City. A majority of the areas identified as conservation habitat areas were located within the existing stream buffers or were further regulated by the Geologic Hazards Overlay District. The city requested compliance with this approach and included any city-owned parks and open spaces habitat areas if located outside of the existing stream buffer into the newly revised Natural Resource Overlay District (NROD). A June 3, 2009 letter to Pete Walter from Brian Harper, Metro Assistant Regional Planner confirming compliance with Title 13 can be found attached to this memo.

Staff has reviewed the 2008 Site Inventory Map and has identified some areas that are not currently regulated under OCMC 17.49- Natural Resources Overlay District or OCMC 17.44 Geologic Hazards.

Using the analysis below, staff has determined that a sufficient amount of land identified as habitat is being protected through the city's existing code to show compliance with the goals and policies of the Beaver Creek Road Concept Plan. Additional regulation could be adopted to address these areas, though they would most likely be separate from the Geologic Hazard or NROD Overlay Districts.

Below are three maps that further described this issue. The 1st map- Figure 1, looked at streams, wetlands and habitat areas during the Concept Plan design process prior to the adoption of the revised Title 13 code amendments. The areas identified in orange are labeled as habitat area.

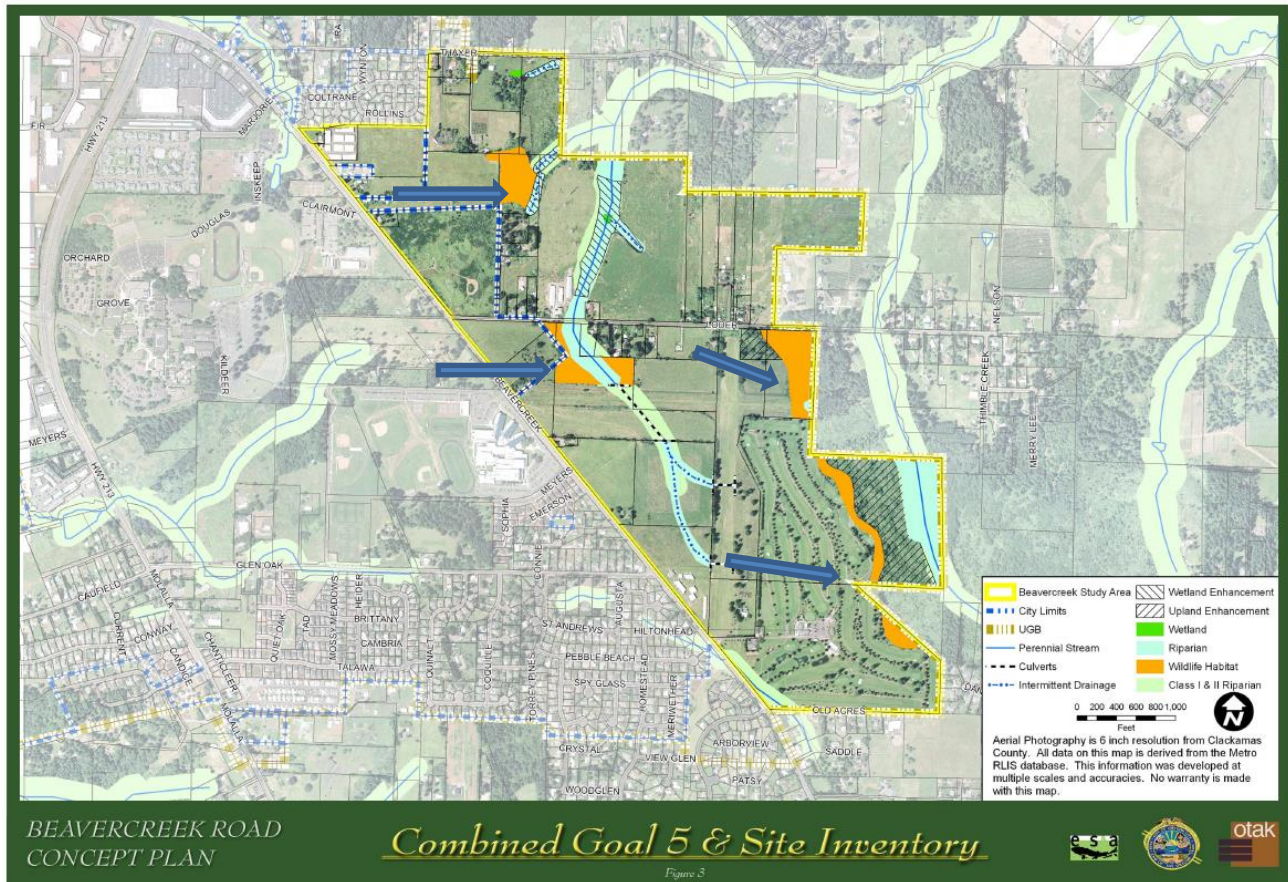


Figure 1 - Goal 5 Site Inventory- Beaver Creek Road Concept Plan Design Process

The 2nd Map- Figure 2 consists of the adopted Metro Title 13 compliant Natural Resource Overlay District. The habitat areas are identified as salmon pink, and the Natural Resource Overlay District is identified as bright pink. Please note that the Metro identified habitat areas regulated under OCMC 17.49 Natural Resource Overlay District are smaller than the habitat areas identified by the consultant team above in Figure 1 and have been demarcated with red numbers (1-4)

All of the currently regulated habitat areas located within the Natural Resource Overlay District in this area are protected through OCMC 17.49.

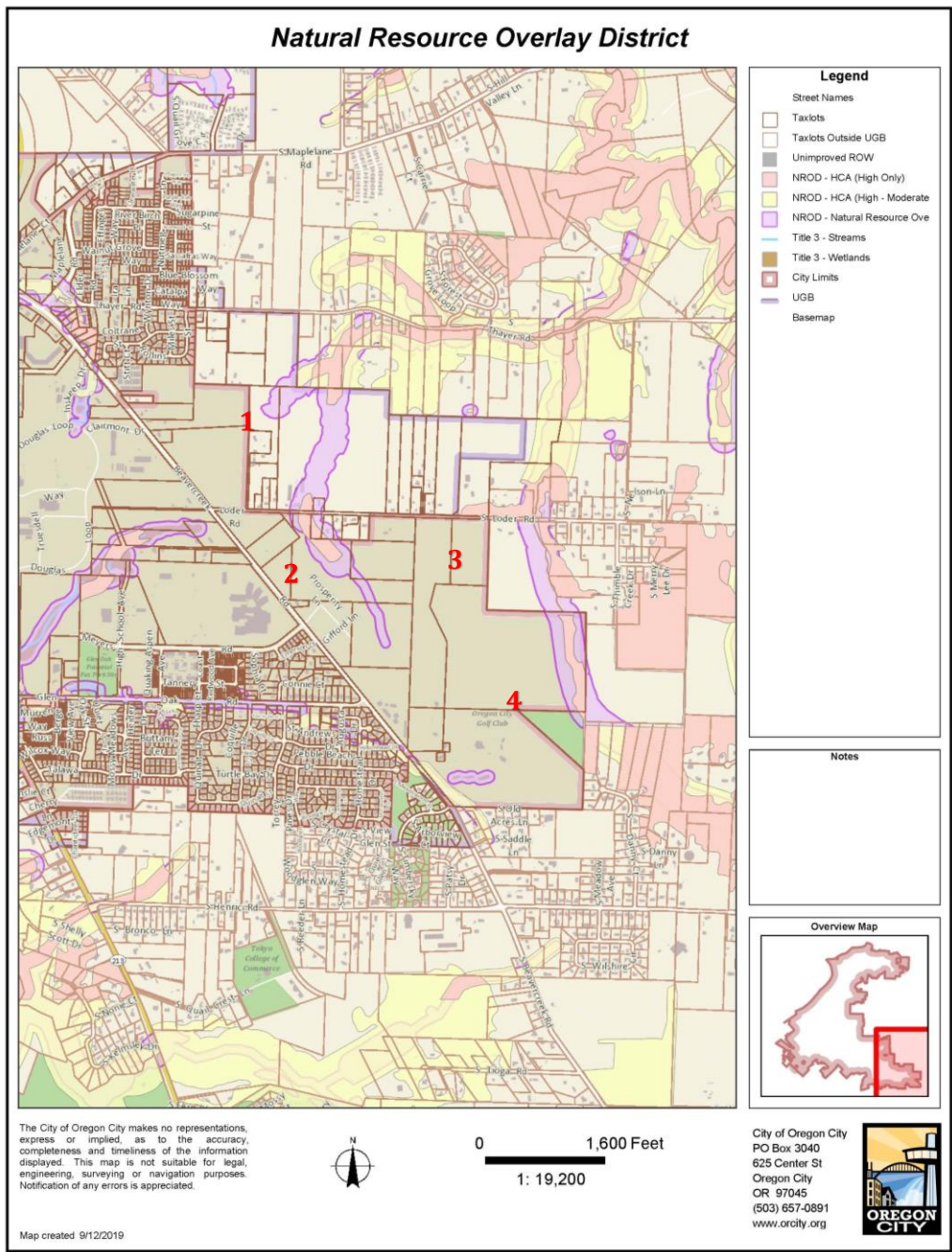


Figure 2 Natural Resource Overlay District (NROD)

