

Application for Comprehensive Plan Amendment and Zone Change

Applicant	Historic Properties, LLC 1300 John Adams Street Oregon City, OR 97045 Contact: Dan Fowler
Representative	Sisul Engineering. 375 Portland Avenue Gladstone, OR 97027 (503) 657-0188 Contact: Tom Sisul
Location	14228, 14268, 14275, 14289, 14297, 14338, & 14362 Maplelane Court, 14375 Maplelane Road and 3391 Beaver creek Road
Legal Description	Tax Lots 700, 702, 900, 1201, 1300, 1400, 1500, 1600; Assessor Map 3 2E 04C and Tax Lots 3300, 5900, 6000; Assessor Map 3 2E 04CD
Zoning	R-10 (TL 1500, 1600, 3300 and 5900); R-6 (TL 1300 and 6000) and R-3.5 (TL 700, 702, 900, 1201 and 1400)
Comprehensive Plan	R-10 and R-6 Low Density Residential R-3.5 Medium Density Residential
Site Size	Total Area – 693,200 SF (15.69 AC); R-10 parcels – 135,600 SF, R-6 parcels – 224,800 SF and R-3.5 parcels – 332,800 SF
Proposal	<ol style="list-style-type: none">1. Comprehensive Plan Amendment to change CP designations from Low and Medium Density Residential (LR and MR) to Mixed Use Corridor (MUC)2. Zone change from R-10, R-6 and R-3.5 to Mixed Use Corridor (MUC-2)3. Cap evening peak hour trips from/to the proposed rezoning site area, as a whole, at 152, per the Trip Generation Analysis of Lancaster Engineering.4. Eliminate the following permitted and conditional uses from the proposed zone change area<ol style="list-style-type: none">a) Permitted Uses<ol style="list-style-type: none">i. Medical or dental clinics, outpatient infirmary servicesii. Museums, libraries and cultural activities

- iii. Postal Services
 - iv. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoe and small appliances and equipment.
 - v. Restaurants, eating and drinking establishments without a drive through.
 - vi. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, and similar.
- b) Conditional Uses
- i. Ancillary drive-in or drive through facilities.
 - ii. Gas stations.

Site Description

The site is located in the middle eastern side of Oregon City, largely bounded by Beavercreek Road to the south, Maplelane Road to the east, and Maplelane Court to the west, although there is a small area of the site that lies just west of Maplelane Court.

The existing parcels that make the total site currently have access to Maplelane Road and Maplelane Court. There are 6 existing residences, a church and the School District existing bus facilities among the various parcels. Beavercreek Road is classified by the City as a major arterial street, Maplelane Road is classified as a minor arterial and Maplelane Court and other nearby streets are all classified as local residential streets, except Hwy 213 which is a controlled access highway and Thayer Road is classified as a collector.

The site has some moderate slope across most of site area with the general fall towards Beavercreek Road. Trees on the site are scattered around the site, generally following existing property lines. The upper portion of Newell Creek crosses the site paralleling Beavercreek Road and lies near Beavercreek Road. Associated with the Newell Creek drainageway there are NROD and WQROD overlays along that portion of the site. For the portion of the site west of Maplelane Court there is a geologic hazard overlay as well.

The site is bordered generally by single-family residences to the east of Maplelane Road, some of which are developed at City densities and some are remnants of the earlier County zoning. To the southwest, and across Beavercreek Road from the site is a large commercial development, including large box stores and fast food eateries. To the northwest between site and Hwy 213 there is land owned by Metro for a park preserve and a few large lots occupied by a single residences.

Adjacent properties are zoned R-2 (southeast across Maplelane Road and south of Thayer), R-8 (northwest), and R-6 and R-10 (east). Land to the south across Beavercreek Road is zoned Commercial.

Proposal

This application includes two requests: a change in the Comprehensive Plan from LR and MR to MUC and a similar change from present zoning of R-3.5, R-6 and R-10 to MUC-2 zoning.

An evening (PM) peak hour trip cap of 152 is proposed for a combined total of all the uses proposed within the comprehensive plan amendment and zone change area. This would match the maximum number of possible evening hour trips that would be expected under the present zoning for the parcels in question. In conjunction with the trip cap, it is proposed that several of the permitted and conditional uses in the MUC zoning, that would generally be considered higher trip generator uses, would not be allowed in the proposed rezoning area. The uses that are proposed to not be permitted are those noted below:

Permitted Uses

- Medical or dental clinics, outpatient infirmary services
- Museums, libraries and cultural activities
- Postal Services
- Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoe and small appliances and equipment.
- Restaurants, eating and drinking establishments without a drive through.
- Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, and similar.

