



To: Planning Commission
From: Christina Robertson-Gardiner, Senior Planner
RE: LEG 19-0003-Beavercreek Road Concept Plan Zoning and Code Amendments – Draft Planning Commission Recommendations
Date: January 6, 2020

Background

The Planning Commission reviewed the zoning and code amendments for the Beavercreek Road Concept Plan (BRCP) over multiple meetings during the fall and winter of 2019/2020. Each meeting was broken into 2-3 topics to allow the Planning Commission, staff, and the public time to focus their energies. Planning Commission comments and direction, as well as public comments, were tracked throughout the hearings, and topics were added to future meetings if new items were identified or issues have not been resolved.

The purpose of this memo is to consolidate and document the Planning Commission recommendations/direction on all items discussed during the hearings process from August 2019 to November 25, 2019 based on the original applicant's submittal attached to the August 12, 2019 Planning Commission Agenda. Outstanding items will be revised as they are deliberated, and further direction is given to staff. A final version of this memo will be forwarded to the City Commission as part of the Legislative package.

More detailed background can be found in the staff memo attached to the referenced Planning Commission Hearing for each item discussed below.

Unresolved Items

Home Occupation/Cottage Manufacturing

September 9th, September 23rd, November 18th Planning Commission Hearings

As part of the 2016 re-adoption of the plan, the City Commission recommended that as during the process to create implementing code and zoning for the BRCP, staff should further analyze the issue of allowing expanded home occupation uses, also known as cottage manufacturing/industry within the mixed-use and residential areas. This item was discussed during the two open houses at Oregon City High School and through an online survey in the fall of 2019. The Planning Commission provided staff clear direction that they supported expanded opportunities for home-based businesses within the concept plan area. Staff worked with the Planning Commission on options creating new opportunities for home-based business in Oregon City. At the November 18, 2019 Meeting, staff received direction on commercial vehicles and hours of operation for employees and sales and type of sales onsite at the November 18, 2019 Planning Commission Meeting. Those changes are reflected in the revised code attached to the January 13, 2020 agenda packet.

Staff recommendation: As there was no clear direction given during the public outreach meetings this spring and there are existing provisions for many types of home occupation allowed city-wide, staff did not recommend any changes to the Home Occupation code for the Beavercreek Concept Plan area.

Planning Commission: Planning Commission directed staff to create specific cottage industry home occupation business license criteria to implement the Beavercreek Road Concept Plan vision to encourages job creation in this district.

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

September 23, 2019 Planning Commission Hearing

Staff has reviewed the 2008 Beaver Creek Road Site Inventory Map and has identified some small areas that are not currently regulated under OCMC 17.49- Natural Resources Overlay District or OCMC 17.44 Geologic Hazards. Staff has determined that a sufficient amount of land identified as habitat is being protected through the city's existing code to show substantial compliance with the goals and policies of the Beaver Creek Road Concept Plan. Additional regulation could be adopted to address these areas but would not be required.

Staff presented this analysis to the Natural Resource Committee on October 9, 2019 and November 13, 2019. The Natural Resource Committee submitted a letter with a keyed map into the record requesting the Planning Commission create code to regulate and protect upland habitat areas 3 and 4 as they are of specific interest to the committee and are contiguous to large habitat areas. They support additional protection in Area 2 in locations that abut the identified and protected stream. Area 1 merits additional protection if analysis can show enough tree area located outside of the Natural Resource Overlay District exists. Staff is looking for further direction from the Planning Commission on this issue. If the Planning Commission supports additional regulation, staff recommends adding code to either OCMC Chapter 17.49 Natural Resource Overlay District or OCMC 17.41 Tree Protection, Preservation, Removal and Replanting Standards and return at a future meeting with proposed code.

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

Planning Commission recommendation: Planning Commission did not recommend any revisions to the proposed code amendments at the September 23, 2019 Planning Commission Meeting and will be discussing the NRC's recommendation at the January 13, 2019 Planning Commission Meeting.

Parks Acquisition Code Amendments

October 14, 2019, November 18, 2019 Planning Commission Hearings

The BRCP prioritizes an open space network that preserves identified environmental resource areas, parks, trails, and viewpoints, including the South-Central Open Space Network and the Low Impact Conservation Area upslope areas of Thimble Creek on the eastern edge of the district. The proposed code amendments will create the South-Central Open Space Network and Low Impact Conservation Area through required parkland dedication at the time of development and protect trail corridors throughout the district's open space system by also requiring the dedication of easements at the time of development. This code is not for the construction of these elements, only for the dedication of land and potentially some interim surface preparation and use. System Development Fees would be used for the substantial construction of parkland acquired by this code.