The areas located outside of the NROD District and identified as orange in Concept Plan Inventory in Figure 1 are further protected through the Geologic Hazards District. Figure 3 below identifies areas with historic landslides, sloped over 25% slope and 50 buffers around these features. Development is greatly reduced and oftentimes restricted within the Geologic Hazards Overlay District.

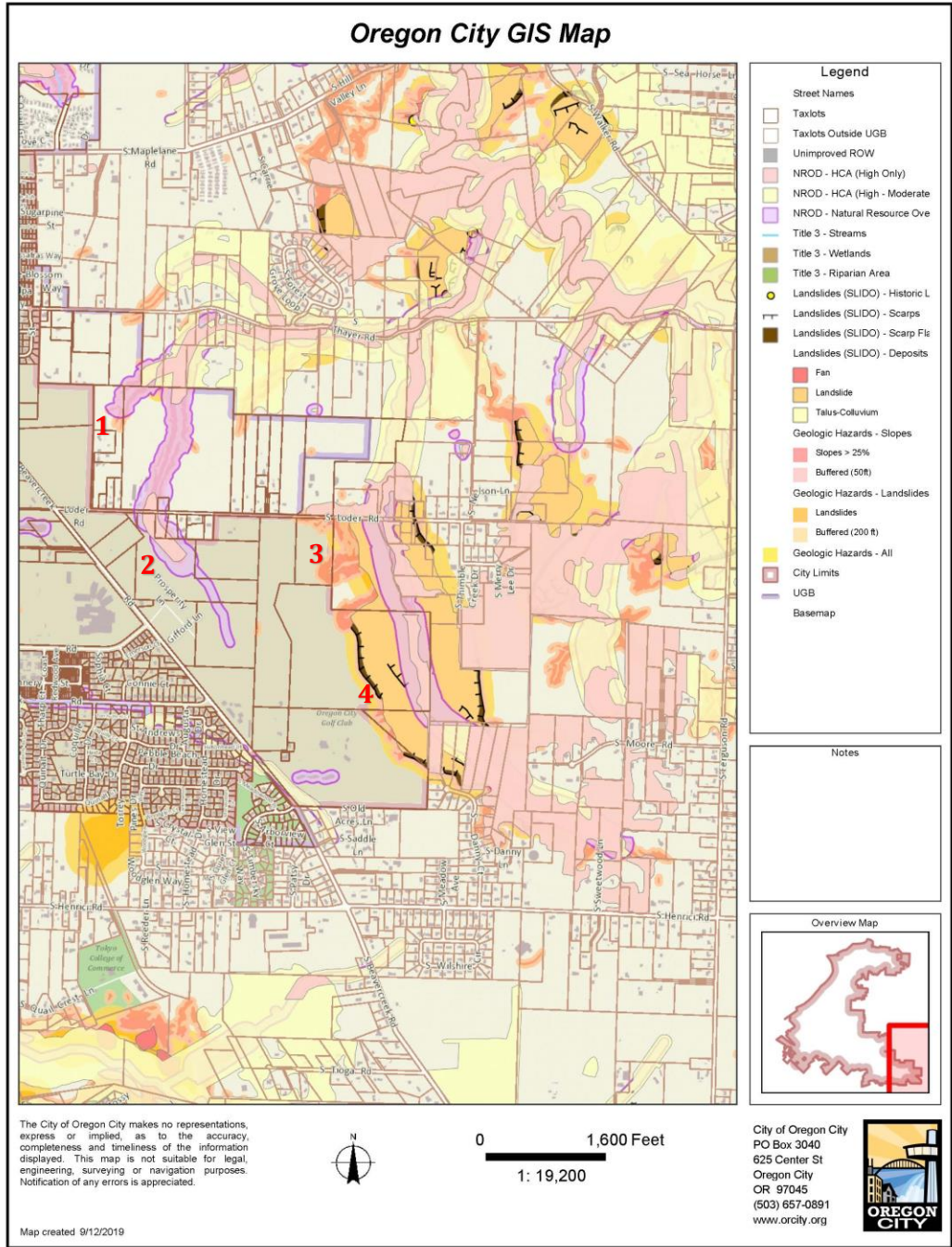


Figure 3- Geologic Hazards + Natural Resource Overlay District (NROD)

The Natural Resource Overlay District (OCMC 17.49) and Geologic Hazards (17.44) account for much of the concept plan identified habitat area associated with Thimble Creek Canyon (area 4) at the far SE quadrant of the plan and some of Area 3 closer to Loder Road.