Conditional Uses

- Ancillary drive-in or drive through facilities.
- Gas stations

Public utilities and facilities are either available will have to be extended from nearby existing facilities to serve future redevelopment of the site. Specifics about such future utility extensions will be addressed with the future Design Review or other similar land use applications.

Comprehensive Plan Amendment and Zone Change Standards and Requirements

In order to change the Comprehensive Plan from the current LR and MR plan designations to the proposed MUC and the zoning from the current R-3.5, R-6 and R-10 on the subject site to the proposed MUC-2, appropriate chapters and sections of the Oregon City Municipal Code must be addressed. The primary chapter to be addressed is *Chapter 17.68, Zone Changes and Amendments*.

Chapter 17.68 Zoning Changes and Amendments

17.68.010 Initiation of the Amendment

Finding: An amendment to the zoning map and comprehensive plan map, as is proposed by this application, may be done by: “C. An application to the planning director on forms and accompanied by information prescribed by the planning commission”. Because the property owners’ agent is submitting the proposed application, and the property owners agree by and through their signature on the main application, and all the necessary and required information is included, this requirement is fulfilled. This application will be routed to a public hearing before the Oregon City Planning Commission.

17.68.020 Criteria

This subsection contains four (4) criteria that must be addressed and satisfied in order for a zone change application to be approved.

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

Finding: The proposed comprehensive plan amendment to change the Comprehensive Plan designation from LR and MR to MUC is consistent with Comprehensive Plan, as identified and discussed below.

Section (Goal) 1 – Citizen Involvement

The Oregon City Code includes various provisions to insure that citizen involvement is guaranteed for individual citizens, neighborhood organizations, property owners, and other special interest groups. As required, the applicant has met with the Caulfield Neighborhood Association, and has talked with neighbors. (The neighborhood meeting notes and attendance list is to be submitted with this application.) Further, once the application is complete, the City will send notices to surrounding property owners (within 300 feet), the local neighborhood association (Caulfield NA), the Citizen Involvement Council, and will be posted for public notification on the city’s website. In addition, the site will be posted prior to the public hearing. Thus, citizens will be provided the opportunity to comment on the proposed comprehensive plan amendment and zone change in compliance with Goal 1.4.

Section (Goal) 2 – Land Use

Goal 2.1 seeks to insure that properties planned for the various uses within the city are used efficiently and that land proposed for development is done so through the principles of sustainable development. The proposed comprehensive plan amendment from LR and MR to MUC will allow better use of land allowing a mix of and more appropriate uses near the busy arterials of HWY 213

and Beaver Creek Road, thus using the subject site more efficiently and effectively, which will act as a transition between the single family residential to the east of Maple Lane Road and north of Thayer Road and the commercial area to the south of Beaver Creek Road. The comprehensive plan amendment designation to MUC will allow an effective way to make the transition between the different uses on either side of the zone change area, and thus this Goal will be satisfied.

Goal 2.3 seeks to focus transit oriented, higher intensity, mixed-use development along transit corridors. Most of the proposed comprehensive plan amendment site area lies within ¼ mile of a transit corridor and transit stop. Infill and redevelopment opportunities with high density residential development is one the goals of this portion of the Comprehensive Plan and thus this goal would be met.

Goal 2.4 seeks to maintain and protect the viability of local neighborhoods, which will be done through the re-development of the subject site. The MUC comprehensive plan designation will allow a transition and mix of uses to between the LR designated land to the east and the commercial land to the south and also provide some buffer between the LR lands to the east and Hwy 213. In addition, alternate transportation modes through and around the subject site will allow for bike, trail and pedestrian pathways will allow better connectivity from east to west and south to north. This goal will be met with the proposed comprehensive plan amendment.

Goal 2.7 seeks to utilize the Oregon City Comprehensive Plan Land Use Map as the official guiding document for land development throughout the city. The proposed comprehensive plan amendment will alter the Comprehensive Plan Land Use Map and Zoning Maps, but in way that allows for better transitioning between low density and commercial zones, at the same time allow for in-fill of what is currently largely underdeveloped lands.

Since the site is “isolated” in terms of its location relative to most other undeveloped or re-developable parcels, by arterials and collector streets its re-development as proposed through MUC uses, modified as proposed, will contribute to the infill process. The comprehensive plan amendment will allow for a transitioning between low density and commercial zoning.