Staff met with the Parks and Rec Advisory Committee (PRAC) on August 29, 2019 and September 26, 2019 to discuss the two park concepts. PRAC was supportive of the approach and requested that staff return at a later date with draft park details for the committee to review and make their formal recommendation to the Planning Commission. Staff is working with Don Robertson, Interim Community Services Manager, to get on the next PRAC agenda. In the interim period, staff worked with previous Community Services Manager Phil Lewis on creating minimum and maximum park dimensions, which will be available for Planning Commission review at the January 21, 2020 Planning Commission Meeting.

Planning staff also reviewed the South-Central Open Space-Neighborhood Park dedication formula for residential development created this summer and found that the formula was not correctly or proportionately allocating dedication based on the number of dwelling units. The original formula was $2.6 \text{ persons per dwelling units} \times (\text{total number of dwelling units proposed in the development}) \times (8 \text{ acres}) / (1,000 \text{ persons})$. This would

require a 10.4-acre dedication for a 400 lot/dwelling unit development application. If the goal is a formula that requires all development to contribute proportionally to the proposed impacts of their development, the original calculation would not be considered proportional.

The Beaver Creek Road Concept Plan anticipates 1100 new dwelling units. This means that the first large development application would be required to site and dedicate the full South-Central Open Space-Neighborhood Park. Based on the proposed minimum park size of 10 acres and the projected residential zoning for 1100 dwelling units, staff recommends a more proportional formula of $2.6 \text{ persons per dwelling units} \times (\text{total number of dwelling units proposed in the development}) \times (4 \text{ acres}) / (1,000 \text{ persons})$. This would require the same 400 dwelling unit development proposal to dedicate 4.2 acres.

Finally, staff heard from the Planning Commission that nonresidential development should also contribute to the acquisition and interim development of parks spaces above and beyond the required Parks SDCs. Staff recommends that this fee should be set for 1,000 dollars per each new 5,000 square feet of non-residential development. A new 50,000 square foot Industrial building would be required to pay \$10,000.

Staff recommendation: Staff recommends that the Planning and City Commission continue to work with the Parks and Rec Advisory Committee to ensure the park details meet the vision and need for the community. Staff also recommends adopting revised language that provides additional description of the South-Central Open Space Network /Linear Park and the Low Impact Conservation Area into the proposed parks acquisition language and recommends that both parks be added to the Parks Master Plan and the proposed Trail System be added to the Transportation System Plan (TSP) and Trails Master Plan as needed.

Planning Commission recommendation: Planning Commission will provide additional direction at the January 15, 2020 Planning Commission meeting

Resolved Items

Setbacks Differentiation Between the Northern Concept Plan Boundary and the Southern Concept Plan Boundary.

September 9, 2019 Planning Commission Hearing

The northern boundary is zoned CI and has buffering requirements for residential properties. The purpose of the zoning language is to provide a visual buffer for residential uses while maximizing the development area for campus industrial properties. The additional buffer requirements found in the Beaver Creek CI zone allow for a smaller setback than the residential buffer to the south. The exchange for quality of the buffer over quantity is often applied in non-residential zones as the landscaping installation and maintenance are easier to enforce than with a single-family residence. Moreover, the Campus Industrial Zone is envisioned to attract businesses that contain their uses inside buildings. The off-hour impact would also be substantially less compared to a single-family residence. The southern concept plan boundary along Old Acres Lane is will be zoned R-5 and has the following proposed code language. The purpose of the increased setback of 40 feet is to protect the existing grove of trees at the southern property line. Staff identified two additional revisions for clarification purposes.

Staff Recommendation: Staff recommends revising 17.37.040 -Dimensional standards to account for the following items in the southern buffering requirements.

- Timbersky/Beaver Creek intersection. There may be a connection to Beaver Creek Road at the Timbersky intersection that could be a right in/right out approach; therefore a road may need to be allowed within the 20 feet of the southern boundary
- The addition of the clarification for the 40-foot setback at the southern boundary to primary structures indicates that accessory structures would be allowed in the 40-foot setback.

Planning Commission recommendation: Planning Commission recommends revising OCMC 17.37.040 - Dimensional standards as proposed by staff. The Planning Commission did not provide any additional code amendment for the northern buffering requirements.

