

Oregon City Commission

Meeting of January 21, 2015

RE: Appeal of Proposed Development, File SP 14-01- Beavercreek Road Live/Work Apartments  
Planning Files AP 14-01 and AP 14-02

Testimony of: Christine Kosinski, Unincorporated Clackamas County

This lot for development is 9.7 acres, but if it were 10 acres or more, Oregon City Municipal Code states the proposed development must be Master Planned. When looking at the boundaries of this parcel, one has to wonder why the lot on the Northwest corner was left out of the plan, even though it is owned by a separate party.

Without a doubt, the lack of necessary Infrastructure for development in this area, is of huge concern. This property was part of a 122 acre Annexation measure on the November, 2007 Ballot, a measure that won only by 43 votes, Yes= 4,116 No = 4,073. This should have never gone to ballot since the "factors for annexation could not be met for Infrastructure". Again, in 2010, when the City changed the zoning from FU-10 to MUC, the glaring lack of Infrastructure could not have been more apparent, and yet the City erroneously approved the zone change knowing that needed infrastructure would not be in place

On August 18<sup>th</sup>, 2014, a letter was sent from Beavercreek Road LLC to Clackamas River Water. The letter states "that the City of Oregon City may have difficulty providing adequate water service to the proposed development for both residential water and possibly for fire services". Beavercreek Road LLC went on to formally request exterritorial water service from CRW.

For Sewer capacity, I cite the Keller Associates Technical Memo of September 9, 2014 where they speak of (pg 3) "Glen Oak road sewer discharges into the Hwy 213 sewer nodes". Keller Associates recommends that the manholes with only two feet of cover be equipped with **Bolted down, sealed manholes if these are currently not in place.**

The transportation plan for this development is poor and severely underfunded, the City had to cut many projects from their TSP to "not likely to be funded" due to lack of funds. Out of 360 projects costing \$221 Million, only \$73 Million can reasonably be expected to be funded.

Take this development, a new Bus Barn on Meyers, an Industrial Enterprise zone, add proposed development at the old bus barn at Maplelane, Beavercreek and Hwy 213. All together these call for Master Planning this entire area of Oregon City. To do anything less, would be irresponsible. Now consider all of this development being served by only **ONE ROAD** where Tri-Met, school buses and parking on Beavercreek will be allowed. Now toss in traffic from an Enterprise zone and from development at the old bus barn and what do you have? A recipe for disaster.

The Hamlet of Beavercreek has submitted 24 pages of testimony with concerns about this development and the fact that they are being held hostage by irresponsible development from Oregon City, development that will leave them stranded and open to long response times for emergency help. This is why Master Planning is extremely vital.

The LUBA decision (in Case No. 2007-171) makes it crystal clear, they agreed the annexation could proceed the Beavercreek Concept Plan, with the understanding that the concept plan would proceed urbanization. So why is the City proposing spot development on these 9.7 acres without the concept plan, and master planning, going first?

Statewide Goal I, requirements for Citizen Involvement, have not been met. Oregon City did not reach out to the people of Holly Ln, to participate in any planning for this development, even though the next phase of development will directly link traffic to Holly Lane, a small and windy country road filled with landslides. May I remind you that I have testified on numerous occasions about the many serious landslides that line the street of Holly Lane, and I have notified you on numerous occasions that the people of Holly Lane are unable to obtain "Difference in Conditions" Insurance to cover losses due to any landslides you may re-activate on Holly Lane since you continue to state that you want to widen the road to carry the plethora of cars that you intend to stuff down this only North/South connector. This is an extremely serious legal question, and one that Oregon City has refused to answer for all the residents living in and near Holly Lane.

The transportation report for this 9.7 acre development has grossly understated the Average Daily Trip counts of 810 trips per day. Trip counts must be added for the new bus facility, for the enterprise zone, for trips to and from the live-work units and for trips coming from proposed development at Maplelane, Beavercreek and Hwy 213.

Annexation of this land should never have been approved by the City since you were unable to meet the "annexation factors" found in City Municipal Code 14.04.060, especially annexation factor number three, "adequacy and availability of public facilities and services to service potential development".