Section (Goal) 3 – Agricultural Lands and Section (Goal) 4 – Forest Lands are not applicable because the subject site is within the Urban Growth Boundary no forest lands have been designated as such within the City.

Section (Goal) 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources

Goal 5.1 seeks to conserve fish and wildlife habitat and provide recreational opportunities. The proposed comprehensive plan amendment from LR and MR to MUC would allow for greater flexibility in terms of uses and development patterns to better preserve and enhance fish and wildlife habitat. It would also allow for pedestrian connectivity through the subject area via pathways and trails.

There would no scenic views (Goal 5.2) or historic structures or resources (Goal 5.3) impacted by the redevelopment of the site.

Goal 5.4 seeks to conserve and restore the City's natural resources. The additional flexibility under a MUC plan designation would allow to better meet this goal.

Section (Goal) 6 – Quality of Air, Water and Land Resources

This Goal (Section) contains Goal 6.1, Policy 6.1.1 which seeks to promote land use patterns that reduce travel by single occupancy vehicles and promote travel by walking, bicycling, and transit to various destinations. The subject site is located across the street from a commercial center and across HWY 213 from a transit stop. Development of the site with higher density residential and mixed uses will allow this reduced dependence on single occupancy vehicles, both because of nearby shopping and nearby transit opportunities, along with better pedestrian connections. Through these means, Policy 6.1.1 will be satisfied.

Policy 6.1.2 seeks to utilize development practices that meet or exceed regional, state and/or federal standards for air quality. Every effort will be made to utilize best management practices when it comes to site development, thus satisfying this policy.

Policy 6.1.4 emphasizes the use of the city's tree canopy to promote air quality. As many existing trees as possible will be retained, and with the city's requirement for mitigation for lost trees, and the requirement for planting of new street trees, the tree canopy on this site, as a whole will be well used to promote local air quality.

Goal 6.2, Water Quality, seeks to control erosion and sedimentation associated with land development, which will protect water quality. Using best management practices for construction of the infrastructure of the basic subdivision, then BMP's for new building(s) construction, local and regional water quality will be promoted and protected, thus fulfilling Goal 6.2 and Policy 6.2.1.

Goal 6.3, Nightlighting, seeks to reduce the impacts of local lighting at nighttime, and to use energy efficient lighting while continuing to provide night lighting that will be a factor in public safety without adversely impacting neighboring properties and homes. Because this site area will be re-developed with new development, only the most current energy efficient lighting will be used for public fixtures. With new structures to be built on the individual parcels, the same degree of energy efficient lighting will be employed, thus satisfying this Goal and its related Policies.

Goal 6.4, Noise, seeks to prevent excessive noise that will adversely impact the health, welfare, safety, and enjoyment of the local lifestyle by the existing and future residents of the local neighborhood. The subject site is already impacted by the heavy traffic and higher speeds being traveled on Hwy 213, and resultant noise. The change of the comprehensive designation from LR and MR to MUC should be a better fit for current sound levels. In addition the larger mass of building possible under the MUC designation along with increased vegetation should reduce the existing noise impacts to neighboring LR designated lands to the east, thus protecting the local residents from any adverse impacts. As such, this Goal should be satisfied.

Section (Goal) 7 – Natural Hazards

Under Goal 7.1 natural hazards such as flooding and/or seismic hazard will neither be increased nor accelerated through the proposed comprehensive plan amendment. No portion of

the site lies within a flood zone area, however a small portion of the site is mapped as in the buffer area around a landslide are. Geotechnical analysis of this potential hazards by Hart-Crowser indicates that while the site in its entirety has a low potential to be impacted by the deep seated and ancient landslide that is a part of Newell Canyon, there is a moderate chance of localized stability problems related to the headscarp of the deep seated landslide area. (See memorandum from dated 7-13-2015 from Tim Blackwood of Hart-Crowser. The intent of Goal 7.1 is to protect life and property loss from destruction of natural hazards. With the comprehensive plan amendment, more flexibility to site buildings and the ability to use more extensive stability measures common with larger mass buildings can better protect life and property, thus this Goal can be met.

Section (Goal) 8 – Parks and Recreation

This Goal is designed to provide recreational opportunities and sites for all residents of Oregon City. The proposed comprehensive plan amendment from LR and MR to MUC should not put significant additional burden on existing or planned parks and recreational facilities, and in fact may lessen the need by providing for localized private open space and recreation facilities and an older demographic who may be less likely to use traditional park facilities. Therefore, this Goal will be satisfied.