Definition of Warehousing

September 9, 2019 Planning Commission Hearing

Distribution/warehousing is prohibited in the Beaver Creek Road Concept Plan CI zone. There was some concern that ancillary warehousing and distribution would not be allowed. Oregon City views the storage and distribution of materials that are constructed or assembled onsite to be part of the permitted use. No changes to the code are recommended.

Staff recommendation: Staff response was informational only.

Planning Commission recommendation: Planning Commission did not recommend any revisions to the proposed code amendments.

Map Change Request

September 9, 2019 Planning Commission Hearing

At the August 12, 2019 Planning Commission Hearing, Paul Edgar requested that the Planning Commission work with Metro to revise the Title 4 Industrial maps to remove a CI zoned parcel owned by Terry Emmert (identified by a red star on the map below) to allow construction of housing for homeless veterans onsite. Portions of the CI area in the BRCP are identified as Title 4 Industrial areas. Any change to the title 4 Map must be adopted by Metro and would need to be completed before the Code amendments are adopted by the City to remain consistent with Title 4.

Staff recommendation: Staff does not recommend amending the proposed zoning map or the Title 4 Map as it is not consistent with the vision of the Beaver Creek Road Concept Plan.

Planning Commission recommendation: Planning Commission did not recommend any revisions to the proposed zoning map.

Geologic Hazards

September 23, 2019 Planning Commission Hearing

At the request of the Planning Commission, Josh Wheeler, Assistant City Engineer, provided a presentation on the Geologic Hazards Overlay District. 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 the bottom of the 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. 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](#).

Staff recommendation: Staff response was informational only.

Planning Commission recommendation: Planning Commission did not recommend any revisions to the proposed code amendments.

Master Planning Requirement- Clear and Objective Standards for Housing

September 23, 2019 Planning Commission Hearing

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 2008 Beaver Creek Concept Plan looked at implementation through a more subjective Master Plan process that

requires applicants 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 Planning Commission at a public hearing. The proposed Beaver Creek Road Concept Plan code amendment package was written to be clear and objective to show consistency and compliance with SP 1051. The other way to address compliance with SB 1051 will be to amend the Beaver Creek Road Concept Plan and remove the master planning requirement from the text

Staff recommendation: Staff recommends amending the Beaver Creek Road Concept Plan text to no longer require implementation through the Master Plan process. Needed text amendments will be added at the time of formal adoption.

Planning Commission recommendation: Planning Commission recommends amending the Beaver Creek Road Concept Plan text to no longer require implementation through the Master Plan process.

Concept Plan Renaming

October 14, 2019 Planning Commission Hearing

One issue that came up over and over again in public outreach conversations and public comments in 2019 was a concern that the name of the concept plan area was geographically confusing and was being confused with the Hamlet of Beaver Creek. One way to lessen this concern is to potentially begin referring to the area with a new name as part of the code amendment project. Ideally, the new name should not be geographically confusing. Additional names provided during the public outreach during the spring of 2019 were: Thimble Creek, East Caulfield, Loder Road, SE Industrial (Oregon City), Two Creeks, and Thayer Greens. Most of the property is on the Andrew Hood Donation Land Claim. Until the golf course was built, the area was mainly farm fields for people who lived at Maple Lane or lived in the city and kept farms nearby. When the golf course was established, the newspaper reported it going in at "Maple Lane." A survey map for "Skypark" which was the airfield was identified west of the golf course. Google maps show it today as Fairways Airfield. None of the references above create a unique geographic name. As Thimble Creek runs through the site, is not very long and empties into Abernethy Creek soon after it leaves the site, staff found it to be the best alternative name option.

Staff recommendation: Staff recommends that if the Planning Commission wishes to rename the Concept Plan as part of this process, Thimble Creek Concept Plan is the best option. Needed text amendments will be added at the time of formal adoption.

Planning Commission Recommendation: The Planning Commission felt that a renaming of the plan name was warranted and directed staff to ensure that the needed text revisions are included in the final Legislative package adopted by the City Commission.

Beaver Creek Road Concept Plan- Transportation Analysis

November 25, 2019 Planning Commission Hearing

The Beaver Creek Road Zone and Code Amendments project will also rezone properties located within the city limits and Concept Plan boundary. An approval criterion for rezoning property is a facilities analysis. For the transportation system, this is usually done by completing a Transportation Analysis (TA). It was reviewed by John Replinger, the city's contract Transportation Engineer. Once properties are rezoned, additional project-specific analysis will occur during any future development review onsite and specific and proportional conditions of approval for transportation system upgrades, such as abutting street improvements or signal installations will be required as part of a development's approval.