Zone change from FU-10 to MUC also should never have been approved, due to lack of Infrastructure. LUBA decision allowed annexation to FU-10, however NO urbanization was to go before the Concept Plan which would have called for Master Planning.

I believe the City continues to levy an additional \$3500 fee per new home to provide policy coverage. This certainly was part of the original Beavercreek Concept Plan. This has been brought up in several City Commission meetings, by Commissioners who wondered if this type of levy is allowable by State Laws.

I refer you to an e-mail to Pete Walter, from Doug Whiteley, Fire Marshall and Administrative Battalion Chief, Clackamas Fire District #1. This is regarding response times to various communities, I bring to your attention that he states it takes them 14 minutes and 38 seconds to response

In the October 13, 2010 letter from The Hamlet of Beavercreek to Oregon City, at the top of Pg 3, it is noted that testimony was given at both the September 15<sup>th</sup> and October 6<sup>th</sup>, 2010 hearings regarding financial concerns on the part of the applicant. The applicant explained that he is seeking a zone change for this property which will allow him to obtain the necessary financing for this parcel and that apparently without a zone change the lender may consider foreclosure. City Attorney, Ed Sullivan, quickly brought to the attention of the Commission that they cannot consider the financial concerns of the applicant a part of their decision to approve, or disapprove, these land use applications. Also, on the same page, Regarding Condition 2, the Hamlet seeks clarification. If the applicant is seeking zone change for financial reasons, can the applicant financially contribute funding to the City for the construction of the westbound right turn lane at the OR 213/Meyers Rd intersection? This was never answered.

I submitted testimony to Pete Walter, on August 11, 2014 and on October 31, 2014 regarding the Landslides that plague Holly Lane since in the 2<sup>nd</sup> phase of development in the Beavercreek/Meyers/Concept Plan area will dramatically effect all the peoples who live on Holly Ln. I spoke of the fact that these people cannot obtain Insurance for losses due to landslides and the concerns that the people have if the City should come in and excavate and widen the roads. We have, on numerous occasions, asked the City who will pay the damages if they create a landslide to re-activate and the City has given the people of Holly Ln NO answers. This must be addressed now prior to the Concept Plan being re-approved which the City is anticipating soon.

I do not support proposed development of 121 3-story apartments and 62 live-work units at Beavercreek & Meyers, It is not master planned, you are holding 6700 citizens in Beavercreek ransom by overwhelming the only road they have to get in and out of their community. Emergency response times will be greater due to Beavercreek Road being inundated with traffic. These people were never invited as a Stakeholder. You held meetings with your Caufield Neighborhood, who does not support this development, but you failed to invite even one person from the community of Beavercreek to participate in meetings regarding this proposed development along Beavercreek Road, rather the City has chosen to sacrifice the Safety and Livability of all the 6,700 people of Beavercreek, as well as the hundreds of people on Holly Ln who have asked for answers for years, and do get recognized.

The City cannot provide Water, adequate Sewer, nor the necessary roads to support such development. The City is recklessly developing.

Enclosed:

Boundaries of tax lot 800

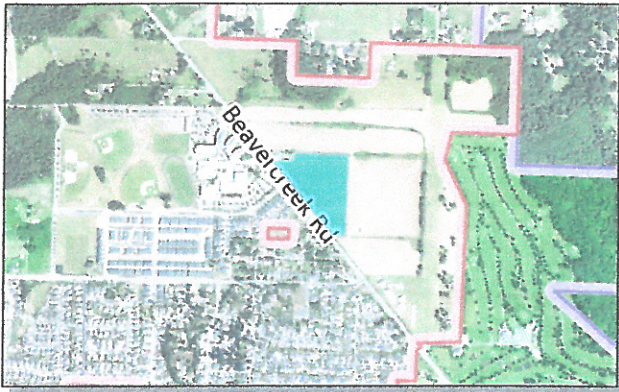
Letter from Beavercreek Road LLC to Clackamas River Water dated August 18, 2014