Section (Goal) 9 – Economic Development

The proposed comprehensive plan amendment to MUC will provide employment opportunity for both on a temporary and permanent basis. Temporary construction jobs in building the infrastructure, both public and private, and the new structures. Permanent employee opportunities in terms of allowable uses under the MUC designation will be significant under existing LR and MR designations. In addition, taxes levied on the redevelopment will increase the local revenues for support of services and facilities. Through the proposed comprehensive plan amendment, the goal to improve economic development in the city will be contributed to, thus fulfilling this goal.

Section (Goal) 10 – Housing

Goal 10.1, Diverse Housing Opportunities, Policy 10.1.3 seeks to “*designate residential land for a balanced variety of densities and types of housing*”. This proposed comprehensive plan amendment will allow for more diverse housing opportunities than presently allowed including Senior Living facilities for independent living, assisted living and memory care facilities. With this greater range of senior housing options, this Goal will be satisfied.

Goal 10.2 seeks to increase the supply of affordable housing in Oregon City. Among the uses allowed with the proposed Comprehensive Plan Adjustment and Zone Change would be apartments. Also, the primary intent of the redevelopment at this time is for senior living housing. For seniors needing monitoring and care, assisted living facilities are often a lower cost than in-home care choices depending upon the circumstances. In general the opportunity for multi-family living and senior living facilities will provide the citizens of Oregon City with more affordable choices than possible under single family housing zoning, thus satisfying this Goal.

Section (Goal) 11 – Public Facilities

Goal 11.1 seeks to “*serve the health, safety, education and welfare of all Oregon City residents through the planning and provision of adequate public facilities*”. Much of the nearby Caulfield Neighborhood has already been developed, public facilities and services such as sanitary sewer, water, fire and police protection, educational facilities, library, etc. are already in place or can be easily extended and capable of serving the potential uses of a comprehensive plan amendment to MUC. (Utility extensions to serve specific developments within the proposed Comprehensive Plan Amendment and Zone Change area will be done in conjunction with development applications. However, all areas of the CPA/ZC area are presently served or capable of being served adequately by extension of nearby facilities.)

Schools impacts are expected to be less under the MUC-2 zoning than with the present residential zonings, as residential development for families will not be significant component of the development.

Health facilities such Willamette Falls Hospital which is a relatively short distance away, as are numerous other medical facilities and offices, will serve the expected senior population that is intended to be a significant component of the development under the CPA/ZC. Therefore, health, safety and other components of this Goal can be met.

Policy 11.1.1 also seeks to “*ensure adequate public funding for . . . public facilities and services . . .*”. Additional taxes and fees paid by all of the new development and residents of the proposed re-development of the subject site will contribute to the funding of the facilities and services listed in this Goal. The higher re-development will help to provide additional funding beyond what would be received from homes developed under the existing LR and MR zoning.

Policies 11.1.2, 11.1.3, 11.1.4, 11.1.5, and 11.1.6 will be satisfied through the proposed re-development, allowed under MUC designation. The provision of public facilities and services will be consistent with the goals, policies and implementing measures of the Comprehensive Plan, and, because the site is within the city limits, the integrity of local public facility plans will be maintained. The subject site is an infill re-development opportunity. Therefore, Goal 11.1 will be fulfilled.

Other Goals contained within Section (Goal) 11 will also be satisfied and fulfilled because the proposed comprehensive plan amendment will not negatively impact any public facilities and services within the city. With the transportation trip cap and elimination of some of the permitted and conditional uses that would otherwise be permitted or considered, the following Goals and their associated Policies will all be fully satisfied and fulfilled without any undo or significant impact on these facilities and services as a result of the proposed comprehensive plan amendment and zone change.

- 11.2, Wastewater
- 11.3, Water Distribution
- 11.4, Stormwater Management
- 11.5, Solid Waste
- 11.6, Transportation Infrastructure
- 11.7, Private Utility Operations
- 11.8, Health and Education

- 11.9, Fire Protection
- 11.10, Police Protection
- 11.11, Civic Facilities
- 11.12, Library

Section (Goal) 12 – Transportation

Goal 12.1, Land Use-Transportation Connection, seeks to “*ensure that the mutually supportive nature of land use and transportation is recognized in planning for the future of Oregon City*”. The various Policies contained within this Goal are supported by the proposed comprehensive plan amendment. This will be a walkable neighborhood, connected to and becoming a part of the Caulfield Neighborhood. It will support the development of trails and pedestrian ways to connect the area east of Maplelane Road to the Metro Park site along Hwy 213. The new local street within the subdivision will be built with sidewalks and they will connect to existing sidewalks along S. Beaver Creek Road and allow future connection to trails and walkways when the adjoining Metro Park is developed. Therefore, this particular Goal will be satisfied.