The focus of the analysis was to demonstrate that the requirements of [Oregon Administrative Rule \(OAR\) 660-012-0060](#), the [Transportation Planning Rule \(TPR\)](#), are met for the Beaver Creek Road Concept Plan.

Mr. Replinger found that the proposal provides an adequate basis upon which the impacts of the development can be assessed. The TA provides documentation that the key intersections will meet adopted mobility standards and that the proposed changes comply with the TPR. He also concurs with DKS's findings that all study area intersections meet operational standards regardless of whether Holly Lane was included or excluded in the system and that Beaver Creek Road would meet mobility standards with the 3-lane configuration

specified in the TSP. Additionally, the mobility standards would also be met if Beaver Creek Road were to be widened to five lanes in sections where three lanes had been specified.

Staff Recommendation: Staff concurs with the transportation analysis performed by DKS. No action is needed.

Planning Commission Recommendation: The Planning Commission did not request any additional information on the transportation analysis and concurred with staff's transportation analysis findings.

Speed Zones within the Concept Plan

November 25, 2019 Planning Commission Hearing

At the request of the Planning Commission, staff presented information on new legislation that allows the city to set lower speed limits on local roads. [Senate Bill 558](#)-Allows all cities and counties the authority to establish, by ordinance, a designated speed for a right of ways under their jurisdiction. The measure specifies that the designated speed must be five miles per hour slower than the statutory speed, the road is located in a residential district and not an arterial street, and that the city provides appropriate signage of the designated speed. Senate Bill 558 passed the Legislature and was signed by the Governor on June 27, 2019. It goes into effect on January 1, 2020. If the Planning Commission wishes to pursue 20 miles per hour signage on local residential streets in the Beaver Creek Road Concept Plan boundary and the Glen Oak Commercial Main Street, they should include it in the formal recommendation to the City Commission. Implementation would occur at the time of road construction. The City Commission could adopt the support for reduced speeds in the implementing Ordinance or adopt a separate resolution at the time of code adoption.

Staff Recommendation: The Beaver Creek Road Concept Plan is an ideal area to test the new option for reduced speed limits. Staff would support a Planning Commission recommendation for speed reduction in this area.

Planning Commission Recommendation: The Planning Commission found that the Concept Plan envisions strong pedestrian and bike connections to adjacent jobs centers and Clackamas Community College/Oregon City High School; and as the area will be built as a brand new neighborhood, this area would benefit as a test case for reduced vehicular speeds limits on local streets.

Beaver Creek Road Design

November 25, 2019 Planning Commission Hearing

At the November 12, 2019 City Commission Worksession, staff [presented additional information](#) on [potential design options](#) for Beaver Creek Road and looked for broad direction from the City Commission. Staff also shared the results of the [Public Survey](#). The purpose for holding the City Commission worksession during the Planning Commission Hearings process is to provide the City Commission the ability to provide their initial direction on the design of Beaver Creek Road, which allows the Planning Commission an opportunity to review the recommendation and provide comments to the City Commission on this topic as the full code amendment package moves forward to City Commission Hearings. If the Planning Commission has a different recommendation than the City Commission on the following questions, it can be included in the formal recommendation to the City Commission. The City Commission provided direction on the following questions:

How many lanes should Beaver Creek Road be within the Concept Plan corridor? A transitional section extending the existing 5-lane section near Maple Lane and transitioning to a 3-lane section after the Meyers Road intersection.

What type of intersections should Beaver Creek Road have within the Concept Plan corridor? Traffic signals
Should the City renegotiate with ODOT to revise the Alternate Mobility Standard by removing Holly Lane connection projects from the Transportation System Plan (TSP)? No

Should Beaver Creek Road along the Concept Plan corridor be constructed by developers incrementally as development is built or pursued as a capital improvement project all at once? The city should investigate if a city-lead capital improvement project is feasible. Staff should return to a future meeting to review funding opportunities.

Staff Recommendation: Staff will be incorporating the City Commission recommended Beaver Creek Road Design into the code amendment package unless a different direction is given from the Planning Commission.

Text amendments to the Transportation System Plan (TSP) and Beaver Creek Road Concept Plan describing the revised design to Beaver Creek Road will be added at the time of formal adoption.

Planning Commission Recommendation: The Planning Commission did not have a different recommendation than the City Commission on the design of Beaver Creek.