Keller Associates manhole recommendation

E-mail to Pete Walter from Clackamas Fire District #1 – response times

City of Oregon City Staff Report dated 4/4/13





Overview Map

### Taxlot Information

APN: 3-2E-10C -00800

Alt ID: 00870711

Site Address: 19896 BEAVERCREEK RD  
OREGON CITY, OR 97045

Year Built: 1945



Taxlot highlighted in blue

### Taxpayer Information

Taxpayer: BEAVERCREEK ROAD LLC

Address: 159 CIVITAS ST STE 212  
MT PLEASANT, SC 29464

### Reference Information

Parcel Area (acres - approx): 9.7

Parcel Area (sq. ft. - approx): 423,403

Twn/Rng/Sec: 03S 02E 10

Tax Map Reference: 32E10C

### Values

Values as of: 12/20/2013

Land Value (Mkt): \$816,438

Building Value (Mkt): \$1,500

Exempt Amount: \$0

Net Value (Mkt): \$817,938

Note: The values above are Market, NOT Assessed values.

Assessed Value: \$230,820

### Planning Designations

Zoning: MUC1

- Mixed Use Corridor District

Comprehensive Plan: muc

- Mixed Use - Corridor

Subdivision: NONE

PUD (if known):

Neighborhood Assn: Caufield NA

Urban Renewal District:

Historic District:

Historic Designated Structure? N

In Willamette Greenway? N

In Geologic Hazard? N

In Nat. Res. Overlay District (NROD)? N

In 1996 Floodplain? N

Beavercreek Road LLC  
600 University St, Suite 1708  
Seattle, WA 98101  
206-535-6348

August 18, 2014

Bob George  
Clackamas River Water District  
16770 SE 82<sup>nd</sup> Dr. #100  
Clackamas, OR 97015

RE: Request for Water Service at 19896 Beavercreek Road, Oregon City, OR

Bob,

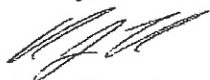
I am writing today as the representative for Beavercreek Road LLC, the owner of an approximately 11 acre parcel of land at 19896 Beavercreek Road in Oregon City and land use applicant to develop approximately 186 units of multi-family rental housing on this same site.

It has come to our attention that the City of Oregon City may have difficulty providing adequate water service to meet the needs of our proposed development both for residential domestic water and possibly for fire services. Before our parcel was annexed to Oregon City it was under the jurisdiction of CRW. As such, it still has an abandoned water line running to it from the CRW pump station on Beavercreek Road.

I am writing to formally ask for extraterritorial water service from CRW to supply our project. I would appreciate having a formal decision from the CRW board as soon as possible stating CRW's willingness to provide water services to our project.

I appreciate your time on this matter. Please let me know if I can clarify any questions you may have about our proposed project or this request for extraterritorial service.

Sincerely,



Andrew Brand  
Authorized Representative  
Beavercreek Road LLC  
andrew@evergreenhd.com



location where the Glen Oak Road sewer discharges into the Hwy 213 sewer (nodes 12371 and 12372). Regardless of the source of additional flows in the Glen Oak Road sewer, Keller Associates recommends that the manholes with only two feet of cover be equipped with bolted down, sealed manholes if these are currently not in place.

The City desires to reserve approximately 20 gpm of the available 225 gpm capacity for the existing Three Mountains subdivision (currently on septic systems). This would leave approximately 205 gpm of uncommitted capacity that could be used to service a portion of Areas 1 and 2 of the Beavercreek Development. **Allowing the proposed Beavercreek Apartment Development to gravity flow to Glen Oak Road would still leave approximately 100+ gpm of uncommitted capacity for future downstream development.**

While accommodating the Beavercreek Apartment Development in the Glen Oak Road sewer would direct flows across sewer basins on a short-term basis, it is worth noting that the area can gravity flow to the Glen Oak Road sewer system. Additionally, in the short-term there may be operational benefits to the City to direct flow into the Glen Oak Road sewer. Allowing flow from Beavercreek Development to go to the Glen Oak Road sewer would also allow the large capital expenditures of the Beavercreek Sewer Trunkline project to be delayed without exceeding the capacity of the existing pipelines, giving the City and development community more time to plan for and fund the new trunkline. Flow from the Beavercreek Development could eventually be routed into the Beavercreek Sewer Trunkline, and provisions for this transfer should be incorporated into the design of the Beavercreek Development.