The Concept Plan identified habitat area proposed to be zoned Campus Industrial (areas 1 and 2) that abuts the existing vegetative corridor which runs north along the airfield and crosses over Loder Road is not fully regulated by these two overlay districts.

However, OCMC Chapter 17.41 Tree Protection, Preservation, Removal, and Replanting Standards provides some additional protection along this tributary to Thimble Creek. Any tree removed in non-residential districts prior to a development application or any development removed as part of a development application in a residential district requires mitigation per the table below. While the replanting of trees removed may not necessarily be completed in the same area- the mitigation tree replanting provides an approach to no net loss of city tree canopy as part of a development application. Please note that dead, diseased or dangerous trees do not require replanting per OCMC 17.41.

Table 17.41.060-1
Tree Replacement Requirements
All replacement trees shall be either:
Two-inch caliper deciduous, or
Six-foot high conifer

Size of tree removed (DBH)	Column 1 Number of trees to be planted. (If removed Outside of construction area)	Column 2 Number of trees to be planted. (If removed Within the construction area)
6 to 12"	3	1
13 to 18"	6	2
19 to 24"	9	3
25 to 30"	12	4
31 and over"	15	5

The analysis contained above reviews at how the city regulates the area identified in the Beavercreek Road Concept Plan habitat areas. Staff finds that the combination of OCMC 17.49 Natural Resource Overlay District, Geologic Hazards Overlay District and Chapter 17.41 Tree Protection, Preservation, Removal, and Replanting Standards provide substantial implementation of protection standards to meet the goals and vision of the Concept Plan. Moreover, the areas with the largest gap in protection have been identified for future Campus Industrial jobs, which is a major goal of the Concept plan. At this time, no additional overlay protection or text amendment to the Beavercreek Road Concept Plan, which would clarify the approach to habitat areas is anticipated, though they could be added to the final documents if desired by the Planning Commission.

Staff will also be presenting this item at the October 9, 2019 Natural Resource Committee meeting and will provide feedback at a future Planning Commission meeting.

Staff recommendation: Staff does not recommend any revisions to the proposed code amendments.

3. Master Planning Requirement- Clear and Objective Standards for Housing

Senate Bill 1051, passed in 2017, requires jurisdictions to provide clear and objective standards for housing. Clear and objective standards are metric based and rely on analysis using measurable standards such as height, setback, material selection, window transparency, and other architectural features that can be measured. The 2017 senate bill expanded the requirement for clear and objective standards to now apply to all residential development (not just “needed housing”), and prohibited cities from denying applications that meet clear and objective standards. The new provisions are aimed at removing barriers to residential development as part of efforts to increase the supply of affordable housing options across the state.

The 2008 Beavercreek Concept Plan looked at implementation through a more subjective Master Plan process that requires applicant's to show how their proposed development is consistent with the adopted plan. This would occur through a Type III Master Plan application reviewed by the City Commission at a public hearing. Findings would be made showing substantial compliance with discretionary criteria such as the goals and policies of the Comprehensive Plan. This approach was seen as the easiest path for compliance review including acquisition of park land as part of a development application.

The proposed code for the Beavercreek Road Concept Plan can be approved in a clear and objective manner to show consistency and compliance with SP 1051 and thus there is no need for a Master Plan to be required for all development. The Master Plan process, however, is still an option for future applicants wishing to pursue an alternative approach that also meets the intent of the adopted plan.

All of the districts proposed in the Concept Plan area allow for some amount of housing except for the Campus Industrial District (CI). Standards that are less clear and objective could be proposed in this district; however as job creation is a major goal of the Beavercreek Road Concept Plan, staff does not see a larger interest being met by separating industrial development from the clear and objective approach to code implementation.

The way to address compliance with SB 1051 will be to amend the Beavercreek Road Concept Plan and remove this requirement from the text. Staff will prepare a redline exhibit that will be added to the final Ordinance that amends the Concept Plan to no longer require development to be approved through a Master Plan process in order to be consistent with SB 1051.

Staff recommendation: Staff recommends amending the Beavercreek Road Concept Plan text to no longer require implementation through the Master Plan process.