Goal 12.6, Capacity, seeks to “*develop and maintain as transportation system that has enough capacity to meet users’ needs*”. The *Trip Cap Analysis Letter* prepared by Lancaster Engineering notes that what the maximum Daily, AM and PM peak trips are possible with full build out under the present residential zoning. To avoid impacts to the transportation facilities beyond those that would be possible under the present zonings, the applicant proposes a trip cap to limit development within the comprehensive plan amendment and zone change application area. Based on the analysis from Lancaster Engineering a maximum PM trip cap of 152 trips during the peak PM peak hour is proposed. The PM peak hour is when the transportation facilities, from the proposed CPA/ZC site area, would have the most likely impact on transportation facilities. By limiting the amount of trips that would be allowed from future development within the area of the proposed CPA/ZC equal to that would be possible under the present zoning, the transportation impacts of the rezoning would be no greater on the transportation system than what present zoning would allow. Therefore, this Goal will be met and satisfied.

Section (Goal) 13 – Energy Conservation

As necessary and appropriate, the proposed comprehensive plan amendment and zone change will satisfy this Section (Goal) because there will be an increase in local density on this re-development site, allowing a mixed of land uses and compatibility of such uses with the existing neighboring commercial uses across Beaver Creek Road from the site. Eventually street and sidewalk connectivity will be provided, and new development on the subject site will contribute to energy efficiency by using energy efficient methods and materials. Where possible, new energy efficient sources and practices will be employed to the greater benefit of the general public and the City of Oregon City.

Section (Goal) 14 – Urbanization

This proposed comprehensive plan amendment will contribute to achieving this Section (Goal) by increasing re-development potential within the City limits, via allowing a more flexible and appropriate uses to be developed on the subject parcel. Through these measures, some pressure may be removed from the need to expand the urban growth boundary. Because the site is within the city limits of Oregon City, and re-development of the subject site will contribute to the urbanization of the city. This is in keeping with Policies 14.1.1, 14.2.1, 14.2.2, 14.3.1, and 14.3.4. As such, this Section (Goal) and its related Goals and Policies are satisfied and fulfilled.

Section (Goal) 15 – Willamette River Greenway

Directly, this Section (Goal) does not apply because the subject site is not within the designated Willamette River Greenway. However, all development in Oregon City impacts the Willamette River in one or more ways. Through land development practices that are best management practices, through the maintaining of as much tree cover on the site as possible, through the control of runoff and stormwater management, and through proper land use development patterns, the re-development of the subject site will provide a positive influence on the Willamette River, thus meeting the spirit of the Willamette River Greenway Plan.

B. That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed in the zone, or can be made available prior to issuing certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone.

Finding: The availability and level of facilities and services required for the proposed rezoning area have been discussed in Section (Goal) 11 – Public Facilities under Criterion A. above. All necessary facilities and services to serve the proposed development under the MUC designation, are in place or can be made available to the subject site without difficulty. The re-development of the subject site is in the best interests of the City of Oregon City, and the local Caulfield Neighborhood. With the proposed trip cap the increase in vehicles trips over what could be expected under current zoning and it those possible negative impacts are eliminated, and therefore all necessary and required facilities and services can be accommodated, thus satisfying this criterion.

C. The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.

Finding: Through the *Trip Cap Analysis Letter* prepared by Lancaster Engineering, it has been determined what the transportation system impacts are from existing zonings on the site area. So as to not negatively impact the transportation system with proposed rezoning a trip cap matching the maximum evening peak hour trips possible under the existing zonings is proposed and in conjunction with the trip cap, it is proposed to eliminate several of the permitted

and conditional uses that would generally be considered higher trip generation uses, (specifically noted in the “Proposal” section of this narrative) so that the trip cap would be spread more evenly across the proposed rezoning area. Therefore elements are in place and of sufficient function, capacity, and level of service to provide adequately for the proposed re-development site with the proposed restriction on uses and maximum trip cap for the site as a whole. The proposed rezoning, *with the trip cap*, is consistent with the Comprehensive Plan and the city’s Transportation System Plan. Therefore, this criterion is fulfilled.

D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.

Finding: The city’s Comprehensive Plan contains specific goals and policies, and other provisions which control the proposed comprehensive plan amendment and zone change from the current low density residential to a mixed use corridor district. Therefore, the statewide planning goals need not be addressed, and this criterion is satisfied.