Accommodating the Beavercreek Apartment Development in the Glen Oak Road sewer does not obligate the City to service other future developments in Areas 1 and 2 within the Glen Oak Road sewer. Should Areas 1 and 2 be committed long-term to the Glen Oak Road sewer, then as an alternative to the Beavercreek Sewer Trunkline, it may be possible to complete downstream improvements in Hwy 213 to alleviate surcharged conditions in the City's Glen Oak Road sewer. In their June 30, 2014 technical memorandum, BC estimated that a \$537,000 pipe upsizing project in Hwy 213 would alleviate the surcharged conditions in the City-owned Glen Oak Road sewer.

One of the concerns expressed by the City in allowing Beavercreek Apartment Development to discharge into the Glen Oak Road sewer is that the flow utilizes available downstream capacity in HWY 219 that could be dedicated to other developments. The City also recognizes that significant contributions of I/I utilize available pipe capacity. Reducing the amount of I/I could free up pipe capacity for development. The cost to reduce flow by reducing I/I is a function of a number of factors, including the presence of direct storm water connections, topography, climate, groundwater levels, soil conditions, and pipe material conditions.

Keller Associates investigated whether there are benchmarks for estimating typical cost per gallon for I/I removed from a wastewater collection system. Contact was made with the City of Eugene, City of Springfield, City of Salem, City of Portland, and Clean Water Services. All of these entities desire to obtain this information, but do not have it at the present time. Clean Water Services reported that they have done similar research on the

**From:** [Whiteley, Doug](#)  
**To:** [Pete Walter](#)  
**Subject:** FW: SOC  
**Date:** Monday, January 12, 2015 1:11:34 PM

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Hi Pete,

Here is the language directly from our Standards Of Coverage document. The highlighted line references our urban response area which the area in questions falls within.

Let me know if you need anything else.

Thanks,

Doug Whiteley

Fire Marshal - Administrative Battalion Chief

Direct: 503.742.2660

main: 503.742.2600



To Safely Protect & Preserve  
Life & Property

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**CLACKAMAS FIRE DISTRICT #1**  
[www.clackamasfire.com](http://www.clackamasfire.com)

Here is the info we discussed, this is our BASELINE published in 2013 SOC with 2012 data.

**Baseline EMS Objectives:**

**DISTRIBUTION- Baseline EMS**

For 90 percent of EMS responses, total response time of the first arriving apparatus arrives within:

**7 minutes and 15 seconds in URBAN communities**

**7 minutes and 37 seconds in SUBURBAN communities**

**14 minutes and 38 seconds in RURAL communities.**

The first arriving unit is staffed with two, three, or four personnel and is capable of providing advanced life

support and treatment for a one or two patient medical incident while providing for the safety of victims and

responders in accordance with department policy and procedures.



# City of Oregon City

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

## Staff Report

File Number: PC 13-032

**Agenda Date:** 4/9/2013

**Status:** Agenda Ready

**To:** City Commission

**Agenda #:** 3a.

**From:** Public Works Director John Lewis

**File Type:** Planning Item

### **SUBJECT:**

Transportation System Plan Update (File L 13-01, Ordinance No. 13-1002)

### **RECOMMENDED ACTION (Motion):**

This is a work session presentation; no action is required.

### **BACKGROUND:**

The Transportation System Plan (TSP) provides a long term guide for transportation investments for an equitable and efficient transportation system. Over the past year, City staff has been working with the community to evaluate the current transportation system and outline policies and projects to protect and enhance the quality of life in Oregon City through 2035. Approximately 360 potential transportation improvements were identified totaling an estimated \$221 million. With approximately \$73 million worth of investments reasonably expected to be funded, approval criteria created by the public identified the transportation improvements which best reflect our community goals and are anticipated to be constructed by 2035.

The purpose of this work session is to provide background on the creation and recommendations of the Transportation System Plan. The Planning Commission has been reviewing the document and will share their thoughts on the document.

The proposed amendments to the Oregon City Municipal Code associated with the Transportation System Plan (file L 13-02, Ordinance No. 13-003) will be discussed at the May 7, 2013 City Commission Work Session. The first City Commission hearing is expected to be on May 15, 2013.

The full document may be found at [www.OCTransportationPlan.org](http://www.OCTransportationPlan.org).